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Department of Community Development
Taped and Televised

**PLANNING COMMISSION
Regular Meeting
Monday, September 12, 2016
7:00 PM
Christine Nuernberg Hall**

Agenda

I) PC Cover Memo

II) Call to Order

2) Approval of the Minutes

1) PLANNING COMMISSION MEETING MINUTES

III) Consent / Public Housing

1) Conditional Use Grant

IV) Regular Business

1) Rezoning Recommendation & Land Use Plan Amendment

2) Certified Survey Map

3) Development Agreement Amendment

4) Text Amendment

V) Announcements

1) Development Inquiry August 2016

Dated: _____ /s/ Dan Abendroth, Chairman

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

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

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



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Office of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: September 8, 2016
SUBJECT: PLANNING COMMISSION MEETING MINUTES

Memorandum

Attached please find the City of Mequon Planning Commission Meeting Minutes from July 25, 2016 for your review.

Attachments:
DRAFT PC Minutes 07.25.16 (PDF)



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PLANNING COMMISSION
Regular Meeting
Monday, July 25, 2016
7:00 PM
Christine Nuernberg Hall

Minutes

- 1) Chairman Dan Abendroth called the meeting to order at 7:00 PM with the Pledge of Allegiance and the roll call.

Present:

Chairman Dan Abendroth
 Alderman Pam Adams
 Commissioner John Mason
 Commissioner Brian Parrish
 Alternate John Stoker
 Alternate LeRoy Bessler
 Commissioner James Schaefer
 Commissioner Rebecca Schaefer
 Commissioner Rick Lemke
 Alderman Robert Strzelczyk -- **Excused**
 Commissioner Martin Choren -- **Absent**

- a) Approval of Minutes
- b) Planning Commission - Regular Meeting - Jun 13, 2016 7:00 PM
 Ald. Strzelczyk and Ald. Adams share the aldermanic seat and coordinate attendance at the meetings.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	John Stoker, Rebecca Schaefer
AYES:	Abendroth, Adams, Mason, Parrish, Stoker, Bessler, Schaefer, Schaefer, Lemke
ABSENT:	Choren
EXCUSED:	Strzelczyk

2) Regular Business

- a) Gene Shikhman & Dariko Mekvabishvili

Attachment: DRAFT PC Minutes 07.25.16 (1873 : Planning Commission Minutes)

Asst. Dir. Zader stated that the applicant is requesting removal of 10 specimen trees; three of which were already granted approval during the platting of the Wildwood Subdivision. The City Forester did visit the site and he determined that there are three trees that do not require approval from the Planning Commission (PC); two are diseased or dead and one was incorrectly marked as a specimen tree. He does not recommend the removal of the four remaining trees. Three of them are well outside the footprint of the building. The proposed home does fit on the predetermined building pad but the reason for the requested removal of the trees is to accommodate the proposed outdoor patio.

The City Forester does recommend denial of the requested tree removal. If the PC does grant approval then the replacement value equal to 92 inches is recommended.

The applicant stated that they want to remove trees #245 and #243 because they feel that the trees are too close to the house and that the roots will be damaged during excavation. They also feel that #230 and #234 are too close to the driveway and may also have the roots damaged. Tree #229 will not be removed and will be saved.

Ald. Adams stated that she has received calls from residents in the surrounding neighborhoods and the regulations regarding the tree preservations guidelines are known and are to be followed. She feels that the new City Forester (Mike Gies) did a great job on his report. She is supportive of the three trees that were originally granted be removed and that the applicant should work around the other four trees.

Asst. Dir. Zader commented that previous applicants that have had trees close to their homes that protected the trees during construction seem to be doing well so far. He stated that staff feels comfortable that there is room on the property to get their driveway installed without impacting the trees.

Action:

Ald. Adams made a motion to approval removal of the three specimen trees based on the City Forester's recommendation to remove trees #233, #234, #246. Commissioner Bessler seconded the motion.

Commissioner Mason asked about the distance between #229 and #230, he asked if a driveway would fit there.

The applicant answered that the branches are widely spread and there is not enough room for the machinery there. They are looking to replace many trees along the property line. He does not feel that there is enough room for a driveway between trees #229 and #230.

Voice vote was called, all voted aye, passed 8-0

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Pam Adams, Alderman
SECONDER:	LeRoy Bessler, Alternate
AYES:	Abendroth, Adams, Mason, Parrish, Bessler, Schaefer, Schaefer, Lemke
ABSENT:	Choren
EXCUSED:	Strzelczyk, Stoker

- b) Kingfogl Construction Co. for Jonathan & Marie Omer

Attachment: DRAFT PC Minutes 07.25.16 (1873 : Planning Commission Minutes)

Asst. Dir. Zader stated that a total of three specimen trees are requested to be removed; one has already been granted approval as part of their previous subdivision development agreement. One is located in the driveway footprint and one is located in the rear of the house. The City Forester feels that the applicant did a good job considering the trees when deciding the placement of the house. The recommendation is to allow for the one tree in the front of the house to be removed to allow for the driveway turnaround but to deny the removal of the one in the back of the house. It is recommended that tree fencing be put in place around the tree in the rear during construction to protect it. If removal of all three trees are approved the tree replacement costs will apply.

The applicant, Jay from the Kingfogl Construction Company, stated that tree #227 is a huge tree located very close to the building and he feels it will negatively impact the house; the back patio and partial exposure. He would like to negotiate its removal.

Asst. Dir. Zader stated that there is some ability to shift the house south for more distance from the tree. Staff feels it is worth shifting the house to preserve the tree.

Commissioner Becky Schaefer stated that a lot of work went into developing the Wildwood subdivision to allow for building pads in consideration of the trees. She wonders how much the developer is divulging about what is allowed to be built there because so many applicants have come forward to request additional specimen tree removal.

The resident stated they previously worked with Ken Baker to place the house on the lot while preserving as many trees as possible. She stated there are other specimen trees located east of the driveway that may be affected if the driveway is shifted.

Ald. Adams stated that she feels that the City Forester's memo is very clear and he denies the approval and he feels that the landscape can be changed.

Action:

Ald. Adams made a motion to approve the removal of the two trees recommended by the City Forester and to deny the removal of the third tree per the City Forester's recommendation.

Commissioner Becky Schaefer seconded the motion.

Commissioner Mason asked if they could work around tree #218 located in the driveway.

The applicant answered they could possibly shift the house but they are focused on the removal of tree #227.

There was discussion about the possibility of shifting the house further to the east and preserving tree #218. The applicant expressed concern about then being too close to tree #153.

Commissioner Stoker made a friendly amendment to allow the applicant to decide which two trees to remove.

Ald. Adams accepted the friendly amendment and Commissioner Becky Schaefer seconded it.

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Pam Adams, Alderman
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Abendroth, Adams, Mason, Parrish, Stoker, Schaefer, Schaefer, Lemke
ABSENT:	Choren
EXCUSED:	Strzelczyk, Bessler

c) Diana Hetzel

Asst. Dir. Zader stated that there is existing damage to the existing property and the applicant is seeking approval to remove three White Pines planted from the previous owners many years ago that are causing the issues. Pictures were shown of the trees and the damage done to the patio area. The City Forester agrees that the trees are fairly close to the house and the retaining wall is not in the best location. He feels it would be more beneficial to replant three trees in the rear of the property.

Action

Mayor Abendroth made a motion to approve per staff recommendations.
Commissioner Stoker seconded the motion.

The applicant, Diana Hetzel, stated that she appeals the request from the City Forester to replace 39 inches of trees or pay \$3,900 for new trees to be planted. She feels that it is clear that there is damage to the patio and the roots could be doing damage to the foundation. She feels there should be an exception to the ordinance when homeowners are working to update and maintain their properties.

Asst. Dir. Zader stated that this request would possibly need to go the board of appeals to get a variance of fees or to work with her alderman to get a text amendment to the code. If the CC or PC agrees, than this change would need to be made city wide and not specific to this applicant.

Ald. Connie Pukaite accompanied the applicant and stated she would like it to be in the public record that one of the four points of the tree preservation ordinance states; "It is declared a matter of public policy that preservation of intact remnants of old growth forest and preservation and/or replacement trees during the land development building construction process in the City of Mequon is a public benefit and is desired in the interest of preserving the health, safety, welfare and prosperity of the people".

Later in the ordinance it states in *applicability*; "Provisions of this chapter shall not apply to the following: platted lots except with regard to removal and protection of specimen trees and/or disturbance of vegetative cover on or adjacent to steep slopes or bluffs ow within the 100-year flood plain as provided in Section 58-674."

Ald. Pukaite feels that this ordinance was originally written to preserve old growth trees in undeveloped areas. She does not think that most residents know that this has been applied to plots of land where there are already houses on them. In this case, these trees were planted by a previous homeowner not old remnant forest. She feels that it is a far reach for city government to suggest that homeowners cannot cut down trees on their property. She has requested that the ordinance be adjusted to represent this. She does not feel that this resident should be made to pay for planting more trees when she is trying to prevent her home from more damage.

Commissioner Parrish asked if there is a way to defer the payment of the tree replacement. He feels

this is two separate issues.

Asst. Dir. Zader stated that the deferred decision would mean that no action can be taken on the property if the decision is deferred. Action could be taken by the PC and then the approval could be stayed until action is taken regarding the ordinance.

Asst. Dir. Zader stated that if the applicant had the choice to plant or pay then the planting could be deferred until Spring and there could be action taken by the CC by that time and the point would be moot.

Commissioner Becky Schaefer asked for a date to be set if the applicant is allow to defer.

Action

Mayor Abendroth made a friendly amendment to the motion to defer payment or planting until May 1, 2017.

Commissioner Stoker seconded the amendment to the motion.

Voice vote was called, all voted aye, passed 8-0

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Pam Adams, Alderman
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Abendroth, Adams, Mason, Parrish, Stoker, Schaefer, Schaefer, Lemke
ABSENT:	Choren
EXCUSED:	Strzelczyk, Bessler

d) Dermond Property Investment

Mayor Abendroth stated that the applicant is not requesting to add fill but rather to remove fill from the site.

Deputy Dir. of Engineering, James Keegan, stated that the excavation is for the underground parking and the pond; which is required for their storm water. 3,245 cubic yards will be leaving the site and staff is supportive of this request.

Action

Commissioner Parrish made a motion to approve per staff recommendations.

Commissioner Lemke seconded the motion.

Voice vote was called, all voted aye, passed 8-0

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Parrish, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Abendroth, Adams, Mason, Parrish, Bessler, Schaefer, Schaefer, Lemke
ABSENT:	Choren
EXCUSED:	Strzelczyk, Stoker

e) Concord Development Company

Asst. Dir. Zader stated the request is to modify an existing building (he showed pictures). This is two separate buildings connected together on two separate parcels with a property line and a party wall running through them located on Port Washington Road. The applicant is requesting to modify them; with a nice include glass entry tower and new larger windows throughout the development. Staff is accepting of the modifications and is supportive of the design. Staff did a compliance inspection (many pictures included) of the site and there are a list of repairs that need to be completed. These include patching, sealing and striping of the parking lot, replacement of all non-compliant and damaged lighting and some landscaping to be added to the foundation of the building and along the front of the parking lot and a stripe along the south property line. The applicant is willing to make all the improvements in the report with the exception of the sealing of the parking lot.

Colleen Jordan from Concord Development and Mark Helminiak represented the applicant. Ms, Jordan stated that the seal coating of the parking lot is not in the scope of their project at this time. The asphalt has not been previously sealed and she does not feel that sealing it would make much of an impact on its appearance.

Commissioner Bessler asked if the applicant planned to replace the asphalt and what is its current condition.

Ms. Jordan answered that they are not planning to replace it at this point but maybe in the future and that it is not in great condition but it is acceptable in its service needs.

Asst. Dir. Zader showed a picture of the asphalt and stated that it is in rough condition and there has been previous patching done and weeds are growing through in some areas. Staff feels that some patch work needs to be done and that the seal coat and new striping on top of it would greatly improve its appearance.

Deputy Dir. Keegan stated that he did not make a field visit to the site but he has viewed the photos and he feels that the asphalt could use some more crack sealing. Some preventive maintenance can be done but the pavement is getting towards the end of its useful life. He feels that the crack sealing and seal coating would be an improvement and help prevent the streaking.

Ms. Jordan stated that they are willing to do the landscape screening in front and some

Attachment: DRAFT PC Minutes 07.25.16 (1873 : Planning Commission Minutes)

landscaping to the south of the property in the green space island area. They are willing to do some patchwork, address the weed issue and to do the restriping. They feel that the seal coating will not be worth the aesthetic benefit based on the cost.

Commissioner Jim Schaefer stated that he feels the proposed modifications are a great improvement. He feels that the building has been in need of improvements. He does not feel that the seal coating is necessary.

Commissioner Mason asked staff if the applicant had not come forward would they be asked to do the sealing. He also asked about the signage that would be allowed.

Asst. Dir. Zader stated that a complaint would need to be filed to trigger enforcement. There are large holes that over time would need to be addressed. The applicant has not filed a sign waiver so it is assumed that their signage will meet the sign code compliance.

Commissioner Parrish stated that this is a prominent site in the middle of redevelopment and he appreciates the contemporary updates. He does not think that the asphalt looks very good but he feels that whatever tenant is going to move into the buildings will request that it be redone, so he agrees that it is not a deal breaker at this time.

Action

Commissioner Mason made a motion to approve per staff recommendations #1 and #2 (on the staff report), but not to request the seal coating.

Commissioner Parrish seconded the motion.

Voice vote was called, all voted aye, passed 8-0

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Mason, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Abendroth, Adams, Mason, Parrish, Bessler, Schaefer, Schaefer, Lemke
ABSENT:	Choren
EXCUSED:	Strzelczyk, Stoker

f) Charter Manufacturing

Asst. Dir. Zader stated that this is the property that has been occupied by Denta Quest. Charter Manufacturing has purchased the building and will be moving some of their operations into the building. The change requested to the site is an extension to the front entryway. They are proposing to paint the existing brick a light gray, add a nice entryway atrium, add some bronze windows and a number of brick columns on all four sides to add character and some articulation. Staff is supportive of these improvements as it looks more modern and is in character with other buildings in Mequon. Other changes include up lighting around the columns to provide some accent lighting and some landscaping will be added around the foundation on the building. The only issue is the parking lot islands which

are overgrown with weeds and whatever plantings were there are dying. The landscaping plan should include all new plantings in the parking lot islands.

Tim Knepprath from MSI General represented the applicant and stated that the staff did a great job and they are in agreement with all the recommendations in the staff report.

Commissioner Parrish is pleased that Charter has taken over that building. He suggested that the utilities that are visible from the road could maybe be included in the landscaping plan to help screen these.

Action

Commissioner Stoker made a motion to approve per staff recommendations.

Commissioner Mason seconded the motion.

Voice vote was called, all voted aye, passed 8-0

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Stoker, Alternate
SECONDER:	John Mason, Commissioner
AYES:	Abendroth, Adams, Mason, Parrish, Stoker, Schaefer, Schaefer, Lemke
ABSENT:	Choren
EXCUSED:	Strzelczyk, Bessler

- g) Silver Spray Holdings, LLC
Withdrew from the agenda

RESULT:	FURTHER REVIEW NEEDED [UNANIMOUS]
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- h) Veridian Homes – Enclave at Mequon Preserve - Phase I

Asst. Dir. Zader stated that this is a final plat request for the first phase for the Enclave at Mequon Preserve subdivision for 17 lots. The final plat is consistent with the approved preliminary plat. There are only a few minor changes that need to be added. There are some specimen trees on the site and it is requested that the landscape easement identify those trees on the plat as well as the bike paths.

There is a question regarding the open space easement document from the last meeting regarding Highlander Estates and whether that needs to be a condition before recording the final plat. This will go to Common Council on August 9th so there is a little more time before this gets final approval.

The City Attorney is working on a Highlander Estates document which will be similar to this one with some changes to identify the subdivision and the other legal descriptions.

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Staff does recommend approval according to the conditions in the staff report.

The existing historic property will be demolished and the log features will be saved; the work will be done sometime in August.

The applicant, Matt Cudney from Veridian Homes, stated that this is the first time they have heard that the house was required to be down before the plat is recorded. The work is scheduled start.

Asst. Dir. Zader stated that he is not concerned as long as it is in the process of being taken down it should be fine. Everyone is pleased that the wood logs are being preserved.

Action

Mayor Abendroth made a motion to approve per Staff recommendations.

Ald. Adams seconded the motion.

Voice vote was called, all voted aye, passed 8-0

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Abendroth, Chairman
SECONDER:	Pam Adams, Alderman
AYES:	Abendroth, Adams, Strzelczyk, Choren, Mason, Parrish, Stoker, Schaefer, Schaefer, Lemke
EXCUSED:	Bessler

i) Beckett, LLC for North Shore Bank

Staff recommended this item be tabled.

Asst. Dir. Zader stated that this is the TDR site and there are access issues that are still being worked out, so it was agreed to be tabled and hopefully it will be back in September for preliminary plat and development agreement approval.

RESULT:	TABLED [UNANIMOUS]
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j) Shaffer Development

The applicant, Cindy Shaffer and Mark Ernest from Endberg Anderson, gave a presentation about the proposed Mequon Town Center II.

Asst. Dir. Zader stated that this is a request for a rezoning recommendation and a PUD overlay; any development with over 16 units in the Town Center triggers a PUD. Shaffer Development entered into a contract on February 9, 2016 for the proposed land to achieve certain development achievements that are required. They must generate \$26.6M in increment and the proposed development is projecting between \$29M - \$34M. The proposal includes:

- \$19,600 square feet of retail space

- 165 residential apartments
- 186 below ground parking stalls
- 378 surface parking stalls
- Density of 12 units/acre or 15 units/acre depending on TBD building

There are specimen trees and wetlands on the property. There are a number of cedar trees located along Buntrock Avenue that the applicant plans to save. The wetland is located in the center of the site which is isolated and does not connect to anything. The applicant did receive permission from the DNR to fill that wetland. The large wetland complex along the north side of the property will be left as is. It is adjacent to the storm water pond proposed for this site.

The applicant held a neighborhood meeting on June 15th that was attended by city staff and neighbors from the area. The neighbors raised concerns about the traffic impact on Buntrock and they feel that a light signal at the intersection on Industrial Drive may help alleviate some of the traffic impact. They are also concerned about maintaining the tree line on Buntrock as best as possible.

The concept plan shows four residential buildings labeled A, B, C, and D which are the townhomes. There are ten townhome buildings shown on the plan. There are a number of encumbrances on the site; easements and existing utilities that make it difficult to plan this site. The applicant and staff have been working on this for months.

The applicant will be repurposing some of the existing buildings. There is a stairway cut into the retaining wall that would allow access from Mequon Road and hopefully the DOT will accept this modification.

The staff report is purposefully long and detailed to address all issues for going forward.

- The residential buildings: 3-story, approx. 50 feet in height
- Office & Clubhouse and outdoor amenities
- Existing city buildings and Ross-Well buildings to be used
- TBD building - potential hotel, commercial building or residential building. This will be 2 years after the completed of the first phase (2 years).

Staff feels that the splash pad and bike rack area is crucial to the residential units and it is important to have active amenities and features to serve the residents.

Staff has been working with the railroad to get a pedestrian/bike crossing across to the Logemann Center property and connect to the existing Mequon Town Center.

There are still a few minor issues regarding the parking (this site is currently well-over parked). Staff would prefer to possibly add some more active space or another building on site or to possibly have the city maintain some of the parking area. The underground parking has some spots that are difficult to turn around.

Building A is very close to the railroad tracks and some additional screening and space may be needed to lessen the impact to the first floor units.

Staff feels that a traffic impact analysis should be done on this site to determine if signals are warranted at Industrial Drive or any other access changes from Mequon Road or Buntrock Avenue.

Building Plan:

The townhomes on Buntrock are proposed brick with lap siding. 80% must be of primary materials. Currently only 25% is brick. Some improvements need to be made; gables should be brick or stone and the chimneys should be masonry with a cap. It may not get to the 80%, but the aim should be for about 50%-60%.

The three multi-family buildings are a bit short on the brick requirements as well. The brick accounts for about 45% ratio, staff will work with the applicant to get more brick.

The Ross-Wells building has a rendering of the concept plan but there is not a tenant yet. Staff does want the front façade to contain 60%-90% windows per TC code and to have the principal entrance on Mequon Road.

The large public works building does not have a tenant yet but must have more windows added and the service elements removed and the service doors shall be replaced with windows. The glass block windows need to be replaced with clear windows. All four sides of the building should be treated with the same intent as there is visibility from all sides. Adding some awnings would be beneficial.

The small public works building has a nice rendering shown and should be incorporated into the final plan adding the fenestration to make this building stand out. The south and east are the only two facades to the public.

Architectural elements:

- Gable ends and chimneys should have masonry with cap treatments.
- Front facades of townhomes need more fenestration.
- Townhome fencing should be limited at 4 ½ ft and landscaping should screen this
- Buildings A, B & C should have the number of gables reduced, have some improvements made.
- More brick on the residential buildings (50% - 60% ratio).
- More articulation to the residential buildings and the entrance ways.
- Ensure that the commercial buildings are in compliance with architectural and design standards (staff report lists areas that are non-complaint).

The applicant will need to apply for a CUG for the buildings over 2 stories. A sight line study will also need to be done.

There are a number of site plan issues that need to be addressed which are listed in the staff report. Staff approves the request based on the conditions in the staff report.

The applicant, Mark Ernest, stated that the staff report is thorough and they have been working closely with staff. One big issue they are working on is saving the existing buildings and that all four sides of the buildings need to be public. The amount of brick requested may be discussed in the future as they want to distinguish themselves between the current Town Center and the more residential neighborhoods nearby. He stated that this is still in concept design phase and is a work in progress.

Ms. Shaffer stated that she is appreciative of the time that staff has put into the report and that they

have been meeting weekly to flush through many of the potential issues on the site.

Commissioner Bessler asked about the parking for the residents.

Mr. Ernest answered that there is one spot of underground parking per apartment and then surface parking for overflow.

Commissioner Jim Schaefer stated that he prefers a variety of materials which help break up the structure. He would like to see about 50% of the main material. He does want to see the chimney masonry done. He added further comments about each residential building. Overall he feels that it is a great design.

Commissioner Parrish stated that he likes the design. He suggested a playground or volleyball would be great for the greenspace. He is excited about the potential railroad access. He feels that the TBD building should not be rushed and the market will help decide what it will be. He feels there are enough apartment units coming into TC and maybe a different use would be better there. He also wants to ensure that the tenants are clear about the rules and regulations in their leases.

Mayor Abendroth stated that he likes the architecture and just a few tweaks are needed. He feels that more substantial private amenities are needed there..

Ms. Shaffer stated that they are currently working with a branding expert to help with the name.

Commissioner Becky Schaefer asked about the possibility of the light being approved by the DOT at Industrial as she thinks it would be helpful there, she likes the possibility of the railroad access and she asked about the TBD building and when that would need to be determined and if there are approved uses. She feels somewhat hesitant about more apartments.

Asst. Dir. Zader stated that the TBD building could be 30 additional residential units as listed in the PUD. There are specific permitted uses in the TC.

Action

Ald. Adams made a motion to approve rezoning and concept plan per Staff recommendations.

Commissioner Mason seconded the motion.

Voice vote was called, all voted aye, passed 8-0

RESULT:	APPROVED [7 TO 0]
MOVER:	Pam Adams, Alderman
SECONDER:	John Mason, Commissioner
AYES:	Abendroth, Adams, Mason, Parrish, Bessler, Schaefer, Schaefer
ABSENT:	Choren
EXCUSED:	Strzelczyk, Stoker
RECUSED:	

3) Policy

- 1) Text Amendment to Chapter 58 Zoning Code

Directory Kim Tollefson asked for the PC initial reaction to the policy directive at the TC and Arrival Corridor (AC) zoning districts. She discussed the standards in terms of building placement, parking to the rear and to the side, mixed use environment and more pedestrian oriented. There were specific development standards in the zoning districts regarding how the buildings and the activity in the buildings relate to the public realm. The tenants are struggling with complying with the window regulations but other standards may need to be evaluated and changed to help balance the standards. There are long standing policies for these regulations in these neighborhoods. A number of businesses are currently struggling with complying 100% with the transparency for all windows. There have been on going issues throughout the city (along Port Washington Road and the Pavilions) but the issues are currently being highlighted at the TC. At this point there needs to be some flexibility and possible changes to the policy. Ms. Tollefson reached out to all the tenants at TC as well as other business owners along Port Washington Road, architects and other developers in town to walk through the Mequon Town Center to observe what is happening there. There has been no enforcement taken thus far.

Ms. Tollefson showed imagery examples of varying window coverings and possible window treatment solutions. There are challenges with the sun and heat coming through the windows. Many business owners voiced their preference for a roller shade. Staff would prefer architectural treatments versus windows.

She is interested in feedback from PC and will also ask for feedback from the CC in August. Then some technical standards can be established and Ms. Tollefson will give the various stakeholders an opportunity to provide feedback as well . A text amendment will need to be done for both TC and AC to further communication the intent and options. A modification to the specific approvals that were given to Mequon Town Center will need to be amended.

Mayor Abendroth stated that once the technical standards are established each new business will need to be accessed and in certain situations exceptions will need to be made; Forward Dental.

Commissioner Stoker asked whether the technical standards will be established to avoid constant debates and applicants asking for variances. He agrees with the preferences provided and some flexibility to allow businesses to present new ideas and what he asked type of enforcement would be activated.

Director Tollefson stated that there are not resources for staff to be the window police nor is that the role she wants for the staff. She wants to be able to sponsor flexibility and creativity but with common standards that need to apply to all. She stated that the expectation needs to be clear so that businesses know what parameters to work within. She does not want to accept cheap solutions.

Commissioner Parrish said that he likes the process that Ms. Tollefson has taken to include so many stakeholders to provide feedback. He thinks the developers need to enforce the allowances. He does not like roller shades. He feels that medical businesses, in regards to HIPAA issues are valid for exceptions.

Ald. Adams stated that she feels this is a good start and feels that the categories seem reasonable. She wants to keep it simple and straight-forward. She says that different tenants have different needs. There are not resources available for enforcement.

Ms. Tollefson stated that she will bring back the technical standards to the September meeting.

4) Announcements

a) Development Inquiry - July

5) Adjourn

DRAFT



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Office of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: September 7, 2016
SUBJECT: Conditional Use Grant

Applicant: Erin Maris
Status of Applicant: Prospective Tenant
Requested: Conditional Use Grant
Existing Use: Mixed Use Commercial/Industrial
Existing Zoning: B-4 (Business Park)
Land Use Plan: Business Park
Lot size: 2.14 acres
Location: 10510 N. Port Washington Road

Address: 10510 N. Port Washington Rd. **Tax Key:** #15-029-11-007.00 **Zoning:** B-4
District: #8

Request: Conditional Use Grant

Briefing: The applicant is seeking conditional use grant approval to operate a fitness center for the property located at 10510 N. Port Washington Rd.

Background: The applicant is requesting conditional use grant approval for a fitness center at 10510 N Port Washington Road. E2 Equilibrium Evolution is looking to lease 8,500 square feet of warehouse space in the building that was formerly home to Verde and Milwaukee Kitchen and Bath. The parcel is zoned B-4 (Business Park) in which fitness centers are a conditional use.

According to Section 3.05(1)(b) of the Zoning Code, the following findings shall be considered when analyzing a conditional use grant application:

1. The proposed use should not endanger the public health, safety or general welfare of the city and the immediate neighborhood.

The proposed use should not endanger the surrounding area; all of the activities will take place within the building and will be monitored at all times by instructors.

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

The Land Use Plan designates the site as Business Park and it is zoned B-4, Business Park. Adjacent properties are zoned B-2, B-3, and B-4. A fitness center can be considered compatible with the Land Use Plan designation and uses in the area. Often fitness centers are found in industrial and business park areas because of the need for large open spaces and high ceilings. The Planning Commission has approved other similar uses (Give Me Strength, Athletic

Performance and Swimtastics) in areas that have a mixture of commercial, office and industrial uses.

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

The proposed activities of the fitness center fit the character of the surrounding area. The hours of operation at the site will be between 6:00 A.M. to 9:00 P.M. daily. There will be a maximum number of employees of three at any given time. The site currently contains ample parking spaces that will accommodate the use. Staff anticipates a majority of traffic to the site will come from Port Washington Road which has adequate ingress/egress facilities to accommodate the increased traffic. Planning staff believes the proposed use and activities should be harmonious with the surrounding uses.

Staff Recommendation:

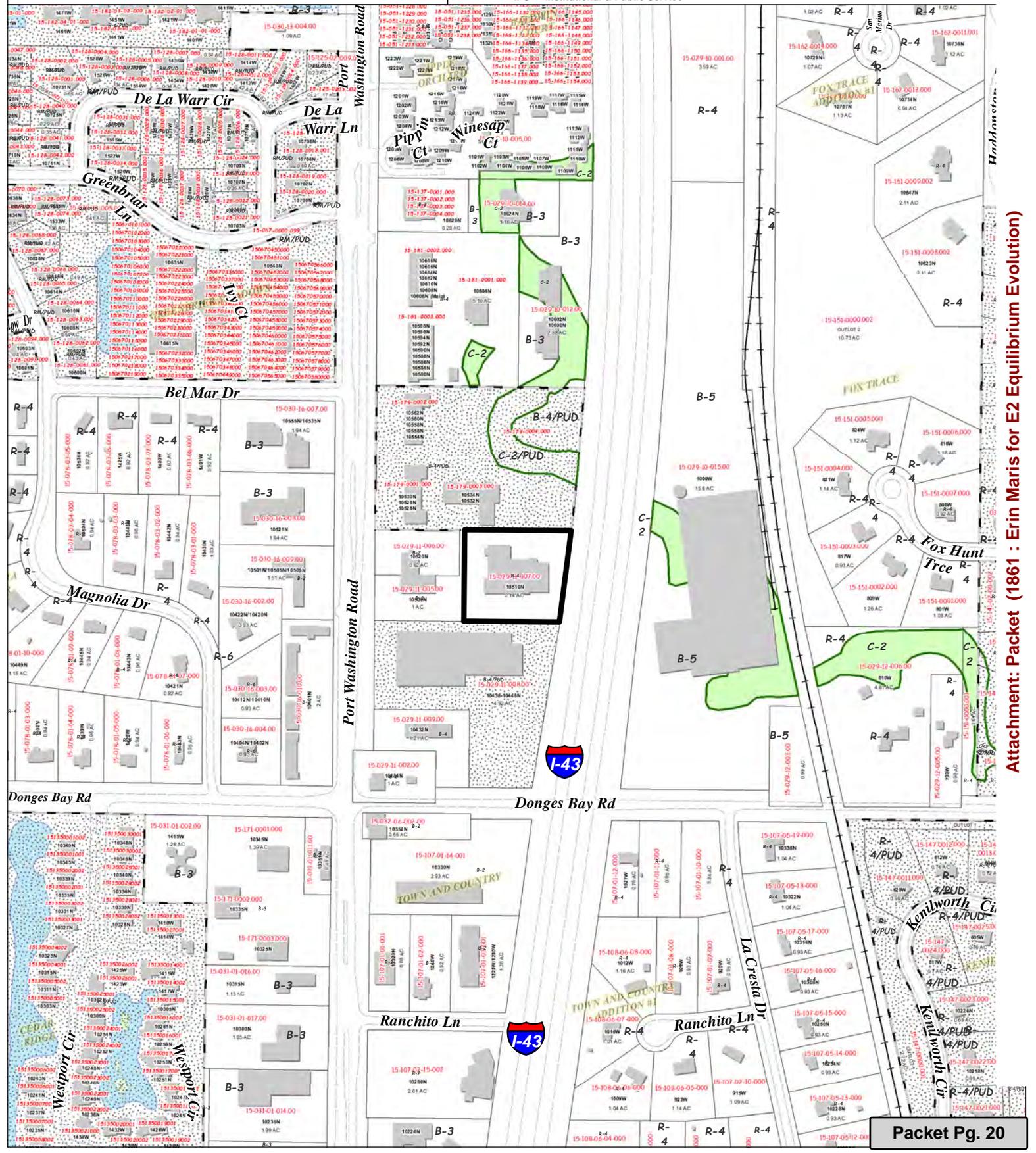
Planning staff recommends approval of the conditional use grant based on the following criteria:

1. Staff review and approval of final floor plans.

Erin Maris for E2 Equilibrium Evolution, LLC

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

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

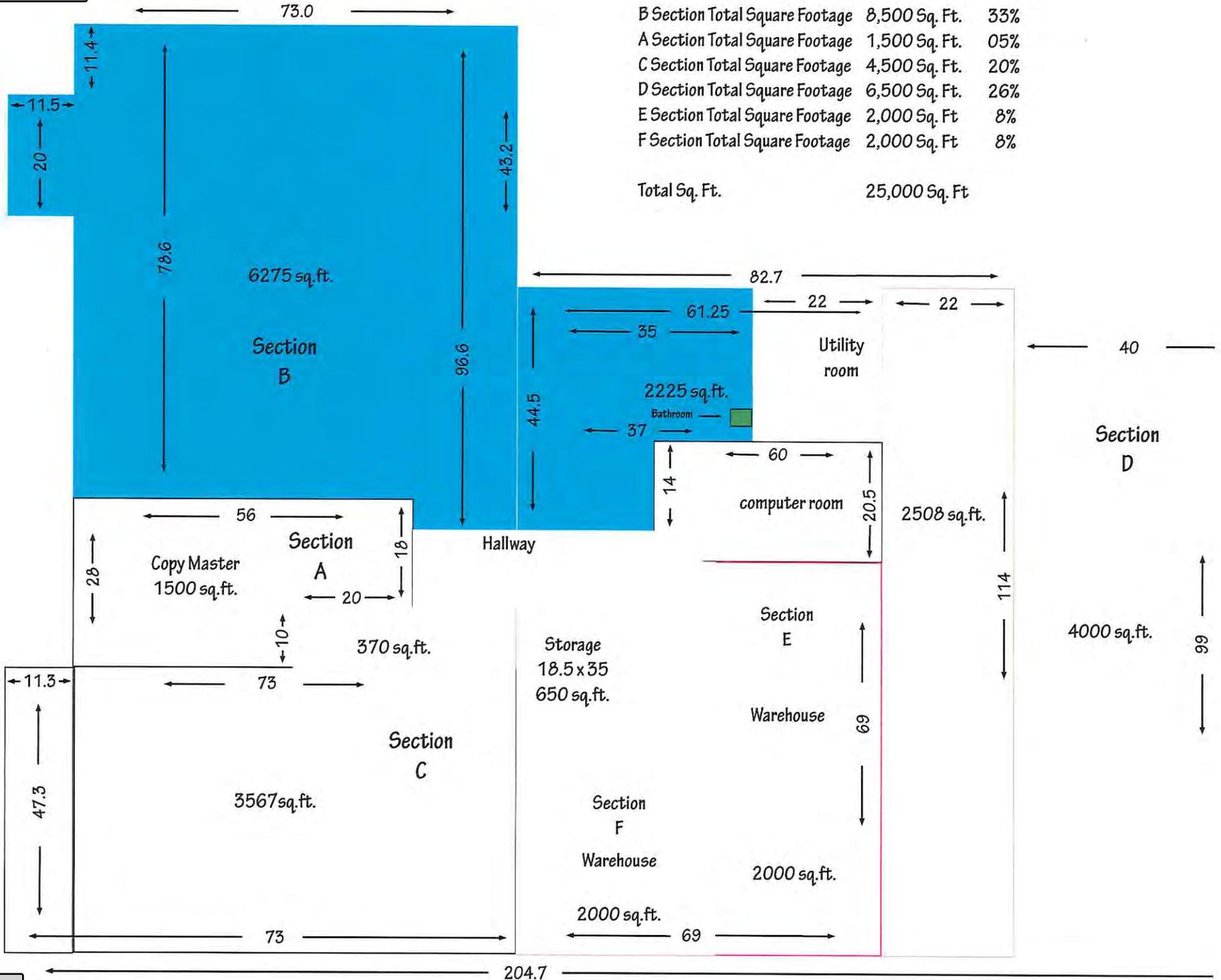


Attachment: Packet (1861) : Erin Maris for E2 Equilibrium Evolution)

Erin Maris for E2 Equilibrium Evolution, LLC



Attachment: Packet (1861 : Erin Maris for E2 Equilibrium Evolution)



Attachment: Packet (1861 : Erin Maris for E2 Equilibrium Evolution)



CONDITIONAL USE GRANT

Articles of Agreement made and entered into this 12th day of September 2016, by and between Howard Lakritz owner of the property located at 10510 N Port Washington Road and the City of Mequon Planning Commission.

Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 29, Range 22 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows:

LEGAL DESCRIPTION

Exhibit A-1

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

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the City of Mequon having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, **IT IS GRANTED**, subject to compliance with the terms and conditions hereinafter stated that the Premises may be used for the purpose of fitness center.

GRANTED by action of the Planning Commission of the City of Mequon this 12th day of September 2016.

Dan Abendroth, Mayor, Planning Commission Chairperson

Acknowledgment:

STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2016, the above named Dan Abendroth, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same.

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

Planning Commission Secretary

Acknowledgment:

STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2016, the above named _____, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same.

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

RETURN TO:

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

PARCEL NO.:

150291100700

Attachment: Packet (1861 : Erin Maris for E2 Equilibrium Evolution)

The **CONDITIONS** of this Grant are:

1. This grant shall become effective upon the execution and recording by the owners and operators of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
2. This grant shall expire and become void unless, pursuant to the building and zoning codes of the City, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of Planning Commission approval noted above, or actual construction is commenced within twelve (12) months of the date on which the building permit was issued.
3. This grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.
4. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and annexed hereto.
5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the Premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
6. This grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
7. The Grantee and its successors in interest shall hold the City of Mequon harmless from any claims or losses to the City or its residents including reasonable attorney fees arising from or related to use of the facilities.
8. Any change to the approved use or change to the building or site plan will require an amendment to the Conditional Use. Minor changes to the building and site plan shall be approved by the Department of Community Development.
9. **Conditions on the Operations:**
 - a. Hours of operation: 6:00 AM to 9:00 PM
 - b. Performance standards relating to parking, noise, vibration, odor, smoke, dust, and light: As per City ordinance and as further designated under letter (e.) below.
 - c. Water supply requirements:
Private Well
 - d. Provisions for sewage disposal:
City Sewer
 - e. Other:
 - If the conditional use shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or if material problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten health or safety or to become a nuisance condition, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, or in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
 - If, despite efforts to prescribe conditions which render the conditional use harmonious in the surrounding neighborhood, problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten the peace and enjoyment of neighboring properties, or shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or shall threaten health or safety, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, and in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
10. **Conditions of the structures:**
 - a. Site Plan: As on file with Community Development Department, City of Mequon
 - b. Landscaping Plan: As on file with Community Development Department, City of Mequon
 - c. Elevations: As on file with Community Development Department, City of Mequon
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: As per Exhibit A
 - f. Exterior lighting of the site and building: As on file with Community Development Department, City of Mequon

Conditional Use Grant

- g. Fence / Wall / Dumpster plan details: As on file with Community Development Department, City of Mequon
- h. The building shall comply with the building code.

11. **Conditions on the site:**

- a. Street access (number, location, design): As on file with Community Development Department, City of Mequon
Off-Street Parking (location and design including screening thereof): As on file with Community Development Department, City of Mequon
- b. Outside storage of materials, products or refuse (location and screening thereof): As on file with Community Development Department, City of Mequon
- c. Parking, exterior lighting of the site, location design and power:
Any changes subject to Planning Commission approval.
- d. Other:

Owner

Acknowledgment:

STATE OF WISCONSIN))SS
 OZAUKEE COUNTY)
 Personally came before me, this ____ day of _____, 2016, the above named _____, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument on behalf of the petitioner acknowledged the _____ day of _____, 2016

Attachment: Packet (1861 : Erin Maris for E2 Equilibrium Evolution)



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: September 7, 2016
SUBJECT: Rezoning Recommendation & Land Use Plan Amendment

Applicant: Vito Sorce
Status of Applicant: Owner
Requested: Rezoning Recommendation
Land Use Plan Amendment

Existing Zoning: B-1 (Neighborhood Commercial)
Proposed Zoning: R-4 (Residential 3/4 Acre)
Existing Use: Single Family
Existing Land Use Plan: Neighborhood Commercial
Proposed Land Use Plan: Residential 1 – 1.5 Acre
Lot size: .69 acres
Location: 10701 W. Freistadt Road

Address: 10702 W. Freistadt Road Tax Key: #14-018-16-007.00 Zoning: B-1 District: #3

Request: 1. Rezoning Recommendation
2. Land Use Plan Amendment

Briefing: The applicant is seeking rezoning recommendation and land use plan amendment approval to change from B-1 (Neighborhood Commercial) to R-4 (single-family residential ¾ acre) for the property located at 10702 W. Freistadt Road.

Background:

The applicant is seeking a rezoning recommendation for the property located at the 10702 W Freistadt Road. The applicant is seeking to rezone the parcel from B-1 (Neighborhood Commercial) to R-4 (Residential 3/4 Acre). The site currently contains a single family home that was constructed in 1875. The applicant would like to make substantial improvements to the home but is limited to 50% of its value because the use is non-conforming.

Rezoning Analysis: Some factors to consider when analyzing a rezoning request include:

Is there a Public Interest? There is a public interest in preserving one of the few remaining pre-1900 homes in Mequon. While the property is not designated a historic landmark, the front gabled home is a good example of the local architecture of the late 1800's. Without the zoning change, improvements to the property are limited to 50 percent of its current value. The monetary limit prevents the owner from fully improving the structure with modern amenities and features.

- **Are there reasonable uses under existing zoning?** There are reasonable uses in the current zoning district but development of the parcel into a commercial use is difficult due to the size (.60 ac). Any redevelopment of the site with a commercial use would require a number of waivers to the technical standards of the zoning code.

- **Has there been a change in character or trend in development in area of proposal?**

The character of the area remained the same since it was developed over a century ago. It is a mix of residential and neighborhood commercial uses. This zoning change will help preserve the character of the area by keeping intact one of the original buildings of the Freistadt settlement.

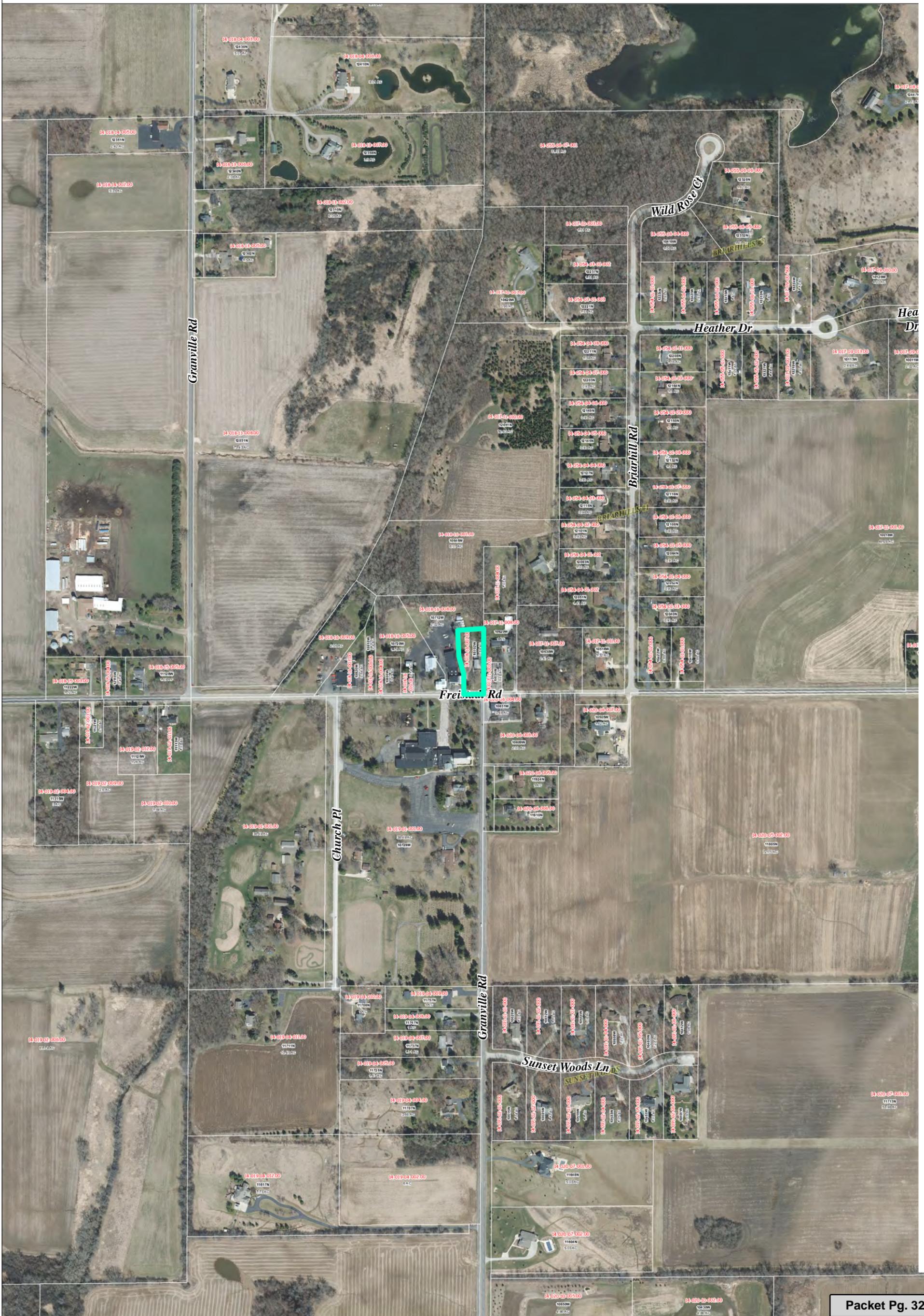
Staff Recommendation:

Planning staff recommends **approval** of the rezoning based on the following:

1. Common Council action on the rezoning and Land Use Plan amendment.

Attachments:
packet (PDF)

Vito Sorce for Select Property Group, LLC



Attachment: packet (1862 : Vito Sorce for Select Property Group, LLC)

City of Mequon Planning Commission
11333 N. Cedarburg Rd 60W
Mequon, Wisconsin 53092

To whom this may concern:

The home at 10702 W. Freistadt Road has been part of downtown Freistadt since 1875. I am looking to restore it to its original beauty with modern day conveniences. As it stands, I am unable to complete the necessary improvements as it is presently zoned business. My request is for the property to be rezoned residential, enabling the proper restoration. I have been restoring properties for twenty-five years and hold a State of Wisconsin Contractor's License. I feel that given the opportunity, I am capable of restoring this piece of history to its original beauty which will reflect favorably on the downtown Freistadt community.

My family and I reside two blocks from the home and know the area to be quiet and charming.

My vision for this home would be to completely renovate the inside and outside; fresh wood, a new roof, fresh paint, refinish all of the cabinets, walls, floors, add trim work, adding a bathroom to the second floor. I would also like to replace the current garage, which is beyond repair, with a new garage. Replacement of the current gravel driveway with an asphalt drive would also be part of the upgrade. Currently, the home has no mound system and utilizes two holding tanks. I would like to add a more desirable mound system.

I believe the above listed improvements would make this home a wonderful place for someone to raise their family. Thank you for your time and consideration with regard to this request, I look forward to hearing from you with any questions or concerns.

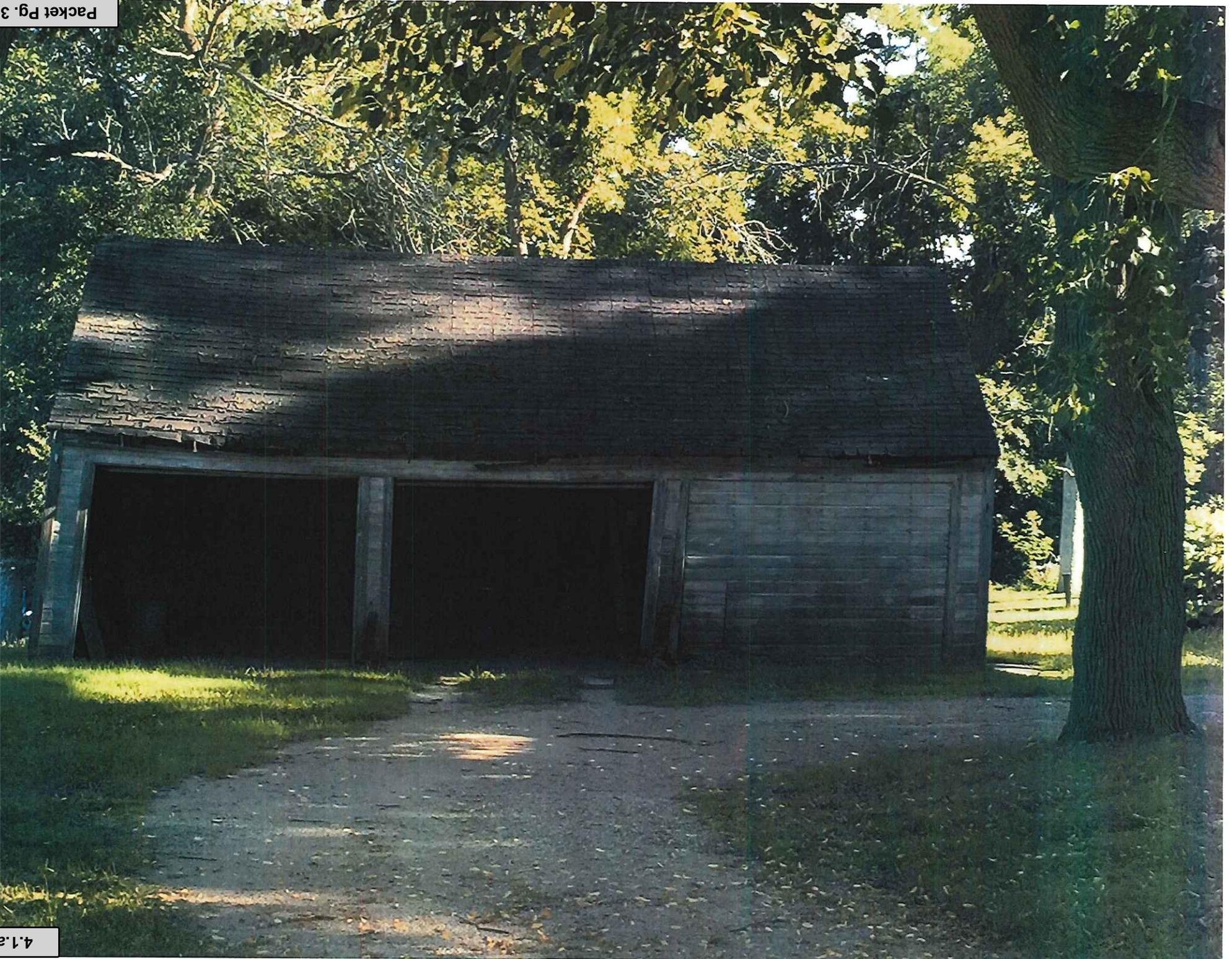
Best Regards,



Vito J. Sorce









11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: September 7, 2016
SUBJECT: Certified Survey Map

Applicant: Nathan Gabor
Status of Applicant: Owner
Requested: Minor Land Division Approval
Existing Zoning: R-4 (Residential $\frac{3}{4}$ Acre)
C-2 (Conservancy)
Land Use Plan: Residential 1 Acre
Critical Environmental
Lot size: 2.8 Acres
Location: 6519 W. Division Street

Address: 6519 W. Division Street Tax Key: #14-050-01-040.03 Zoning: C-2/R-4 District:

Request: Certified Survey Map

Briefing: The applicant is seeking certified survey map approval to create two parcels for the property located at 6519 W. Division Street.

Background:

The applicant is requesting approval for a two-lot land division of 2.8 acres located at 6517 W Division Street. Lot 1 is shown at one acre and Lot 2 is shown at 1.84 acres. There is an existing single family dwelling located in the center of the parcel that will be demolished.

Land Use Plan Map and R-4 District Standards:

The proposed certified survey map (CSM) is consistent with the Land Use Plan map designation and with the R-4 district standards. The Land Use Plan designates adjacent properties as Residential 1 Acre. Surrounding zoning is Residential as well.

Site Conditions:

A portion of Lot 2 contains wetlands and is zoned C-2, Conservancy. The wetlands were delineated by SEWRPC on May 20, 2014. The City Forester has inspected the site and identified 28 specimen trees on the parcel (see attached list). The CSM has been updated to show the location of all the specimen trees on the parcel. The applicant has stated that all the trees will be preserved and will modify the plans for the house and driveway on Lot 1 to avoid impacting the trees.

Engineering Report:

James Keegan, Engineering Services Manager, has reviewed the application and has the following comments:

The Engineering Department has reviewed the CSM and it closes to state statute requirements. Lot 2 of the proposed CSM has wetlands present that were delineated by the SEWRPC in 2014. The wetlands are subject to a 50' setback. Access to lot 2 is provided through a proposed ingress, egress and utilities easement. Confirmation of an executed agreement is required prior to recordation of the CSM.

Staff Recommendation:

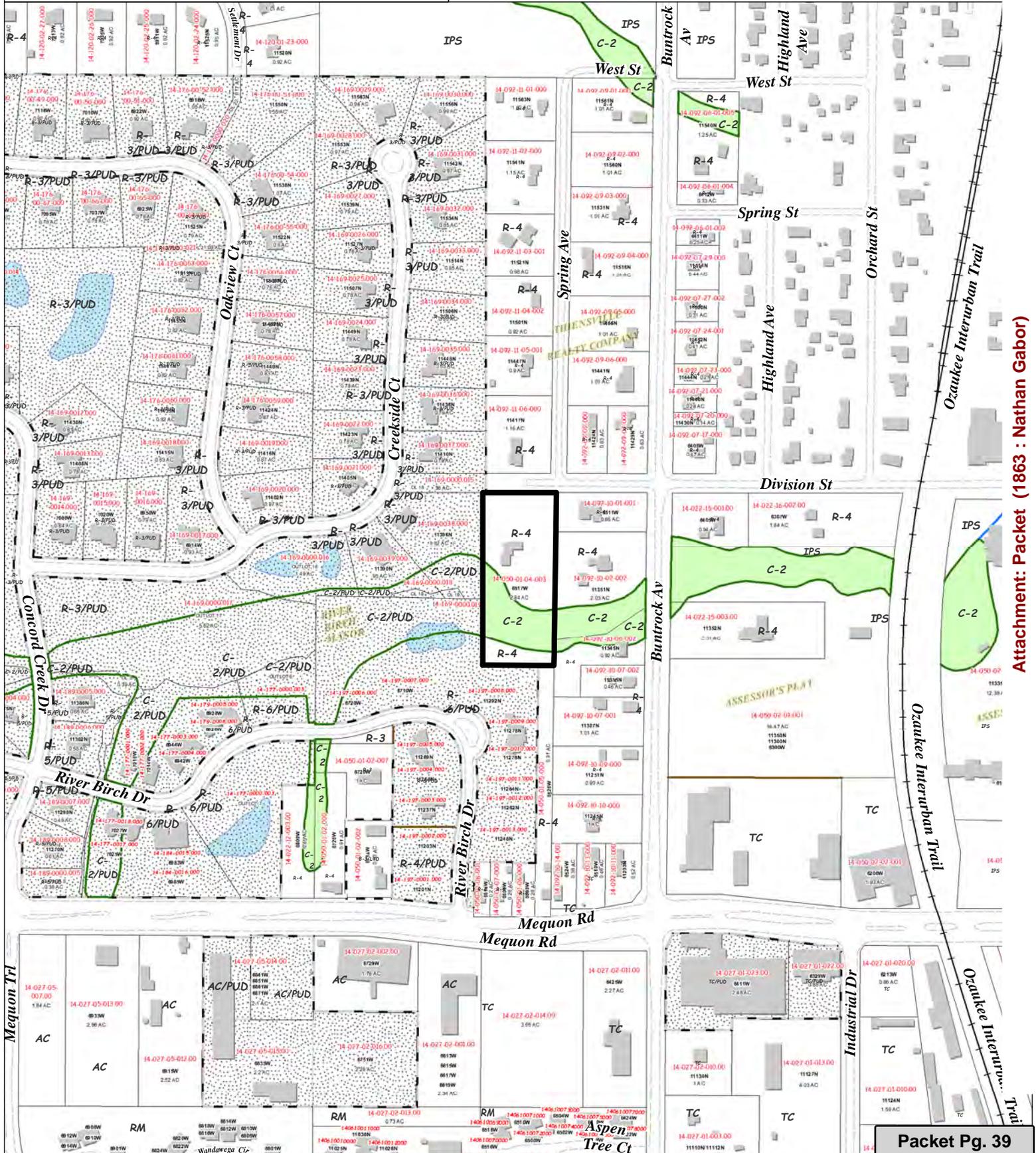
The proposed land division complies with the Zoning Code and Land Use Plan, therefore staff recommends **approval** subject to the following conditions:

1. Final staff review and approval of CSM.
2. Compliance with the Tree Preservation Ordinance.
3. City Forester review and approval of the location for the house and driveway for Lot 1.
4. All required setbacks and offsets including the wetland setback shall be shown on final CSM.
5. City Attorney review and approval of a shared access and maintenance agreement.
6. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2000 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 27).

Attachments:
Packet (PDF)

Nathan Gabor

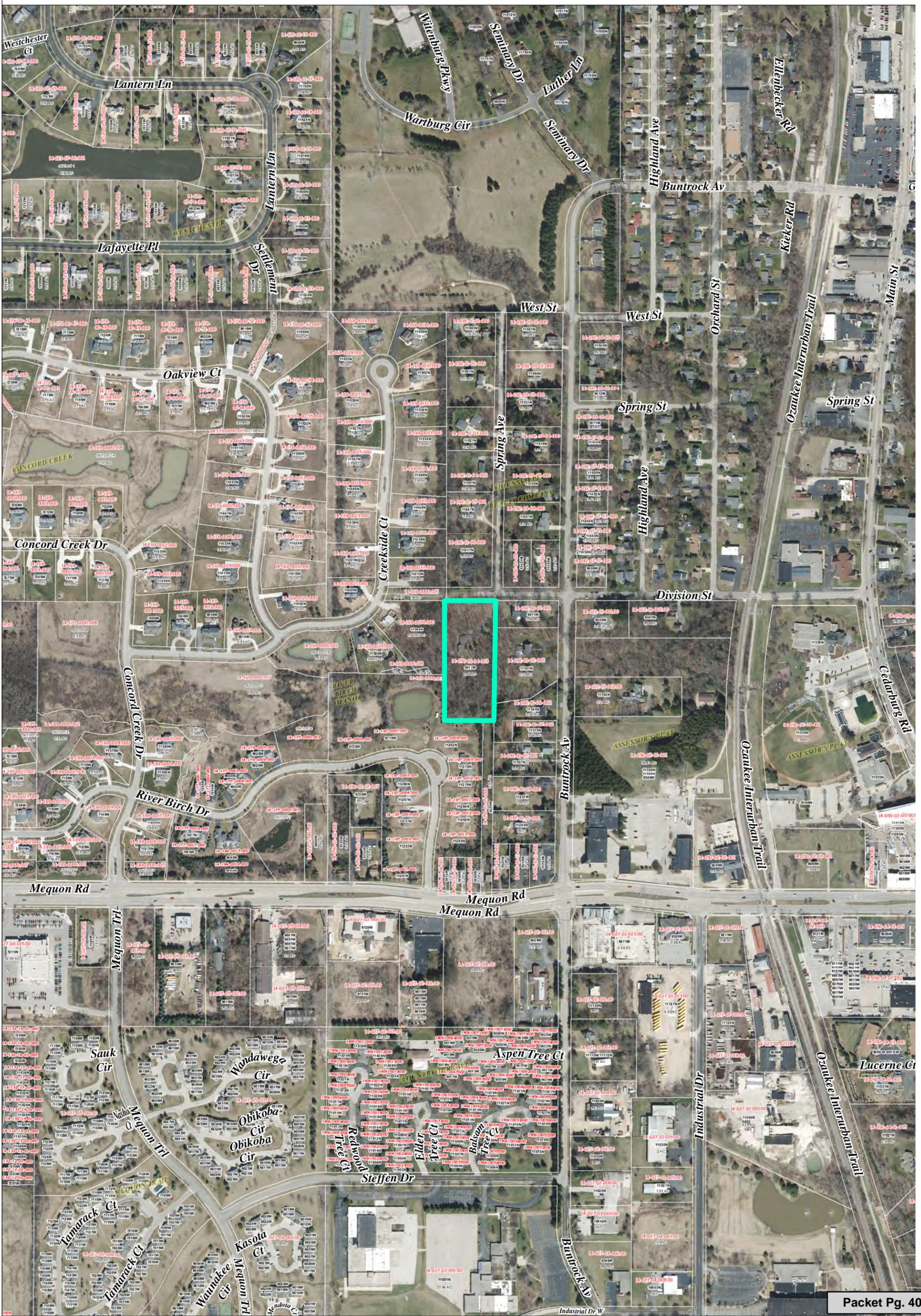
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- PUD Planned Unit Development Overlay
- P-1 Park & Recreation
- R-1 Single-Family Residential (5 Ac. Min.)
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- R-5 Single-Family Residential (1/2 Ac. Min.)
- R-6 Single-Family Residential (4 du/Ac)
- RM Multi-Family Residential
- TC Town Center
- TDR Transfer of Development Rights



Attachment: Packet (1863 : Nathan Gabor)



Nathan Gabor

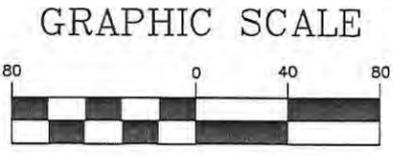
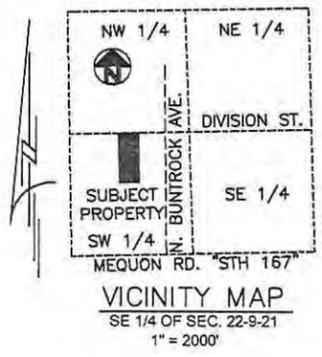
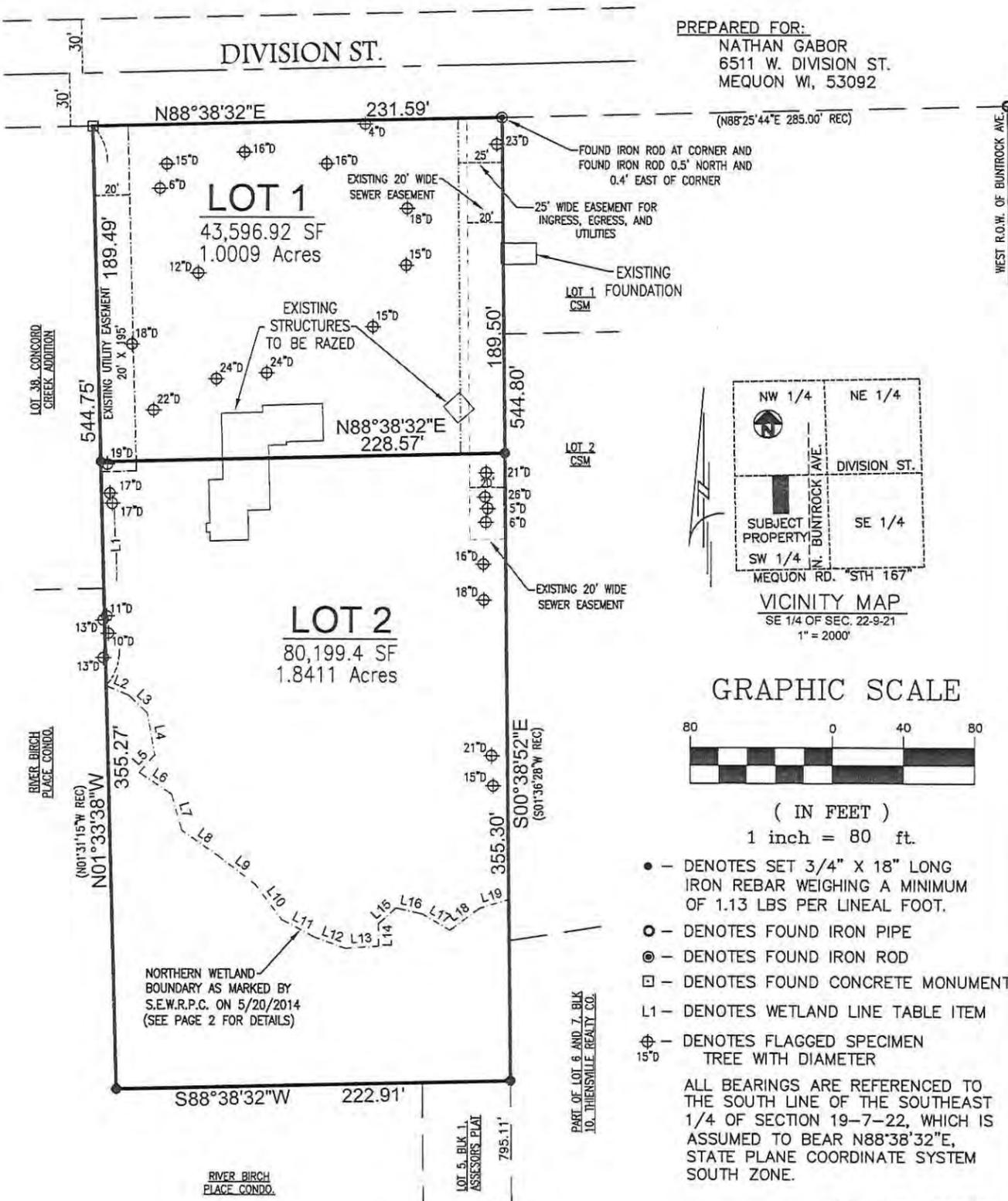


Attachment: Packet (1863 : Nathan Gabor)

CERTIFIED SURVEY MAP NO. _____

BEING A DIVISION OF PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 3366, IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWN 9 NORTH, RANGE 21 EAST IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

PREPARED FOR:
NATHAN GABOR
6511 W. DIVISION ST.
MEQUON WI, 53092



- (IN FEET)
1 inch = 80 ft.
- - DENOTES SET 3/4" X 18" LONG IRON REBAR WEIGHING A MINIMUM OF 1.13 LBS PER LINEAL FOOT.
 - - DENOTES FOUND IRON PIPE
 - ⊙ - DENOTES FOUND IRON ROD
 - ⊠ - DENOTES FOUND CONCRETE MONUMENT
 - L1 - DENOTES WETLAND LINE TABLE ITEM
 - ⊕ - DENOTES FLAGGED SPECIMEN TREE WITH DIAMETER
- ALL BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 19-7-22, WHICH IS ASSUMED TO BEAR N88°38'32"E, STATE PLANE COORDINATE SYSTEM SOUTH ZONE.

SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 22-9-21
CONC. MON. W/ BRASS CAP
N: 451,676.83
E: 2,534,747.47

SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 22-9-21
CONC. MON. W/ BRASS CAP
N: 451,739.45
E: 2,537,389.50

SURVEYING ASSOCIATES, INC.
2554 N. 100th STREET
WAUWATOSA, WI. 53226
PHN 414-257-2212
FAX 414-257-2443



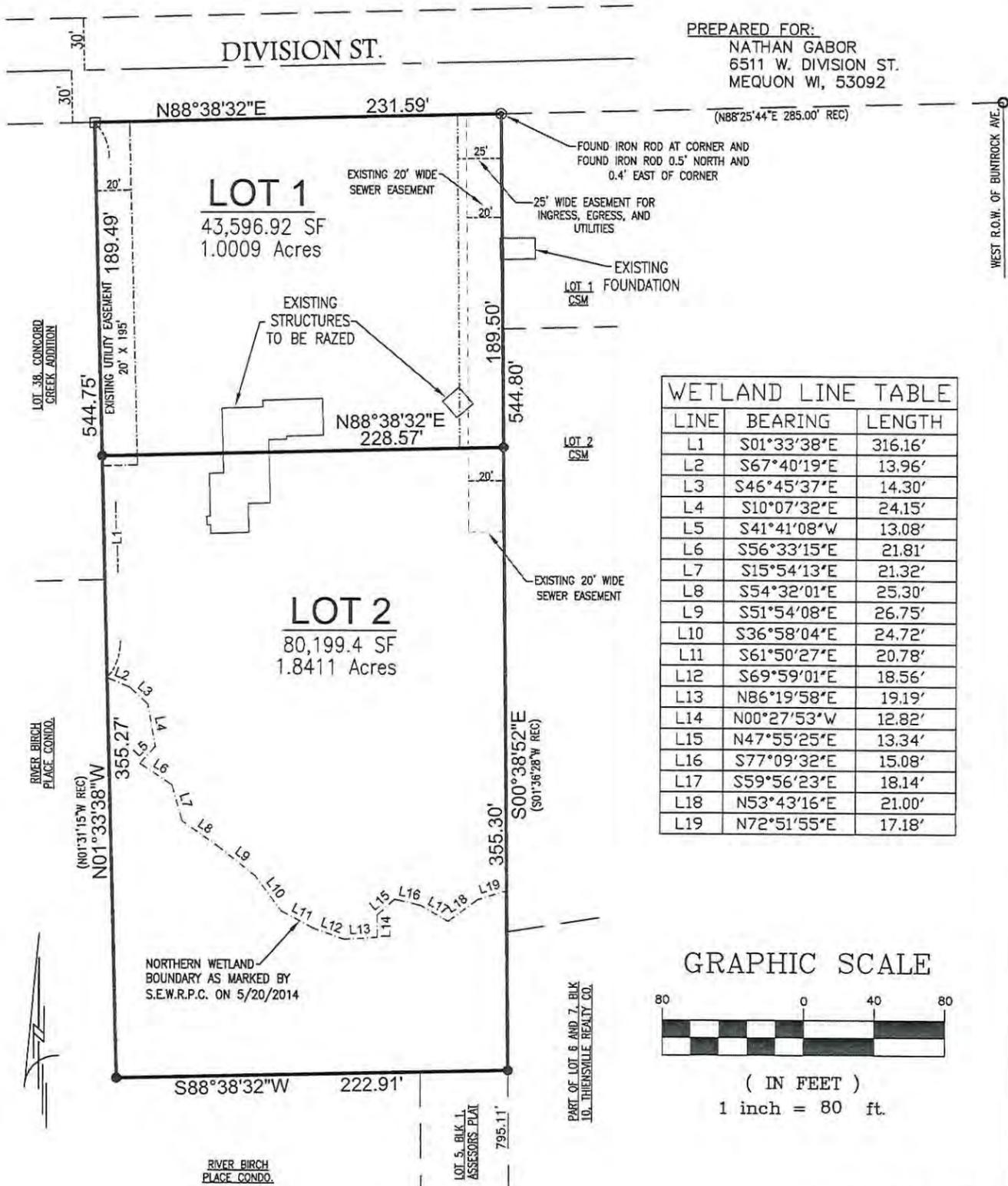
Marc C. Passarelli
MARC C. PASSARELLI S - 2817

INSTRUMENT DRAFTED BY: JAMIE T. YORK JOB NO. 34187CSM SEPT 6, 2016 -trees
MAY 25, 2016
JUNE 18, 2014 -WETLANDS
FEB 10, 2014 SHEET 1 OF 5

Attachment: Packet (1863 : Nathan Gabor)

CERTIFIED SURVEY MAP NO. _____

BEING A DIVISION OF PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 3366, IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWN 9 NORTH, RANGE 21 EAST IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

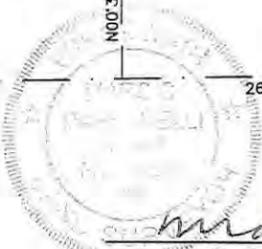


PREPARED FOR:
NATHAN GABOR
6511 W. DIVISION ST.
MEQUON WI, 53092

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Marc C. Passarelli
MARC C. PASSARELLI S - 2817

INSTRUMENT DRAFTED BY: JAMIE T. YORK JOB NO. 34187CSM SEPT 6, 2016 -trees
MAY 25, 2016
JUNE 18, 2014 -WETLANDS
FEB 10, 2014 SHEET 2 OF 5

Attachment: Packet (1863 : Nathan Gabor)

CERTIFIED SURVEY MAP NO. _____

BEING A DIVISION OF PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 3366, IN THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 22, TOWN 9 NORTH, RANGE 21 EAST IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

I, Marc C. Passarelli, a Professional Land Surveyor do hereby certify:

That I have surveyed, divided and mapped Parcels 1 and 2 of Certified Survey Map No. 3366, in the Southwest ¼ of the Southeast ¼ of Section 22, Town 9 North, Range 21 East in the City of Mequon, Ozaukee County, Wisconsin bounded and described as follows: Commencing at the Southwest corner of the Southeast ¼ of Section 22; thence North 88° 38' 32" East along the South line of said ¼ Section 744.44 feet; thence North 00° 38' 52" West, 795.11 feet to the Southeast corner of said Parcel 2 and the point of beginning of the land to be described; thence South 88° 38' 32" West, 222.91 feet to the Southwest corner of said Parcel 2; thence North 01° 33' 38" West, 544.75 feet to the Northwest corner of said Parcel 1; thence North 88° 38' 32" East along the South right-of-way line of Division Street, 231.59 feet to the Northeast corner of said Parcel 1; thence South 00° 38' 52" East, 544.80 feet to the point of beginning.

I further certify that I have made such survey, land division and map by the order and direction of Nathan J. Gabor and Eunice P. Gabor, owners of said lands;

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

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the City of Mequon Land Ordinance in surveying, dividing and mapping the same.

Dated: May 25, 2016



Marc Passarelli

Marc C. Passarelli
Wisconsin Professional Land Surveyor S-115

CERTIFIED SURVEY MAP NO. _____

BEING A DIVISION OF PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 3366, IN THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 22, TOWN 9 NORTH, RANGE 21 EAST IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

AS OWNERS, Nathan J. Gabor, Eunice P. Gabor, we hereby certify that we have caused the land described in this document to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and regulations of the City of Mequon.

Nathan J. Gabor

Eunice P. Gabor

STATE OF WISCONSIN)
OZAUKEE COUNTY)SS

Personally came before me this _____ day of _____, 2016, the above named, Nathan J. Gabor and Eunice P. Gabor, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC, State of Wisconsin
My Commission Expires _____

CONSENT OF MORTGAGEE:

Port Washington State Bank, duly organized and existing under and by virtue of the laws of the United States, mortgagor of the above described land, hereby consent to the surveying, dividing, and mapping of the land described in the foregoing affidavit of Frederick W. Shibilski, surveyor and does hereby consent to the above certificate of Nathan J. Gabor and Eunice P. Gabor, owners.

In Witness Whereof, Port Washington State Bank, has caused these presents to be signed by Joel Dykstra _____, Vice President Business Banking, at _____, _____, this _____ day of _____, 2016.

Joel Dykstra, Vice President Business Banking
Port Washington State Bank

STATE OF WISCONSIN)
_____ COUNTY)SS

Personally came before me this _____ day of _____, 2016, the above named Joel Dykstra, of the above named Port Washington State Bank, to me known to be the person who executed the foregoing instrument and to me known to be such Vice President Business Banking of said Bank and acknowledged that he executed the foregoing instrument as such officer as the deed of said Bank by its authority.

Notary Public, State of Wisconsin
My Commission expires _____



Man Rosdahl
INSTRUMENT DRAFTED BY: Jamie T. York

JOB NO. 34187 CSM

SHEET 4 OF 5

Attachment: Packet (1863 : Nathan Gabor)

Specimen Tree List

Nathan Gabor

6511 W. Division St.

Mequon WI, 53092

- 27" Bur Oak
- Multi-stem Ironwood
- 20" Bur Oak
- 18" Bur Oak
- 18" Bur Oak
- 22" Linden
- 8" Ironwood
- 20" Red Oak
- 16" Sugar Maple
- 18" Bitternut Hickory
- 24" Linden
- 26" Linden
- 8" Beech
- 8" Beech
- 19" Linden
- 19" Linden
- 16" Beech
- 29" Red Oak
- 29" Bur Oak
- 21" Linden
- 14" Sugar Maple
- 18" Sugar Maple
- 16" Sugar Maple
- 15" Sugar Maple
- 15" Black Cherry
- 20" Linden
- 24" Linden
- 24" Linden

28 – Trees total

September 25, 2014

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

Re: SEWRPC No. CA-209-146

Dear Mr. Zader:

This will respond to your electronic mail message of January 3, 2014, requesting the Commission staff to conduct a field inspection of the Nathan Gabor property located at 6517 West Division Street in parts of the Southeast one-quarter of U.S. Public Land Survey Section 22, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin. The purpose of the field inspection would be to identify and stake in the field the boundary of any wetlands contained on the subject property.

Pursuant to your request, Dr. Donald M. Reed, Chief Biologist of the Commission staff, conducted a field inspection of the subject property on May 20, 2014. The northern wetland boundary was identified and staked in the field by the Commission staff. It is the Commission staff's expectation that the wetland boundary will be surveyed and identified on a forthcoming plat of survey attendant to any improvements on the subject property. Please note that the southern wetland boundary near the southern edge of the property was not staked given that improvements will be limited to lands north of the subject wetland.

A description of the study area, wetland delineation methods used, and results are attached hereto as Exhibit A. A list of plant species identified within the subject wetland is attached hereto as Exhibit A1. Four representative sample sites were examined during field inspection and are summarized on the attached Exhibit A2, Wetland Determination Data Form – Midwest Region.

Should you have any questions regarding this information, please do not hesitate to call.

Sincerely,

Kenneth R. Yunker, P.E.
Executive Director

KRY/DMR/CJJ/pk
CA209-146 NATHAN GABOR PROPERTY LETTER (00220847).DOCX

Enclosures (#220884)

cc: Mr. Nathan Gabor, Gabor Design Build, LLC
Ms. Kathleen Kramasz, Wisconsin Department of Natural Resources
Ms. Marie H. Kopka, U.S. Army Corps of Engineers

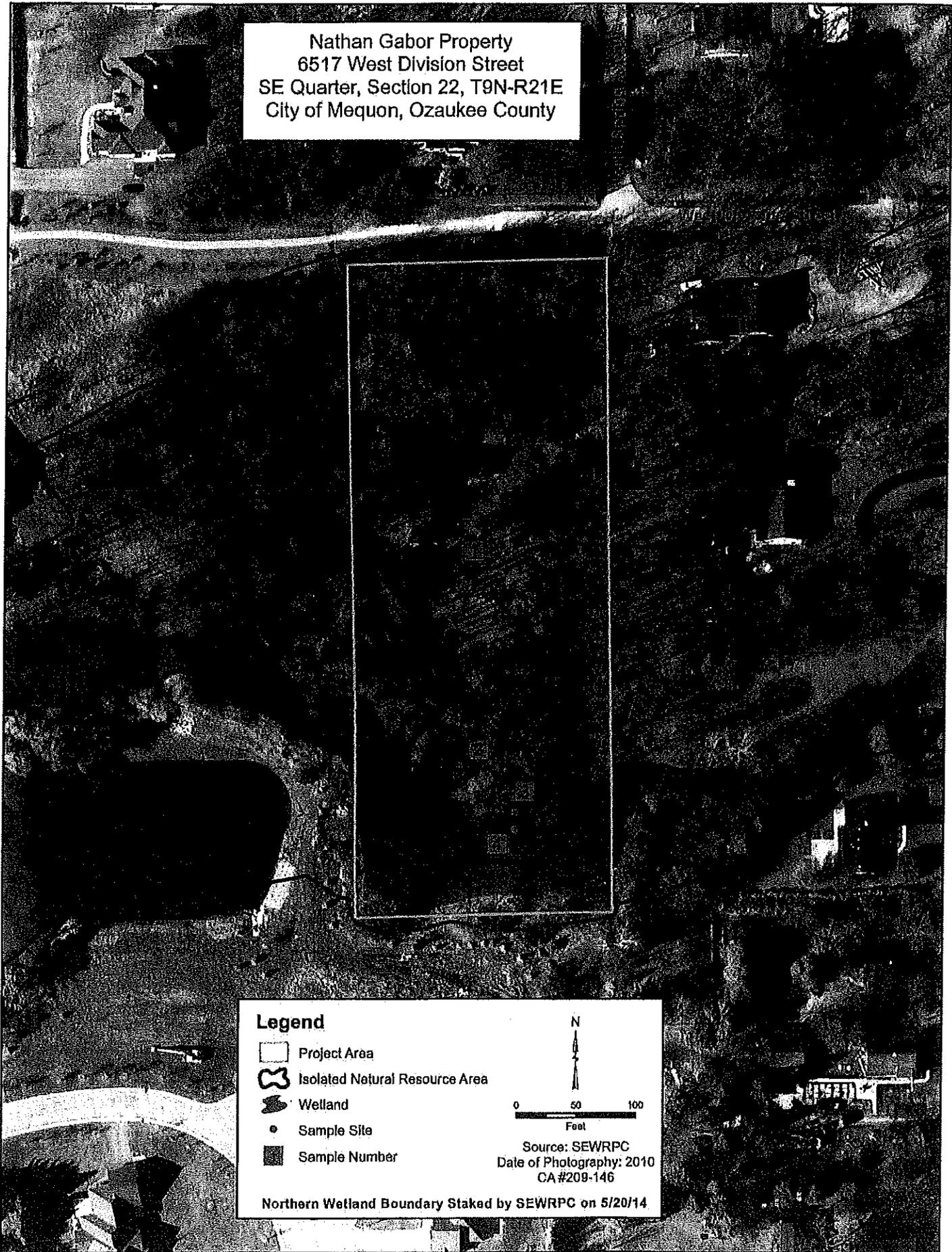
Attachment: Packet (1863 : Nathan Gabor)

Mr. Nathan Gabor
Owner/Manager
Gabor Design Build, LLC
6511 W. Division Street
Mequon, WI 53092

Ms. Kathleen Kramasz
Water Management Specialist
Wisconsin Department of Natural Resources
1155 Pilgrim Road
Plymouth, WI 53073

Ms. Marie H. Kopka
Environmental Protection Specialist
U.S. Army Corps of Engineers
20711 Watertown Road, Suite F
Waukesha, WI 53186

Nathan Gabor Property
6517 West Division Street
SE Quarter, Section 22, T9N-R21E
City of Mequon, Ozaukee County



Legend

-  Project Area
-  Isolated Natural Resource Area
-  Welland
-  Sample Site
-  Sample Number


 0 50 100
 Feet

Source: SEWRPC
 Date of Photography: 2010
 CA #209-146

Northern Wetland Boundary Staked by SEWRPC on 5/20/14

Attachment: Packet (1863 : Nathan Gabor)

EXHIBIT A

STUDY AREA

The project area includes the Nathan Gabor property located at 6517 West Division Street in parts of the southeast one-quarter of U.S. Public Land Survey Section 22, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin.

METHODS

The wetland boundary determinations were based upon the criteria and methodologies set forth in the 1987 *Corps of Engineers Wetlands Delineation Manual*; the August 2010 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region* (Version 2.0); and the Wisconsin Department of Administration Coastal Management Program's 1995 *Basic Guide to Wisconsin's Wetlands and their Boundaries*.

The wetland boundary determinations also incorporated use of the Commission's 2010 large-scale Orthophotography, historical aerial photography (1963, 1970, 1980, 1990, 1995, 2000, 2005, and 2007), the 2010 Wisconsin Wetland Inventory, Ozaukee County's large-scale topographic mapping, and the Natural Resource Conservation Service's (NRCS) soil survey.

Specific methods used to field identify wetland boundaries included the U.S. Department of the Army Corps of Engineers Routine Onsite Determination Method – Plant Community Assessment Procedure. This procedure requires an initial identification of representative plant community types in the project area followed by a characterization of vegetation, soils, and hydrology for each type.

A list of vascular plant species observed during the field inspection was prepared for the wetland plant community area using a meander method on the day of the field inspection.

In addition, climate data from the National Weather Service and the United States Geological Survey (USGS) were considered in determining ambient hydrology conditions at the project area. Based upon these data, it was determined the antecedent precipitation was approximately 2 to 4 inches above normal for the 90 days leading up to the date of the field inspection.

The wetlands within the project area were field inspected and the northern boundary identified in the field by flagged stakes on May 20, 2014. It should be noted that the southern wetland boundary was not staked in the field given that proposed improvements to the subject property will take place north of the subject wetland.

RESULTS

The results of the wetland delineation field inspection are set forth on the large-scale Orthophotography attached to this Exhibit. One wetland plant community area was inventoried within the project area. Exhibit A1 contains a list of the vascular plant species observed within the plant community area.

The approximately 0.5-acre plant community area is part of a larger wetland complex along an unnamed tributary to the Milwaukee River and consists of second growth, Southern wet to wet-mesic lowland hardwoods. Disturbances to the plant community area include dumping, the ad hoc establishment of footpaths, and siltation and sedimentation due to stormwater runoff from adjacent lands. No Federal- or State-designated Special Concern, Threatened, or Endangered species were observed during the field inspection.

In addition, four representative sample sites were identified within the project area. The Wetland Determination Data Forms describing the findings at each sample site is attached as Exhibit A2. The locations of the sample sites are shown on the aforementioned Orthophotography.

No Federal or State regulatory jurisdiction determinations relative to any wetland permits or certifications are made under this report.

CA209-146 NATHAN GABOR PROPERTY EXHIBIT A (00220846).DOC

SVY4104
CA209-146

EXHIBIT A1

PRELIMINARY VEGETATION SURVEY
NATHON GABOR PROPERTY
6517 WEST DIVISION STREET

Date: May 20, 2014

Observers: Donald M. Reed, Ph.D., Chief Biologist
Christopher J. Jors, Biologist
Southeastern Wisconsin Regional Planning Commission

Location: City of Mequon in parts of the Southeast one-quarter of U.S. Public
Land Survey Section 22, Township 9 North, Range 21 East,
Ozaukee County, Wisconsin.

Species List:

GRAMINEAE

Phalaris arundinacea¹--Reed canary grass

ARACEAE

Arisaema triphyllum--Jack-in-the-pulpit
Symplocarpus foetidus--Skunk cabbage

LILIACEAE

Allium tricoccum--Wild leek
Allium canadense--Wild garlic
Erythronium albidum--White trout lily
Smilacina racemosa--Solomons plume

RANUNCULACEAE

Ranunculus abortivus--Small-flowered buttercup
Ranunculus septentrionalis--Swamp buttercup

PAPAVERACEAE

Sanguinaria canadensis--Bloodroot

CRUCIFERAE

Dentaria laciniata--Toothwort
Hesperis matronalis¹--Dames rocket
Alliaria officinalis¹--Garlic-mustard

SAXIFRAGACEAE

Ribes americanum--Wild black currant

ROSACEAE

Prunus serotina--Black cherry
Prunus virginiana--Chokecherry

RUTACEAE

Zanthoxylum americanum--Prickly-ash

ACERACEAE

Acer saccharum--Sugar maple
Acer saccharinum--Silver maple
Acer negundo²--Boxelder

BALSAMINACEAE

Impatiens capensis--Jewelweed

RHAMNACEAE
Rhamnus cathartica^{1,2}--Common buckthorn

VITACEAE
Vitis riparia--Riverbank grape

TILIACEAE
Tilia americana--Basswood

VIOLACEAE
Viola sororia--Woolly blue violet

ONAGRACEAE
Circaea lutetiana--Enchanter's nightshade

OLEACEAE
Fraxinus pennsylvanica²--Green ash

HYDROPHYLLACEAE
Hydrophyllum virginianum--Virginia waterleaf

BORAGINACEAE
Myosotis arvensis¹--Field forget-me-not

CAPRIFOLIACEAE
Viburnum opulus¹--European highbush-cranberry
Viburnum lentago--Nannyberry
Lonicera x bella¹--Hybrid honeysuckle

COMPOSITAE
Solidago gigantea--Giant goldenrod
Aster lateriflorus--Calico aster
Arctium minus¹--Common burdock
Cirsium arvense¹--Canada thistle
Taraxacum officinale¹--Common dandelion

Total number of plant species: 37

Number of alien, or non-native, plant species: 10 (27 percent)

This approximately 0.5-acre plant community area is part of a larger wetland complex along an unnamed tributary to the Milwaukee River and consists of second growth, Southern wet to wet-mesic lowland hardwoods. Disturbances to the plant community area include dumping, the ad hoc establishment of footpaths, and siltation and sedimentation due to stormwater runoff from adjacent lands. No Federal- or State-designated Special Concern, Threatened, or Endangered species were observed during the field inspection.

¹ Alien or non-native plant species

² Co-dominant plant species

**EXHIBIT A2
WETLAND DETERMINATION DATA FORM – Midwest Region**

Project/Site: Nathan Gabor Property City/County: City of Mequon/Ozaukee County Sampling Date: 05/20/2014
 Applicant/Owner: _____ State: WI Sampling Point: 1
 Investigator(s): Donald M. Reed, PhD., and Jennifer Dietl; SEWRPC Section, Township, Range: SE 1/4 Section 22, T9N, R21E
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none
 Slope (%): 2-6% Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Ozaukee silt loam (OuB) NWI classification: none
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks)
 Are Vegetation X, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (if, needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Hydric Soils Present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Wetland Hydrology Present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is the Sampled Area within a Wetland? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Remarks: Approximately 2 or 4 inches above normal precipitation for the past 90 days. Disturbed vegetation due to mowing.	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: 30' radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:																								
1. <u>Fraxinus pennsylvanica</u>	<u>67</u>	<input checked="" type="checkbox"/>	<u>FACW</u>	Number of Dominant Species That are OBL, FACW, or FAC: <u>2 (A)</u> Total Number of Dominant Species Across All Strata: <u>3 (B)</u> Percent of Dominant Species That Are OBL, FACW, or FAC: <u>67% (A/B)</u>																								
2. <u>Acer negundo</u>	<u>10</u>	<input type="checkbox"/>	<u>FAC</u>																									
3. _____	_____	<input type="checkbox"/>	_____																									
4. _____	_____	<input type="checkbox"/>	_____																									
5. _____	<u>77</u>	= Total Cover	_____																									
Sapling/Shrub Stratum (Plot size: 30' radius)				Prevalence Index worksheet: <table style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"><u>Total % Cover of:</u></td> <td><u>Multiply by:</u></td> </tr> <tr> <td>OBL species</td> <td align="center"><u>0</u></td> <td align="center">x 1 = <u>0</u></td> </tr> <tr> <td>FACW species</td> <td align="center"><u>67</u></td> <td align="center">x 2 = <u>134</u></td> </tr> <tr> <td>FAC species</td> <td align="center"><u>80</u></td> <td align="center">x 3 = <u>240</u></td> </tr> <tr> <td>FACU species</td> <td align="center"><u>37</u></td> <td align="center">x 4 = <u>148</u></td> </tr> <tr> <td>UPL species</td> <td align="center"><u>0</u></td> <td align="center">x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals:</td> <td align="center"><u>184</u></td> <td align="center"><u>(A)</u> <u>522</u> <u>(B)</u></td> </tr> <tr> <td align="center" colspan="3">Prevalence Index = B/A = <u>2.8</u></td> </tr> </table>	<u>Total % Cover of:</u>		<u>Multiply by:</u>	OBL species	<u>0</u>	x 1 = <u>0</u>	FACW species	<u>67</u>	x 2 = <u>134</u>	FAC species	<u>80</u>	x 3 = <u>240</u>	FACU species	<u>37</u>	x 4 = <u>148</u>	UPL species	<u>0</u>	x 5 = <u>0</u>	Column Totals:	<u>184</u>	<u>(A)</u> <u>522</u> <u>(B)</u>	Prevalence Index = B/A = <u>2.8</u>		
<u>Total % Cover of:</u>		<u>Multiply by:</u>																										
OBL species	<u>0</u>	x 1 = <u>0</u>																										
FACW species	<u>67</u>	x 2 = <u>134</u>																										
FAC species	<u>80</u>	x 3 = <u>240</u>																										
FACU species	<u>37</u>	x 4 = <u>148</u>																										
UPL species	<u>0</u>	x 5 = <u>0</u>																										
Column Totals:	<u>184</u>	<u>(A)</u> <u>522</u> <u>(B)</u>																										
Prevalence Index = B/A = <u>2.8</u>																												
1. _____	_____	<input type="checkbox"/>	_____																									
2. _____	_____	<input type="checkbox"/>	_____																									
3. _____	_____	<input type="checkbox"/>	_____																									
4. _____	_____	<input type="checkbox"/>	_____																									
5. _____	<u>0</u>	= Total Cover	_____																									
Herb Stratum (Plot size: 5' radius)				Hydrophytic Vegetation Indicators: <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> 5 - Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must Be present, unless disturbed or problematic.																								
1. <u>Poa pratensis</u>	<u>50</u>	<input checked="" type="checkbox"/>	<u>FAC</u>																									
2. <u>Glechoma hederacea</u>	<u>25</u>	<input checked="" type="checkbox"/>	<u>FACU</u>																									
3. <u>Viola sororia</u>	<u>20</u>	<input type="checkbox"/>	<u>FAC</u>																									
4. <u>Taraxacum officinale</u>	<u>10</u>	<input type="checkbox"/>	<u>FACU</u>																									
5. <u>Solidago altissima</u>	<u>2</u>	<input type="checkbox"/>	<u>FACU</u>																									
6. _____	_____	<input type="checkbox"/>	_____																									
7. _____	_____	<input type="checkbox"/>	_____																									
8. _____	_____	<input type="checkbox"/>	_____																									
9. _____	_____	<input type="checkbox"/>	_____																									
10. _____	<u>107</u>	= Total Cover	_____																									
Woody Vine Stratum (Plot size: 30' radius)				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>																								
1. _____	_____	<input type="checkbox"/>	_____																									
2. _____	_____	<input type="checkbox"/>	_____																									
_____ = Total Cover																												
Remarks: (Include photo numbers here or on a separate sheet.) Mowed lawn and second growth, Southern wet-mesic lowland hardwoods.																												

Attachment: Packet (1863 : Nathan Gabor)



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: September 7, 2016
SUBJECT: Development Agreement Amendment

Applicant: Neumann Companies
Status of Applicant: Owner
Requested: Development Agreement Amendment
Phase II
Existing Zoning: R-3 (Single Family 1 Acre)
Central Growth Overlay (CGO)
R-4 (Single Family ¾ Acre)
Lot size: 112.7 acres
Location: Lands immediately south of Brighton Ridge and Knightsbridge
Subdivisions between Swan and Wauwatosa Road.

Address: lands immediately south of Brighton Ridge and Knightsbridge subdivisions between
Swan Road and Wauwatosa Road.

Tax Key: #14-018-03-005.00 Zoning: R-3/CGO/R-4 District: #4

Request: Development Agreement Amendment

Briefing: The applicant is seeking development agreement amendment approval for modifications to the process of obtaining final plat approval for Addition 1 of Highlander Estates (30 lots) for a 111 single family subdivision located immediately south of Brighton Ridge and Knightsbridge between Swan and Wauwatosa Roads.

Background: The applicant is requesting an amendment to the development agreement for the 2nd phase of the Highlander Estates subdivision immediately south of Brighton Ridge and Knightsbridge Subdivisions between Swan and Wauwatosa Road. The second phase includes 30 of the remaining 81 lots in the subdivision (see attached plat). The preliminary plat for the development was approved in April of 2015.

Development Agreement Amendment:

The approved development agreement requires that all improvements must installed prior to the City's approval of the Final Plat. The Final Plat must be approved and recorded prior to the sale or transfer of any lots. The requirement that all improvements and infrastructure must be installed prior to Final Plat approval is consistent with past practices and is intended to minimize risk to the city. The applicant states that in order to participate in the 2017 Parade of Homes, the

developer must be in a position to provide home builders the ability to procure building permits in January of 2017. The applicant states that they will not be able to complete all of the required improvements prior to January of 2017 which will prevent them from selling lots to builders who want to be part of the Parade of Homes. In lieu of having the improvements fully installed, the applicant is willing to provide a letter of credit (LOC) in the amount of 125% of the remaining construction costs in order to receive Final Plat approval.

Staff understands that having the Parade of Homes in Mequon would be a benefit to the city and has offered up of a number of suggestions to the developer that would accomplish their goal while protecting the interests of the City. For various reasons, none of the alternatives proposed by staff were acceptable to the developer. At this time, staff is not supportive of amending the development agreement and feels that there is adequate time remaining in the construction season to have all required improvements installed in accordance with the existing agreement.

Engineering Report:

James Keegan, Deputy Director of Engineering, has reviewed the application and has the following comments:

To date, the sanitary sewer, water system and storm sewer systems have been installed. It is anticipated that the roadway grading will begin the week of September 12. The required public improvements that have not yet been completed include; roadway construction, sidewalk installation, turf restoration, lot pipe installation, street signage and as built submittal. Construction of the public improvements is trending towards completion by the end of the 2016 construction season. If construction of public improvements is complete by the end of the construction season, the developer can seek final plat approval within the timeline required for the Parade of Homes. As such, it is recommended that the existing development agreement be enforced and no modifications be made. If a change in the development process is made to allow the developer the ability to obtain final plat prior to completion of the obligations of the existing development agreement, it is recommended that the current development agreement be voided and a new development agreement be put in its place to address the change in process and to require the developer to submit an escrow in an amount equal to 125% of the remaining construction costs.

Staff Recommendation:

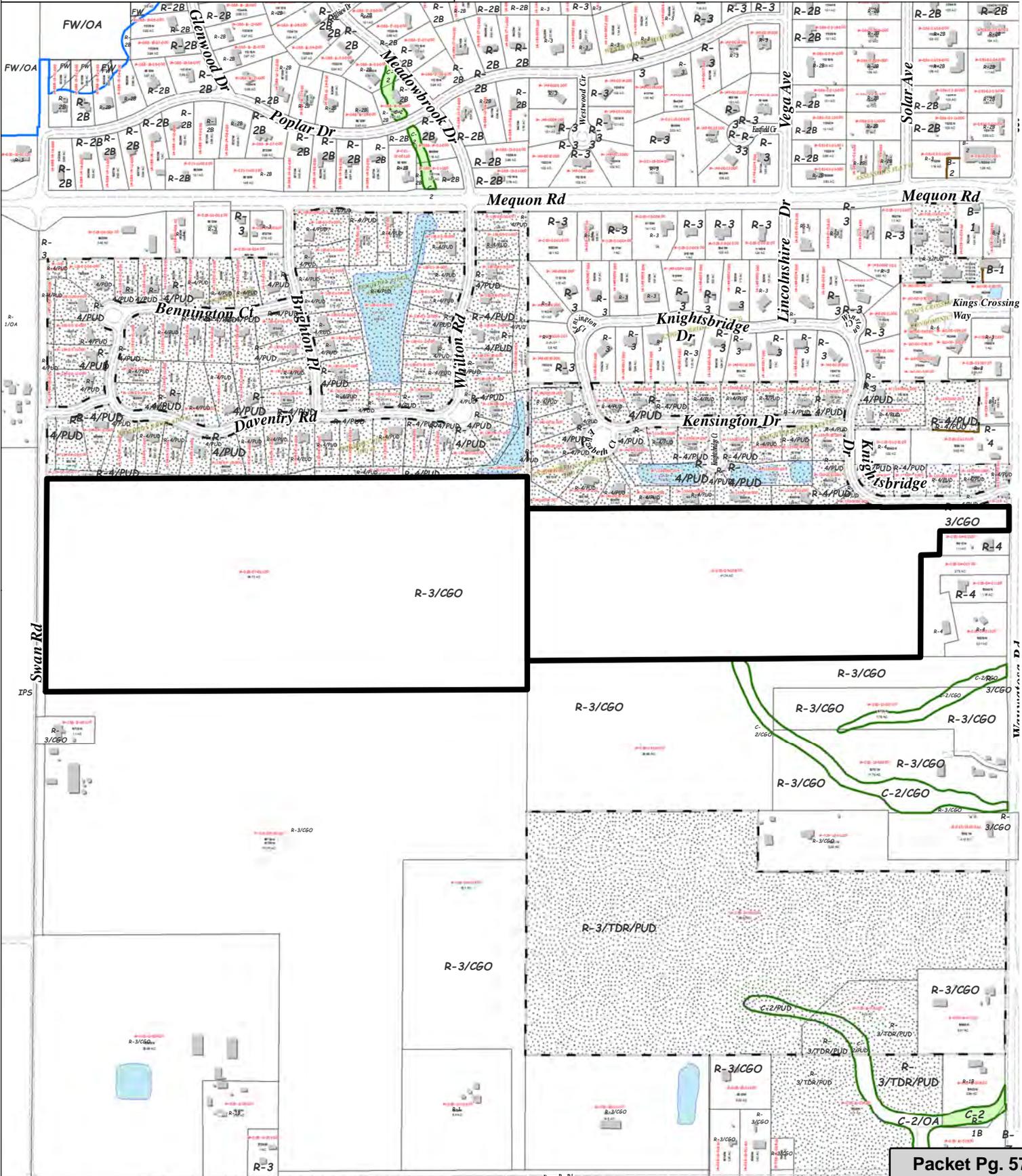
Staff recommends **denial** of the development agreement amendment

If the Planning Commission is supportive of allowing the developer the ability to secure Final Plat prior to the improvements being installed in order to host the Parade of Homes in 2017, staff would recommend **tabling** the development agreement amendment. This would give staff the opportunity to draft a new development agreement that will contain all the necessary assurances and guarantees to protect the city's interests.

Attachments:
Packet (PDF)

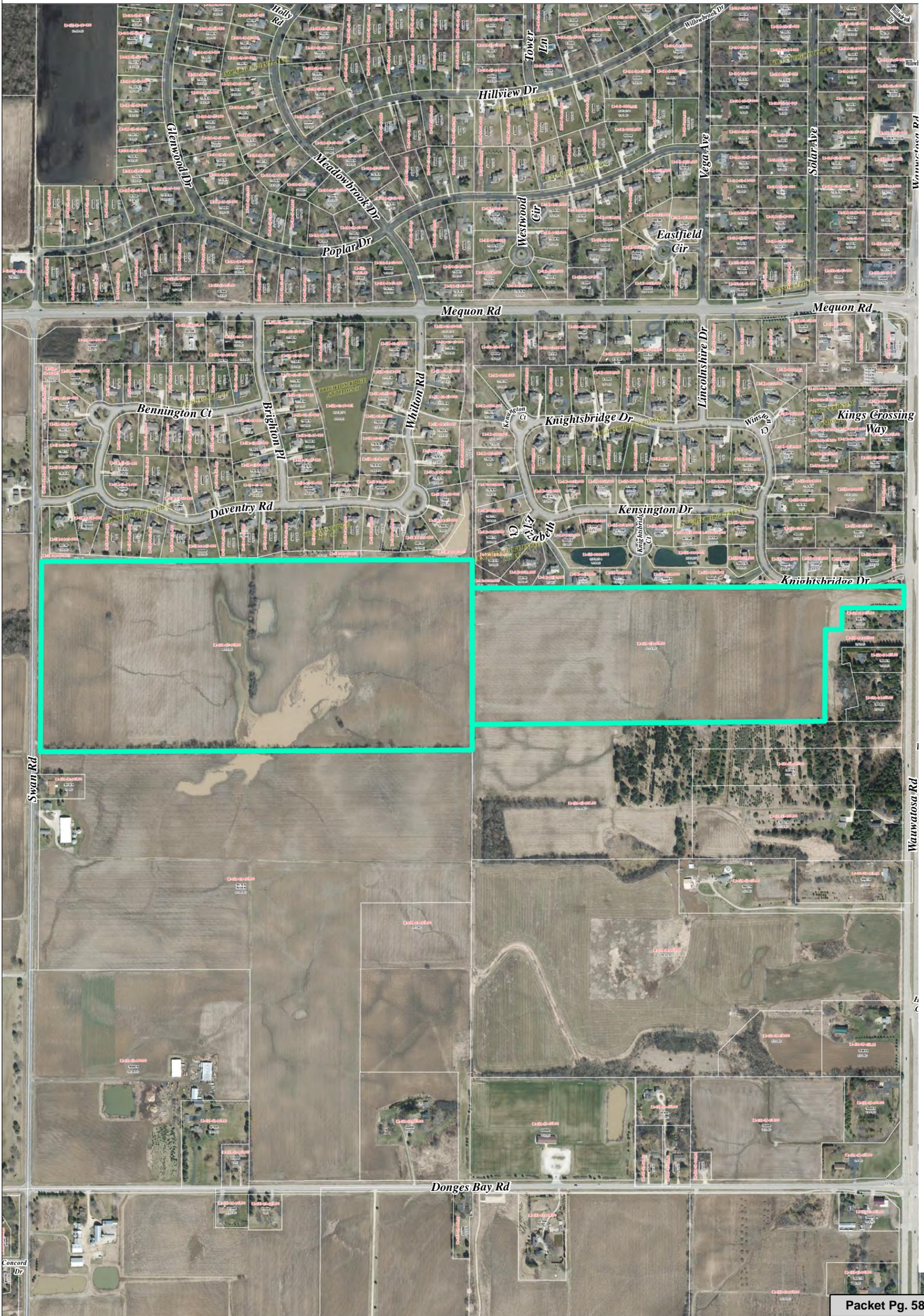
Neumann Companies for Highlander Estates Addition 1

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



Attachment: Packet (1864 : Neumann Companies for Highlander Estates Addition 1)

Neumann Companies for Highlander Estates Addition 1



Attachment: Packet (1864 : Neumann Companies for Highlander Estates Addition 1)



August 08, 2016

The City of Mequon
11333 North Cedarburg
Mequon, WI 53092

**Attn: Kim Tollefson
Jac Zader**

**Re: Requested Modification to the Development Agreement
For Highlander Estates Addition No.1**

Dear Kim & Jac:

Thank you for your efforts to complete the initial phase of Highlander Estates earlier this year and for your assistance as construction begins on Highlander Estates Addition No.1. Neumann Companies ("NCP") appreciates the efforts from the City and the School District to insure that these parcels can be developed in a manner that meets the current demands of the housing market and in a fashion that should fuel growth of school-aged residents in Mequon. To date, we have experienced a high amount of interest in the community and there will be numerous homes under construction in the next few months. As a product of the interest in the initial phase of Highlander Estates, we decided last fall to move forward with Addition No.1.

As our team began the engineering and approval process for Addition No.1, we were also working with City staff to obtain project completion and Final Plat approval for the initial phase of Highlander Estates. As the recording of the Final Plat for the initial phase was finalized; there were some conditions outlined in the Development Agreement (the "D.A.") that caused a delay in the "recommendation of final plat approval" from City staff and subsequently delayed home starts in the subdivision several months.

As you may know, as our firm is a dedicated supporter of the Metropolitan Builders Association (MBA) and as such, we have decided to submit the Highlander Estates Addition No.1 as a Parade of Homes site for 2017. This annual event has submission requirements and deadlines that will be difficult to obtain under the "standard process" of Final Plat approval in the City of Mequon. A few of the requirement for hosting a Parade of Homes site include obtaining binding contractual commitments from builders in the month of October and having building permits available no later than January 13, 2017.

As such, we are hereby requesting modifications to the process of obtaining final plat approval for Highlander Estates Addition No.1. To insure the City has no exposure as a result of the proposed changes, Neumann Companies will have a non-revocable Letter of Credit issued for 125% of the anticipated construction costs associated with each improvement that would be completed post-recording of the Final Plat.

The improvements that are being proposed to complete after the recording of the plat are outlined as follows:



1. Open Space improvements (pavilion structure, playground equipment, exercise stations, pathways, and landscape installation).
 - o **Anticipated cost - \$130,000**
2. Restoration of WE Energies' installation of electrical and gas.
 - o **Anticipated cost - \$15,000**
3. Installation of Lot Pipes after WE Energies has completed utility installation
 - o **The D.A. requires a \$3,600 cash escrow for lot pipe installation; this amount would remain with the City until all lot pipes are installed.**
4. Sidewalks and Street Trees
 - o **Sidewalks \$47,000, Street Trees \$45,000.**
5. As-Built drawing certification & approvals
 - o **Engineering costs for as-built drawings - \$10,000.**
6. Street Signs, Common Area Agreement, Pedestrian Pathway Easement, Haul Route, etc.
 - o The D.A. requires financial guarantee in the amount of \$36,000 (\$1,000 per lot) to guarantee repair of any roadway damage.
 - o **Street signs \$9,000, Common area landscaping \$15,000, Pathway \$52,000.**
7. Final Lift of Asphalt
 - o **Anticipated cost - \$50,000.**

The total estimated costs are \$373,000; NCI proposes to provide a Letter of Credit in the amount of \$466,250.

Our team looks forward to discussing these items with City staff and the commission/board members and feels these request cause no additional liability to the City of Mequon as we will be placing financially guarantees, thus insuring completion of all items in accordance with City requirements. An application and the associated fee is hereby submitted along with this letter and we request this matter be placed on the September 12th Plan Commission agenda and September 13th Common Council agenda.

Feel free to contact me with any questions you may have on this proposal.

Sincerely,

Kevin Anderson

Cc: Matt Neumann
Steve DeCleene



Exhibit

Background Information for Development Agreement Modifications

Background information for the specific items are outlined below along with a brief explanation of the rationale for the requested modification.

1. Open Space requirements in the common-area (pavilion structure, playground equipment, exercise stations, pathways, and landscape installation).
 - The D.A. states that Open Space landscaping and “the improvements” must be installed prior to recommendation of final plat approval.
 - Installation of these improvements in the fall/winter of 2016 would not provide a benefit as there will be few, if any, residents in the subdivision during the winter months. We expect a few residents to begin moving into their homes in early 2017 but there will not be many residents until late spring or summer 2017.
 - Installation of these improvements would customarily begin upon the roadways being completed; with installation and restoration of the area expected to take 4 to 6 weeks, this item alone would delay final plat approval.

2. Exclude WE Energies’ installation of electrical and gas from the subdivision improvements and the restoration of the site that follows installation.
 - WE Energies customarily begins installation after the roadways are installed and the site is graded to within 4” of final grades.
 - Installation typically occurs concurrent with or after the installation of sidewalks, street trees. Restoration of the area would occur after final plat approval.

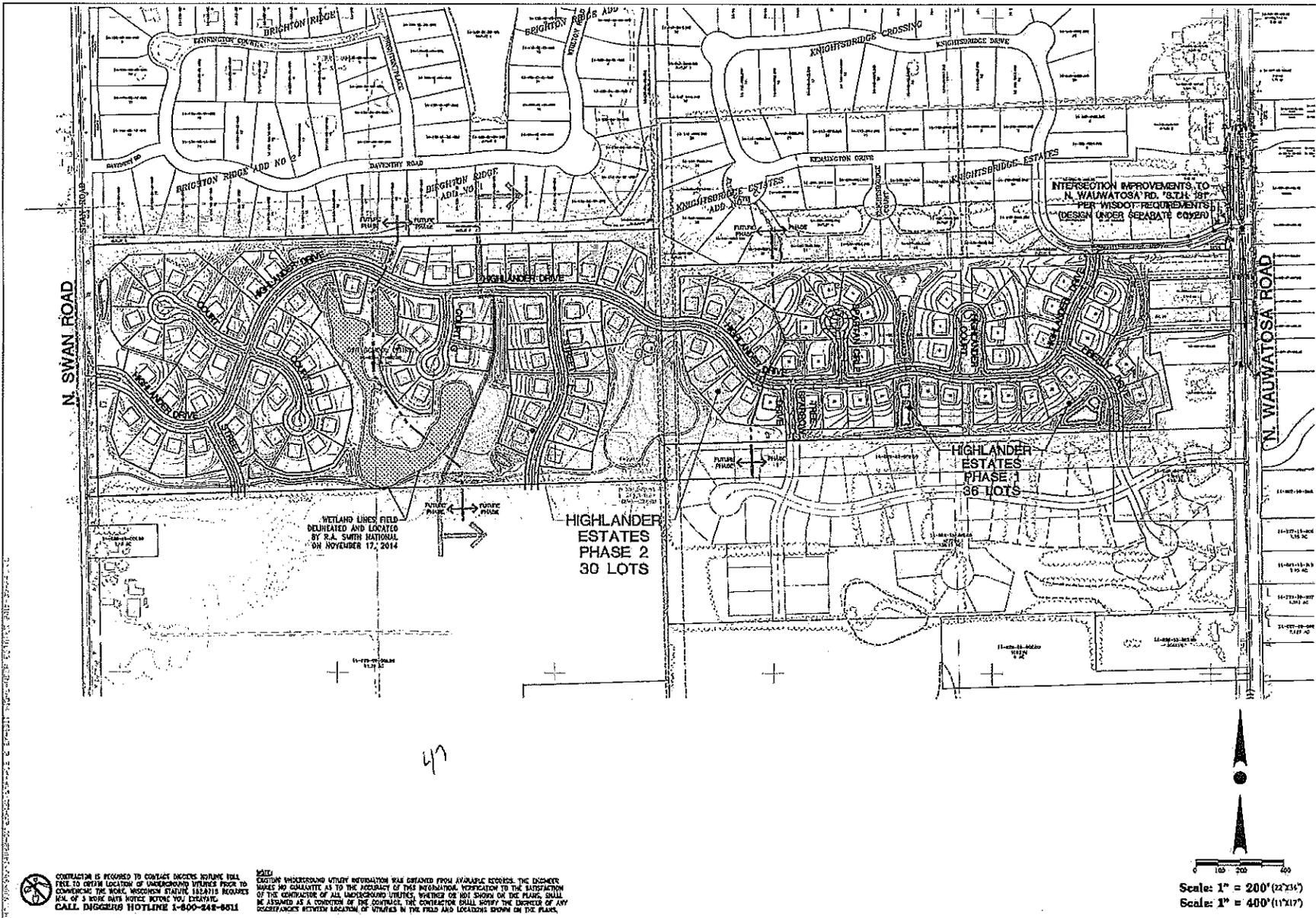
3. Installation of Lot Pipes after WE Energies has completed utility installation
 - Customarily, we instruct the surveyor to install lot pipes at the property corners that are NOT adjacent to WE Energies utility locations and survey nails at lot corners adjacent to utility easements.
 - With the gas installation in the ROW and electrical easements along the rear and side lot lines; a majority of the lot corners are adjacent to utility installation areas.
 - If lot pipes are installed adjacent to easements, they are often disturbed by WE Energies’ equipment and then re-surveyed, pulled and replaced.

4. Sidewalks and Street Trees
 - Upon installation of the asphalt, the sidewalks would customarily be installed, topsoil backfilled and then street trees installed.
 - Completing these items prior to WE Energies installation of gas services can cause damage to these facilities, repairs and replacements. At a minimum, the ROW areas will need to be re-graded and restored.

5. As-Built drawing certification & approvals
 - As the final plat must be submitted approximately 45 days prior to the City meeting date, staff has allowed the final plat to be submitted while the final details of the as-built drawings are completed.



- However, the D.A. states that all improvements shall be certified by the City Engineer prior to scheduling final plat approval before the Planning Commission.
6. Street Signs, Common Area Agreement, Pedestrian Pathway Easement, Haul Route, etc.
- There are several minor items that must be completed as outlined in the D.A.
 - Street names signs are last-minute items as the final plat is needed prior to the City being able to issue coordinate information for the signage.
 - Miscellaneous agreements that are prepared at the completion of the project need the City Attorney review; the review timeline from the City Attorney is uncertain.
 - The haul route for deliveries also includes a financial guarantee in the amount of \$36,000 (\$1,000 per lot) to guarantee repair of any roadway damage. This amount should be adequate to insure repairs post-final plat recording.
 - City staff has been agreeable to posting cash escrows to cover the installation of signage and the Common Council has previously agreed to remove the requirement for these misc. agreements from final plat approval.
7. Final Lift of Asphalt
- The D.A. allows for the City Engineer to make a determination that in the event the final asphalt surface course is not completed “due to weather conditions”, the City may accept a LOC to ensure installation within 14 months of plat approval.
 - NCI is requesting that the final lift be delayed until July of 2017 and proposes to install the final lift a few weeks prior to the start of the Parade of Homes. This would provide a clean/new roadway finish without the “normal” marks created by home construction activities and snow plowing.
 - The delay in placing the final lift may also provide benefit to the City as the Addition No.1 area contains sanitary sewer depths of up to 26’ deep. The winter period would allow and settlement to occur and repairs to be made prior to the placement of the final lift of asphalt.



CONTRACTOR IS REQUIRED TO CONTACT DIGGING HOTLINE WELL BEFORE TO OBTAIN LOCATION OF UNRECORDED UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.07(1) REQUIRES 90 DAYS OF 3 HOUR BATH NOTICE BEFORE ANY EXCAVATION. CALL DIGGING HOTLINE 1-800-648-6611

EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. NOTIFICATION TO THE SUPERVISOR OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.



PROJECT:
HIGHLANDER ESTATES
 SINGLE FAMILY RESIDENTIAL SUBDIVISION
 CITY OF MEQUON, WISCONSIN
 BY: NEUMANN COMPANIES, INC.
 1827 W. 242ND ST. FAUL COUNTY
 PEWAUNKEE, WI 53072

REVISION HISTORY

DATE	DESCRIPTION
08/06/15	CONSTRUCTION SET
08/06/15	WATER MAIN UPDATES
07/20/15	COURT, ASSESS UPDATES
07/20/15	UPDATES PER CITY REVIEW
07/20/15	REVISED SAN. SCH. DATE
DRAWN BY: J. SCHNECK	
DESIGNED BY: R. CLERS	
CHECKED BY: J. PARDILO	

DATE:
 AUGUST 6, 2015

JOB NUMBER:
 14022

DESCRIPTION:
 OVERALL SITE
 GRADING PLAN
 (ALL PHASES)

SHEET
C1.0

Attachment: Packet (1864 : Neumann Companies for Highlander Estates Addition 1)

TO: Planning Commission
FROM: KIM TOLLEFSON, DIRECTOR OF COMMUNITY DEVELOPMENT
DATE: September 7, 2016
SUBJECT: Text Amendment

Request: Text Amendment

Briefing: The applicant is seeking development agreement amendment approval for modifications to the process of obtaining final plat approval for Addition 1 of Highlander Estates (30 lots) for a 111 single family subdivision located immediately south of Brighton Ridge and Knightsbridge between Swan and Wauwatosa Roads.

Background: Staff introduced a policy discussion related to the building composition, entrances and window coverings within the Town Center neighborhood at the July Planning Commission meeting. The regulation of the amount of windows, coverings of windows, signage, entrances and architectural features is common place for municipalities throughout the country. Both the architecture and transparency adds significantly to the walkability of a neighborhood. The storefront window area has the following value:

1. Contributes to the overall building composition
2. Enhances curb appeal
3. Promotes natural surveillance
4. Reduces energy consumption through the use of passive solar design
5. Welcomes customers inside and by creating a positive impression by the display of business products and services

Several municipalities set standards for the amount of windows and doors at the ground floor and coverage ratios for windows and signage. Coverage limits range from 20%-75%. Communities regulate all elements such as transparency, tint, acceptable obstructions and placement of obstructions, and prohibit blocking two-way visibility for ground level windows along streets. In addition, it has been a long standing policy for the City for all of our commercial areas. Therefore, this policy discussion is not only applicable to the Town Center, but the City's commercial areas as a whole. Staff would caution however that the greatest impact, as a result of successful or failed execution, will be apparent within Town Center.

Amendment Considerations: Before formalizing any of the technical standards staff sought to gain the Planning Commission and Council's perspective as well as existing community stakeholder input. To gain community perspective, staff offered to meet with all business owners located at MTC. In addition, staff called upon a number of community stakeholders including business owners at other Town Center sites, business owners on Port Washington Road, developers and architects. There was a great deal of consensus by community stakeholders as it related to preferred, acceptable and underutilized window treatment options. Those preferences were presented at the time of initial policy discussion.

Staff has developed clear and concise code language that provides flexibility to business owners while maintaining public policy goals including high quality architectural standards, an appropriate level of fenestration and transparency. The proposed language also allows for exceptions to the standards for certain uses. Staff recommends regulations as identified in the attached text amendment.

Planning Staff Recommendation:

Planning staff recommends approval of the text amendment and subject to Planning Commission's recommendation, will forward to the Council for action at their October meeting.

Attachments:

TCText 09.13.16 (PDF)

Section 58-301(1)(2)

Required window areas have the following purpose:

1. Contribute to the overall building composition
2. Enhance curb appeal and neighborhood value
3. Promote natural surveillance
4. Reduce energy consumption through the use of passive solar design
5. Display business products and services

Required window areas shall remain transparent with windows that allow two-way views into first floor tenant spaces, working areas, lobbies or pedestrian entrances except for the following permitted window area obstructions.

a. Window Area Obstructions. The following are permitted window area obstructions:

1. Window Signage. Window signage is a permitted window area obstruction and shall comply with the following design standards:
 - Window signage shall be applied to the inside surface of the window.
 - Window signage shall be limited to 33% of the tenant's each individual window area.
 - Window signage shall not obstruct more than 30% of the window area measured between four (4) and (8) feet in height above the adjacent walkway level.
 - The front of the signage shall face the adjacent walkway.
 - Window signage shall be consistent with and relate to the products, services and brand elements of tenant use.
2. Window Shelving. Window shelving located within four feet from the surface of the window is a permitted window area obstruction and shall comply with the following design standards:
 - Window shelving units shall be limited to 33% of the use's aggregate window area as defined in section 58-301(1)(2).
 - Window shelving units and product display shall not obstruct more than 30% of the window area measured between four (4) and (8) feet in height above the adjacent walkway level.
 - Window shelving units shall be set back 12" from the surface of the window.
 - The front of the shelving units and products displayed on shelving shall face the adjacent walkway.
3. Enclosed Window Displays. Enclosed window displays have full background and sides that completely separate the interior of the store from the display window.

Enclosed window displays are permitted window area obstructions and shall comply with the following design standards:

- Enclosed window displays shall be limited to 33% of the use's aggregate window area as defined in section 58-301(1)(2).
- Only one (1) window pane per use shall be permitted as an enclosed window display.
- Enclosed window displays shall be internally lit during evening business operating hours.
- Enclosed window displays shall have a minimum depth of three (3) feet.
- Enclosed window displays shall be designed to relate to the scale of the window area and be consistent with and relate to the products, services and the brand elements of the associated tenant use
- Displays shall change:
 - At a minimum, seasonally unless approved by the Department of Community Development
 - When products or display elements begin to fade or deteriorate in appearance
- Enclosed window display areas shall be maintained in a clean, clutter free manner.
- All mechanical equipment shall be disguised from public view.

b. Prohibited Window Area Obstructions. The following window area obstructions including, and similar to, the following are prohibited:

- Protective grilles
- Window bars
- Roll down screens or gates of any material
- Reflective, dark tinted or frosted glass
- Any material that blocks two-way visibility is prohibited as ground floor windows or doors along streets, walkways, plazas or parking areas.
- Back of signs or back of shelving units

c. Exceptions to Window Area Obstructions. The Department of Community Development may approve an allowance greater than the maximum window area obstruction for the first floor façade for the following uses:

- Medical and institutional uses
- Specialty food retailers
- Theatres
- Parking garages
- Others as approved by Planning Commission

The Department of Community Development shall evaluate the following and make a determination for approval, approval with conditions or denial:

- Floor plan and layout
- Solar passive design
- Security or privacy needs
- Location of plumbing or mechanical rooms

The Department of Community Development shall have the right to place conditions on the design or the operational standards of the request and shall have the right to require the user to provide building and/or site amenities that address any adverse effects of the exception. These shall include, but not be limited to, awnings, landscaping, signage, location and extent of coverage, floor plan alterations, type and design of window area obstructions and limiting the time of use. The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the spirit and intent of this district, remains at all times on the applicant.

Section 58-302(1)(2)

Required window areas have the following purpose:

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11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Planning Commission
FROM: KIM TOLLEFSON, DIRECTOR OF COMMUNITY DEVELOPMENT
DATE: September 8, 2016
SUBJECT: Development Inquiry August 2016

Attachments:
Development Inquiry August 2016 (PDF)

STAFF MEETING FOR DEVELOPMENT INQUIRIES: August 2016

PROJECT TYPE W. ESTIMATED VALUE BY LOCATION

TOWN CENTER

Mixed-Use \$30M

New Development:
Residential MF use

Mixed-Use \$19M

City Facility Uses

New Mixed Use \$30M

PORT

Redevelopment Site:
Multiple Family Housing

Commercial Redevelopment
Site

Restaurant Redevelopment
Site

OTHER COMMERCIAL

New Rural Commercial Use

New Recreational Use

RESIDENTIAL

Conservation Subdivision -
Central Growth

TDR Subdivision

Attachment: Development Inquiry August 2016 (1874 : Development Inquiry)