

**CITY OF MEQUON
WISCONSIN
PLANNING COMMISSION MINUTES
February 9, 2015**

Commissioners present: Mayor Dan Abendroth, John Stoker, Patrick Marchese, John Mason, David Fuchs, Alderman Adams, Alt. Bessler, Alt. Becky Schaefer

Staff members present: Jac Zader, Asst. Director of Community Development
James Keegan, Engineering Services Manager

Minutes of the meeting held on Monday, January 12, 2015 at 7:00 p.m. in the Common Council Chambers, Mequon City Hall, 11333 N. Cedarburg Road. [Note: Planning Commission meeting was audiotaped.]

1. a. Call to Order, Roll Call

b. Approval of the January 12, 2015 Planning Commission meeting.

Action:

Commissioner Mason moved to approve the January 12, 2015 minutes.

Commissioner Fuchs seconded the motion to approve minutes.

A voice vote was called. All voted aye, 8-0.

Consent Items

2. Cross Wind Inc., Howard Pipkorn

Address: 11420 W. Freistadt Rd District: #3 Tax Key: #14-018-14-003.00 Zoning: R-1/OA

Request:

1. Certified Survey Map

Briefing:

The applicant is seeking approval for a one parcel certified survey map located at 11420 W. Freistadt Road.

3. Kwik Trip, Inc.

Addresses: 10360 N. Cedarburg Rd, 4811 W. Donges Bay Road & 4815 W. Donges Bay Road

Tax Keys: #14-145-4811.000 & #14-145-4815.000 District: #4 Zoning: B-2

Request:

1. Certified Survey Map
2. Final Condominium Plat

Briefing: The applicant is seeking approval for a certified survey map and final condominium plat located at 10360 N. Cedarburg Road and 4811 W. Donges Bay Road & 4815 W. Donges Bay Road.

4. Stephen Strother

Address: 12440 N. Lakeshore Drive District: #5 Tax Key: #15-017-03-005.00 Zoning: R-2

Request:

1. Minor Request: Fill Permit > 1,000 cubic yards

Briefing:

The applicant is seeking approval for a quarystone revetment for the property located at 12440 N. Lakeshore Drive.

Action:

Commissioner Bessler moved to approve the consent agenda.

Commissioner Stoker seconded the motion.

Discussion:

Commissioner Bessler asked about the vacant land at the Kwik trip location.

Dir. Asst. Zader stated that the land would be landscaped and will be used for additional parking for the Kwik Trip patrons.

Commissioner Bessler asked how fill projects are being monitored by city staff and how properties adjacent would be treated. Engineering Services Manager James Keegan stated that the fill permit item on the consent agenda is seeking approval for fill on private property. It will be delivered by barge so there will not be truck traffic on the roadway. It is for a revetment and will be reviewed by the DNR and it will go through the DNR process. The city reviews fill permits for impact on the roadways and site drainage. This permit is strictly looking at the placement of fill. The fill is on the east side of the property and will not affect site drainage.

Commissioner Bessler stated his concern for adjacent neighbors.

Mr. Keegan stated that the applicant has supplied a letter from a licensed engineer that states that there will be no impact on the neighbors as a result of this revetment. It is the responsibility of the WDNR to look at the permit and make that determination.

Alderman Adams stated that there will be a DNR hearing and that both neighbors are welcome to attend.

Mr. Keegan explained that as part of the DNR approval process the neighbors are required to be notified, the applicant is required to publish a class one notice in the paper and anyone can request a hearing to be held. The entire process is administered though the DNR; the city does not have any involvement in that process.

Ald. Adams stated that she would like to see the city have a better relationship with the DNR going forward. She feels there will be more revetments in the future and it bothers her that the city has no say in the process and would like there to be better communication.

Mr. Keegan stated that the waterways are the DNR's jurisdiction so the city must default to their expertise and their professionals as far as looking at each permit as to how each project would affect the waterway and neighboring properties. It is the DNR's permit to process.

Mayor Abendroth stated the city has no authority over construction of revetments on the lake.

Action:

A voice vote was called on the consent agenda.

All voted aye 8-0.

Regular Business

5. Ryan Companies

Address: Southwest corner of Mequon Road and Market Street District: #6 Zoning: R-6/PUD

Tax Keys: #15-030-02-015.00

Request:

1. Rezoning Recommendation
2. Land Use Plan Amendment
3. Concept Plan
4. Deed Retraction Amendment

Briefing:

The applicant is seeking a rezoning recommendation from R-6/PUD to B-3/PUD zoning and a concept plan for a proposed two-story, 40,000 square foot medical office building located at the southwest corner of Mequon Road and Market Street.

Discussion:

Asst. Dir. Zader stated that the current zoning for the property is R-6/PUD. Originally it was part of the Winding Hollow Condominiums and it was slated for six, 2-unit buildings. In 2011, the ordinance was modified and the site was approved for four 10-unit buildings on the site. The current proposal is create a new PUD that would allow for a 40,000 square foot medical office for Children's Hospital. There was a deed restriction placed on the property when the JCC pool was approved that limited the development to residential only. As part of the process that deed restriction will also need to be amended. There is a three-party agreement between the JCC, MPC and the City of Mequon regarding the deed restriction.

Mr. Zader explained that when looking at rezoning, the surrounding land use is looked at to determine whether the proposed zoning is consistent with the area. There are many zoning classifications in that general area; the Sarah Chudnow campus, the JCC pool, East Towne shopping mall, Johnson Bank and single family. One of the reasons the deed restriction was put in place was the concern at the time about commercial creep moving westward and they wanted to limit that expansion of commercial to just the Market Street entrance. The B-3 is a little more intensive than the R-6 or the apartments, there are examples in Mequon where the B-3 has been used as a buffer against residential versus a more intensive B-2. The PUD allows for control to mitigate any impact on the surrounding properties.

Children's Hospital did a lengthy search of the area and this is a preferred location for them. There is a high demand from the north shore clientele for these services. It will provide convenient access for Mequon residents and nearby communities.

The applicant has provided a very basic concept. If the zoning gets approved they will be back before the Planning Commission with a more detailed building and site plan. The concept plans shows a 40,000 square foot building surrounded by parking. There are a few waivers that will be needed for this project in terms of the B-3 standards. The B-3 standard does not allow any individual building to be in excess of 20,000 square feet. As part of the PUD the applicant will be asking to have one building instead of separate buildings.

Regarding the building and site plan going forward, staff recommends moving the building to the east, as far away as possible from the residential area. Staff would also like to eliminate some of the parking along the property line. There is an easement that was approved as part of the apartment development that would provide access to this parcel and staff wants to ensure that the agreement is honored by the applicant. The applicant is seeking some feedback regarding elevations of the building. The applicant communicated to staff that the traffic study has been completed and based on the use of the facility there would not be any improvements necessary on Mequon Road of either a stop light or other modifications to the road. This report will be made available to the Common Council prior to the public hearing in

March.

Staff recommends the rezoning and approval based on the conditions in the report.

David Mueller, 1737 W. Mequon Road – owns the property next to this parcel

He stated that he would have liked to be involved before this time. He had not been previously contacted. He feels that his quality of life will be impacted. He thinks there is already too much traffic at that corner. This is the second change from what was promised for this property. He would like to be compensated for loss in value and quality of life and he would like R-3/PUD zoning for his property.

Ryan Marks and Curt Pascol from The Ryan Companies were present. Mr. Pascol stated that this is a unique process because of the deed restriction and they are here tonight to find out if this parcel will be developable before they can move forward and provide more detail of the project. The neighbors they referenced are the other parties involved in the deed restriction (the JCC and MPC). They have not worked with the residential neighbors thus far. This is Children's Hospital first choice of location.

Mayor Dan Abendroth stated that he is pleased that Mequon was chosen and that this is a desirable use and that it will be welcomed by the citizens of Mequon. It will affect the properties to the west and there will need to be good landscaping to protect the residents. It was previously approved for 40 apartments and this will be a beneficial change to the neighbors in that there will not be late night activity or noise.

Commissioner Mason asked the applicant about the possibility of moving the building to the east to help buffer the neighbors. He also asked when they would begin construction if all approvals were granted. He welcomed them to the community and stated it would be a great facility.

Mr. Marks stated they would look at the placement of the building and that they are gathering information at this point and they will make changes requested by staff and neighbors. They would begin construction in June and completion around March 2016.

Alderman Adams stated that she is very pleased about this proposal. She said that Children's Hospital is a highly required institution and she feels that it will help attract families with children to this community which is helpful to the school district and helps property values. She also feels it is less intrusive on the neighbors than apartments would be.

Commissioner Fuchs commented that he too is pleased about this valuable asset. He says that it brings a diverse employment, broad income spectrum and it is the type of development that helps the community in many ways. He suggests that the architecture be more complimentary to the surrounding area.

Commissioner Marchese also welcomed them to the community. He too recommended they work with staff to be visually attractive to the area.

Mr. Pascoe stated that the building will have all the medical specialties in one location. They are trying to balance the architecture of Mequon and also express their brand identity. Their focus thus far has been on the materials that would be used; major brick and stone pieces.

Asst. Dir. Zader clarified that the building is actually 42,500 square feet. The PUD ordinance will need to be updated when it goes to Council.

Commissioner Bessler stated that he feels this will be an important asset to the city but feels they should work hard to mitigate impact to the neighbors to the west.

Alderman Adams moved to approve.
Commissioner Fuchs seconded the motion.

Action:

*A voice vote was called.
All voted aye 8-0.*

6. Announcements

The next meeting is March 9, 2015

7. **Adjourn** - the meeting concluded at 7:35 pm

Commissioner Stoker moved to adjourn.

Commissioner Mason seconded the motion.

All voted Aye.