

**CITY OF MEQUON
WISCONSIN
PLANNING COMMISSION MINUTES
August 31, 2015**

Commissioners present: Mayor Dan Abendroth, Ald. Rob Strzelczyk, Becky Schaefer, James Schaefer, Brian Parrish, Pat Marchese, John Mason, LeRoy Bessler

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

Minutes of the meeting held on Monday, August 31, 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 June 8, 2015 Planning Commission meeting minutes.

Action:

Commissioner Mason moved to approve the July 20, 2015 minutes.
Ald. Strzelczyk seconded the motion to approve the minutes.

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

Consent

Public Hearings

2. Brian Scheive for Cathy LaFleur and Joe Gartner

Address: 11712 N. Pinehurst Circle Tax Key: #15-020-03-00-700 District: #8 Zoning: R-2B

Request: 1. Conditional Use Grant

Briefing: The applicant is seeking Conditional Use Grant approval to allow for a non-income producing living accommodation (in-law suite) for the property located at 11712 N. Pinehurst Circle.

Action:

Commissioner Parrish made a motion to open a public hearing.
Ald. Strzelczyk seconded the motion.

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

Commissioner Parrish made a motion to close the public hearing.
Ald. Strzelczyk seconded the motion.

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

3. Scott Luber for 611 Irrevocable Trust of 2006

Address: 611 W. Revere Road Tax Key: #15-080-01-01-000 District: #8 Zoning: R-4

Request: 1. Conditional Use Grant

Briefing: The applicant is seeking Conditional Use Grant approval to allow for a non-income producing living accommodation (in-law suite) for the property located at 611 W. Revere Road.

Action:

Commissioner Parrish made a motion to open a public hearing.

Commissioner Bessler seconded the motion.

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

Commissioner Parrish made a motion to close the public hearing.

Commissioner Becky Schaefer seconded the motion.

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

4. Michael Weber for Howard LaKritz/Playa Luna Storage

Address: 10510 N. Port Washington Rd

Tax Key: #15-029-11-007.00

District: #6

Zoning: B-4

Request: 1. Conditional Use Grant

Briefing: The applicant is seeking Conditional Use Grant approval to Playa Luna Storage for warehousing and distribution for the property located at 10510 N. Port Washington Road.

Ald. Strzelczyk made a motion to open a public hearing.

Commissioner Bessler seconded the motion.

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

Ald. Strzelczyk made a motion to close the public hearing.

Commissioner Bessler seconded the motion.

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

5. Canfield Buildings for Betsy and Mark Timm

Address: Wausaukee Road and Highland Road

Tax Key: #14-007-07-007-00

District: #3

Zoning: C-1/OA

Request: 1. Conditional Use Grant

Briefing: The applicant is seeking approval for a 72' x 180' horse riding arena and 72' and 80' stall barn located immediately North of 12300 W. Highland Road.

Action:

Commissioner Parrish made a motion to open a public hearing.

Commissioner Jim Schaefer seconded the motion.

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

Ald. Strzelczyk made a motion to close the public hearing.

Commissioner Parrish seconded the motion.

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

Staff requested item #5 be taken off the consent agenda because the applicant had additional requests for the Planning Commission (PC) to discuss.

The applicant, Bill Canfield from Canfield Buildings, representing Mark and Mary Timm stated that there is a small change to the original request. They would like to make use of all the stalls in the barn, the building would not change. They would like to board 12 horses indoor and 12 horses outdoors. The zoning allows for 53 horses allowed on the property. Secondly they would like to request to be allowed four events a year instead of the two originally requested. The events are outdoor riding contests or birthday parties at the barn.

Asst. Dir. Zader stated that staff has no objections to the requests.

Mr. Canfield also requested a 3,200 sq.ft. hay storage building for future use.

Asst. Dir. Zader stated that it would have to be done within the first year per the CUG or the applicant would need to appear back before PC to amend the CUG for the building of the structure.

Mr. Canfield asked to keep the 3,200 sq. ft. building on the request. It is on the site plan.

Asst. Dir. Zader stated there is no objection from staff as long as it matches the architecture of the proposed stable.

Action:

Ald. Strzelczyk made a motion to approve item #5 with the modified requests from the applicant.
Mayor Abendroth seconded the motion.

Commissioner Mason asked about the length of timing of the events. He also asked about the amount of traffic that would be generated; traffic flow of trailers.

The applicant, Mary Timm, answered that the events are usually one full day with horses using the property. Ms. Timm explained that there would be trailers entering the property to drop off the horses and then the trailers leave at the end of the day. She stated that there is not in and out traffic.

Commissioner Becky Schaffer also asked about the traffic and how many horses would be brought in for an event. She asked whether the neighbors were aware of the intent of use of the property and how close is the nearest neighbor.

Ms. Timm answered that it would most likely be a special trainer that would be on the property for a clinic and that the property is just not large enough to do many more than 25 horses at one time. She stated that the next door neighbor is thrilled about the prospect of the horse riding facility. She does not have direct contact with other neighbors.

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

Consent

Regular Business

6. The Ryan Companies

Address: Market Street and Mequon Road Tax Key: #15-030-02-015.00 District: #6 Zoning: R-6/PUD

Request: 1. Fill Permit in excess of 1,000 cubic yards

Briefing: The applicant is seeking a fill permit in excess of 1,000 cubic yards for grading requirements for Children’s Hospital located at Market Street and Mequon Road.

Action:

Commissioner Bessler asked how many cubic yards the fill required.

Engineering Manager, James Keegan, answered that it is 5,500 cubic yards of fill which consists of the base course for the parking lot, the utilities and trench back fill.

Action:

Commissioner Parrish made a motion to approve the consent items #2, #3 #4 and #6.

Commissioner Bessler seconded the motion.

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

Public Hearings

7. North Shore Soccer Club

Address: 14301 N. Cedarburg Road Tax Key: #14-003-02-004.00 District: #1 Zoning: R-1/OA

Request: 1. Conditional Use Grant Amendment

Briefing: The applicant is seeking Conditional Use Grant Amendment approval for North Shore Soccer Club to modify the type of temporary lighting for 2015 and allow for the installation of permanent lighting for the property located at 14301 N. Cedarburg Road.

Action:

Ald. Strzelczyk made a motion to open a public hearing.

Commissioner Parrish seconded the motion.

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

Commissioner Mason made a motion to close the public hearing.

Ald. Strzelczyk seconded the motion.

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

Asst. Dir. Zader stated that this CUG Amendment is for the lighting use at the soccer field facility. The applicant has been before the PC a few times over the past few years. Last year they were approved for a one time temporary lighting usage for the fall season. The applicant is asking for the same lighting use again this Fall and they are also asking that after this year they be allowed permanent lighting at the facility.

The proposed lighting is 70 feet tall with 2 fixtures on the north and 2 fixtures on the south. Staff worked with the applicant to get the lowest light levels possible and still allow for a functional soccer field in accordance with guidelines.

It was concluded that 30 foot candles was the most appropriate since it is recommended by the US Soccer Federation. In terms of trespass the permanent lights will do a lot better job than the temporary lights. The dispersion plan shows minor light trespass onto neighboring properties. The plan shows that the lights do a very good job of mitigating those issues but there is a little bit of spill going to the west. The code requires a .5 candle at the property line but it must be at zero once you are on the neighboring residential property. All of the readings are .1, which is quite low. There is a lot of vegetation there that should help eliminate any of that trespass.

The applicant is requesting additional time for the lights to be used, due to their large investment. They are requesting:

- o Mondays -Thursdays September 1st to Thanksgiving until 7:00 pm.
- o Six Saturday nights in spring or fall until 9:00 pm.
- o Mondays - Thursday from March 1st through May 31st until 9:00 pm.

Kapco Field is permitted to use lights until 11:00 pm and Homestead High School is permitted to use lights until 10:30 pm. Staff feels that 9:00 pm is a reasonable request.

Staff is supportive of the use of the permanent lights and recommends approval according to the conditions in the staff report.

The applicant, Matt McLaughlin, President of North Shore Soccer Club, stated that the neighbors have asked for permanent lights to help mitigate the trespass on their properties. It is a very large investment for their club and they

are asking for some extended time on the field to recoup some of the expense. Mr. McLaughlin has sent multiple emails to both adjacent neighbors in regards to the decision making process asking for their feedback regarding the temporary and permanent lighting issues.

Commissioner Becky Schaffer asked if the neighbors responded to the emails sent.

Mr. McLaughlin replied that he did not receive a direct response from the lighting emails sent and he did not receive negative feedback from them. He stated that they were granted permission to use 6 lights on the turf field and they are only going to use 4 this year.

Ald. Strzelczyk asked about the time extensions requested. He questioned the 9:00 pm timing because of less foliage in the winter months regarding trespass. He appreciates less lights being used due to neighbor concerns.

Mr. McLaughlin stated that they most likely will not be able to use the fields from Thanksgiving to Christmas but on the chance they could use it, they wanted the permission to do so. They want to eliminate coming back to PC every year to change the requirements.

Action:

Commissioner Parrish moved to approve the CUG Amendment for temporary lights for 2015 and to allow for the installation of permanent lighting for the 2016 season per the submitted dispersion light plan.

Commissioner Mason seconded the motion.

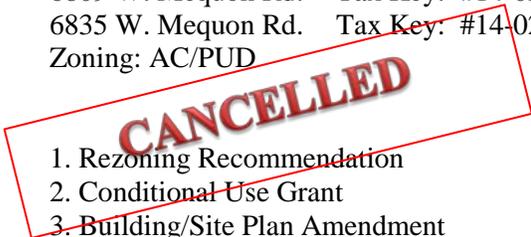
A voice vote was called. All voted aye, 8-0

8. Robert Niebauer for Lakeside Development

Addresses: 6809 W. Mequon Rd. Tax Key: #14-027-05-001.00

6835 W. Mequon Rd. Tax Key: #14-027-02-015.00

District: #4 Zoning: AC/PUD



Request:

- 1. Rezoning Recommendation
- 2. Conditional Use Grant
- 3. Building/Site Plan Amendment

Briefing: The applicant is seeking rezoning recommendation, conditional use grant and building/site plan amendment approval for a 71-unit assisted living care facility located at 6809 and 6835 W. Mequon Rd.

Regular Business

9. Ryan Companies for Lorain’s Apparel, Inc and Portwash I, LLC

Address: Northeast corner of Port Washington Road and Venture Court

District: #2 Zoning: B-2

Tax Keys: #15-053-04-01-000 & #15-020-10-017.00

Request:

- 1. Rezoning Recommendation
- 2. Concept Plan

Briefing: The applicant is seeking rezoning recommendation and concept plan approval for a three-story, 86,000 square foot medical office building located at the northeast corner of Port Washington Road and Venture Court.

Applicants, Curt Pascoe, Site Development Manager for The Ryan Companies and a representative from Wright Heerema Architectures for the project located at Port Washington Road and Venture Court were present.

Mr. Pascoe presented a slide presentation of the project.

He stated that they are before the PC for PUD recommendation and concept and site review and they welcome all feedback. They intend to move through final permitting with ground breaking in Spring of 2016 and a late 2016 grand

opening.

Scott Nyholm – 1222 W. Venture Court stated that he lives at the end of Ventura Court. He gave a handout that expressed his concerns about the proposed project:

- The community does not want large buildings (UWM survey).
- Mequon leaders have a fiduciary duty to the residents and local business owners.
- The project will have a negative impact of traffic on Port Washington Road and Venture Ct.
- The project will decrease the value of his home.
- He feels there is a risk to his female employees because of the isolated parking lot.
- He wants to ensure that his fence is not removed.
- He is concerned the retention pond will have chemicals that will affect his well water.

He would like PC to veto the proposed project.

John Mikkelsen – 4525 W. Donges Bay Road is the owner and manager of the office park of the property just north of this proposed project. He is supportive of this project because he feels that it will be good for the tax base as well as the commercial businesses but would like to see a few details worked out:

- Lighting should be kept to code requirements.
- Green space is important and should not be reduced.
- More landscaping needed.
- Egress needs to be addressed - needs to be redesigned.
- Storm water management plan will also help his property.

Asst. Dir. Zader stated that it is a PUD because of the overall size of the structure. B-2 zoning permits medical offices but limits the size to 20,000 sq. ft. Staff feels that this area is currently a transition area from retail to the south and larger office to the north. The only concern is the massing of the building and the desire to keep the character of Port Washington Road in tact. The estimated value of the project is \$21 million. There will be a requirement in the PUD to require a pilot payment in lieu of taxes to replenish the tax base in the case it were to become tax-exempt. This has been done for other properties.

Request for Waivers:

1. Building Height – the code requires 42 feet with the option to increase to 10 more feet (52 feet total) with every foot of increased set back. The applicant is unable to get this increase setback along the southeast property line but can meet that requirement at all other locations of the building. The height does not include other mechanical structures or shafts on top of the building. The overall plan does show the height higher than the code requirement. Staff is supportive of this variance instead of impacting the wetlands area.
2. The greenspace requirement is 40% and staff is not supportive of the requested reduction to 38%.
 - a. Reduce the number of parking spaces
 - b. Reduce the size of the drive aisles
 - c. Reduce the size of the building
3. Requested parking stall width at nine feet instead of ten feet is supported by staff.
4. Staff does not support the reduction of parking lot shading from the 30% minimum requirement.
5. Staff does support the requested parking aisle reduction to 24 feet but feels there are other ways to gain some green space and staff will work with the applicant on these issues.
6. The parking lot lighting request for 30 foot light poles is not supported by staff. 20 foot is the maximum height.
7. Overall staff is supportive of the building design but is concerned about the massing of the building in context with the neighborhood. The materials rely too heavily on the precast and the precast with brick inlay as opposed to brick and stone. The metal screening on the roof is too large and out of scale for the project. Staff would like the applicant to revisit this issue.

Commissioner Marchese stated that he has received 15 calls in support of this project. He feels this brings a lot of opportunity for local businesses and confirms that this is the trend in medical care. He reminded the PC that the Highland Road interchange will eventually help with the traffic flow. He is very supportive of this project.

Ald. Strzelczyk stated he thinks it is a great project but has some concerns: mostly the sizable building and the requested decrease of green space. The parking and traffic are concerns for him as his office is located there. He suggested some

landscaped screening with trees between this project and the property to the north (Mikkelson). He stated that this project would be beneficial to the local businesses and real estate. He is concerned about the height of the building and the metal structure on the roof.

Commissioner Jim Schaffer asked about the red brick inlay. He stated he prefers the buff color brick in lay and not red. He also said the metal covering on the roof is too high. He prefers the east elevation as opposed to the west elevation with the differing heights. He feels uncomfortable with the mass of the building and he recommends the 20 foot light poles.

The applicant answered that the southwest corner shows the brick. The lighter gray will be in two tones precast. There are four different colors/materials being used. They are still working on some of the engineering regarding lowering the roof structure.

Commissioner Mason asked the applicant if the building could be a T shape. He stated that he does support the project.

Mr. Pascoe stated that the T shape was looked at when designing the building but was not favorable because the ability to have two central entrances is eliminated and the parking lot is no longer broken up and becomes a huge massive parking lot on the north side of the building.

Commissioner Becky Schaffer asked whether the current Venture Court business building is for sale. She inquired whether the current tenants are aware of the pending sale and if they could use the current building there. She stated that she struggles with the size of this building and the impact to the neighbor in the back of the project. She is not supportive at this time unless it could be tweaked to be less impactful.

Mr. Pascoe stated the current buildings are not usable for the needs for this project. The unique portions do not exist in the current structure.

Commissioner Parrish stated regarding the project that he likes the location of the retention pond but he does have concern about the run off to the south end and the neighbor located there. He suggests that the applicant work with Mr. Nyholm. He had some ideas to add to greenspace: a rooftop garden, the wetlands could be separated and protected (nature preserve). He is not favorable about the colors of the building materials. He suggested that the sizing of the windows be more consistent and possibly bigger if possible. He would prefer a different canopy style. He supports the 20 foot lighting poles. He talked about the current retail and office vacancy rates in the city vs. the county.

Mayor Abendroth stated that this is a desirable project for the City of Mequon. He agrees with staff comments regarding the 20 foot lighting poles, the roof screening to be addressed, the parking aisles to be further worked on with staff and continue to discuss drainage issues with the neighbor.

Action:

Commissioner Marchese moved to approve the zoning recommendation and concept plan according to staff recommendations.

Commissioner Parrish seconded the motion.

A roll vote was called. Vote passed 5-3. (No votes: Becky Schaffer, Jim Schaffer, Leroy Bessler)

10. Announcements

Development Inquiry

Next Meeting is Monday, October 12, 2015

11. Adjourn the meeting concluded at 8:50 pm

Commissioner Bessler moved to adjourn.

Ald. Strzelczyk seconded the motion.