City of Mequon

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Department of Community Development

Planning Commission
March 7, 2016 at 7:00 p.m.
Christine Nuernberg Hall
Mequon City Hall
11333 N. Cedarburg Road

AGENDA

1. **a.** Call to Order, Roll Call

b. Approval of the February 8, 2015 meeting minutes.

Regular Business

2. Tom Zabjek for Lakeside Development Company /Oriole Lane
Addresses: Land immediately south of 11104 Oriole Lane. Zoning: R-3, IPS, PUD, C-2 District: #6
Tax Key: #15-030-02-023.00 #15-030-02-022.00
#15-030-02-020.00 #15-030-02-021.00
#15-030-03-024.00

Request:
1. Remove from Table
2. Rezoning Recommendation
3. Concept Plan

Briefing: The applicant is seeking rezoning recommendation and concept plan approval to allow 9 lots for a single-family residential subdivision on a 10-acre property located immediately south of 11104 Oriole Lane.

3. Sarah Chudnow
Addresses: 10995 N. Market Street Tax Key: #15- 030-02-023.00 Zoning: IPS/PUD, R-3 District: #6

Request:
1. Remove from Table
2. Rezoning Recommendation

Briefing: The applicant is seeking a rezoning recommendation approval to reduce the overall land area of the PUD by 2 acres for the property located at 10995 N. Market Street.

4. Announcements

Development Inquiry

Next Meeting is Monday, April 11, 2016

5. Adjourn

Dated: **March 2, 2016** **/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.
Any questions regarding this agenda may be directed to the Dept. of Community Development office at 262-236-2904 Monday through Friday, 8:00 a.m. – 4:30 p.m. 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.

Attachment: AgendaMinutes (1529 : Agenda and Minutes March 7, 2016)

CITY OF MEQUON WISCONSIN
PLANNING COMMISSION MINUTES
February 8, 2016

Commissioners present: Mayor Dan Abendroth, Ald. Pam Adams, Becky Schaefer, Brian Parrish, John Mason, David Fuchs, LeRoy Bessler, John Stoker

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, January 11, 2016 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 11, 2016 Planning Commission meeting minutes.

Action:
Commissioner Mason moved to approve the January 11, 2016 minutes.
Commissioner Fuchs seconded the motion to approve the minutes.
A voice vote was called. All voted aye, 8-0.

Consent

2. WE Energies
Address: 7980 W. Donges Bay Road Tax Key: #14-028-16-005.00 Zoning: R-4 District: #4

Request: 1. Road Reservation Vacation

Briefing: The applicant is seeking a road reservation vacation to remove a 30' road reservation for the property located at 7980 W. Donges Bay Road.

3. Fiddleheads Coffee
Address: 10530 N. Port Washington Road Tax Key: #15-179-0001.000 Zoning: B-4/PUD District: #8

Request: 1. Master Sign Plan Amendment

Briefing: The applicant is seeking master sign plan amendment approval to allow for signage on two awnings, 8 square feet in area, at the property located at the 10530 N. Port Washington Road.

Action:
Commissioner Bessler made a motion to approve the consent items #2, #3
Commissioner Becky Schaefer seconded the motion.
A voice vote was called. All voted aye, 8-0.

Public Hearing

4. P2 Development Company, Bob Bach / Lakeside Development
Addresses: 6809 W. Mequon Rd. Tax Key: #14-027-05-001.00 Zoning: AC/PUD District: #4
6835 W. Mequon Rd. Tax Key: #14-027-02-015.00
6729 W. Mequon Rd. Tax Key: #14-027-02-002.00

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Request:
1. Conditional Use Grant
2. Building/Site Plan
3. Certified Survey Map
4. Specimen Tree Removal

Briefing: The applicant is seeking conditional use grant, building/site plan, certified survey map and specimen tree removal (2 trees) approval for a three story 88 unit multiple family residential development located at 6729-6835 W. Mequon Road.

Action:
Commissioner Parrish made a motion to go into public hearing.
Commissioner Stoker seconded the motion.
A voice vote was called. All voted aye, 8-0.

Action:
Commissioner Parrish made a motion to go into public hearing.
Commissioner Stoker seconded the motion.
A voice vote was called. All voted aye, 8-0.

Asst. Dir. Zader stated that at the November Planning Commission (PC) meeting, the applicant was approved for concept plan and PUD rezoning which then was also approved by the Common Council (CC). They are now seeking conditional use grant, building/site plan, specimen tree and certified survey map approval. The number of apartment units has been dropped to 81 to better fit along the south property line. The average size of the apartments is 1,232 with a mix of:

21 1-bedrooms
42 2-bedrooms
18 2-bedrooms with den apartment

There are a few waivers as part of the PUD that were granted:

- 20% of the units are allowed to be less than 1,000 sq. ft. with no unit less than 881 sq. ft.
- FAR for the entire project allowed to be at 66%

All the other zoning requirements are met. The site plan has some minor changes that were made based on comments from the CC:

- The building was slightly shifted to the north to add an additional buffer to the apartments to the south. The applicant is planting additional trees on the neighboring property as a buffer.
- The intersection was modified to include an island was moved.

There will be a shared driveway with the RCAC, the Memory Care Facility and future retail development. As part of this approval, it will be required that this section of the road get installed before occupancy of either of these two developments. It will include the island, the street trees, the landscaping and the sidewalk out to Mequon Road.
Regarding the building plan, staff has a few recommendations. One recommendation is to have the southwest corner of the building have similar brick to what is on the northwest corner. The articulation on the building has been slightly changed. The preferred design is that the columns do not extend all the way up to the roof line. Staff is looking for some more trim detail over the windows to provide a more horizontal band across that elevation. Commissioner Jim Schaefer, PC architect, is supportive of these changes and he feels that these changes are much improved since the last meeting.
There are two specimen trees located in the middle of the proposed project and Ken Baker, City Forester, reported that the trees are not in the best condition and he is supportive of the two trees being removed in accordance with the City's Tree Preservation Ordinance.
The building is 2.5 stories in height which by code requires a shadow line study. Staff feels that no matter what gets developed on that property; the narrow property to the west will be in the shadow line. There is very minimal difference between the 2.5 story and 3 story shadow line impact.
Regarding the landscaping plan, there are a number of suggestions made by Terry Higgins, the City's landscape architect consultant. The applicant has already made these changes and they are satisfactory to Staff. The applicant will be planting a number of trees on the neighboring property and staff has asked for some variation in the species.
The lighting plan needs a few small changes. The plan shows the same fixtures as the Memory Care facility for the parking lot. They are using the Town Center fixture for the road. There will be a few other minor tweaks to the dispersion plan that staff will handle as a condition of approval.

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The certified survey map will be divided into three separate lots: the RCAC, the apartment building and the future retail portion which Lakeside will retain ownership.

Staff recommends approval according to the conditions in the report.

The applicant, Bob Bach, stated that the neighbor to the south was a main focus. There are allowing planting on their property to help buffer between the buildings. He feels that the combination of moving the building to the north and adding the buffering helps to alleviate concerns of the residents. They also reduced the number of units from 88 to 81 units.

Commissioner Fuchs asked about the landscaping on Mequon Road to help cut the massing of the building.

Mr. Bach answered that there will be tall street trees planted along the north property line parcel as well as south of the parking lot by the green area.

Ald. Adams stated that she has given much thought to this project and at this point she is not supportive of this large building. She would prefer smaller buildings, maybe connected, with some more finesse. She stated that there will be many more apartments coming in the TC area.

Commissioner Mason asked about the stone sample the applicant had with them.

Mr. Bach stated that there will be lannon stone around the building. They exceed the required masonry requirements of the city.

In response to Ald. Adams he answered that they have conducted two studies that warrant the need for these apartments. The high-end amenities need to be off-set by a certain number of apartments. He feels that having all the units under one roof helps contribute to a community feel.

Commissioner Stoker asked if the applicant was comfortable with all 22 of staff conditions.

Mr. Bach stated that they are comfortable with all of the staff recommendations. They have spent a lot of time with Km and Jac and Jim Schaefer and they made all the recommended changes.

Commissioner Parrish stated that he appreciates that the applicant responded to the feedback from the PC at the concept plan meeting. He stated that he feels comfortable with the size of the building and that the apartment building will not sit directly at the road. There will be retail in the front of this building along the street. He asked for some explanation about the location of the entranceway due to the pool being located directly at the front of the building. He prefers that the pool be tucked into the building and that there be a more prominent entry area. He also asked about the percentage of amenities of the space.

Asst. Dir. Zader stated that they due to the large amenity of the pool and the underground parking, there are not other options for the location of the pool. It is a tough site to accommodate this amenity. They did make some changes to try to work with this situation: they made the corridors wider; it gives a little more privacy to some of the units; almost like a courtyard feeling.

Mr. Bach answered the amenities are about 12-13%.

Mr. Bach explained that the second floor above the pool is a common area with grills and a fire pit. It is over 4,500 sq. ft. He stated that it is a great gathering space for the residents. There is a community room on the 1st floor next to the pool for the residents to use for parties and large gatherings. The intent is that this is a community and not just an apartment building. Residents can stay on site to work out, use the pool and have friends over. The applicant also wants to establish this as a walking area to nearby TC amenities and services.

Commissioner Becky Schaefer stated that the changes have been well done. She also has concerns about the size of the

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building. She asked about the projected average rent.

Mr. Bach answered that the rents would start at about $1,400 to about $2,300 depending on size of the unit, floor an location in the building. He stated that this building is set back from the street and there are other buildings close to the street that would be more noticeable than this building.

Commissioner Bessler asked for clarification about the significance of the FAR waiver that was approved.

Asst. Dir. Zader answered that the FAR is the floor area ratio. In the Arrival Corridor (AC) it is 50%. The applicant asked for 66%. The Demond apartments asked for 100% and were granted 116%. Some of the reasons for the FAR increase are due the many large amenities and the indoor pool. It is not isolated to this site it incudes the RCAC which has many community areas and cafeterias. It was deemed acceptable and built into the PUD that was approved by CC.

Ald. Adams stated that she is open to apartments and likes the high end amenities. She would like to have smaller buildings and less massing. She would like the trees to enhance the landscaping not to hide a building.

Commissioner Fuchs asked if there is integration between the three buildings considering they offer varying levels of living and care.

Mr. Bach stated that each building is separate but there is a natural progression of utilizing the different buildings and one could stay within the same campus when needing to change their level of care. They are planning to appeal to empty nesters and can offer more than one service. The also own the Memory Care center.

Action:
Commissioner Mason made a motion to approve based on all the staff recommendations.
Commissioner Stoker seconded the motion.
A roll vote was called. Vote passed 7-1 (No: Ald. Adams)

5. Robert Niebauer for Lakeside Development

Addresses:	6809 W. Mequon Rd.	Tax Key: #14-027-05-001.00	Zoning: AC/PUD	District: #4
	6835 W. Mequon Rd.	Tax Key: #14-027-02-015.00		

Request: 1. Conditional Use Grant
2. Building/Site Plan

Briefing: The applicant is seeking conditional use grant and building/site plan approval for a three story 60-unit assisted living care facility located at 6729-6835W. Mequon Road.

Asst. Dir. Zader stated that this is phase 2 of the approvals for this site. The only change from the last version is that the building has been shifted further from the tree line at the south property line. Staff is asking for the building to be shifted back three feet to allow for a grass terrace area to be added back into the plan. A small storm water pond was added to help with possible capacity issues from the large storm water pond. They are still working on some areas relating to the retail portion of the site but there is ample space to handle all the storm water requirements. This is a RCAC facility with 53 surface parking spaces and 34 underground parking spaces. There is a shared parking agreement among all of the entities at this site.

The new building design is a vast improvement from the concept plan. The colors have been softened to a more earth tone palette that is compatible with the memory care facility. Staff is happy about the changes that have been made. The height of the building exceeds 2.5 stories which requires conditional use grant approval. The shadowing would take place in the interior of the lot and will not have any impact on the surrounding properties. There are some minor landscaping changes on the interior road. The same issues regarding the interior lighting and having the TC lights to extend the length of the road apply here as item #4. There are no specimen trees on this site but tree protection fencing is recommended at the tree line on the south property line to protect the trees during construction. Staff recommends approval.

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Action:
Commissioner Stoker made a motion to go into public hearing.
Commissioner Fuchs seconded the motion.
A voice vote was called. All voted aye, 8-0.

Action:
Commissioner Stoker made a motion to go into public hearing.
Commissioner Becky Schaefer seconded the motion.
A voice vote was called. All voted aye, 8-0.

Ald. Adams stated this is a completely different issue than the apartment building because it is a much smaller building and much more similar to other buildings in town. She feels there is a need for this type of service in the community. She likes the new building design.

Commissioner Fuchs asked about the comparison of height compared to the apartment building.

Asst. Dir. Zader answered that the buildings are roughly the same height.

Action:
Commissioner Stoker made a motion to approve with staff recommendations.
Commissioner Bessler seconded the motion.
A roll vote was called. All voted aye, 8-0

Regular Business

6. Mequon Town Center LLC
Address: 11205 – 11315 N. Cedarburg Road Tax Key: #14-050-02-05-003 Zoning: TC District: #2
5900 – 6048 W. Mequon Road Tax Key: #14-050-02-04-001

Request: 1. Development Agreement Amendment

Briefing: The applicant is seeking development agreement amendment for the property located at the northwest corner of Cedarburg Road and Mequon Road in Town Center to extend the timeline for Phase II project completion: Café Hollander.

Asst. Dir. Zader stated that this is an update for the PC. The current development agreement states that the completion of Phase II of Café Hollander shall be done no later than February 29th. The applicant is now requesting that the completion date of Phase II be June 30, 2016 with total completion and all site amenities completed.

Commissioner Becky Schaefer asked if it is projected to be done prior to that date.

Blair Williams, President of WiRed, answered that it is projected to be done one month prior but the amended development agreement ties the date together.

Commissioner Becky Schaefer stated that she is happy to have Mr. Williams present at the meeting and would like his presence at all PC meetings when issues regarding his property are being discussed.

Commissioner Fuchs asked about the reasons for the delays.

Mr. Williams answered that there are many issues occurring within the Lowlands organization. There were many design changes and they did not have the site far along enough to pour the concrete in the fall.

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Commissioner Mason asked what percent of the building is currently complete.

Mr. Williams answered that they are over 50% complete. His commitment as the landlord will be completed this month. His portion is 100% completed except for the final landscape and some final improvements at that site. He says that it is much further along internally than it appears from the exterior. He feels confident about the June 30th day and he is hopeful they would be able to open sooner.

Commissioner Fuchs asked what exactly is considered complete by staff.

Asst. Dir. Zader answered that all items that went before the PC for approval: landscaping, lighting, site, parking lot, storm water, building elevations; everything must be completed.

Ald. Adams stated that the community is very excited about Café Hollander opening soon. She asked about the outdoor spaced and how it will be shared between Café Hollander and Colectivo..

Mr. Williams answered that there will be two distinct outdoor spaces; each has an area for their customers. He said the area was designed to complement each other and he expects it will be a very active space.

Action:
Commissioner Bessler made a motion to approve the item.
Commissioner Parrish seconded the motion.
A roll vote was called. All voted aye, 8-0

7. <u>Dan Mikolajczak</u>
Address: 8677 W. Freistadt Road Tax Key: #14-021-06-009.00 Zoning: R-1/OA, C-1/FW District: #3

Request: 1. Remove from Table
2. Minor Request - Accessory Structure + 1,000 sq. ft,

Briefing: The applicant is seeking accessory structure approval for a new storage building at the property located at 8677 Freistadt Road.

Action:
Commissioner Becky Schaefer made a motion to remove from table
Commissioner Stoker seconded the motion.
A roll vote was called. All voted aye, 8-0

Asst. Dir. Zader stated the use of this building was previously discussed. The applicant was previously approved in November of 2015 to use the structure "primarily" for agricultural purposes. The City Attorney issued an opinion that based on the code; the building had to be used solely for agricultural purposes.

The applicant has now provided a 2 hour rated wall separating the personal portion and the agricultural portion. The personal portion will be 2,268 sq. ft. and the portion used solely for agricultural purposes will be 1,880 sq. ft. The personal portion did go before Architectural Review Board and was approved at their last meeting. The 1,880 sq. ft. portion is before the PC now for approval. This could have been on consent except that it needed to be removed from table. Staff feels satisfied with the outcome of this issue.

Action:
Commissioner Mason made a motion to approve the item per staff recommendations.
Commissioner Fuchs seconded the motion.
A voice vote was called. All voted aye, 8-0

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8. Tom Zabjek for Lakeside Development Company /Oriole Lane

Addresses: Land immediately south of 11104 Oriole Lane. Zoning: R-3, IPS, PUD, C-2 District: #6

Tax Key: #15-030-02-023.00 #15-030-02-022.00
#15-030-02-020.00 #15-030-02-021.00
#15-030-03-024.00

Request: 1. Rezoning Recommendation
2. Concept Plan

Briefing: The applicant is seeking rezoning recommendation and concept plan approval to allow 9 lots for a single-family residential subdivision on a 10-acre property located immediately south of 11104 Oriole Lane.

Asst. Dir. Zader stated that items #8 and #9 are inter-related. The IPS/PUD that Sarah Chudnow is covered by along Oriole Lane is zoned R-3 residential. There was a land division that created four separate lots along Oriole Lane. The applicant would like to do a PUD on this development. In order to do a PUD, a minimum of 10 acres is required. They are doing a land swap with the JCC so that they are able to apply for the PUD.
The applicant is proposing nine single family condominium units. There are a number of wetlands on the site that allow for very little developable area. In an effort to protect the wetlands and create a plan that would work, the development is located in the center of the site. It keeps the property lines to the south further away from existing residential units.
Staff does not prefer the two units located to the south; which are close to the road. Staff feels that all 9 units could be located off the main road and still meet the 30 ft. spacing requirement. The plan does require a wetland fill. This would be a general permit through the DNR. Staff has been working with the DNR on a number of issues; the wetland fill and the wetland setback deviation and the issues are not yet resolved. Staff is recommending tabling this item until some of these issues can be resolved. Another outstanding issue is the specimen trees. It is not known how many specimen trees would be impacted by this development. The work needs to be done to identify the trees.

Staff recommends tabling the item.

Janet Ehn – 1948 W. Hidden Reserve Court. – Opposed. She is the president of the homeowners association of Hidden Reserve. She has received many concerns about this proposed development. The concern is regarding the wetlands and also all the development that has occurred in this area. The buffer area would be removed and wildlife would be disturbed.

Charles Bomzer – 1963 W. Hidden Reserve Court. He is opposed because of the disruption of the rural character of the area. He has concerns about the infrastructure of Oriole Lane and the additional stresses on infrastructure components.

John Graham – 9627 W. Highland Road. He is in favor of this development. He is not a neighbor but he encourages development like this throughout the city. He says the developer is sensitive to the environment there. He stated that the condominiums would have an association that would be care for the common areas.

Lisa Lamb – 10925 N. Oriole Lane. She is opposed and lives directly across the street from the proposed development. She read a letter she sent to Ald. Hawkins. She stated that there are serious water problems in that area and says that there is constantly standing water. She is concerned about the storm water ponds proposed and worried there will be more flooding. She is concerned about the location of the proposed road and headlights going straight into their home. She is concerned that the sewer system would be comprised with additional use. She is worried about the additional traffic there because there are no sidewalks or lights and many people walk on Oriole Lane.

Al Washco - President of the Winding Hollow association. He is concerned about the drainage and says they will be directly affected. He stated that Winding Hollow will hire engineers if the applicant does not to help evaluate the drainage concerns. He wants to ensure that any plan is well thought out and well executed.

Mr. Tom Zabjak, President of Lakeside Development, and Scott Humber were present. Mr. Zabjak stated that the property is zoned for residential development. They could develop four individual homes on this site which would not require any additional engineering evaluation. He feels that developing four homes there does not add to the

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neighborhood. He says there is a huge demand for these type of homes and he does not have any concerns about absorption. He stated that have spent about $40,000 evaluating the site regarding the wetlands. He does not want to move forward and spend more money before getting feedback from PC to be able to move forward.

Mr. Humber added that they have built homes in the Mequon for 40 years. He says they are losing clients because there is not the type of housing for older residents wanting high end product in a smaller home. This design has less impact than individual homes would have on the area.

Mayor Abendroth stated that he has received feedback from many older residents that do want to sell their larger homes and buy something smaller in Mequon. He feels this type of product and the location is very desirable. He asked Mr. Zader to explain the difference of a conservation subdivision versus individual home builders and the storm water issues.

Asst. Dir. Zader explained that if four individual homeowners are to build on these lots they are not required to provide any storm water maintenance for their individual lots. Through the proposed conservation subdivision the developer is required to provide a full storm water management plan that will need to meet all the requirements.

Mr. James Keegan, Deputy Director of Engineering, stated that the wetlands were delineated by an assured DNR delineator. They were classified as moderately susceptible. The City's code does not set a setback for this classification, so the city defaults to the DNR's standards; which is a 50 foot protective area. There cannot be direct run off from impervious surface from 50 feet. The fill for the wetland is regulated by the DNR. A storm water management plan is required for this site and would be approved by both the City and MMSD. It requires that run off does not increase the current rate at this site. It would be a well vetted site.

Commissioner Fuchs asked how the proposed 9 units compare in square feet to other homes on Oriole Lane. He stated there is a nice mix of homes there. He feels that Hidden Reserve is further away and not directly impacted. He is concerned about the water issues here and suggests that there be a safety factor to ensure there are not added issues. He would like to table this issue until the water issues can be better addressed.

Mr. Zabjak stated the units would be a very upscale ($200 - $400/sq. ft.) unit of around 2,400 – 3,000 sq. ft. He feels what is being proposed would be an enhancement to the neighborhood.

Ald. Adams stated that this area has a lot of history. Before she can vote she would like to hear from the neighborhood on Oriole Lane about how they feel, she wants to know the answers regarding the wetlands, the answers to the specimen trees; how many will be affected and is the site buildable. She does not feel that the yield plan is feasible. She feels that lots 7, 8 and 9 do not work well on this site.

Commissioner Stoker stated that he likes the concept of the cohesion and he knows the product and is supportive. He feels that an appeal to this development is that it is a known quantity as opposed to four individual homes that could be very different. He is concerned about the 40 x 60 pad being buildable. He has the confidence that the staff will do the due diligence. The DNR will not allow the project to proceed unless everything is done correctly and examined thoroughly. He supports this proposed development.

Mr. Humber stated that the condos will be cottage style, clustered close together and it is not anything that has been done before in Mequon. It is for residents that want a sense of community that do not want to share a wall. The idea is to cluster and to have as few hard surfaces. Minimize lawns and have more nature close by.

Mayor Abendroth stated that there is support for the concept plan and there needs to be more information regarding the wetlands.

Commissioner Mason stated that he favors the concept plan because he feels it is a better design than 4 individual homes. He does have concerns about the water and drainage and does not want the neighbors to be negatively affected. He asked Mr. Keegan if there are current issues being dealt with in the area now.

Mr. Keegan answered that there were no active drainage complaints at the time of Children's Hospital was being developed. Engineering takes feedback from neighbors when there are concerns when reviewing grading plans and site

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plans. The reviews will be thorough. This is all the materials that have been presented for this site thus far.

Commissioner Mason asked the applicant if the reason for doing fill is to get the houses high enough to get out of the water and he asked if there will there be basements.

Mr. Zabjak answered that some of the wetlands need to be filled in not to raise the area. He answered that they are planning to put basements in the condominiums.

Commissioner Becky Schaefer stated that she is not in favor of the development. She does not feel this site is desirable for building because of the reoccurring water issues. She likes the idea but not on this site. She agrees to table the issue.

Mr. Zabjak stated that they will develop on this site regardless of which plan is chosen; either the proposed plan or 4 individual homes.

Commissioner Fuchs stated the he likes this development. He feels that the conservation subdivision is favorable and that it is more attractive than what is currently there. He feels there is a market for this type of homes. He wants to make sure the water and drainage issues are reviewed thoroughly.

Mayor Abendroth stated that the rezoning would be done by the CC.

Action:
Commissioner Becky Schaefer made a motion to table the item per staff recommendations.
Commissioner Fuchs seconded the motion.
A voice vote was called. All voted aye, 8-0

9. <u>Sarah Chudnow</u>
Addresses: 10995 N. Market Street Tax Key: #15- 030-02-023.00 Zoning: IPS/PUD, R-3 District: #6

Request: 1. Rezoning Recommendation

Briefing: The applicant is seeking a rezoning recommendation approval to reduce the overall land area of the PUD by 2 acres for the property located at 10995 N. Market Street.

Asst. Dir. Zader made a suggestion to table the item based on the action taken on item #8.

Action:
Ald. Adams made a motion to table the item based on the action taken on item #8.
Commissioner Becky Schaefer seconded the motion.
A voice vote was called. All voted aye, 8-0

10. <u>Kohler Credit Union</u>
Address: 11351 - 11363 N. Port Washington Road Tax Key: #15-019-13-020.00 Zoning: B-3 District: # 5

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

Briefing: The applicant is seeking a rezoning recommendation and land use plan amendment approval change from B-3 (Office) to B-2 (Community Commercial) for the property located at 11351 - 11363 N. Port Washington Road.

Asst. Dir. Zader stated that the Kohler Credit Union is seeking rezoning from B-3 office to B-2 community commercial zoning. The applicant states that they are having difficulty securing tenants that will wait to go through the process to obtain a text amendment or conditional use grant. They are seeking more flexibility in uses for the site. When evaluating rezoning these factors are considered:

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- What does the surrounding area look like – the properties to the north, to the south and surrounding this site are all zoned B-3. This was done purposefully when the area was rezoned. The B-3 zoning was used as a buffer between the Port Washington commercial corridor and the residential single family homes to the west. If this property were to be rezoned, staff feels that many other properties in the area would also come forward with rezoning approval requests. This would open the possibility of a fast food restaurant being allowed.

- Are there reasonable uses allowed. It was zoned B-3 when Kohler Credit Union was built on this site and they should have requested the change at that time.

Staff is not supportive of these approval request and feels that this property should remain as a B-3 zoned area as it serves as a buffer. It may be beneficial to change some of the allowed uses in the B-3 zone. Staff can look at these uses to be allowed in the B-3. The LTD Overlay district could also be an option. It allows for more limited retail (Lexington Square) but does not allow the fast food restaurant.

Brian Stark, agent for the Kohler Credit Union, stated they are seeking more flexibility on uses allowed. They are having a difficult time leasing for their two vacant spaces at this property. It is very hard to market for the specific uses allowed. Potential renters have not wanted to wait to go through the approval process.

Ben La Macchia from the La Macchia Group designed and built this building. He stated this is a professional, owner occupied building. They would like a designation retailer in their spaces. They would like the flexibility to work with possible tenants with permitted uses. They want to be able to market this property for personal services (beauty salon, dry cleaner, health, fitness). The approval process is too lengthy.

Asst. Dir. Zader stated that beauty services already are an allowed use in the district.

Mayor Abendroth stated that the LTD Overlay would be a better option for the applicant. He stated if they have suggestions for uses in the B-3 to bring them forward.

Ald. Adams stated the LTD Overlay is too expansive of what could be allowed. She thinks too many others will request this as well. She is more comfortable evaluating a specific use.

Commissioner Fuchs stated he too favors the property remaining a B-3. He stated there is more control and less impact on surrounding parcels. He stated that he has a fundamental problem with developers that build under one zone and then apply to change the rules. He will vote no against the B-2.

Commissioner Bessler stated he feels the same way as Commissioner Fuchs.

Action:
Commissioner Bessler made a motion to deny the request to rezone the property.
Commissioner Fuchs seconded the motion.
A voice vote was called. All voted aye, 8-0

8. <u>Announcements</u>
Development Inquiry

Commissioner Fuchs asked Ms. Tollefson about the Ruby Tap Loan Program listed on the Development Inquiry.

Ms. Tollefson answered that in 2013 staff along with First Financial Bank Center, have established a business loan and expansion loan program. They typically invest in downtown areas. The program was developed to target Town Center. Town Center (TC) businesses are eligible for it and it is a nice economic development tool. TC is part of a TIF district which helps provide public improvements as well as provides incentives to the developer for redevelopment. This helps businesses build out their tenant space, enhance their current space by allowing for capital investment and equipment investment. This specific case is helping with the completion of their outdoor dining space. All of the underwriting and

Attachment: AgendaMinutes (1529 : Agenda and Minutes March 7, 2016)

all of the financial commitment comes from First Financial, there is no money given from the City. When this program was approved by the CC, some criteria were established: for what type of business the City would like the dollars to go towards:

- Business Expansion
- Startup businesses
- Uses that will create a larger user base and employees
- A business that provides attraction people gathering and creating vitality

Ms. Tollefson also explained the Revolving Fund Loan (RFL) is from Community Block Fund Dollars provided through HUD; a federal government program that was approved about 6-7 years ago for $650,000. It is completely based on job creation. Eligible for up to $20,000 for every full time job created and it is available city-wide. The Ozaukee County Economic Development Corporation helps the City of Mequon administer the program as they are more familiar with state and city criteria.

This specific case is Nichol Park recreation facility has a new potential user. Their business plan includes year-round activity, lessons and a contract with First Tee (the PGA youth program). They are looking for a loan to help with job creation at that site and it will help with land acquisition as well as capital investment. The Ozaukee Economic Development Board along with resources in the private lending businesses doing all the underwriting and vetting for the City. There are specific loan terms and collateral associated which is managed by the finance department.

Next Meeting is Monday, March 7, 2016

10. Adjourn
The meeting adjourned at 9:25 pm

Commissioner Stoker moved to adjourn.
Commissioner Fuchs seconded the motion.
All voted aye. Vote passed 8-0

Attachment: AgendaMinutes (1529 : Agenda and Minutes March 7, 2016)

City of Mequon

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: ROBIN BUZZELL, ADMINISTRATIVE ASSISTANT

DATE: March 7, 2016

SUBJECT: Tom Zabjak for Lakeside Development Company/Oriole Lane Rezoning Recommendation and Concept Plan

Applicant:	Lakeside Development
Status of Applicant:	Agent
Requested:	Rezoning Recommendation Concept Plan
Existing Use:	Vacant
Existing Zoning:	R-3 (Single Family 1 Acre) IPS (Institutional) PUD (Planned Unit Development) C-2 (General Conservancy)
Proposed Zoning:	R-3 (Single Family 1 Acre) PUD (Planned Unit Development) C-2 (General Conservancy)
Existing Land Use Plan:	Residential 1 Acre Critical Environment
Lot size:	10 acres
Location:	Land immediately south of 11104 Oriole Lane.

Background: The applicant is requesting a rezoning recommendation and concept plan approval for a nine unit single family condominium development on 10 acres of land located immediately south of 11104 Oriole Lane. Currently, there are four parcels of land along Oriole Lane that add up to roughly 7.5 acres (see attached Certified Survey Map).

In order to have the legal standing to apply for a Planned Unit Development, a minimum of 10 acres is required. The applicant is proposing a land swap with the owners of the Sarah Chudnow facility which would net the 10 acres necessary to have the legal standing to apply for a Planned Unit Development. The Sarah Chudnow campus is currently zoned IPS (Institutional) with a PUD Overlay. The net loss of acreage will require a zoning change for that parcel as well (see next item). The item was tabled at the February 8, 2016 meeting due to questions regarding the wetland setback and the number and location of specimen trees.

Proposed Yield Plan:
The attached yield plan shows nine lots conforming to the R-3 (Residential 1 acre) zoning district. Several of the lots would require an encroachment into the wetland setback which is allowed provided that all post construction run off is treated prior to its release into the wetlands.

Proposed Concept Plan:
According to the applicant, the goal of the proposed development is to provide high end homes for those who are looking to downsize and do not want to maintain a large lot area. The applicant would maintain a theme with similar elements on each building and would construct all the units (see attached models). The proposed development would centralize all buildings in the center of the site to lessen the impact of the development on the surrounding area.

The concept plan shows nine single family condominiums accessed by a private road from Oriole Lane. The plan would require a small portion of the existing wetlands to be filled which will require approval from the DNR. The proposed buildings are also shown within the 50 foot wetland setback which would require all post construction run off is treated prior to its release into the wetlands. The applicant is showing a number of rain gardens on the site which will serve as a buffer to the wetlands. Deviations to the wetland setback and the use of rain gardens will also require approval from the DNR.

Since the last meeting, City Forester, Ken Baker, has walked the site and has identified approximately 22 specimen trees that will need to be removed as part of the proposed development. While some of the trees are not in the best condition, all trees shown on the proposed concept plan meet the criteria laid out in the tree preservation manual in determining whether they shall be classified as specimen trees. A majority of the trees being impacted by the proposed development are located in the area of the private road and within the building pads of Units Two and Five. Staff believes that a majority of the trees could be saved with a modified site plan that shifts the road north and eliminates a number of the proposed units. The applicant feels that removal of the trees is warranted because of their poor condition. Planning staff has requested that the City Forester be present at the meeting to answer any questions related to the condition of the trees.

The site also contains a large wetland complex which was delineated by TRC Environmental on September 24, 2014 (see attached report). As stated above, the proposed concept plan includes the filling of a small portion of the wetland and reduced wetland setbacks. The DNR has confirmed that a reduced wetland setback is permissible if all impervious runoff is treated prior to discharge into the wetlands. With regard to the wetland fill, DNR approval will be required prior to the rezoning going into effect.

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

The concept plan details a nine lot development on the east side of Oriole Lane, southwest of the Sarah Chudnow Community Campus. The proposed access roadway connection is made to Oriole Lane. The proposed development includes nine homes and the additional traffic generation will not warrant signals at the intersection of Oriole Land and Mequon Road. The private roadway connection to Oriole Lane should include a boulevard entrance and acceleration/deceleration lanes, as required by the City of Mequon Standard Specifications for Land Development.

The developer has completed wetland delineations and there are wetlands present on the site. The wetlands have been designated by an assured delineator as moderately susceptible. Per the Wisconsin Department of Natural Resources (WDNR) the wetland protective area, or setback, should be 50 feet for moderately susceptible wetlands, but can be reduced with WDNR approval. The protective area applies to any direct discharge to a wetland from an untreated source. The developer has indicated that the site will utilize rain gardens to provide storm water treatment prior to discharge to the wetland areas. The proposed plan and the reduction in wetland protective area are subject to the approval of WDNR. Any filling or disturbance of the wetlands is subject to WDNR approval.

The proposed development is within the sewer service area and connection to the public utility is required. As a new development and as a condition of approval, the development must connect to the public water main. Water service is currently available along the west side of Oriole Lane

The site proposes an increase in impervious surface in excess of one half acre and therefore requires a storm water management plan (SWMP). The SWMP requires both City and MMSD approval. The concept plan shows the location of several storm water management facilities. There is existing storm water facility at the south east corner of the site that serves the Sarah Chudnow Community Campus. An easement is required to allow for the future maintenance of this pond, as required, by the Sarah Chudnow Community Campus. The site currently drains to an Oriole Lane culvert crossing located at the center of the site.

The site proposes land disturbance in excess of one acre, therefore a City erosion control permit is required. Evidence of the WDNR required WRAPP permit shall also be provided for the site.

Staff Comment:
While staff feels a conservation design is a more appropriate layout for the site than the four individual home sites afforded by the CSM, the current design and its impact on the existing specimen trees is contrary to the goals of tree preservation ordinance. Staff feels there is an opportunity to modify the plan in order to save a majority of the specimen trees on site. While staff understands that a modification to the plan will most likely result in fewer units and may not be economically feasible for the developer, compliance with the spirit and intent of the tree preservation ordinance is attainable. Accordingly, staff cannot support the proposed plan in its current form.

Staff Recommendation:
Planning staff recommends the rezoning recommendation be **denied** due to the impact on the existing specimen trees.

If the Commission approves the rezoning recommendation, staff does recommend the following conditions:

1. There shall be a minimum 50 foot setback from Oriole Lane and a 25 foot setback from the interior private road.
2. There shall be a minimum 30 foot separation between buildings.
3. Replacement of specimen trees shall be done in accordance with the Tree Preservation Ordinance.
4. A stewardship plan for the dedicated open space areas shall be prepared by the applicant and is subject to Planning Commission review and approval.
5. The development shall comply with preliminary plat, development agreement, and final plat requirements.
6. Architectural design of residential buildings shall comply with the Architectural Board's

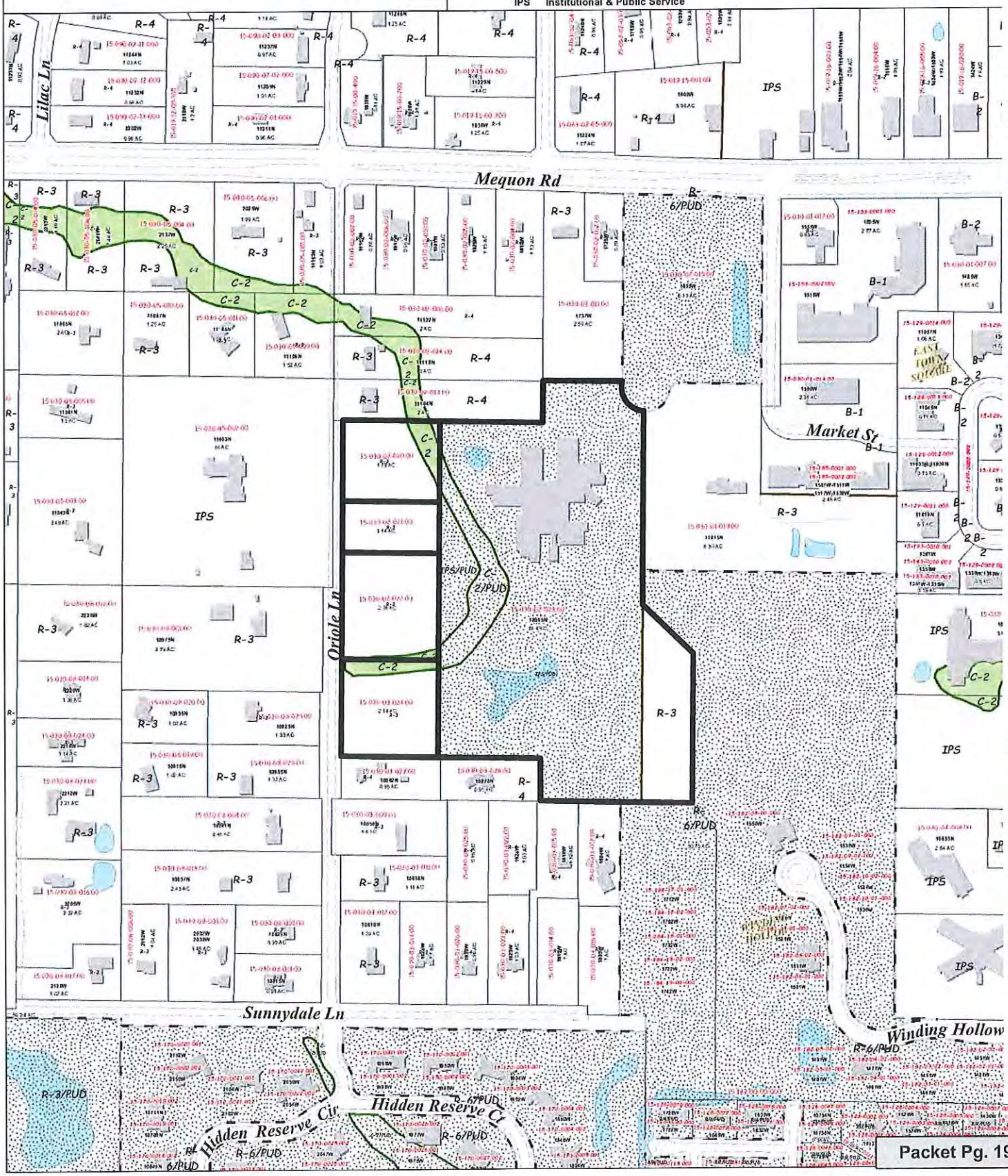
publication entitled "Guidelines for Residential Structures" and are subject to the Architectural Review Board.

7. Street trees are subject to the approval of the Tree Board and Planning Commission.
8. Street lighting, if proposed, is subject to the approval of the Planning Commission.
9. Entryway signage and landscaping is subject to the approval of staff.
10. Fire Department approval of the number and location of fire cisterns, if needed.
11. The PUD zoning shall not go into effect until the boundary line adjustment is completed.
12. The rezoning will not go into effect until DNR approval of the wetland fill is granted.
13. Any reduction in the wetland setback shall be approved by the DNR.
14. Identification of all specimen trees being impacted by the proposed development.
15. Any substantial change to the general concept plans illustrated in the attached exhibits shall require appropriate amendment to this ordinance.
16. The access roadway shall be privately owned and maintained.
17. The Development Agreement shall outline the Home Owners Association's responsibilities to maintain the private roadway.
18. The final road design shall be subject to the review and approval of Engineering and the Fire Departments.
19. The development will require the addition of a boulevard entrance, acceleration/deceleration lanes, and bypass lanes on Oriole Lane per the City of Mequon Standard Specifications for Land Development.
20. Engineering Department review and approval of grading, drainage, storm water management, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
21. Approval of a storm water management plan for the site in conformance to City ordinances and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement.
22. An easement is required to allow the Sarah Chudnow Community Campus the ability to maintain the storm water pond located on the southeast portion of the proposed development.
23. Easements over existing and proposed drainageways with supporting declaration language requiring Home Owners Association maintenance.
24. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
25. As a condition of approval and issuance of the permit, the city engineer will require in accordance with City ordinance 58-677(b) that the applicant deposit an escrow or letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow / letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with 58-678(h).

Attachments:
LakesideOrioleLane (PDF)

ITEM #2 - Tom Zabjec for Lakeside Development Company /Oriole Lane

AC	Arrival Corridor	LTD	Limited Use
A-1	Agricultural Preserve	OA	Agricultural Overlay
A-2	General Agricultural	PUD	Planned Unit Development Overla
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: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

ITEM #2 - Tom Zabjec for Lakeside Development Company /Oriole Lane

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

Lakeside Development Company

The finest in architecture & construction management

February 2, 2016

Ms. Kimberly R. Tollefson
Director of Community Development
1133 N. Cedarburg Road
Mequon, WI 53092

Dear Kim,

Lakeside Development Company is considering developing a twelve acre site south of Mequon Road and east of Oriole Lane. Enclosed is an Aerial Context Plan which depicts the site.

Lakeside Development has been developing, designing and building high end homes in southeastern Wisconsin and Door County for over 30 years. We were instrumental in the development of Mequon's StoneFields, The Preserve at Glen Oaks and in Grafton: Woodland Shores, the first conservation project on the bluff of Lake Michigan in excess of fifty acres.

As a result of these developments, Lakeside has established a number of clients who have an interest in downsizing yet desire to maintain the same attention to detail found currently in their homes. Additionally many of these clients are long time Mequon residents and would like to continue to reside here. Lakeside plans on designing and building all of the homes in the development. Enclosed are elevations we are considering.

We plan to maintain a theme utilizing similar elements on each building. Based on the response from our past clients this should be a very successful development for both Lakeside and the City. Approximately half of the proposed site is owned by the Mequon Park Corporation and the other half by the Mequon Jewish Campus, Inc. Both of which are nonprofit; not subject to property tax.

In summary we are seeking to rezone the site to allow this development which will fill a housing void and increase our property tax base. Please let me know if you have questions.

Respectfully,

T. Zabjek

Thomas A. Zabjek
President

c: Jac Zader

enclosures

Lakeside Building N
1500 W. Market Street, Suite
Mequon, Wisconsin 53
262-241-2300 *262-241-2*
e-mail lakeside-development@msn.com
www

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

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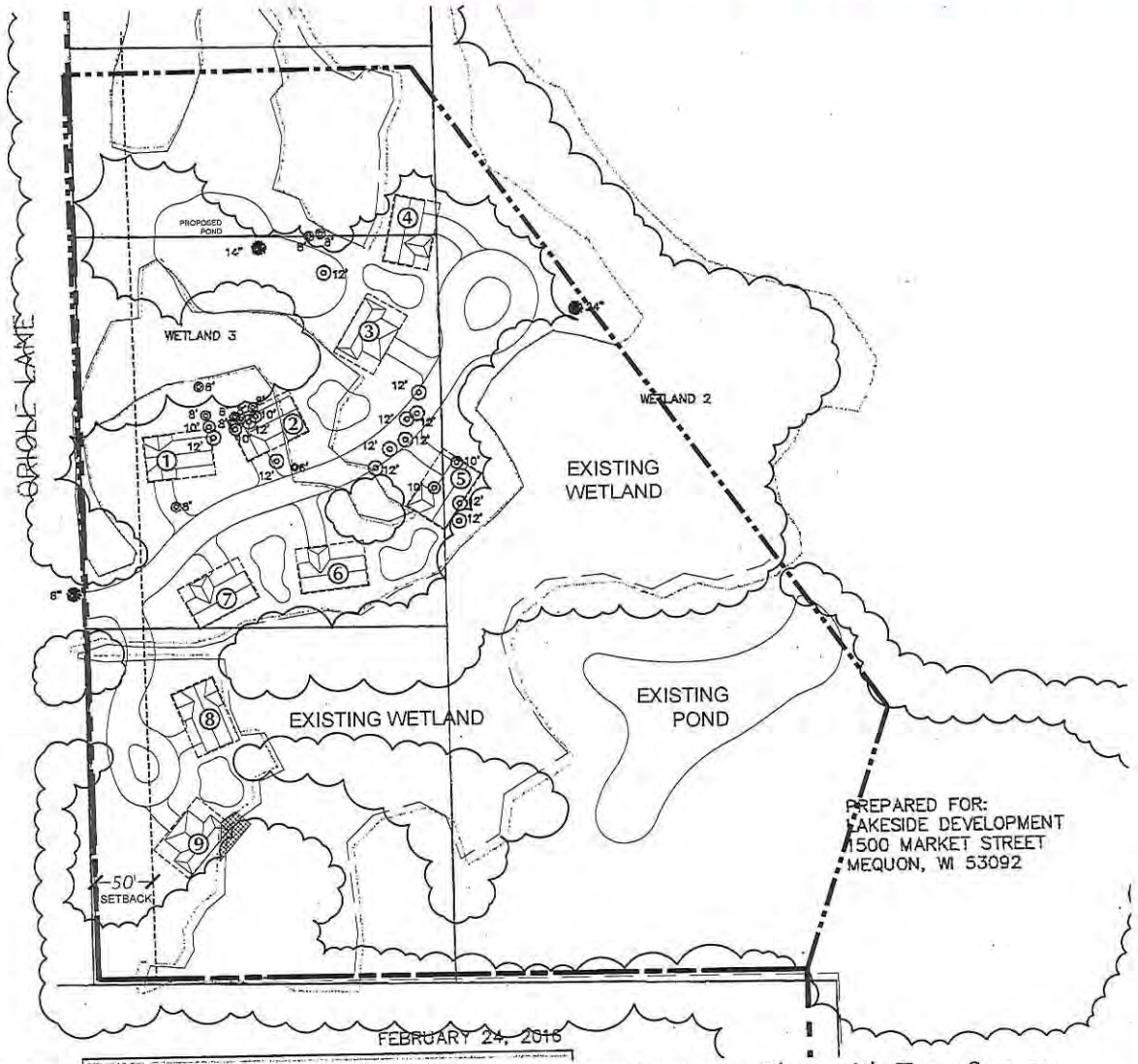


SPECIMEN TREE MAP LEGEND

⊙ –DENOTES CEDAR (JUNIPER) TREE
SIZE NOTED IS CANOPY DIAMETER

● –DENOTES DECIDUOUS TREE
SIZE NOTED IS TRUNK DIAMETER (APPROX.)

NOTE: TREES FLAGGED BY OTHERS

TREE SURVEYED BY:

FEBRUARY 24, 2016

EDGEWOOD SURVEYING
14195 BEECHWOOD TRAIL ○ NEW BERLIN ○ WISCONSIN 53151
(262)366-5749 ○ fax (262)797-6329
EMAIL: edgewoodsurveying@att.net
www.edgewoodsurveying.com

L-8

0' 50' 100' 200'

N

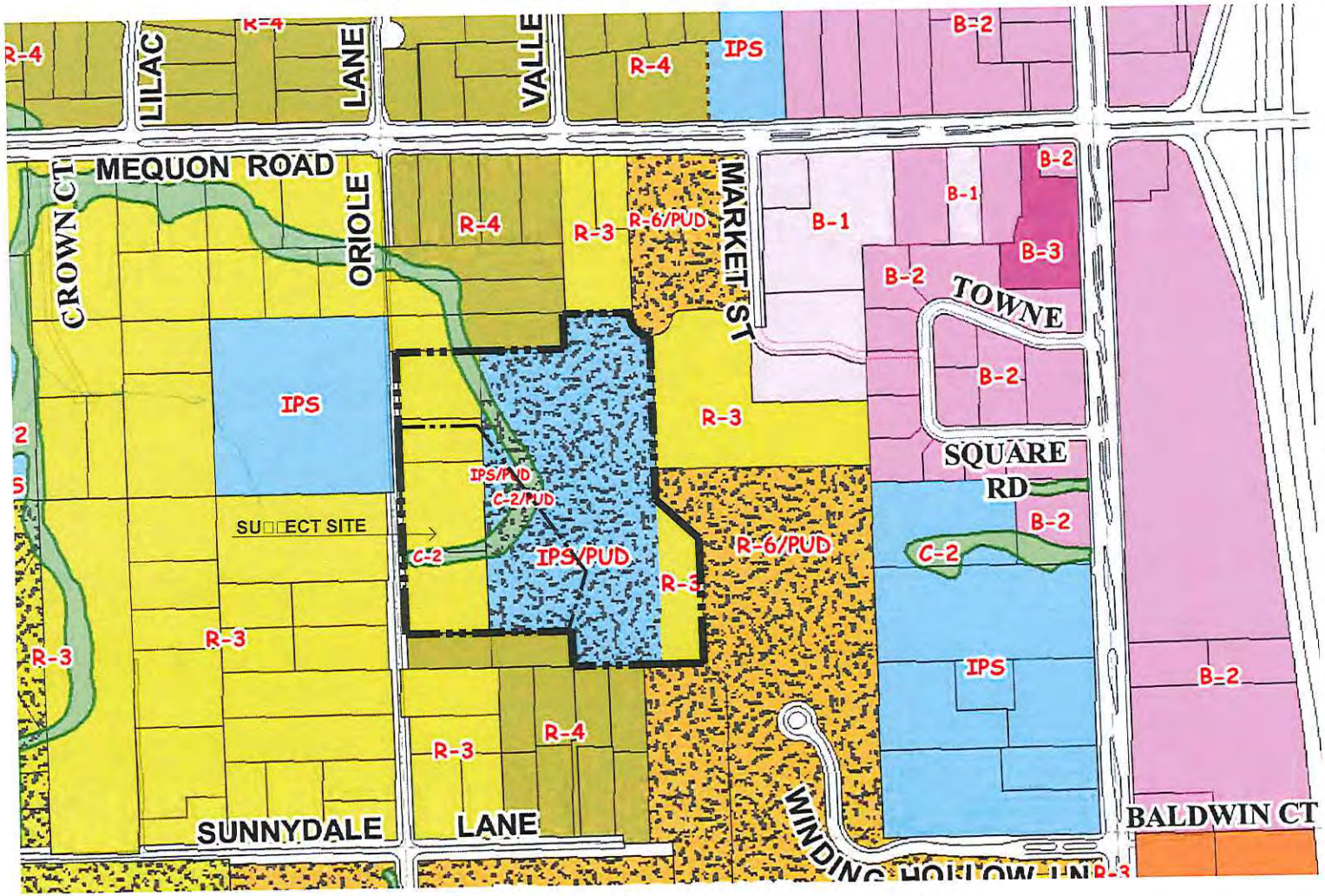
February 26, 2016

DESIGNED BY:

DESIGNED FOR:
Lakeside Development Company
1500 W. MARKET ST.
SUITE 200
MEQUON, WI
53092

ORIOLE LANE DEVELOPMENT: Site Development Plan with Tree Survey

Mequon, Wisconsin



L-1

ORIOLE LANE DEVELOPMENT: Existing Zoning Map

Mequon, Wisconsin

0' 200' 400' 800'

N

February 01, 2016

DESIGNED BY:

DESIGNED FOR:

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

L-2

ORIOLE LANE DEVELOPMENT: Aerial Context Plan

Mequon, Wisconsin

0' 150' 300' 600'

N

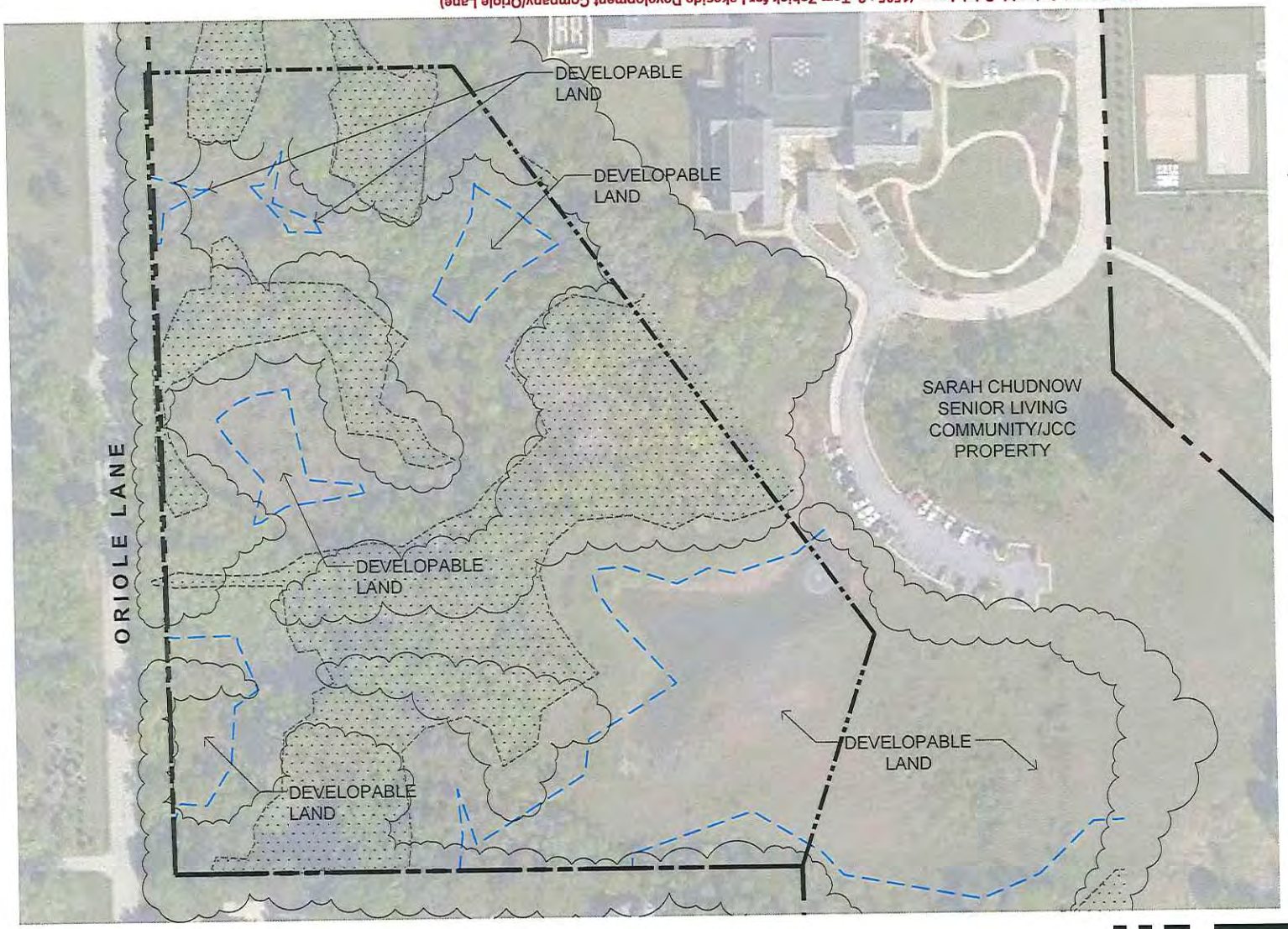
February 01, 2016

DESIGNED BY:

DESIGNED FOR:

Lakeside Development Company

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)



LEGEND:

- Developable Land
- Wetland
- Wetland Edge

L-3

0' 50' 100' 200'

N

ORIOLE LANE DEVELOPMENT: Development Opportunities / Environmental Preservation Plan Diagram

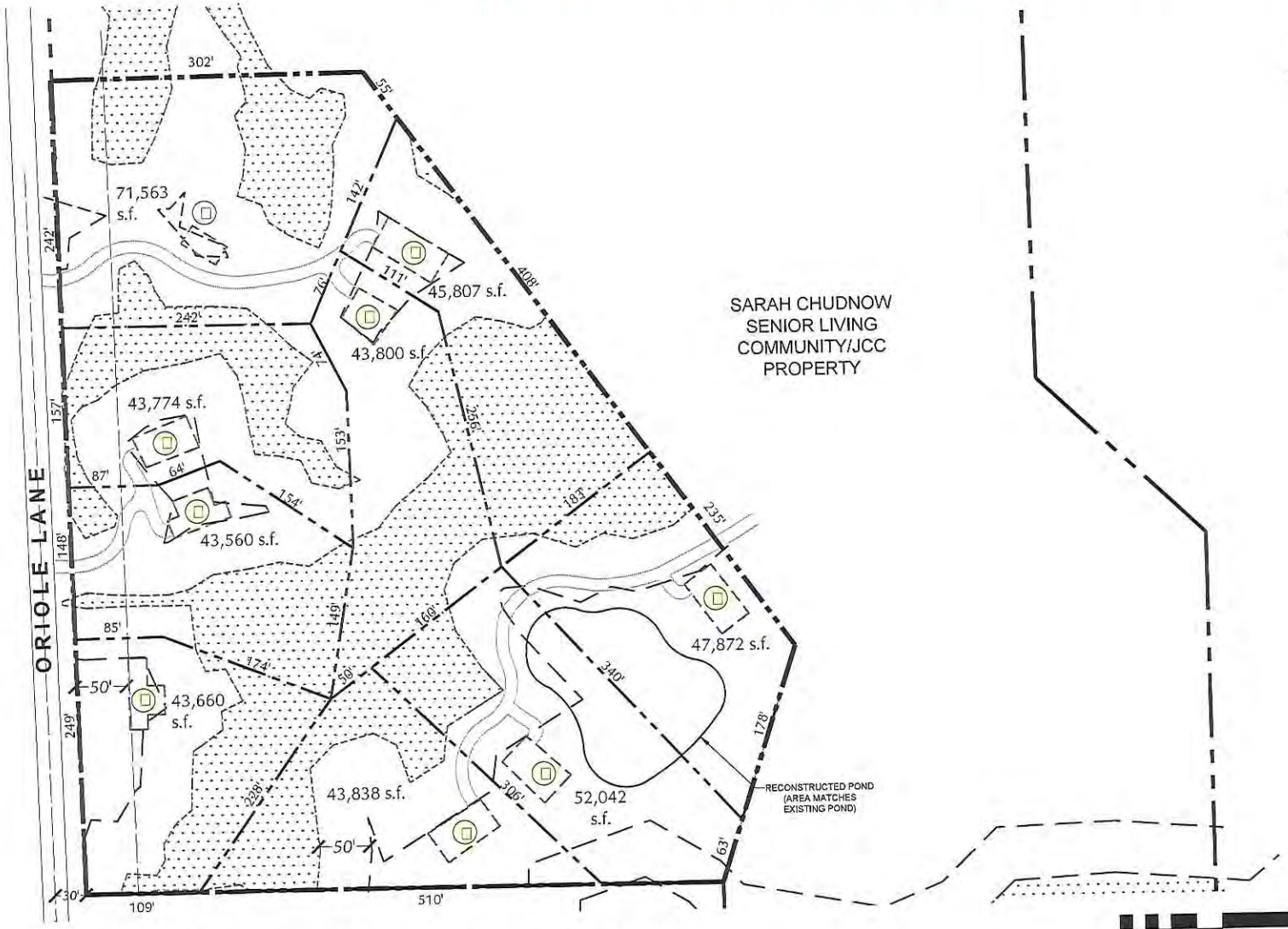
Mequon, Wisconsin

February 01, 2016

DESIGNED BY: teska associates 627 Grove Street Evanston, Illinois

DESIGNED FOR: Lakeside Development Company 1500 W. MARKET ST. SUITE 200 MEQUON, WI 53092

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)



LEGEND:

- Wetland
- Building Envelope Area
- Average 2,000 s.f. Prototypical Building Footprint
- Wetland Edge
- 50' Wetland Buffer Setback

10 ACRE SITE R-3 ZONED YIELD PLAN:

-9 LOTS @ 1.00 AC.
-150' AVERAGE LOT WIDTH (TYP.)
-BUILDING AREA SETBACKS:
50' FROM ORIOLE LANE
20' SIDE AND REAR YARD

** WETLAND DELINEATION REPORT PROVIDED BY TRC SOLUTIONS*

L-4

N

0' 50' 100' 200'

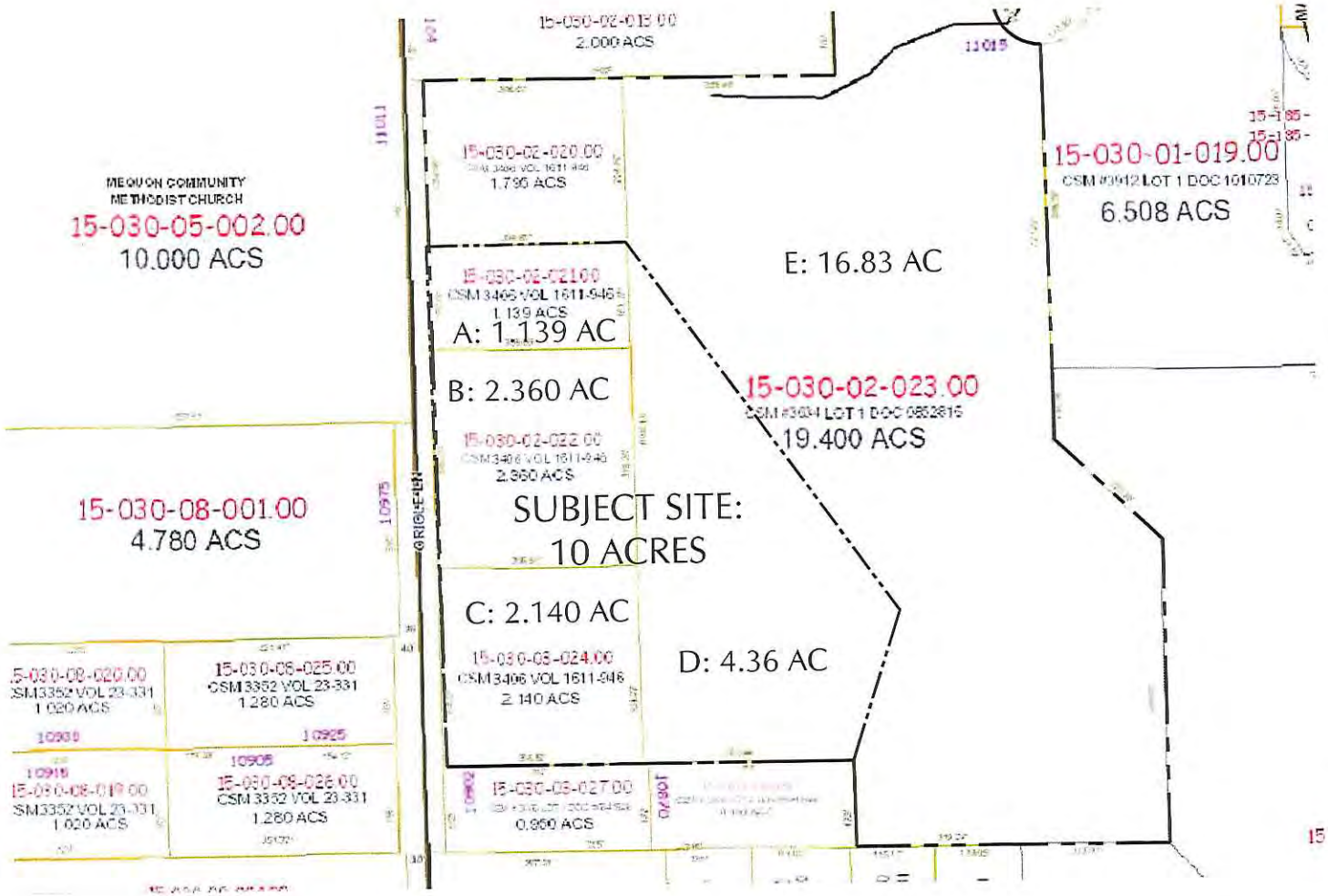
DESIGNED BY:

DESIGNED FOR:
Lakeside Development Company
1500 W. MARKET ST.
SUITE 200
MEQUON, WI
53092

ORIOLE LANE DEVELOPMENT: R-3 Yield Diagram

Mequon, Wisconsin

February 01, 2016



TOTAL AREA:
26.83 ACRES

* MAP TAKEN FROM OZAUKEE COUNTY GIS PORTAL

L-5

0' 50' 100' 200'

N

February 01, 2016

DESIGNED BY:

DESIGNED FOR:

ORIOLE LANE DEVELOPMENT: Property Lines

Mequon, Wisconsin

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

LEGEND:

- Total Overall Sarah Chudnow Community Campus & JCC Property Area: 27.6 Acres
  Sarah Chudnow Community Campus
  -106 Units Existing
  -Modified Property Area: 18.19 Acres
- Residential Development
  -10.0 Acres
  -9 Homes
- Proposed Home
  (Within 40' x 60' Building Envelope; (With 10' Min. Wetland Offset)
- Rain Garden / Wetland Buffer
  (5 Total)
- Wetland Edge
- Existing Wetland to Remain
- Existing Wetland to be Mitigated
  (10,000 Sq. Ft. or Less)

0' 50' 100' 200'

N

DESIGNED BY:

DESIGNED FOR:

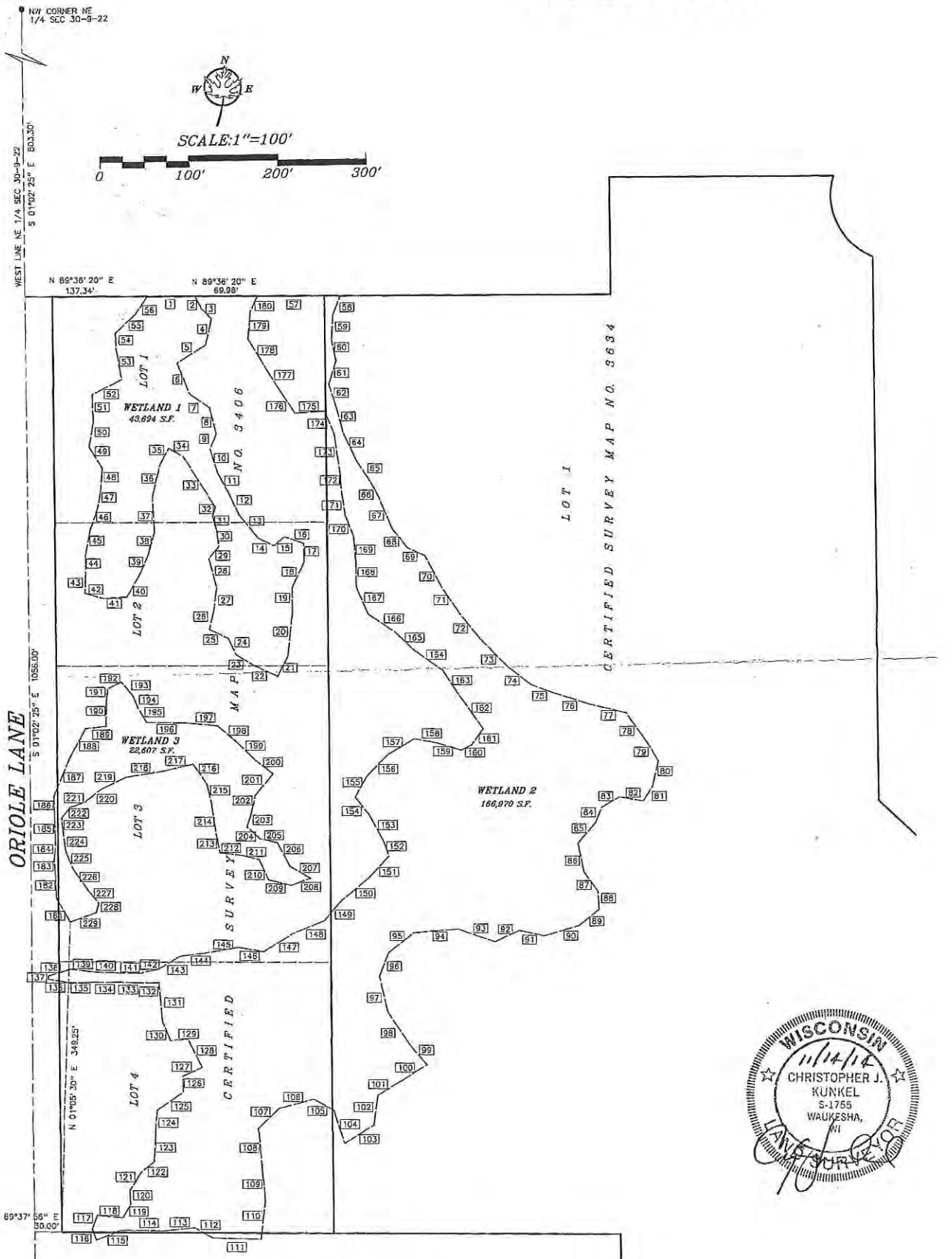
L-6

ORIOLE LANE DEVELOPMENT: Site Development Plan

Mequon, Wisconsin

February 01, 2016

WETLAND MAP



WISCONSIN
11/14/14
CHRISTOPHER J. KUNKEL
S-1755
WAUKESHA, WI
LAND SURVEYOR

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14195 BEECHWOOD TRAIL • NEW BERLIN • WISCONSIN 53151
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EMAIL: edgewoodsurveying@att.net
www.edgewoodsurveying.com

Wetland Delineation Report
N. Oriole Ln. Parcels
City of Mequon, Ozaukee County, WI

Prepared for:

Lakeside Development Company
1500 W. Market St., Suite 200
Mequon, WI 53092

Kathi Kramasz
Wisconsiu Department of Natural Resources
Plymouth Service Center
1155 Pilgrim Road
Plymouth, WI 53073

Rebecca Graser
U.S. Army Corps of Engineers
Regulatory Branch
20711 Watertown Rd., Suite F
Waukesha, WI 53186

Prepared by:

TRC Environmental Corporation
Brookfield, WI
TRC Project 225201

December 2014

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

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- Figure 2 – Wisconsin DNR Wisconsin Wetlands Inventory Map
- Figure 3 – Natural Resource Conservation Service Soils Map
- Figure 4 – 2005 Aerial Imagery
- Figure 5 – 2008 Aerial Imagery
- Figure 6 – 2011 Aerial Imagery
- Figure 7 – Southeastern Wisconsin Regional Planning Commission Environmental Corridor Map
- Figure 8 – Southeastern Wisconsin Regional Planning Commission Land Use Map

Appendix B: WETS Analysis / Precipitation Data

Appendix C: Wetland Delineation Map

Appendix D: Site Photographs

Appendix E: Wetland Determination Data Forms

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

1.0 INTRODUCTION

On behalf of Lakeside Development Company Inc., TRC Environmental Corporation (TRC) conducted a wetland delineation within a designated Study Area in select parcels located along the east side of N. Oriole Ln. between Mequon Rd. and W. Sunnydale Ln. (Figure 1, Appendix A). The Study Area is located in part of Section 30, Township 9 north, Range 22 east in the City of Mequon, Ozaukee County, Wisconsin.

The purpose of this wetland delineation was to determine the current location and extent of wetlands located within designated Study Areas for the proposed development of the parcels. Our study is presented here in terms of methodology, results, and conclusions.

The wetland delineation field investigation was conducted by TRC scientists Ron A. Londré (lead investigator), Lesley Brotkowski, and Alex Meehean on September 24, 2014 and solely by Ron A Londré on October 8, 2014.

2.0 STATEMENT OF QUALIFICATIONS

TRC provides comprehensive wetland and ecological services including: ecological assessments, wetland assessments, permitting, mitigation site design and monitoring, and restoration. We have conducted hundreds of wetland identification projects. Our teams have extensive professional training and educational backgrounds in wetlands, ecology, biology, and botany.

Mr. Ron A. Londré, PWS, Senior Ecologist, has M.S. and B.S. degrees in biological science with focused studies on plant community ecology from the University of Wisconsin-Milwaukee and the University of Wisconsin-Parkside, respectively. Mr. Londré is certified by the Society of Wetland Scientists as a Professional Wetland Scientist (PWS # 2436) and the Ecological Society of America as a Certified Ecologist. Mr. Londré is also a Certified Wetland Specialist in McHenry County and Lake County, Illinois. He has over nine years professional experience as an ecological consultant specializing in wetland assessments and delineations, wetland and waterway permitting, mitigation site design and monitoring, ecological restoration, water resource studies and management planning, invasive species management, and threatened and endangered species investigations. Previously, Mr. Londré served as a college instructor and research scientist when he taught courses in biological science, environmental science, and botany while conducting research on the forces that structure plant communities and landscape and restoration ecology. Mr. Londré has completed the following wetland delineation technical training workshops: Advanced Wetland Delineation Training Workshop provided by the University of Wisconsin-La Crosse in 2013, Critical Methods in Wetland Delineation Workshop provided by the University of Wisconsin-La Crosse in 2013, Regional Supplement Seminar and Field Practicum provided by the Wetland Training Institute in 2012, Basic Wetland Delineation Training Workshop provided by the University of Wisconsin-La Crosse in 2011, and the

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

Wetland Delineation Training Workshop provided by the University of Wisconsin-Milwaukee in 2004. Mr. Londré served as the primary investigator for this wetland assessment.

Ms. Lesley Brotkowski, WDNR Assured Wetland Ecologist, earned a Master's Degree in Ecology and Conservation Biology from the University of Illinois at Urbana-Champaign. Ms. Brotkowski has experience with a variety of wetland delineation, habitat assessment, conservation, and restoration projects throughout Wisconsin and has completed the advanced wetland delineation training workshop and field indicators of hydric soils workshops provided by UW-La Crosse. Ms. Brotkowksi is a part of the Wetland Delineation Professional Assurance Initiative of the Wisconsin Department of Natural Resources (WDNR). This means her work is assured for purposes of State of Wisconsin wetland delineations.

Mr. Alex Meehean, Biological Technician, has experience with wetland delineations, wildlife surveys, native plant habitat restoration, and invasive species management in Wisconsin. Mr. Meehan conducts wetland delineations and has been involved with invasive plant identification and management. He provides field assistance, data collection, and reporting.

3.0 REGULATORY DEFINITIONS

The current U.S. Army Corps of Engineers (USACE) regulatory definition of wetlands is "areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and [which] under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (USACE 1987). A wetland must possess the following three diagnostic environmental characteristics:

1. Hydrophytic vegetation. The prevalent vegetation must consist of macrophytes that are typically adapted to areas having hydrologic and soil conditions described in the wetland definition (above). That is, they must be adapted to actively grow in saturated soils.
2. Hydric soil. Soils must be present or they must possess characteristics that are associated with reducing soil conditions.
3. Hydrology. The area must be inundated either permanently or periodically at mean water depths less than or equal to 6.6 feet, or the soil must be saturated to the surface at some time during the growing season of the prevalent vegetation.

Professional judgment may also be used to make qualified assessments of a site when diagnostic environmental characteristics are masked, significantly disturbed, or naturally problematic.

Under Section 404, the USACE regulates all "waters of the United States" (WOUS), which includes: all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; the territorial seas; all impoundments

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of a traditional navigable water, interstate water, the territorial seas or a tributary; all tributaries of a traditional navigable water, interstate water, the territorial seas or impoundment; all waters, including wetlands, adjacent to a traditional navigable water, interstate water, the territorial seas, impoundment or tributary; and on a case-specific basis, other waters, including wetlands, provided that those waters alone, or in combination with other similarly situated waters, including wetlands, located in the same region, have a significant nexus to a traditional navigable water, interstate water or the territorial seas.

In addition to Section 404, Section 281.36 of Wisconsin Statutes regulates all wetlands that are regulated under Section 404, including some wetlands that would not be regulated under Section 404, particularly wetlands that may be considered as "isolated" under Section 404. Such wetlands are defined as "nonfederal wetlands" in the Wisconsin Statutes.

4.0 METHODS

STANDARDS AND ANALYSIS OF EXISTING DOCUMENTS

This delineation was conducted in accordance with the guidelines of the Corps of Engineers Wetland Delineation Manual (Environmental Laboratory, 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0, 2010) and in general accordance with Wisconsin Department of Natural Resources guidelines (WI Department of Administration, WI Coastal Management Program, 1995). National Wetland Indicator status and taxonomic nomenclature is referenced from The National Wetland Plant List (Lichvar 2014). National Wetland Indicator status is based on the Midwest Region.

Prior to conducting fieldwork, TRC scientists reviewed several maps including the United States Geological Survey (USGS) 7.5' Quadrangle maps, Wisconsin Wetland Inventory Map, Natural Resource Conservation Service (NRCS) Soil Survey Map, and aerial photographs. These sources were used to identify areas likely to contain wetlands.

Precipitation data from approximately 90 days prior to the field investigation was obtained from a weather station near the Study Area and compared with 30-year average precipitation data obtained from a NRCS WETS Table for the County where the Study Area was located to determine if antecedent hydrologic conditions at the time of the site visit were normal for the time of the year.

FIELD INVESTIGATION

Areas having wetland field indicators within the Study Area were evaluated in the field by TRC wetland scientists. Data points were located in areas exhibiting wetland and upland characteristics to document the presence and/or absence of wetlands and to provide support for the delineated wetland boundaries. At each data point, data were collected to document the

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vegetation, soils, and indicators of wetland hydrology. The wetland boundaries were staked using wire pin flags and when needed flagging tape. Wetland boundaries were generally determined by distinct to subtle differences in the abundance of hydrophytic vegetation and non-hydrophytic vegetation, presence versus absence of hydric soil indicators and wetland hydrology indicators, and apparent topographic breaks.

5.0 RESULTS

MAP AND INFORMATION REVIEW

The USGS topographic map (Figure 1, Appendix A) indicated that the topography of the Study Area was relatively flat. Based on the 2 foot contour data from Ozaukee Counties public GIS mapping website, land elevations ranged from 686 to 700 feet above sea level with the majority of the Study Area being between 686 and 690 feet above sea level.

The Wisconsin Wetland Inventory (WWI) map (Figure 2, Appendix A) depicted two wetlands within the Study Area. The types of wetland shown on the WWI map include S3K (scrub / shrub; broad-leaved deciduous; wet soil, palustrine) and W0Hx (Open water; subclass unknown; standing water, palustrine; excavated) which appears to be a storm water pond.

According to the NRCS Soil Survey map (Figure 3, Appendix A) three mapped soil units are located within the Study Area. The types of mapped soils and their hydric classifications are listed on Table 1 below.

Table 1. Mapped Soils

Map Unit Symbol	Taxonomic Classification	Hydric Classification
MaA	Manwa silt loam, 1-3% slopes	Partially hydric
KnB	Kewaunee silt loam, 2-6% slopes	Partially hydric
Lu	Loamy land	Partially hydric

A review of aerial photographs from 2005 through 2011 (Figures 4-6) showed that the land appeared to be mostly wooded with no detectable land use changes within the Study Area.

The SEWRPC Environmental Corridor Map (Figure 7, Appendix A) does not depict any Environmental Corridors within the Study Area.

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

The SEWRPC Land Use Map (Figure 8, Appendix A) shows the Study Area to be comprised of agricultural and other open lands, wetlands, and surface water. Based on a review of aerial photographs, agricultural does not reflect the current land type.

PRECIPITATION

According to the Midwestern Regional Climate Center cli-MATE database, the total precipitation from a nearby weather station (GERMANTOWN, WI3058) for the 14 days prior to the field investigation on September 24th was 0.97 inches and 1.09 inches the 14 days prior to the field investigation on October 8th. The most recent rainfall event prior to September 24th was 0.07 inches, which occurred on September 22nd. The most recent rainfall event prior to October 8th was 0.01 inches, which occurred on October 6th. The total precipitation for the 90 days prior to September 24th was approximately 6.31 inches. The total precipitation for the 90 days prior to October 8th was approximately 5.63 inches. The precipitation data for the 90 day period preceding the dates of the field investigations (Appendix B) and precipitation data from a nearby WETS station (GERMANTOWN, WI3058) were entered into WETS analysis worksheets (Appendix B) to determine whether antecedent hydrologic conditions were within a normal range for the time of the year the field investigations occurred. Based on this analysis, the precipitation total for the 90 days prior to both dates of the field investigations were considered to be below a normal range, suggesting that the surface or near-surface hydrology at the time of the site visit was not normal and that hydrologic conditions during the site visit were not typical. Based on our professional judgment and the nature of the wetlands identified and delineated, the below average rainfall is not a factor in the determination or delineation.

FIELD INVESTIGATION OF WETLANDS

Site Description

The Study Area was comprised of undeveloped parcels with naturally occurring vegetation. Plant communities within the Study Area included an immature hardwood forest, upland and wetland meadows, scrub shrub, and hardwood swamp. The Study Area was bordered on the north and south by residential properties, on the east by the Jewish Community Center property, and on the west by N. Oriole Ln. The Study Area was approximately 10 acres in size.

Wetlands

Three wetlands (Wetland 1 through Wetland 3) were delineated. The delineated wetland boundaries and sample points are shown on a map (Exhibit A) in Appendix C. Photographs were taken at sample points and other notable locations (Appendix D). Data were collected and recorded on Wetland Determination Data Forms at twelve data points to document wetland and upland locations (Appendix E).

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

Wetland 1

Wetland 1 was approximately 3.82 acres within the Study Area and extended outside of the Study Area to the north, south, and east. Wetland 1 consisted predominantly of a deciduous hardwood swamp and scrub shrub plant communities with small pockets of wet meadow habitat. Three wetland data points (DP-2, DP-6, and DP-10) were taken within Wetland 1 and four upland data points (DP-1, DP-3, DP-9, and DP-7) were taken in adjacent upland areas.

The dominant vegetation within Wetland 1 included *Fraxinus pennsylvanica* (green ash) in the tree stratum, *Rhamnus cathartica* (common buckthorn) in the shrub stratum, and a variety of different hydrophytes (see data forms for a list) in the herb stratum at each data point. Hydrology appeared to be sustained mainly by surface water and to a lesser extent rain water. Hydrology indicators that were observed at the wetland data points in Wetland 1 included a high water table, saturated soils, drainage patterns, geomorphic position, and a positive FAC-neutral test. Hydric soil indicators observed at the wetland data points included redox dark surface and depleted matrix.

The boundary of Wetland 1 was based on subtle topographic breaks, the boundary between the presence and absence of hydric soil, the boundary between the presence and absence of wetland hydrology indicators, and a subtle difference in the abundance of hydrophytes versus non-hydrophytes. Hydrophytic plant communities tended to extend beyond the wetland boundary into uplands along potions of the boundary and were less useful in determining the location of the boundary.

Wetland 2

Wetland 2 was approximately 0.51 acres and contained entirely within the Study Area. Wetland 2 was comprised of a deciduous hardwood swamp. One wetland data point (DP-5) and one upland data point (DP-4) were taken to document wetland and adjacent upland locations.

The dominant vegetation in Wetland 2 included *Fraxinus pennsylvanica* in the tree stratum and at data point DP-5 *Rhamnus cathartica, Cornus alba* (red osier dogwood), and *Fraxinus pennsylvanica* were the major dominants in the shrub stratum with *Scirpus atrovirens* (dark-green bulrush), *Carex stipata* (common fox sedge), and *Cornus alba* the major dominants in the herb stratum. Hydrology appeared to be sustained mainly by surface water and to a lesser extent rain water. Hydrology indicators observed at the wetland data point included water marks, sparsely vegetated concave surface, oxidized rhizospheres on living roots, geomorphic position, and a positive FAC-neutral test. Hydric soil indicators observed at the wetland data point included redox dark surface.

The boundary of Wetland 2 was based on subtle to distinct topographic breaks, the boundary between the presence and absence of hydric soil, the boundary between the presence and absence

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of wetland hydrology indicators, and a subtle difference in the abundance of hydrophytes versus non-hydrophytes. Hydrophytic plant communities tended to extend beyond the wetland boundary into uplands along potions of the boundary and were less useful in determining the location of the boundary.

Wetland 3

Wetland 3 was approximately 1.01 acres within the Study Area and extended a short distance north beyond the Study Area. The wetland was comprised predominantly of deciduous hardwood swamp with a small pocket of wet meadow near the north Study Area boundary. Two wetland data points (DP-8 and DP-12) and two upland data points (DP-7 and DP-11) were taken in wetland and adjacent upland locations.

The dominant vegetation observed at the wetland data points included *Fraxinus pennsylvanica, Salix nigra* (black willow), and *Populus tremuloides* (quaking aspen) in the tree stratum, *Fraxinus pennsylvanica, Rhamnus cathartica,* and *Cornus racemosa* (grey dogwood) in the shrub stratum, and *Phalaris arundinacea* (reed canary grass) and *Carex stricta* (tussock sedge) in the herb stratum. Hydrology appeared to be sustained mainly by surface water and to a lesser extent rain water. Hydrology indicators observed at the wetland data points included water marks, a sparsely vegetated concave surface, geomorphic position, and a positive FAC-neutral test. Hydric soil indicators observed at the wetland data points included redox dark surface and thick dark surface.

The boundary of Wetland 3 was based on subtle topographic breaks, the boundary between the presence and absence of hydric soil, the boundary between the presence and absence of wetland hydrology indicators, and a subtle difference in the abundance of hydrophytes versus non-hydrophytes. Hydrophytic plant communities tended to extend beyond the wetland boundary into uplands along potions of the boundary and were less useful in determining the location of the boundary.

Uplands

Data Points DP-1, DP-3, DP-4, DP-7, and DP-9 were located in upland areas. Generally, upland plant communities were comprised of a deciduous hardwood forest and upland meadows. There was a relatively high proportion of hydrophytes observed within upland areas.

6.0 CONCLUSIONS

Based on the wetland assessment completed by TRC, three wetland areas (Wetland 1 through Wetland 3) totaling approximately 5.34 acres were identified within the Study Area.

There were no waterways identified within the Study Area.

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The results of this field study are based on site conditions at the time of the field study, which was conducted in accordance with current regulatory policy and methods. Unknown and future conditions that affect observations of field indicators, and change in interpretation of regulatory policy or methods, may modify future findings.

The ultimate authority to determine the location of the wetland boundary and jurisdictional authority over the wetlands and waterways identified in this report resides with the USACE and WDNR. Decisions made by staff of these regulatory agencies may result in modifications to the location of the wetland and/or waterway boundaries shown in this report.

TRC recommends that coordination with the USACE and the WDNR be conducted prior to implementing any activity that is in near proximity or is within wetlands or waterways to determine if a permit would be needed to perform the activity.

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

7.0 REFERENCES

Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

Eggers, Steve D. and Donald M. Reed. 1997. Wetland Plants and Plant Communities of Minnesota and Wisconsin. 2nd Ed. U.S. Army Corps of Engineers, St. Paul District.

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Midwestern Regional Climate Center cli-MATE Database http://mrcc.isws.illinois.edu/CLIMATE/

Southeastern Wisconsin Regional Planning Commission (SEWRPC) Southeastern Wisconsin Regional Land Information: Regional Map Server http://maps.sewrpc.org/regionallandinfo/regionalmapping/RegionalMaps/viewer.htm

Swink, Floyd, and Gerould Wilhelm. "Plants of the Chicago region." Indianapolis: Indiana Academy of Science, 1994.

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USDA Natural Resources Conservation Service Web Soil Survey http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

USDA NRCS Climate Analysis by County Web Site (WETS). (Web Address: http://www.wcc.nrcs.usda.gov/climate/wetlands.html)

Woodward , Donald E., ed. 1997. Hydrology Tools for Wetland Determination, Chapter 19. Engineering Field Handbook. U.S. Department of Agriculture, Natural Resources Conservation Service, Fort Worth, TX.

WI Department of Administration, WI Coastal Management Program. 1995. Basic Guide to Wisconsin's Wetlands and their Boundaries. WI Coastal Management Program, Madison, WI

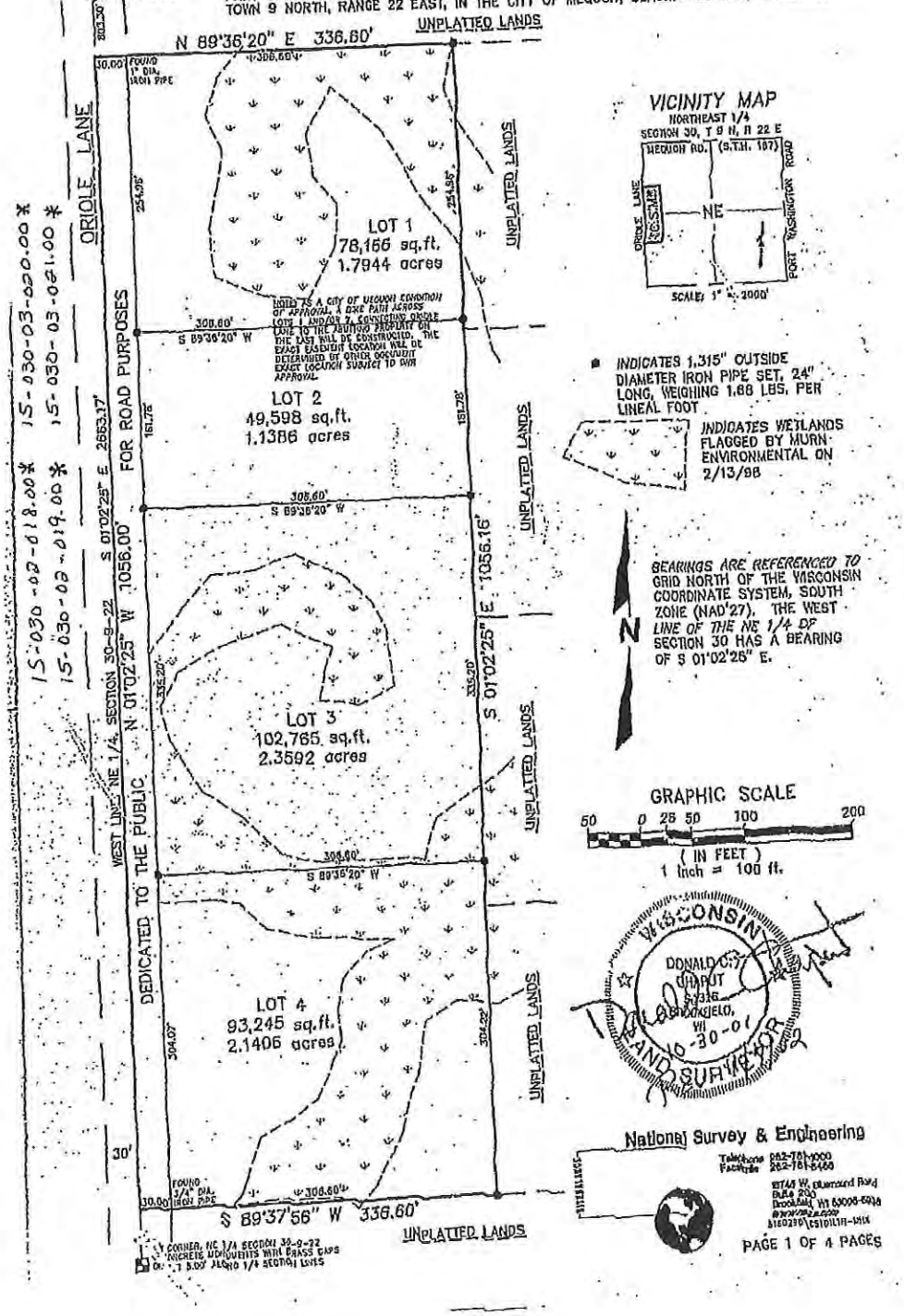
Wisconsin Department of Natural Resources Surface Water Data Viewer Web Mapping Application http://dnrmaps.wi.gov/imf/imf.jsp?site=SurfaceWaterViewer

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

737013 3406 V.1611 P 948

CERTIFIED SURVEY MAP NO.

PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN



3406 V1611F947

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 30, Town 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
:SS
WAUKESHA COUNTY)

I, DONALD C. CHAPUT, Registered Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a Part of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 30, Town 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Northwest corner of said Northeast 1/4 Section; thence South 01°02'25" East along the West line of said Northeast 1/4 Section 803.30 feet to the point of beginning; thence North 89°36'20" East 336.60 feet to a point; thence South 01°02'25" East 1056.16 feet to a point; thence South 89°37'56" West 336.60 feet to the West line of said Northeast 1/4 Section; thence North 01°02'25" West along said West line 1056.00 feet to the point of beginning.

THAT I have made the survey, land division and map by the direction of MEQUON PARK CORPORATION, owner.

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and Ordinances of the City of Mequon.

October 30, 2003
DATE

DONALD C. CHAPUT,
REGISTERED LAND SURVEYOR S-1316

WISCONSIN DONALD C. CHAPUT S-1316 BROOKFIELD, WI LAND SURVEYOR

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

3406 V1611P948

CERTIFIED SURVEY MAP NO._____

Part of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 30, Town 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

MEQUON PARK CORPORATION, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation caused the land described on this map to be surveyed, divided, mapped, and dedicated as represented on this map.

MEQUON PARK CORPORATION as owner, do further certify that this map is required by S.236.20 or 236.12 to be submitted to the following for approval or objection: City of Mequon

IN Witness Whereof MEQUON PARK CORPORATION has caused these presents to be signed by Jay R. Roth, Executive V. P. at Milwaukee, Wisconsin, this 31st day of October, 2001.

In the presence of:

MEQUON PARK CORPORATION

Jay R. Roth, Executive Vice President

STATE OF WISCONSIN)
:SS
Milwaukee COUNTY)

PERSONALLY came before me this 31st day of October, 2001, Jay R. Roth, of the above named corporation, to me known as the person who executed the foregoing instrument, and to me known to be the Executive V. P. of the corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of the corporation, by its authority.

(SEAL)
Notary Public, State of Wisconsin
~~My commission expires~~
My commission is permanent.

WISCONSIN DONALD C. CHEPUT S-1310 BROOKFIELD, WI 10-30-01 LAND SURVEYOR

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

3406 V1611P949

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 30, Town 8 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin.

CITY OF MEQUON PLANNING COMMISSION APPROVAL

APPROVED by the City of Mequon Planning Commission this 8th day of November, 2001, and the Common Council on December 10, 2002.

CHAIRPERSON

SECRETARY

RECORDED

2003 JAN 15 PM 2:00

REGISTER OF DEEDS
OZAUKEE COUNTY, WI

WISCONSIN
DONALD C. CHAPUT
S-1316
BROOKFIELD, WI
10-30-01
LAND SURVEYOR

THIS INSTRUMENT WAS DRAFTED BY DONALD C. CHAPUT, REGISTERED LAND SURVEYOR S-1316

158145.CSM (2)

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

Resident Feedback

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

Jac Zader

From: Harriet Resnick <hmresnick@gmail.com>
Sent: Tuesday, February 02, 2016 4:19 PM
To: Jac Zader
Subject: Lakeside Development-Oriole la.

I shall be out of the State on Feb.8
however,I would like to cast my Vote AGAINST this Project!
I reside in HIDDEN RESERVE and if you
wish to contact me my phone is:
262-242-1516

Thank You for Your Kind Attentiona

Sent from my iPhone

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

Jac Zader

From: Julie Carpenter <carpjulie@wi.rr.com>
Sent: Tuesday, February 02, 2016 5:38 PM
To: Jac Zader; Kimberly Tollefson; John Hawkins
Subject: City Planning Commission and Alderman Hawkins

Gentlemen and Ms. Tollefson,

Since we am unable to attend the Planning Commission meeting on Monday, February 8th, we would like to express our grave concern for the proposed rezoning and development of 12 acres representing
the last remaining natural and wetlands area on the east side of Oriole Lane. The development of 9 lots and homes on this parcel would have a significantly negative impact on the natural and wildlife communities in this area. Fox, deer and a huge variety of birds inhabit this area. Destruction of this natural habitat would diminish property values for current home owners for the gain of additional tax revenue.
At some point, we in Mequon must adhere to the values that make our community livable and desirable. Please consider denying this rezoning change and maintain the natural habitat of our community.
Thank you,
John and Julie Carpenter

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

Jac Zader

From: Maryglen Kieckhefer <mgkieck@aol.com>
Sent: Wednesday, February 03, 2016 8:35 AM
To: Jac Zader
Subject: Development on Oriole Lane

We are very concerned about the planned development on Oriole Lane. This is a natural wetlands area and serves as a buffer between what is becoming an overabundance of commercial development on Mequon Road and our residential community. There is way too much development happening in Mequon, especially commercial, and it is changing our Mequon community. We filled out a survey a year or so ago and the published results dictated that some new development was warranted to help increase our tax base, but not too much. This hasn't happened. There is so much new construction going on, especially on Mequon Road and Port Washington Road. We don't want to have our community become the new Bluemound Road area of the east. Our taxes have not been significantly reduced due to the increased tax base. Please vote no for this latest development proposal.

Thank you,
Maryglen and Robert Kieckhefer
1903 W. Hidden Reserve Road
Mequon, WI 53092

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

Kimberly Tollefson

From: Gaylord Dean Smith <dean350@ameritech.net>
Sent: Saturday, January 30, 2016 1:04 PM
To: Kimberly Tollefson; John Hawkins
Cc: Mequon Nature Preserve
Subject: RE: Residential Develpoment on Oriole Lane

I note that this project is scheduled for a Planning Commission meeting Monday, February 8, 2016 at 7:00 p.m.

Would one or both of you kindly ensure that there is a firm commitment to remove the buckthorn from this property? I really struggle to remove this invasive species from our five-acre property across (west) the street as required by a City ordinance and good citizenship. Having a property near me with an infestation of buckthorn makes my compliance with this ordinance ever more challenging (and expensive), given the ability to propagate across streets and property lines.

If complying with my request is somehow not actionable kindly investigate whether the property owner (Lakeside Development Company?) will grant me permission to remove at least the mature female (berry producing) buckthorn tree directly across (east) the street from our driveway entrance at 10975 N Oriole Lane in Mequon. If desired, I would be willing to directly request this permission of the property owner if you can provide a name and contact information.

Again, assuming DNR approval regarding the wetlands on the property involved, I wish to re-express my support for the rezoning request. The land use involved proposed appears to be well conceived.

Finally, I would like to avoid attending the above-mentioned Planning Commission meeting. When I retired from a career in Human Resource management in 2004 I promised myself that I would thereafter attend as few meetings as feasible, my patience with time-consuming meetings being exhausted prior to my retirement. I suspect that you may at least mildly empathize with these feelings.

Thank you,
G. Dean Smith
10975 N Oriole Lane
Mequon, WI 53092-4913
H: 262-242-0788
M: 414-943-0788

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

Robin Buzzell

Subject: Proposed Development on Oriole Lane

From: Rick Frank [mailto:rick.frank@yahoo.com]
Sent: Thursday, February 04, 2016 8:37 AM
To: Jac Zader
Cc: Kimberly Tollefson
Subject: Proposed Development on Oriole Lane

Dear Mr. Zader,

We live in Hidden Reserve. We are very concerned with the planned development on the east side of Oriole Lane just south of Mequon Rd. So much of the valuable wetlands in our area have been destroyed or damaged, including the Sarah Chudnow campus, Children's Hospital, and the neighboring two family developments.

Increasing population density also increases traffic. There is plenty of single family development underway in other parts of Mequon that are under-populated where additional home construction would not be so damaging and disruptive.

Sincerely,

Richard Frank
10632 N Hidden Reserve Circle
Mequon
262-227-4334

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

Robin Buzzell

Subject: FW: proposed development on Oriole Lane/District 6

From: Barbara Frank [mailto:barbara.frank32@gmail.com]
Sent: Wednesday, February 03, 2016 4:50 PM
To: Jac Zader
Cc: Kimberly Tollefson
Subject: proposed development on Oriole Lane/District 6

Dear Mr. Zader,

We live in Hidden Reserve. I'm upset at the idea of development of 12 acres in District 6 close by our home, on the east side of Oriole Lane just south of Mequon Rd. So much of the valuable wetlands in our area have been destroyed or damaged, including the Sarah Chudnow campus, Children's Hospital, and the neighboring two family development.

Also, I oppose increasing the population density, to say nothing of the traffic, in our area. There is plenty of single family development underway in other parts of Mequon that are under-populated.

Barbara Frank
10632 N Hidden Reserve Circle
Mequon

Barbara Frank
262-389-0130

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

Robin Buzzell

From: Kimberly Tollefson
Sent: Friday, February 05, 2016 12:48 PM
To: Jac Zader; Robin Buzzell
Cc: Mayor
Subject: FW: proposed development

From: Werner Richheimer [mailto:wrichheimer@gmail.com]
Sent: Friday, February 05, 2016 12:06 PM
To: Kimberly Tollefson
Subject: proposed development

To members of the planning board:

My wife Carol and I are very concerned about the proposed development of 12 acres representing the last remaining natural and wetlands area on the east side of Oriole Lane just north of Hidden Reserve.We are very much against this development going forward.

Thank you, Werner Richheimer

wrichheimer@gmail.com

Attachment: LakesideOrioleLane (1505 : 2. Tom Zabjak for Lakeside Development Company/Oriole Lane)

City of Mequon

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: ROBIN BUZZELL, ADMINISTRATIVE ASSISTANT

DATE: March 7, 2016

SUBJECT: Sarah Chudnow Rezoning Recommendation

Applicant:	Lakeside Development
Status of Applicant:	Agent
Requested:	Rezoning Recommendation
Existing Use:	Continuum of Care
Existing Zoning:	IPS (Institutional) PUD (Planned Unit Development Overlay) C-2 (Critical Environment)
Existing Land Use Plan:	Institutional
Lot size:	19.4 acres
Location:	10995 N. Market Street

Background:
The applicant is requesting a rezoning recommendation amendment for the Sarah Chudnow Campus, a continuum of care facility located at 10995 N Market Street. The development was approved as part of a Planned Unit Development in 2002 (Ordinance 2002-1049) and amended in 2014 (Ordinance 2014-1434). The approved plan consisted of 100 living units with different levels of care. All the public improvements have been installed and all of the units have been constructed. The amendment allows for the removal of 2.5 acres from the overall PUD area.

PUD Amendment:
The PUD amendment is being requested to remove 2.5 acres from the PUD area that would be used as part of the Lakeside Development proposal on Oriole Lane. The existing PUD states that the overall maximum density shall be 5.75 units per acre and there are currently 100 units in the facility. After subtracting the 2.5 acres from the overall land area, the density increases to 5.94 units per acre. The increase in density is negligible and well within the parameters of other approved facilities of similar character. For example, the Newcastle Campus has a density of 6.89 units an acre.

Since the proposed request is intertwined with Lakeside Development proposal and staff has recommended denial of that request, denial of this proposal is also neccessary.

Staff Recommendation:
Planning staff recommends **denial** of the rezoning recommendation based on the denial of the Lakeside Development proposal on Oriole Lane.

If the Commission approves the Lakeside Development rezoning recommendation, staff recommends **approval** of the rezoning recommendation subject to the following conditions:

1. Common Council approval of the rezoning recommendation
2. The PUD zoning shall not go into effect until the boundary line adjustment between the two properties is completed.

Attachments:
SarahChudnow (PDF)
SarahChudnow (PDF)

ITEM #3 - Sarah Chudnow

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
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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.)
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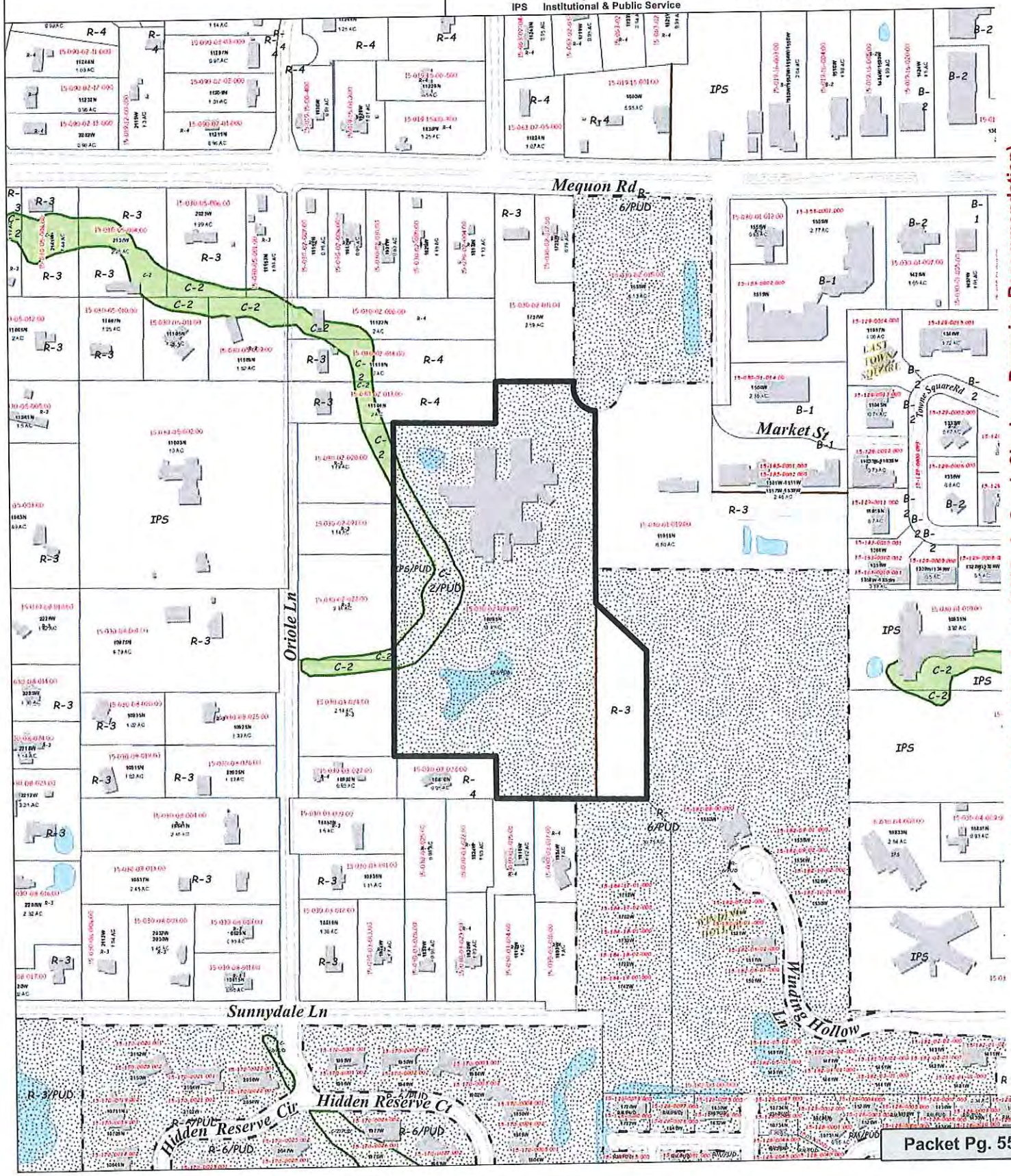
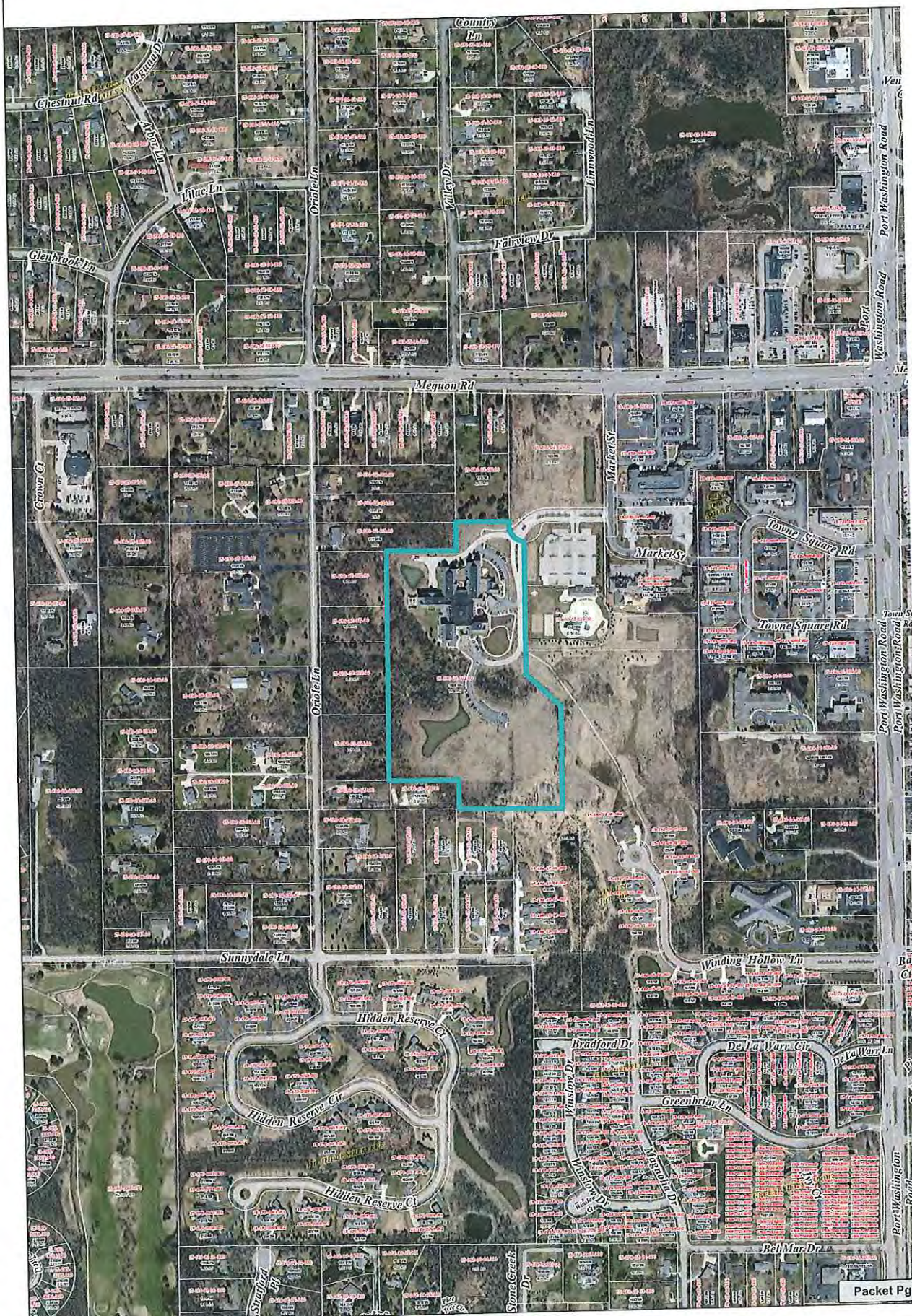
R-4	Single-Family Residential (3/4 Ac. Min.)
R-5	Single-Family Residential (1/2 Ac. Min.)
R-6	Single-Family Residential (4 du/Ac)
RM	Multi-Family Residential
TC	Town Center
TDR	Transfer of Development Rights



Attachment: SarahChudnow (1507 : 3. Sarah Chudnow Rezoning Recommendation)

ITEM #3 -
Sarah Chudnow



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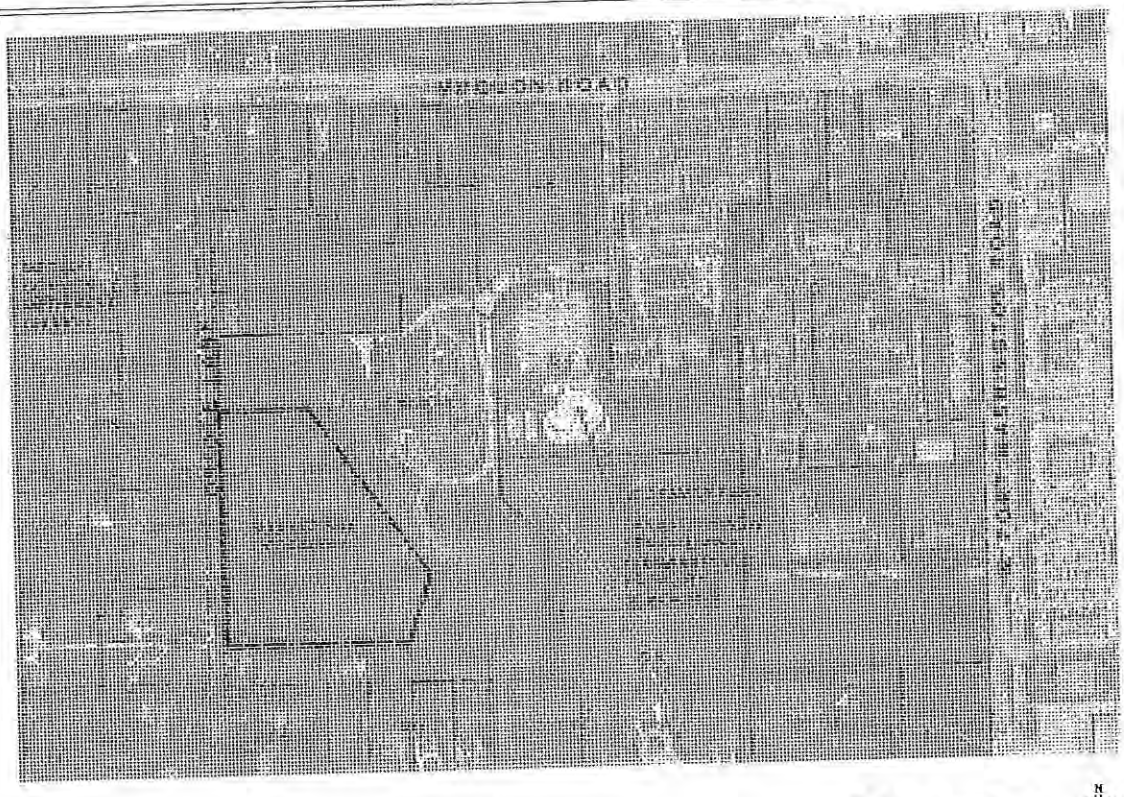

L-2

0 150' 300' 600'

February 01, 2016

ORIOLE LANE DEVELOPMENT: Aerial Context Plan

Mequon, Wisconsin

Attachment: SarahChudnow (1507 : 3. Sarah Chudnow Rezoning Recommendation)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE NO. 2002-1049

To amend the map portion of the "Development Ordinance of the City of Mequon" (i.e., Chapter 3) with respect to 17.4 acres of land located south of 1737 W. Mequon Road (Mequon Jewish Terrace)

THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I. Following recommendation of the Planning Commission on the 5th day of August, 2002, and after due notice and hearing by the Common Council of the City of Mequon on the 17th day of September, 2002, the existing and official City of Mequon district zoning maps are hereby amended so as to change the zoning classification of property as legally described in Exhibit A from R-4 (i.e., ¾-acre, single-family residential) and C-2 (general conservancy) to IPS (institutional), PUD (planned unit development) and C-2 subject to the following special considerations:

1. The developer is entitled to a maximum density of 5.75 units per acre (i.e., 100 living units) distributed in the following manner:
   - Independent living (41 units)
   - Assisted living (25 units)
   - Nursing home (20 units)
   - Hospice care (5 units)
   - Memory care (9 units)
2. Final site plan, architectural plan, landscaping plan, open space management/stewardship plan, lighting plan, and signage plan details, and all subsequent amendment thereto, shall be subject to conditional use grant approval by the Planning Commission, and shall be additionally subject to review and approval by the Common Council.
3. Grading, drainage, erosion control, and other engineering plans are subject to Engineering Department review and approval. The Engineering Department reserves the right to consult with private engineering firms on these matters.
4. Road improvements at the intersection of Mequon Road and Market Street are subject to Wisconsin Department of Transportation approval and are to be funded by the applicant/developer.
5. Development impact adjacent to the wetland areas shall be subject to appropriate Wisconsin Department of Natural Resources and U.S. Army Corps of Engineers approval.
6. Any substantial change to the general concept plans illustrated in the attached exhibits shall require appropriate amendment to this ordinance and, if necessary, the approved conditional use grant.
7. Potable water for this development shall be provided by WE Energies Water Services.
8. Specimen trees, as identified by the City Forester, shall not be damaged or destroyed as a result of this development without appropriate approval by the City.

Attachment: SarahChudnow (1507 : 3. Sarah Chudnow Rezoning Recommendation)

9. The Common Council shall approve a "fees in-lieu of taxes" agreement with the developer prior to this ordinance taking effect.
10. The developer shall fund the installation of wiring for a future signal at the intersection of Mequon Road and Market Street in accordance with the Wisconsin Department of Transportation and City of Mequon Engineering Department review and approval.
11. The developer shall fund a traffic study investigating the need and/or warrant for signalization at the intersection of Mequon Road and Market Street. The traffic engineer conducting the study shall be contracted by the City of Mequon and the study shall be conducted approximately one (1) year from the date of occupancy permitting.
12. Cost for installation of a future signalized intersection shall be assessed to area-wide development based on the development's proportionate share of impact necessitating signalization.

SECTION II: All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION III: This ordinance shall take effect and be in full force upon its passage, publication, and Common Council approval of a "fee in-lieu of taxes" agreement.

Approved: _____
Christine Nuernberg, Mayor

Date Approved:_____

This is to certify that the foregoing ordinance was adopted by the Common Council of the City of Mequon, Wisconsin at a meeting held on the _____ day of _____, 2002.

_____
Lee Szymborski, City Clerk

Published:_____

Attachment: SarahChudnow (1507 : 3. Sarah Chudnow Rezoning Recommendation)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE NO. 2014-1434

To amend the map portion of the "Development Ordinance of the City of Mequon" (i.e., Chapter 3) with respect to 19.4 acres of land located at 10995 W Market Street. This Ordinance serves to amend previously approved Ordinance 2002-1049 regarding the Sarah Chudnow Campus

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1. Ordinance 2002-1049 Section 1, Condition 1 shall read as follows:

The developer is entitled to a maximum density of 5.75 units per acre distributed in the following manner:

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2. The building footprint and exterior shall remain consistent with the original approval. Any substantial changes to the plan will require an amendment to the PUD.

3. All other conditions identified in Ordinance 2002-1049 shall remain in force.

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Attachment: SarahChudnow (1507 : 3. Sarah Chudnow Rezoning Recommendation)

SECTION III: This ordinance shall take effect and be in full force upon its passage and the day after publication.

Approved: Dan Abendroth, Mayor_

Date Approved: October 30, 2014

This is to certify that the foregoing ordinance was adopted by the Common Council of the City of Mequon, Wisconsin at a meeting held on the 14th day of October, 2014.

Jesse R Thyes, Acting City Clerk

Published: November 6, 2014

Attachment: SarahChudnow (1507 : 3. Sarah Chudnow Rezoning Recommendation)

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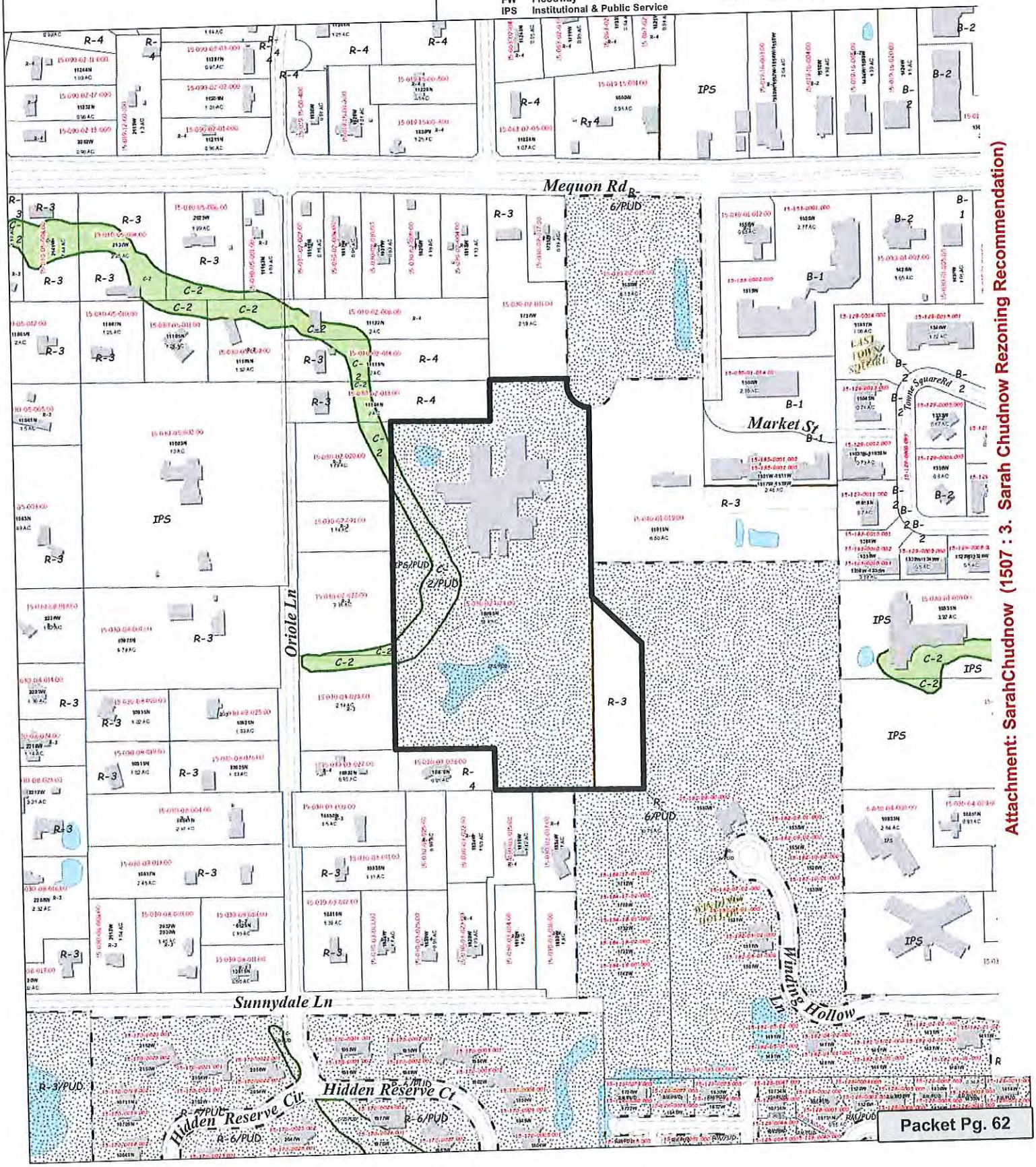

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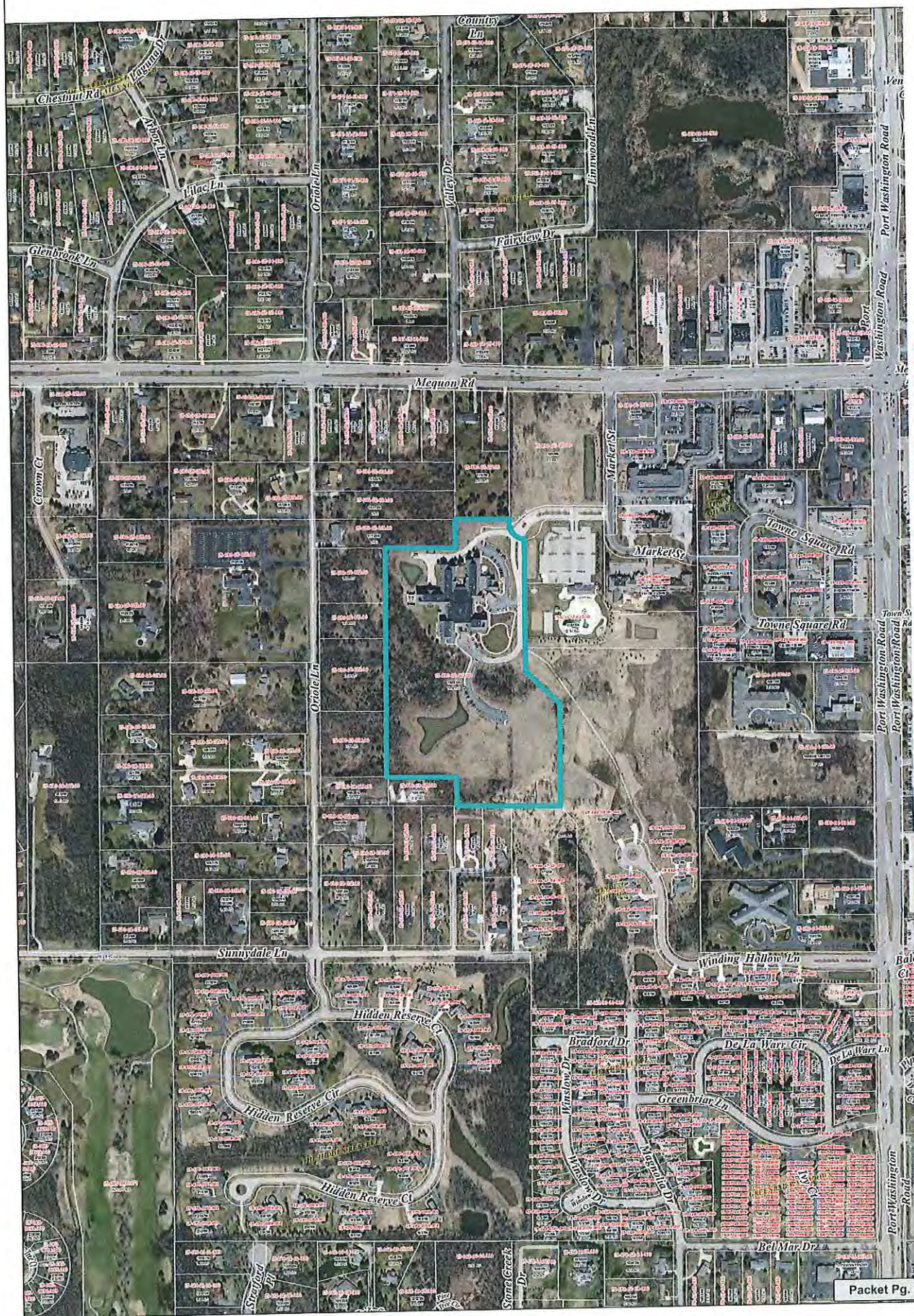

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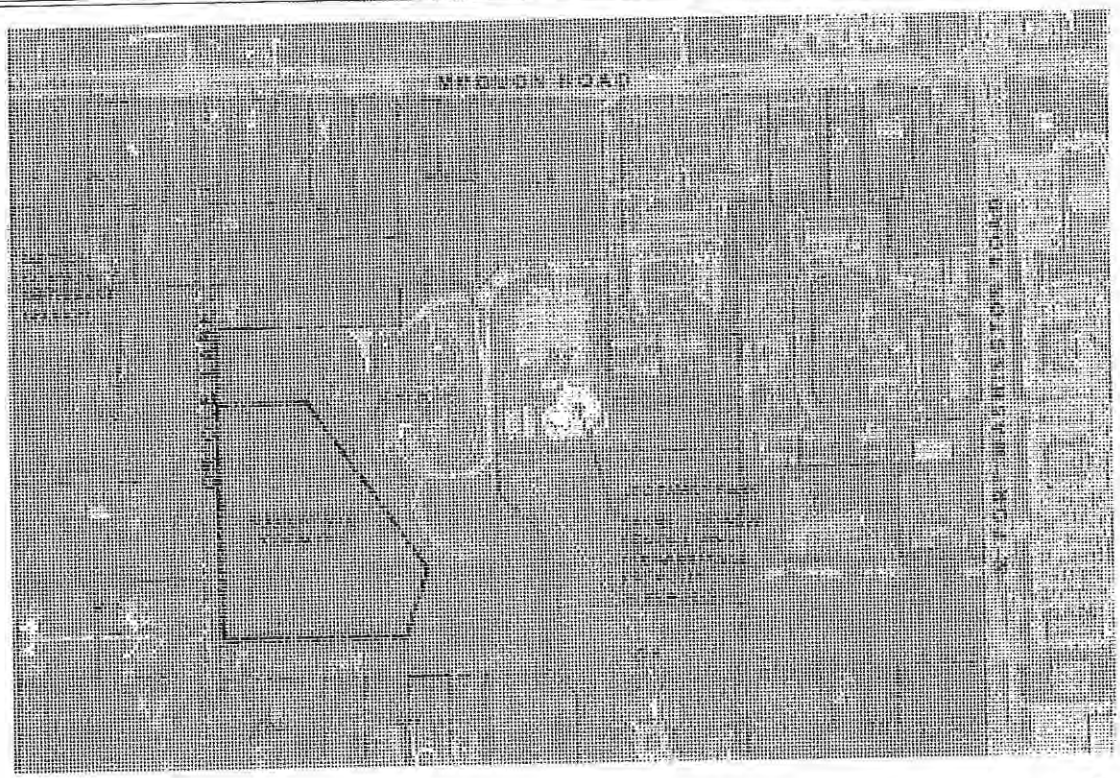

L-2

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Approved: _____
Christine Nuernberg, Mayor

Date Approved:_____

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Lee Szymborski, City Clerk

Published:_____

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City of Mequon

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

www.ci.mequon.wi.us

Office of Planning Commission

TO: **Planning Commission**

FROM: **ROBIN BUZZELL, ADMINISTRATIVE ASSISTANT**

DATE: **March 7, 2016**

SUBJECT: **Development Inquiry March 7, 2016**

See attached for the Development Inquiry for March 7, 2016

Attachments:
Development Inquiry Feb2016 (XLSX)

STAFF MEETING FOR DEVELOPMENT INQUIRIES: February 2016

PROJECT TYPE W. ESTIMATED VALUE BY LOCATION

TOWN CENTER	PORT	OTHER COMMERICAL	RESIDENTIAL
Town Center Loan Program for Ruby Tap		New Restaurant & Brewery	
Mixed-Use $30M		Relocation of Institutional Use	Conservation Subdivsion
New Development: Residential MF use		Industrial Manufacturing Use - New	
Mixed-Use $19M		Revolving Loan Fund Program for Commerical user	
New Development: Senior Living Apts.			
City Facility Uses			

Attachment: Development Inquiry Feb2016 (1530 : Development Inquiry March 7, 2016)