



11333 N. Cedarburg Road
Mequon, WI 53092
262-236-2904
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, May 9, 2016
7:00 PM
Christine Nuernberg Hall

Minutes

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

Present:

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

Ald. Strzelczyk and Ald. Adams share the aldermanic seat and coordinate attendance at the meetings.

- b) Planning Commission Minutes from April 11, 2016

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Parrish
SECONDER:	R. Schaefer, Commissioner
AYES:	Abendroth, Adams, Mason, Parrish, Bessler, R. Schaefer, J. Schaefer, Lemke
EXCUSED:	Strzelczyk, Stoker

Motion to open Public Hearing

Resident Steve Helfer spoke and stated he is opposed to the CUG because he is a longtime resident and customer at East Town Hair which is being asked to close down due to the new tenant Cyclebar opening for business. He is not opposed to this business operating in Mequon,

he just prefers it was located elsewhere so that the barber shop would not be negatively affected and need to close down.

Mayor Abendroth stated that the Mequon Pavilion shopping center owner is making this decision regarding its tenants and not the City.

RESULT: **Approved by Voice acclamation [Unanimous]**

AYES:	Abendroth, Adams, Mason, Parrish, Bessler, R. Schaefer, J. Schaefer, Lemke, Choren
EXCUSED:	Strzelczyk, Stoker

Motion to close Public Hearing

RESULT: **Approved by Voice acclamation [Unanimous]**

MOVED BY: Commissioner Parrish

SECONDED BY: Commissioner J. Schaefer

AYES:	Abendroth, Adams, Mason, Parrish, Bessler, R. Schaefer, J. Schaefer, Lemke, Choren
EXCUSED:	Strzelczyk, Stoker

2) Consent/Public Hearing

Brixmor SE I, LLC for CycleBar. The applicant is seeking conditional use grant approval to operate an indoor cycling fitness studio for the property located at 11104 N. Port Washington Rd (Mequon Pavilions).

RESULT: **Approved with conditions [Unanimous]**

MOVED BY: Commissioner J. Schaefer

SECONDED BY: Commissioner Mason

AYES:	Abendroth, Adams, Mason, Parrish, Bessler, R. Schaefer, J. Schaefer, Lemke, Choren
EXCUSED:	Strzelczyk, Stoker

3) Consent/Regular Business

Life Homes, Inc. The applicant is seeking fill permit approval in excess of 1,000 cubic yards (specific request is 2,500 c.y.) for the property located at 12813 N. Highland Court.

Commissioner Bessler asked about the purpose of the fill. He also asked for confirmation that the fill would not divert water to the neighbor.

Deputy Dir. Of Engineering, James Keegan, indicated that the fill will be used to build up the grade around the house. He stated that the mound system needs the fill to be raised around the house and due to the presence of ground water, the homeowner wants the home raised. Deputy

Dir. Keegan confirmed that the grading for the lot has been reviewed and the proposed grading is in accordance with the master grading plan.

Commissioner Becky Schaefer asked if the other lots in that subdivision also brought in a large amount of fill.

Deputy Dir. Keegan answered that this house is located at a much lower level in the subdivision. The west half of the lot is a natural wetland and there is a berm between this part of the lot and the wetland. It is graded to the west. The lot directly to the north is not built on and Highland Road is to the south. The lot is 11 acres.

Ald. Adams asked for confirmation that once a lot is platted that it is the job of the City to help make it buildable.

Asst. Dir. Zader answered that there are several challenges with this property as there is a large setback off of Highland Road, a setback off the private road going in, it is a pie shaped lot and there are wetlands in the back. There have been numerous iterations of plans for this lot. He explained that it was denied as a PUD conservation plan by the Common Council and it ended up with the 5 acre lot design which restricted some of the creativity of the lots. He feels that this is a plan that works for everyone.

RESULT: **Approved [Unanimous]**
MOVED BY: Commissioner J. Schaefer
SECONDED BY: Commissioner Mason

AYES:	Abendroth, Adams, Mason, Parrish, Bessler, R. Schaefer, J. Schaefer, Lemke, Choren
EXCUSED:	Strzelczyk, Stoker

David Kriegel. The applicant is seeking setback waiver approval for the property located at 5103 W. Westfield Road.

Commissioner Parrish asked about the seven houses surrounding this location and he is wondering why this item is on the consent agenda and if the neighbors had any issues with the proposed garage.

Asst. Dir. Zader stated that the applicant is also on the Architecture Board agenda tonight and the only reason it is on the Planning Commission agenda is because of the waiver to the front yard. The size of the garage and the number of stalls complies with City code. The only action is to approve what currently exists there now.

RESULT: **Approved [Unanimous]**
MOVED BY: Commissioner J. Schaefer
SECONDED BY: Commissioner Mason

AYES:	Abendroth, Adams, Mason, Parrish, Bessler, R. Schaefer, J. Schaefer, Lemke, Choren
EXCUSED:	Strzelczyk, Stoker

4) Regular Business

WE Energies. The applicant is seeking specimen tree removal approval at 11611 W. Donges Bay Road to remove one specimen tree as part of installation of a natural gas infrastructure project.

Asst. Dir. Zader stated that there is a specimen tree on this property that the City Forester recommends is removed. He noted that there is a large split in the tree and some trimmings already have been done by WE Energies that makes the tree not worth saving and no monetary compensation is required.

Ald. Adams asked that the City Forester list the specific species of tree and the size of it as well.

The home owner, Charles Burczyk, stated that he agrees that the first tree needs to go, but he does not feel that the second tree should be removed. (item #6).

RESULT: **Approved [Unanimous]**
MOVED BY: Commissioner Parrish
SECONDED BY: Commissioner Lemke

AYES:	Abendroth, Adams, Mason, Parrish, Bessler, R. Schaefer, J. Schaefer, Lemke, Choren
EXCUSED:	Strzelczyk, Stoker

WE Energies. The applicant is seeking specimen tree removal approval at 11623 W. Donges Bay Road to remove one specimen tree as part installation of a natural gas infrastructure project.

Asst. Dir. Zader stated that the City Forester feels that the 17" diameter tree should be saved and not removed. He suggests they reroute the pipeline to save the tree. If the Planning Commission does allow for removal of the tree, the City Forester is requesting compensation of \$1,700 to the City for urban forestry or to replant on site.

Pat Adams, WE Energy representative, stated that it was clear to the resident about which trees were being removed and they were compensated for those trees. She said she will talk with them if there was a misunderstanding.

Commissioner Choren asked for clarification about whether the tree had already been removed. He asked about the option to reroute the pipeline. He asked who gave approval if it wasn't the property owners.

Ms. Adams stated that this project has been approved by the Public Service Commission of Wisconsin (PSCW), they determine the necessity of the project and they also approve the route. It is not easy to change the pipeline route; it requires approval to make a change to the route. It is a large sized pipe and not easy to move around trees. She explained that PSCW issues a certificate of authority, authorizing the utility the construct the project. They approve the route; they approve all specifics of the project.

Ald. Adams asked how deep the pipe goes. She asked if the pipe can go underneath the tree. She stated that Beech trees are very rare in Mequon and it is not easy to plant new ones. It is hard for her to approve the removal of a Beech tree especially with the homeowner wanting to keep the tree alive.

Ms. Adams answered that the pipe will have four feet of cover.

Commissioner Lemke stated that pipes are not allowed under trees, it needs to be kept clear.

Mr. Feller, WE Energies project design representative, stated that the trees in the area have been looked at in regards to the route. Due to this pipe being 24", there are many challenges with the size of the equipment that is used and the construction. Other options were considered but this was the less intrusive. In order to apply directional drilling it would require 700-800 feet of drilling and about \$100,000 of increased cost to save the trees in that area.

Commissioner Parrish asked if WE Energies agreed to an easement to keep the tree there.

Mr. Feller answered that WE Energies will need to meet with Mr. Burczyk to discuss that. They did meet with him beforehand and there were trees that were agreed they would try to save and some that would need to come down.

Commission Choren asked if there is any latitude for the PC to decide differently that what has been approved by PSCW.

Mayor Abendroth stated that the PSCW denotes the route of the pipeline. The City of Mequon does not want to stop the implementation of the utility line, which could cost \$100,000 or a possible lawsuit, due to the unfortunate removal of one specimen tree.

Commissioner Choren asked about the compensation that would be made to the homeowner.

Asst. Dir. Zader stated that the condition is either \$1,700 or 17" of replacement on the property.

Ald. Adams asked about the \$100,000 amount and whether this is a true cost.

Mr. Feller stated that they look at the route and determine their construction methods and they have pricing negotiated with their contractors. He is confident about this expense; it is not exaggerated. There are other areas of the route where they are using direct drilling technology and they have pricing from those areas.

Commissioner Jim Schaefer asked why another route was not chosen since they knew the trees were there and that the homeowner was not supportive of the removal. He feels that this is the easiest route so it was picked without other considerations and he is not supportive of it.

Mr. Feller stated that they look at everything but they have a responsibility to their rate payers to propose a plan that is best from a cost stand point. They did look at both sides of the road and some determinations had to be made and this was one of the best solutions. The pipeline is about 60 years old and needs to be replaced.

Mayor Abendroth stated that WE Energies worked with the City of Mequon to have the pipe run along Donges Bay Road and to keep the pipeline out of the Nature Preserve. There would have been much more environmental damage there. This tree is being sacrificed and there will be more trees in the future, but it is the best option for this project.

Shirely Burczyk, homeowner, stated that the two trees that they are most concerned about are the 100 year old Maples, but there are many other trees that will be removed as well: a row of trees between the two houses and a grove of Evergreens trees. Across the street there is open space that has old trees that are not taken care of and she wonders why the pipes can't go under those areas. She would like the pipe to go across the street about two blocks earlier and go across the open fields. She stated that the tree in front of the farm house was not be taken down.

Mr. Feller stated that those properties have been considered but they are owned by MSND and they are protected by them. They have met with them and discussed construction there and they would have fought them. He said he would meet with the Burczyks to review the agreement again about which trees are to be removed; he stated that nothing additional has been added.

Commissioner Parrish made a motion to approve the proposal subject to the easement rights between the owner and WE Energies and subject to the tree replace ordinance.

Mayor Abendroth seconded the motion.

Ald. Adams asked if this tree could be spaded and moved. If possible, this would be a great solution. She stated that if there is any way to save the Beech tree, it would be worth it.

Mr. Feller answered that it could be tried, but based on the size it may be difficult to do. He agreed to have an expert look into the possibility of moving the tree.

Commissioner Parrish amended his motion to accept Ald. Adams' friendly amendment regarding having an expert evaluate whether the tree can be moved.

Commissioner Lemke asked if the easement states what types of trees stay or go.

Asst. Dir. Zader stated that easements define areas but not specific trees.

Mayor Abendroth asked if WE Energies has the right to remove anything within an easement.

Ms. Adams answered yes.

Mr. Feller stated that they try to save as many trees as possible. They did meet with the Burczyk's beforehand and work with them.

RESULT: **Approved with conditions [8 to 1]**
MOVED BY: Commissioner Parrish
SECONDED BY: Mayor Abendroth

AYES:	Abendroth, Adams, Mason, Parrish, Bessler, R. Schaefer, Lemke, Choren
NAYS:	J. Schaefer
EXCUSED:	Strzelczyk, Stoker

Neumann Companies, Inc. Highlander Estates Subdivision – Phase I. The applicant is seeking landscape plan and street tree plan approval for Phase I for a 111 single family subdivision located immediately south of Brighton Ridge and Knightsbridge between Swan and Wauwatosa Roads.

Asst. Dir. Zader stated that the tree board did approve the location of all of the street trees and the tree species. The landscaping plan mostly deals with Phase I open space areas which is primarily the landscaping around the entry way signage off of Knightsbridge as well as scattered trees located along the perimeter of the subdivision and within the out lots and the cul du sac islands. Typically the entire infrastructure including all planting of the trees is required prior to final plat approval. Staff recommends approval according to the conditions in the report.

Tim Bireley - 8825 W. Daventry Road misread the courtesy notice and realizes his property backs up to Phase II or Phase III. His concern is that he bought his property for the privacy in the back and he feels that the plans do not show an effort to build a natural barrier to help retain privacy. He wants to make sure his concerns are heard and he asked what time would be appropriate to voice his concerns.

Asst. Dir. Zader answered that at the time of Phase III landscaping approval would be the time to voice his concerns to the developer. He also reminded the PC and Mr. Bireley that at the time of the open space approval the PC required additional trees be added between the lots noted on the Highlander Estates plat. The developer could choose to put in additional screening when the landscaping plans for the next phases are submitted. The concern at the time of the open space approval was the headlights shining into some of the neighbor's yards. That phase will most likely be next year, but staff will work with the applicant to ensure there is enough screening to prevent the headlights transferring into the neighboring yards. The difficulty is that is a large long stretch of land and it is not required by ordinance to buffer between single family to single family. The applicant, as a good neighbor, could provide trees there; it is not required from one subdivision to another.

Mayor Abendroth stated that it can be required at the time of the landscape plan to add additional buffering and screening.

Ald. Adams stated that she feels that the definitions of how the properties are to be used should be defined (open space regulations). She also would like to have large subdivisions landscaping plans reviewed by an outside professional.

Kent Corbett - Knightsbridge Estates resident asked about the issue of the headlights impact. He asked if the trees along the south side of Knightsbridge Drive (Evergreens and Spruces) were selected to act as shields and he asked how tall the trees will be when initially planted.

Asst. Dir. Zader responded that the design was not based on the shielding of the lights. The street tree plan on both sides of the street are deciduous trees that are compliant with the Street Tree manual. The decorative landscaping in the front was designed more aesthetically. He answered that the Norway Spruce are 6 feet in height and the White Spruce trees are 12 feet in height.

Kevin Anderson, Neumann Companies representative stated the three trees on either side of the entrance sign will be 12 feet and the rest will be 7-8 feet tall.

Ken Greeve - 8809 Daventry stated he has met with staff and his concern is that it is not atypical to put the entire infrastructure in at once. He thinks if the precedent is not set in the earlier phases it might not be required at the end phases. He thinks the trees should be put in now so that they can start growing and be part of the screening.

Asst. Dir. Zader stated that planting trees on an unconstructed area could cause problems for ponds, grading changes and roads that need to go in. The PC did require additionally screening be added as buffering as be part of the open space plan and preliminary plat. He feels that it would be difficult to add trees without the infrastructure being in place.

Mayor Abendroth stated that this discussion will not be forgotten.

Commissioner Choren made a motion to approve.

Ald. Adams seconded the motion.

Vote passed

RESULT: **Approved [Unanimous]**
MOVED BY: Commissioner Choren
SECONDED BY: Alderman Adams

AYES: Abendroth, Adams, Mason, Parrish, Bessler, R. Schaefer, J. Schaefer,
Lemke, Choren
EXCUSED: Strzelczyk, Stoker

5) Announcements

a) Development Inquiry for April 2016

6) Adjourn

7) Motion

RESULT: **APPROVED BY VOICE ACCLAMATION [UNANIMOUS]**
MOVER: J. Schaefer, Commissioner
SECONDER: John Mason, Commissioner
AYES: Abendroth, Adams, Mason, Parrish, Bessler, R. Schaefer, J. Schaefer,
Lemke, Choren
EXCUSED: Strzelczyk, Stoker