



11333 N. Cedarburg Road 60W  
Mequon, Wisconsin 53092-1930  
Phone (262) 236-2904  
FAX (262) 242-9655  
[www.ci.mequon.wi.us](http://www.ci.mequon.wi.us)

Department of Community Development

**Planning Commission**  
**January 11, 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 December 7, 2015 meeting minutes.

**Consent**  
**Public Hearing**

**2. Fresh Healthy Eatery & Juice Bar**

Address: 11319 N. Port Washington Road Tax Key: #15-019-16-025.00 District: #5 Zoning: B-2

**Request:** 1. Conditional Use Grant

**Briefing:** The applicant is seeking conditional use grant approval to operate a restaurant, including a juice bar, at the property located at 11319 N. Port Washington Road (Citgo Gas Station)

**Consent**  
**Regular Business**

**3. Ryan Companies**

Address: Northeast corner of Port Washington Road and Venture Court District: #2 Zoning: B-2

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

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

**Briefing:** The applicant is seeking a fill permit, for 8,000 cubic yards, approval for the construction of a three-story, 86,000 square foot medical office building located at the northeast corner of Port Washington Road and Venture Court.

**4. Veridian Homes**

Zoning: R- 3/CGO District: #4 Tax Key: # 14-028-03-006.00

Address: 10729 N. Wauwatosa Road Tax Key: # 14-028-13-007.00

Address: 10701 N. Wauwatosa Road Tax Key: # 14-028-13-008.00

Address: 10839 N. Wauwatosa Road Tax Key: # 14-028-04-012.00

**Request:** 1. Open Space Plan  
2. Street Tree Plan

**Briefing:** The applicant is seeking open space plan and street tree plan approval for the property located at 10729 - 10839 N. Wauwatosa Road for the proposed Enclave at Mequon Preserve subdivision.

**5. Highlander Estates, LLC**

Address: lands immediately south of Brighton Ridge and Knightsbridge subdivision between Swan and Wauwatosa Roads.

Tax Key: #14-028-07-001.00 & #14-028-03-005.00 & #14-028-04-007.00 District: #4 Zoning:R-3/CGO/R-4

- Request:**
1. Development Agreement – Phase II (Addition #1)
  2. Fill Permit in excess of 1,000 cubic yards

**Briefing:** The applicant is seeking development agreement and fill permit, for 17,000 cubic yards, approval to allow for Phase II (Addition #1) consisting of 30 lots of the 111 lot single family subdivision located immediately south of Brighton Ridge and Knightsbridge subdivision between Swan and Wauwatosa Roads.

**Public Hearing**

**6. Oldenburg Farm**

Address: 11446 N. Farmdale Road Tax Key: #14-020-01-004.00 District: #3 Zoning:R-1/OA,C-1/FW/OA

- Request:**
1. Conditional Use Grant

**Briefing:** The applicant is seeking conditional use grant approval to allow for a commercial horse stable at the property located at 11446 N. Farmdale Road

**Regular Business**

**7. Oldenburg Farm**

Address: 11446 N. Farmdale Road District: #3 Zoning: R-1/OA, C-1/FW/OA  
Tax Key: #14-020-01-004.00 #14-020-04-002.00 #14-020-12-000.00 #14-021-07-004.00  
#14-021-07-002.00 #14-021-07-001.00 #14-021-07-003.00

- Request:**
1. Rezoning Recommendation
  2. Concept Plan

**Briefing:** The applicant is seeking rezoning recommendation and concept plan approval to allow for a 20 lot conservation subdivision located at 11446 N. Farmdale Road. The development includes two separate sections of land. There is a 185 acre section of land on the east side of Farmdale Road and a 37 acre piece of land on the northwest corner of Mequon Road and Farmdale Road.

**8. Announcements**

Development Inquiry

Next Meeting is Monday, February 8, 2016

**9. Adjourn**

Dated: January 5, 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.

**ITY OF MEQUON WISCONSIN  
PLANNING COMMISSION MINUTES  
December 7, 2015**

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

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

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

1. a. Call to Order, Roll Call
- b. Approval of the November 11, 2015 Planning Commission meeting minutes.

**Action:**

Commissioner Mason moved to approve the November 11, 2015 minutes..  
Commissioner Fuchs seconded the motion to approve the minutes.

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

**Consent**

**2. Concord Development Company for Mark and Lynn Leonard**

District: #5      Zoning: B-3  
Address:      11409 N. Port Washington Road Tax Key: #15-019-13-014.00  
                 11421 N. Port Washington Road Tax Key: #15-019-13-013.00

**Request:**      1. Building/Site Plan Extension  
                 2. Certified Survey Map Extension

**Briefing:** The applicant is seeking one-year extension of certified survey map and building/site plan approvals that were originally granted on December 8, 2014 for the Leonard Development project to be constructed at 11409-11421 N. Port Washington Road.

**3. Walter Buildings for John Dobberfuhl**

Address: 13235 N. Granville Road      Tax Key: #14-007-03-000.00      District: #5      Zoning: R-1/OA, C-2/OA

**Request:**      1. Minor Request – Agricultural Structure >1,000 sq. ft.

**Briefing:** The applicant is seeking approval to allow for a new machine shed (60' x 120') at the property located at 13235 N. Granville Road.

**4. Andrew Petzold for Lakeside Commons Condominiums**

District: #5      Zoning: B-3  
Address: 11715 N. Port Washington Road (Unit1)      Tax Key: #15-176-0001.000  
Address: 11725 N. Port Washington Road (Unit 2)      Tax Key: #15-176-0002.000

**Request:** 1. Final Condominium Plat Amendment

**Briefing:** The applicant is seeking approval to re-plat the condominium to reconfigure unit areas and common elements located at the property at 11715–11731 N. Port Washington Road.

**Action:**

Ald. Strzelczyk made a motion to approve consent agenda items #2, #3 and #4.  
Commissioner Fuchs seconded the motion.

Commissioner Becky Schaefer asked for additional information regarding item #2 requests for extension.

Asst. Dir. Zader answered that the applicant is still working on details on the architecture and wants to secure more tenants before starting construction on the building.

*A voice vote was called. All voted aye, 8-0.  
Consent items #2, #3 and #4 are adopted.*

Mayor Abendroth moved item #8

**8. Dan Mikolajczak**

Address: 8677 W. Freistadt Road

Tax Key: #14-021-06-009.00

District: #3

Zoning: R-1/OA, C-1/FW

**Request:** 1. Reconsideration of approval for agricultural building in excess of 1,000 square feet

**Briefing:** Based on a memo from the City Attorney, the Planning Commission may reconsider the approval for an agricultural building at 8677 W. Freistadt Road

**Action:**

Ald. Strzelczyk made a motion to reconsider this item.  
Commissioner Fuchs seconded the motion.

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

Asst. Dir. Zader stated that he added a memo from the City Attorney dated November 30, 2015, regarding the use of the agricultural building. There was much discussion last month regarding how much of the building could be used for personal use. After that meeting, Asst. Dir. Zader asked the City Attorney for his opinion regarding this issue. His opinion is that this building needs to be solely for the agricultural use. This is in conflict with the motion and approval from last month's Planning Commission (PC) meeting.

The applicant Dan Mikolajczak asked what is being changed from last month's approval.

Mayor Abendroth stated that the language used for the approval was primarily used for agriculture but it needs to be exclusively used for.

Asst. Dir. Zader stated the reason for this item being before the PC is because the code states that an agriculture building in excess of 1,000 sq. ft. requires PC approval. Personal use buildings would not come before PC, they would be handled before the Architecture Review Board. The personal use building has limits to the size allowed. In this case it would be limited to 2,170 sq. ft. He suggested that if the applicant is looking for additional space for personal items, the best solution would be to build a 2,170 sq. ft. detached building. If the applicant needs a space for agricultural equipment, he should build a separate building for those purposes at a size necessary to accommodate that equipment. This would require that the existing 8 x10 shed on the property to be removed.

Commissioner Mason if there is a tax difference depending on the type/use of building.

Asst. Dir. Zader stated that he believes agricultural has its own tax structure for land which may also apply to building.

He added that the existing building is 2,268 sq. ft. and is considered non-conforming. The applicant was advised that he would be allowed to rebuild the same size building if that was desired. The applicant stated that it was not large enough. Even though it is not in the code language, staff would allow the same foot print at same size building to be rebuilt or remodeled. Both of the buildings on the property were present when the applicant bought the property.

Mayor Abendroth questioned if the applicant could remodel the building and add an addition.

Asst. Dir. Zader answered that there would need to be two separate buildings, separated by a fire wall with no openings. They are attached but separate.

Commissioner Fuchs asked for clarification on what the applicant is allowed to build on his property.

Asst. Dir. Zader stated that the applicant currently has two detached structures on the property (including the barn). For personal use, the applicant would need to remove the existing 8 x10 shed and the barn and then construct a new structure from scratch. Or he could remodel the existing structure and use it for personal use if it is the same shape and size. If the applicant wants a larger structure, it would be only allowed to be used for agricultural uses and the zoning code caps the size for detached for residential use at 2,178 sq. ft. This is the limit regardless of the size of the lot.

Mayor Abendroth stated that the applicant is allowed to remodel the current building for personal use and he could add an agricultural building or expand the current building for agricultural use only. .

Mr. Mikolajczak stated that the building is made of field stone with cinderblock walls which are difficult to take down. He stated that he wants to add 1,929 sq. ft. in the back of the building. He stated that building a wall to separate the two sides would be a better solution.

Commissioner Becky Schaefer asked if the additional 1,921 sq. ft. would be enough space to be used for personal use. Mr. Mikolajczak answered yes.

Ald. Strzelczyk stated that the intent is to allow the applicant some flexibility to be able to enjoy his property. He thinks it is important for the PC to respect the zoning code that is in place and to also be consistent.

Asst. Dir. Zader stated that based on the acreage, 2,178 sq. ft. is 1% of 5 acre zoning. The applicant would be allowed to use that for personal use. The proposed building was presented as an agricultural building but it is now being discussed to be used for personal ATV's, snowmobiles and a RV. The PC is approving the agricultural portion, not the personal portion. This is a unique situation because the applicant is reconstructing the front portion of the building for personal use that is physically attached to the building to the back which is the agricultural portion. It would require a two or three hour rated wall that would need to separate the two portions to legitimately call it a separate building.

Commissioner Stoker asked whether the personal use portion would need to go through the Architecture Board (AB) review. If it is required, he asked how it would work to have that piece work with the piece that PC has to approve.

Asst. Dir. Zader answered that the personal piece would need to go before AB. He stated that this is a new path and the reason it is before PC. PC may approve a portion that later comes into conflict from the review of the AB. Due to this, he prefers that each portion is handled as separate portions with 5 feet of space between them. This would ensure each portion gets handled specifically.

Mayor Abendroth stated that the applicant is allowed to remodel the existing building for personal use as long as it is the same size and shape as its current condition. Anything added to the existing building, either attached or detached, would need to be used for agricultural use only. The applicant needs to figure out exactly what he wants to do and submit a plan. He suggested that this be tabled and the applicant should work with staff.

**Action:**

Commissioner Parrish moved to table this item.

Commissioner Fuchs seconded the motion.

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

### **Public Hearing**

#### **5. Dermond Property Investments, Inc.**

Address: 11130 N. Buntrock Avenue Tax Key: #14-027-02-010.00 District # 4 Zoning: TC

- Request:**
1. Conditional Use Grant
  2. Building/Site Plan Approval
  3. Specimen Tree Removal

**Briefing:** The applicant is seeking conditional use grant, building/site plan and specimen tree removal approval to allow for a 3-story, 33 unit multiple family residential development located at 11130 Buntrock Avenue in the Town Center.

**Action:**

Commissioner Stoker made a motion to go into public hearing.

Ald. Strseconded the motion.

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

**Action:**

Commissioner Stoker made a motion to close the public hearing.

Ald. Strzelczyk seconded the motion.

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

Asst. Dir Zader stated that the applicant was before the PC in October for rezoning and concept plan approval. It then was approved by the Common Council (CC) in November. There are a few changes to the building since the last meeting but the site plan is pretty much the same. The PUD concept plan did allow for a number of waivers; including 30% of the units are smaller than the 1,000 sq. ft. but no less than 821 sq. ft., the FAR is allowed at 116% and the number of guest parking stalls was reduced to 8. The average sq. ft. of the units is 1,231 and the breakdown of types of units is the same (17-1 bedrooms, 12-2 bedrooms and 4- 3 bedrooms). The plan now shows a storm water pond in the middle of the site. Due to a significant grade change from the front to the back, there is a retaining wall with a fence that will need to be approved. There is a potential for public improvement in the R.O.W. These will need to be approved per the TC guidelines. The Commissioners had some previous concerns regarding the elevations of the building and there has been some changes. The color pallet has been changed and is richer in tone than the last design. Staff does support the changes to the building. The only concern is the elevation to the East. Staff would like to see some more prominent articulation to the wall or some features added to break up the massing of that wall.

There are two specimen trees that they are asking to have removed. The City Forester has approved the removal in accordance with the tree preservation policy.

The conditional use grant is required for any building over 2 & ½ stories. The shadow line study shows that there is very little impact of the building on adjacent properties in terms of shadow..

The landscaping and lighting plans are in the packet. The comments from the landscaping consultant are included. Staff has received an updated lighting plan. There are still a few minor issues to work out.

The applicant stated that they do not have any objections to the conditions in the staff report.

Commissioner Jim Schaeffer asked whether the brick sticks out from the fiber siding. He also asked about the large east side wall, he thinks the windows are different on that side. He feels there needs to be improvement there.

Commissioner Stoker asked about the limited number of guest parking stalls. He asked if this is sufficient. He stated that he favors the improvements on the East side.

The applicant answered that most of their experience is in urban areas. She stated that there is a lot of parking underneath and they are also hoping there may be some street parking available.

Ald, Strzelczyk also questioned whether there is enough guest parking. He suggests that the east elevation still needs work and he would like to see if be brick. He said this building will be a show piece in the TC and he would like for all 4 sides to be more attractive.

Commissioner Becky Schaeffer asked if the two specimen trees are removed would be replaced on the property. She asked about the trees/screening on the east side to shield the bus company.

The applicant answered that they would be replaced on the property.

**Action:**

Ald. Strzelczyk made a motion to approve this item with the stipulation that the applicant work with staff on the east side of the building to improve the elevation and appearance of that side.

Commissioner Stoker seconded the motion.

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

**Regular Business**

**6. Forward Dental**

Address: 6048 W. Mequon Road      Tax Key: #14-050-02-04-000      District: #2      Zoning: TC

**Request:**      1. Building/Site Plan Amendment

**Briefing:** The applicant is seeking building/site plan amendment approval to allow for opaque window coverings at the property located at 6048 W. Mequon Road in the Town Center.

Asst. Dir. Zader stated that this is a request to cover up the entire 1<sup>st</sup> floor south and west window area with an opaque frosted window covering. There is also signage on the west elevation that exceeds the 25% window coverage. Staff is not supportive of covering the windows and stresses the importance of natural surveillance. There were numerous conversations with the developer and it was also stated on their occupancy permit that the windows need to remain from obstructions and window coverings at all times. It was known during the construction phase that this was the requirement and there were no indications that there would be any issues. It is unfortunate that the City is being put in a position of possibly abandoning one of the primary goals of the TC.

Asst. Dir. Zader showed examples of windows that are open and acceptable and examples that are covered and not acceptable in the TC. Staff recommends denial of the request.

Peter Young, Director of Regional Operations for Forward Dental, stated that they are mandated by the federal law to protect the privacy of their patients. They are working on solutions to manage their risk. They do not get to decide what is a violation; the patient decides if they feel they have been violated and to file a complaint with the federal government.

Ald. Strzelczyk stated that he struggles with this request because he agrees with the HIPPA request and patient privacy and the solution suggested is the best solution, but it was a known fact that the location is next to a sidewalk and the TC coding was in place. He is not supportive of changing the TC zoning. Although he agrees with what Mr. Young is saying, the space was leased and it was known to the developer and the tenant what the zoning code requirements were.

Commissioner Mason asked if the applicant considered going up to the second floor and if they would have the same issues on a second level.

Mr. Young answered that there would not be concerns about patients being seen from the public on the second floor but the expense of reconfiguring and moving all the equipment to the second floor would be very expensive to do.

Commissioner Becky Schaeffer asked why the developer was not present at this meeting. She stated that he should be present to discuss this issue since he was aware of this and leased the space to this tenant. She stated the memo from the developer missed the mark that this is already a slippery slope. She is struggling with this issue because she feels that the developer is not explaining the intent and the zoning code of the TC to his tenants.

Mr. Young stated that he was not aware of the negotiations to lease the space. He stated that the window skins have become more important to the business at other locations as well. They like the windows for the natural light but have used the window skins to provide the patient privacy at other locations.

Commissioner Stoker asked about the hours of operation and stated that he feels the screening is more impactful at night. He asked if they could do a retractable screening for during the day when needed. He said that they have ½ the building and their vitality there is crucial.

Ald. Strzelczyk stated that the product the applicant suggested to use is a great product. He does not have another one to suggest that would work for the TC zoning code. He agrees with need and concern of the applicant.

Commissioner Parrish asked if there are interior exam rooms. He inquired if their floor plan could be adjusted. He asked about using blinds.

The applicant stated that they are using a retractable blind. These are problematic as they need to be wiped down after each patient.

Commissioner Fuchs stated that he does not feel that this is a City issue but it is an issue that should be handled between the tenant and developer. He stated that the rules were made clear. He does not agree that the ordinances should be changed because there is now a problem that should have been known in the beginning.

Commissioner Mason stated that he is disappointed in Mr. Williams for putting the applicant in this position. There was a lengthy discussion regarding this issue and he should have advised the applicant about the window treatment restrictions.

Commissioner Stoker asked if staff is supportive of blinds being used by the applicant.

Asst. Dir. Zader answered that staff is not supportive because the blinds will always be down.

Mr. Young disagreed with that statement and stated that the blinds are only down if a patient requested them to be or if the sun is too bright and the data on the computer cannot be read. If they are down, they are put back up again.

Asst. Dir. Zader answered that this would be a staff enforcement nightmare and that the applicant could claim that every patient wants the blinds down.

Commissioner Stoker stated that he too struggles with this issue. Because this business faces south the blinds are necessary in the afternoon sun. He thinks the blinds may need to be an answer. He does not agree with the windows being covered. He struggles that this was a known issue and now months later this issue is before PC.

Ms. Tollefson added that all tenants on Cedarburg Road will have to deal with the sun at some point during the day. They should have reversed their floorplan like Elements Massage did to solve this issue. Staff has stressed all along that the priority is on the public street and not on the parking lot.

Mayor Abendroth asked if seeing a patient is against HIPA law.

Mr. Young answered that it is a patient's choice whether they feel violated and they could report it. They want to make sure they take every measure to be in compliance.

Ald. Strzelczyk asked how many of the windows are in patient rooms.

Mr. Young answered that there are 6 windows.

Ald. Strzelczyk stated that the precedent of TC is to invite traffic and closing off those windows goes against that intent. He agreed that this is not a City issue but it is a tenant/developer issue. He offered a possible solution of a few of the rooms (2 to 3) and maybe 6-month plan. He stated that the integrity of the TC zoning is important but it is also new and it is also important to work with the businesses in the city. Applicant should work with the developer to make it work.

**Action:**

Commissioner Parrish made a motion to deny the request.

Commissioner Jim Schaeffer seconded the motion to deny.

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

**7. Veridian Homes**

Zoning: R- 3/CGO      District: #4      Tax Key: # 14-028-03-006.00

Address: 10729 N. Wauwatosa Road      Tax Key: # 14-028-13-007.00

Address: 10701 N. Wauwatosa Road      Tax Key: # 14-028-13-008.00

Address: 10839 N. Wauwatosa Road      Tax Key: # 14-028-04-012.00

**Request:**      1. Development Agreement Amendment

**Briefing:** The applicant is seeking development agreement amendment approval for the property located at 10729 - 10839 N. Wauwatosa Road for the proposed Enclave at Mequon Preserve subdivision.

Asst. Dir. Zader stated that this request is an amendment to the development agreement to allow for additional homes to be built prior to final plat. The current development agreement allows for the construction of 2 homes to be built prior to final plat approval. The applicant is requesting this be modified to allow for 10 additional dwellings be built prior to final plat. He is also requesting that the requirement for having the binder course complete prior to issuing permits for the dwellings be waived. The permitted access point has not yet been installed and the applicant has been using a temporary access for their construction traffic. This would be the same access that is requested to be used to build the model homes. The model homes are allowed to be built prior to final plat to give the developer some exposure. Two homes has been the maximum allowed thus far. Staff feels that the requested 10 is too many and will set a precedent for all other developers. There are other concerns about having a substandard road for all contractors, City officials, inspectors and others will have to access the site without a binder course down. If there is an emergency on site the Fire and EMS would need to be able to access the property. The ability to monitor the road is difficult and having 10 model homes requires too much additional traffic on a less than standard road base.

Staff did offer the applicant 4 model homes could be built prior to final plat. They would need to be located in a designated area that is closest to Wauwatosa Road to limit the length of the temporary road. If the PC is willing to waive the requirement to have the binder course installed, the Engineering department has suggested several conditions in the staff report.

The applicant, Matt Cudney from Veridian Homes, stated that he appreciates Staff's willingness to allow four homes and the work that was done to find a solution to the road issue. They are in agreement with all of the recommendations in the staff report except for the number of allowed model homes and the limiting of the location of the model homes. They propose a compromise of 6 model homes be allowed and they would like the ability to build on lots 4 and 9 to the west. They currently have lot reservations for 4 and 9 and these will not be model homes but homes for specific homeowners. He stated that it will take 4-7 weeks to construct the binder course in the Spring, depending on weather conditions. Due to the schedule, it is important to have the houses ready for families to move in before school resumes in September. It is important to them that the road be maintained as they have heavy construction trucks traveling on it. They feel that there is little risk to the City. The site improvements have not been accepted so any damage done would be addressed by them.

Asst. Dir. Zader stated that the weight of the emergency vehicles is not the issue, they have a low profile off the ground.

Engineering Manager, James Keegan, stated that the temporary road is 12 feet wide, so it is one way traffic in and one way traffic out. It is not going to be easy to use if it gets too busy.

Mayor Abendroth asked about parking areas off the work site.

Mr. Cudney answered that they park off the site and due to the cold weather there should not be any issues.

Commissioner Parrish offered a compromise of 5 model homes be allowed.

Commissioner Fuchs asked about the reason for expanding the number of allowed model homes. He does not think the City should have to solve the problems with the road.

Asst. Dir. Zader stated that back in June or July it was known that the road was going to be difficult to get in due to scheduling. He added that although there is not a lot of risk to the City, there is still some risk. There are reasons that there are agreements in place to protect the City.

Mr. Cudney offered to give an indemnity or any agreement the City Attorney wanted to put in place.

Commissioner Fuchs stated the he supports the staff recommendation of allowing 4 houses.

Mr. Keegan stated the line drawn by staff west of lots of 2 and 11 is due to a public safety issue of keeping the building sites as far east and as close to Wauwatosa Road as possible. The intersection on site could be used as an intersection for staging emergency equipment if necessary.

Mr. Keegan stated that the applicant started in late Fall constructing the road and due to the wet weather the subgrade did not dry and the road base was not strong enough to hold the paving equipment. They now need to wait for warmer and drier weather in the Spring to build the road.

**Action:**

Commissioner Mason moved to approve the item as recommended by staff.

Commissioner Fuchs seconded the motion.

Mayor Abendroth offered an amendment to allow the applicant to use the lots 4 and 9 as part of the allowed 4 homes to be built.

Commissioner Mason accepted the amendment.

Commissioner

Fuchs seconded it.

*A roll vote was called. Vote passed 8-0*

**9. Announcements**

Development Inquiry

2016 Planning Commission Meeting Schedule

Next Meeting is Monday, January 11, 2016

**10. Adjourn**

The meeting adjourned at 9:00 pm

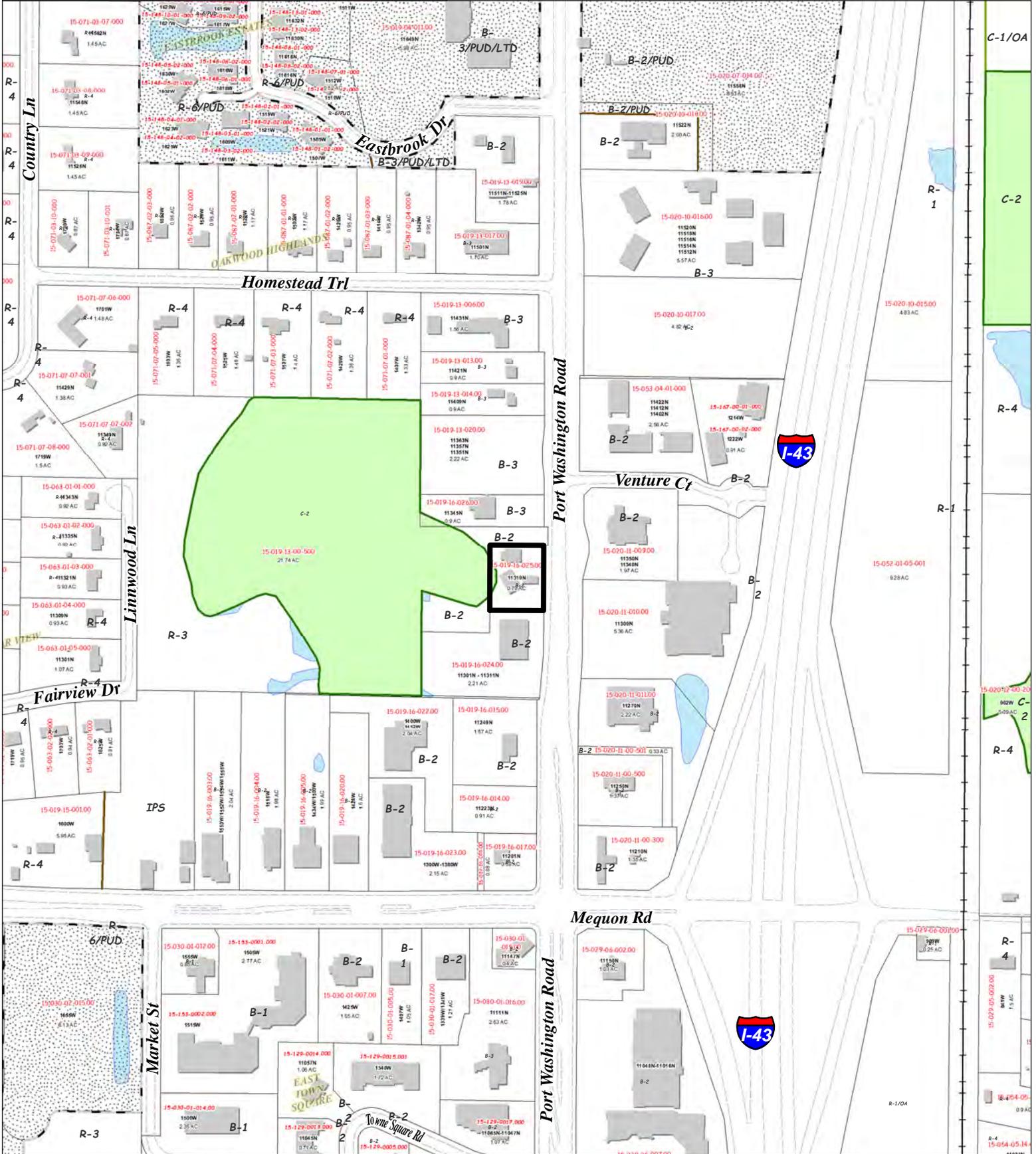
Ald. Strzelczyk moved to adjourn.

Commissioner Mason seconded the motion.

*All voted aye. Vote passed 8-0*

# ITEM #2 - Fresh Healthy Eatery & Juice Bar

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





## STAFF REPORT

To: Mequon Planning Commission

Prepared by: Jac Zader

Agenda Item: **2**

Date: January 11, 2016

**General Information:**

**Applicant:**

Greg Rausch

**Status of Applicant:**

Owner

**Requested Action:**

Conditional Use Grant

**Existing Zoning:**

B-2 (Community Business District)

**Land Use Plan:**

Community Commercial

**Lot Size:**

.79 acres

**Location:**

11319 North Port Washington Road

---

**Background:** The applicant requests conditional use grant approval for a restaurant located at 11319 N Port Washington Road inside the existing Citgo Service Station. Fresh and Healthy Eatery and Juice Bar has been in Mequon for six years and is looking to relocate from its current space in the Mequon Pavilions. The restaurant will occupy 315 square feet of the existing convenience store.

**Conditional Use Grant Findings:**

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

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

State and City health departments regulate the restaurant. The proposed service is similar in nature to other tenants in the area (McDonalds, Culvers, Starbucks). The use should not have a negative impact on access or traffic and should not endanger the public health, safety and general welfare.

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

The proposed hours of operation are consistent with the existing gas station and convenience store as well as with other food related businesses along Port Washington Road. Adjacent parcels are zoned B-2 and B-3 (Office) primarily with retail and office uses which provide a demand for this type of establishment. Staff does not believe the proposed use will injure the value of adjoining or adjacent property.

STAFF REPORT

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

The subject site is located in the B-2 (Community Business) district. Restaurants are conditional uses in the B-2 district. Adjacent uses include restaurants, retail stores, a bank and a lawn and garden shop. These B-2 uses and associated activities are compatible with each other. In addition, other gas stations in the area provide some level of food service as part of their operations. Staff believes the proposal should be harmonious with the surrounding uses.

The City does have the opportunity to require improvements to the site and building under this review. In this case, staff is recommending that the existing mechanicals on the roof top be screened from public view. The applicant has submitted a plan that includes a 42" parapet along the perimeter of the building that will provide the necessary screening. Staff is supportive of the proposed plan and will require the parapet be installed no later than June 1, 2016 as a condition of approval.

**Staff Recommendation:** Planning staff recommends approval of the conditional use subject to the following conditions:

1. Staff review and approval of floor plans.
2. The rooftop parapet shall installed no later than June 1, 2016

**Prepared By:** \_\_\_\_\_

November 27th, 2015

Mohammad Ali Sahranavard Owner

Fresh Healthy Eatery & Juice Bar

8741 N. 72nd St. Apt # 5

Milwaukee, WI 53223

To whom it may concern:

Since 2010, fresh healthy eatery & juice bar has served the community with the greatest organic food, vegan dessert and snacks. Proving to be the healthiest option for everyone in the community, we work with other healthy grocers such as OUT POST store to sell our most popular vegan dessert while also creating business with local gyms, aerobic and yoga places. We take pride in making quality goods within a friendly atmosphere. This has brought us regular customers and has helped our business expand every day.

I have worked in the food industry for more than twelve years , I started out as a prep worker for fresh and over time I've worked my way up to become the manager , after years of hard work and dedication to this company I have managed to become the owner . It is my passion to make the company grow. Throughout the years of working within this company I have got to know many members of the community that give fresh business on a daily basis and want to see the success and expansion of Fresh Healthy Eatery & Juice Bar.

The store is open 8:00 Am to 8:00 Pm Monday to Fridays, 9:00 Am to 5:00 Pm on Saturday & 10:00 Am to 3:00 pm on Sundays. Our menu is filled with variety of food drinks (hot & cold) and desserts, selection of vegan and gluten free desserts, more than 7 salads to choose from, with special raw vegan eatery. 8 sandwich selection including hot chicken Paninis, also serving vegan and vegetarian soups. Providing 10 different flavors of freshly made organic juices, one of the most popular items on our menu is freshly blended organic smoothies made from fresh fruits and vegetables ,no added preservative ,full of vitamins and proteins. Also in very high demand are our wellness shots that help boost healthy immune systems. Delicious desserts and snacks all made with raw and organic ingredients; no milk, flour or sugar.

Our company is small local business looking for a bright future within our community. Fresh has called Mequon its home for over five years and we could not be happier to be a part of such a great community.

We have proven and shown our quality in our work ethic and taste for our goods. With your approval we would love to keep serving Mequon families with healthy quality foods.

Sincerely,

Mohammad Ali Sahranavard

VENTURE COURT

RESIDENTIAL AND COMMERCIAL

WELLS FARGO BANK AND  
STEIN OPTICAL

MEQUON LAWN & GARDEN  
(11333 NORTH PORT  
WASHINGTON ROAD)

NORTH PORT WASHINGTON ROAD

MEQUON CITGO  
(11319 NORTH PORT  
WASHINGTON ROAD)

PICK 'N SAVE  
SUPERMARKET

LAKESHORE EYE CARE  
& GRAPES AND GRAIN

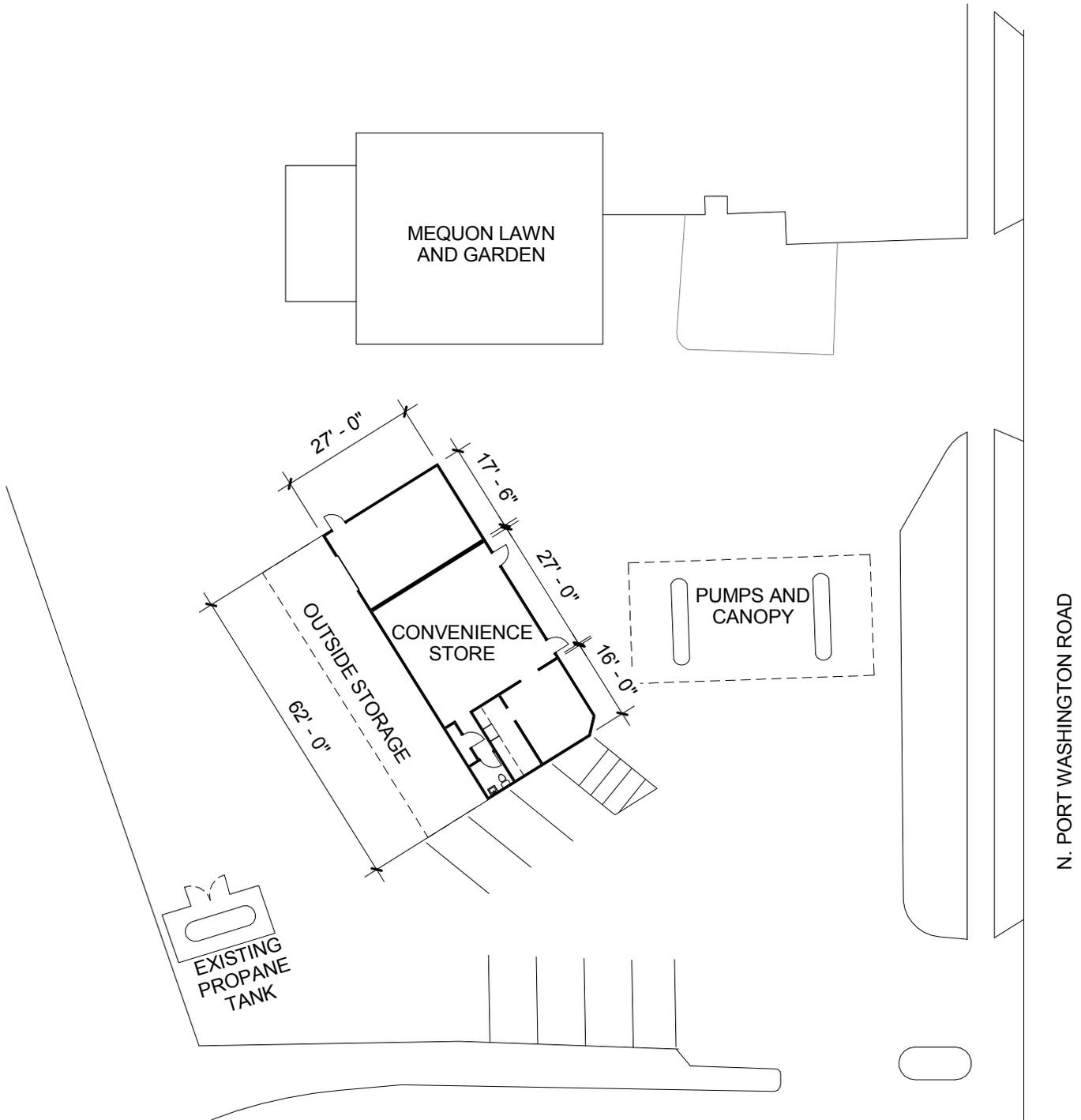
**Northern Environmental** <sup>SM</sup>

Hydrologists • Engineers • Surveyors • Scientists

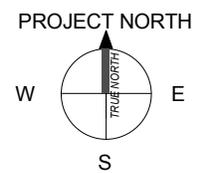
12075 North Corporate Parkway, Suite 210, Mequon, Wisconsin 53092

TEL: 800.750.7140 FAX: 800.841.0000





1 Site Plan  
1" = 30'-0"



CITGO GAS STATION RETAIL SPACE

11319 N. PORT WASHINGTON ROAD

SITE PLAN

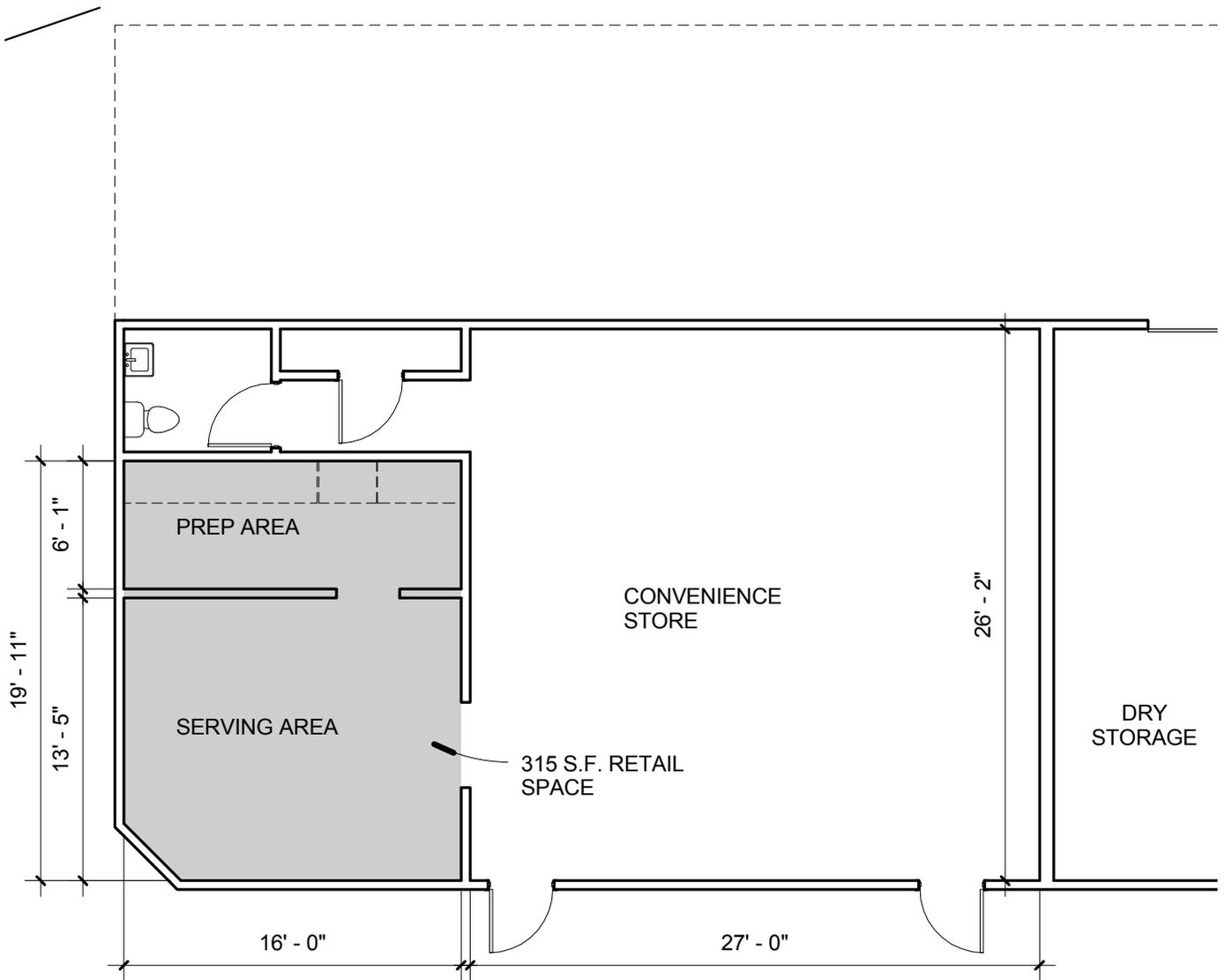
PROJECT #

SHEET ISSUE DATE

PAGE NUMBER

12/10/15

1



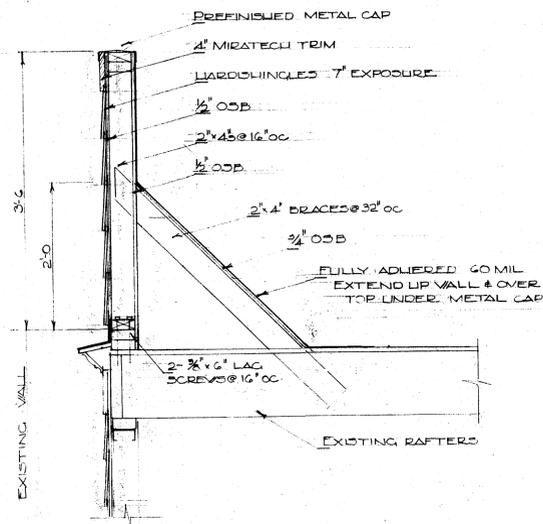
1 Partial Building Plan  
2 1/8" = 1'-0"

**CITGO GAS STATION RETAIL SPACE**

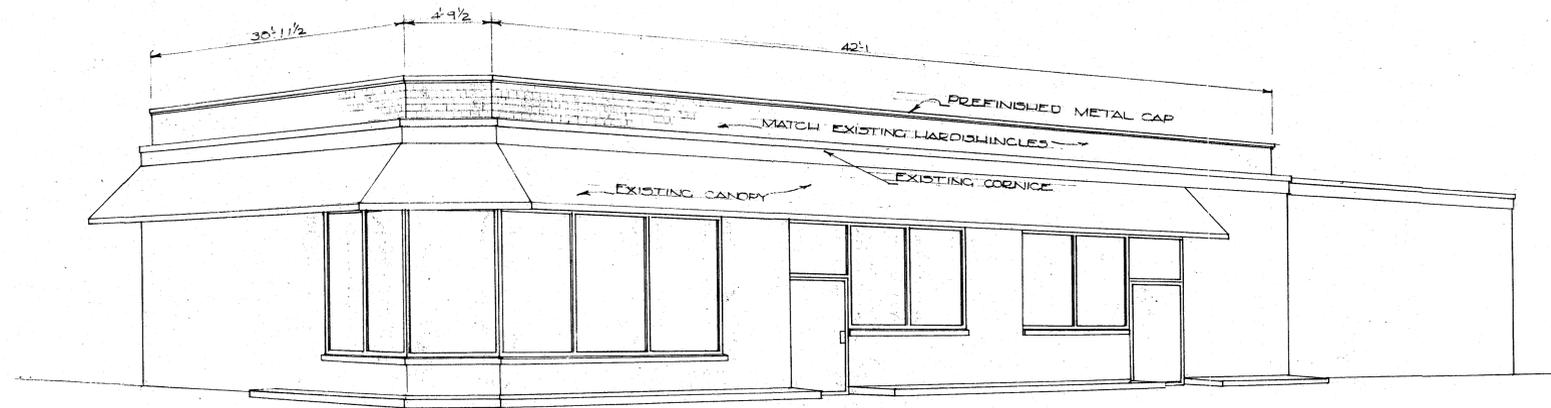
11319 N. PORT WASHINGTON ROAD

**PARTIAL BUILDING PLAN**

PROJECT # -  
 SHEET ISSUE DATE 12/15/2015  
 PAGE NUMBER 2



PARAPET SECTION  
SCALE 1"=1'-0"



SOUTHEAST PERSPECTIVE

DATE	PARAPET FOR	JOB NO.
AUG 21 '14	11319 N. PORT WASHINGTON RD	973
REVISED	MEQUON, WI	SHEET NO.
		1
<b>SCHAEFER ARCHITECTS</b>		
<small>134 E N. LAKEWOOD DRIVE • MEQUON, WISCONSIN 53097 • (262) 243-5303</small>		

**CONDITIONAL USE GRANT**

Articles of Agreement made and entered into this 11th day of January, by and between Larry Labonte Inc. owners of the property located at 11319 N Port Washington Road and the City of Mequon Planning Commission.

Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 19, Range 22 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows:

**LEGAL DESCRIPTION**

Exhibit A-1

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

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

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

**GRANTED** by action of the Planning Commission of the City of Mequon this 11th day of January 2016.

\_\_\_\_\_  
**Dan Abendroth, Mayor, Planning Commission Chairperson**

**Acknowledgment:**

STATE OF WISCONSIN)

)SS

OZAUKEE COUNTY)

Personally came before me, this \_\_\_\_ day of \_\_\_\_\_, 2016, the above named Dan Abendroth, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Ozaukee County, Wisconsin  
My Commission (expires) \_\_\_\_\_

\_\_\_\_\_  
**Planning Commission Secretary**

**Acknowledgment:**

STATE OF WISCONSIN)

)SS

OZAUKEE COUNTY)

Personally came before me, this \_\_\_\_ day of \_\_\_\_\_, 2016, the above named \_\_\_\_\_, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Ozaukee County, Wisconsin  
My Commission (expires) \_\_\_\_\_

**RETURN TO:**

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

**PARCEL NO.:**

150191602500

The **CONDITIONS** of this Grant are:

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

11. **Conditions on the site:**

- a. Street access (number, location, design): As per attached Exhibit A
- b. Off-Street Parking (location and design including screening thereof): As per attached Exhibit A.
- c. Outside storage of materials, products or refuse (location and screening thereof): As per attached Exhibit A
- d. Parking, exterior lighting of the site, location design and power:  
Any changes subject to Planning Commission approval.
- e. Other: The parapet must be constructed by June 1, 2016.

---

**Owner**

**Acknowledgment:**

STATE OF WISCONSIN)

)SS

OZAUKEE COUNTY)

Personally came before me, this \_\_\_\_ day of \_\_\_\_\_, 2016, the above named \_\_\_\_\_, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

---

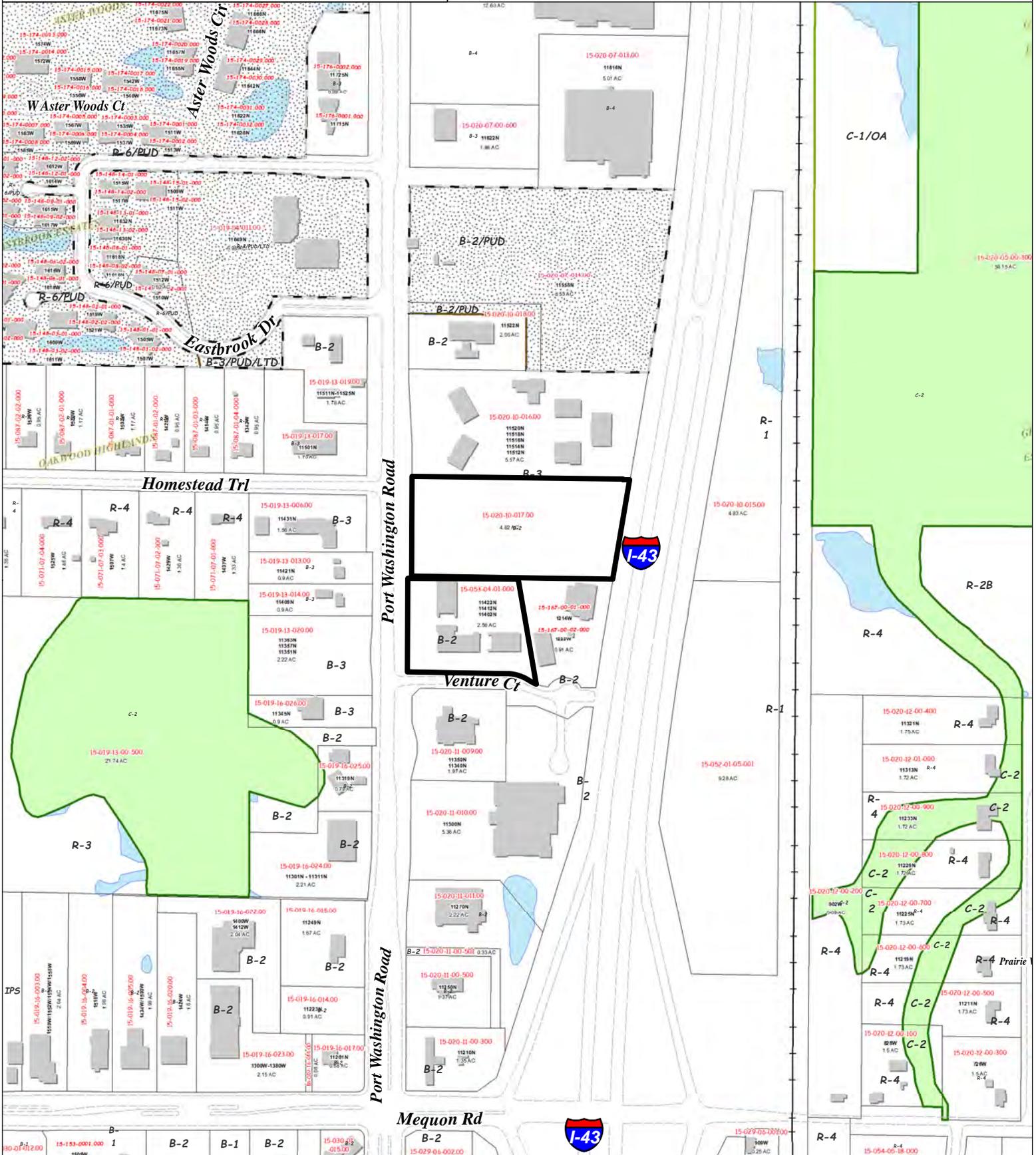
Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument on behalf of the petitioner acknowledged the \_\_\_\_\_ day of \_\_\_\_\_, 2015

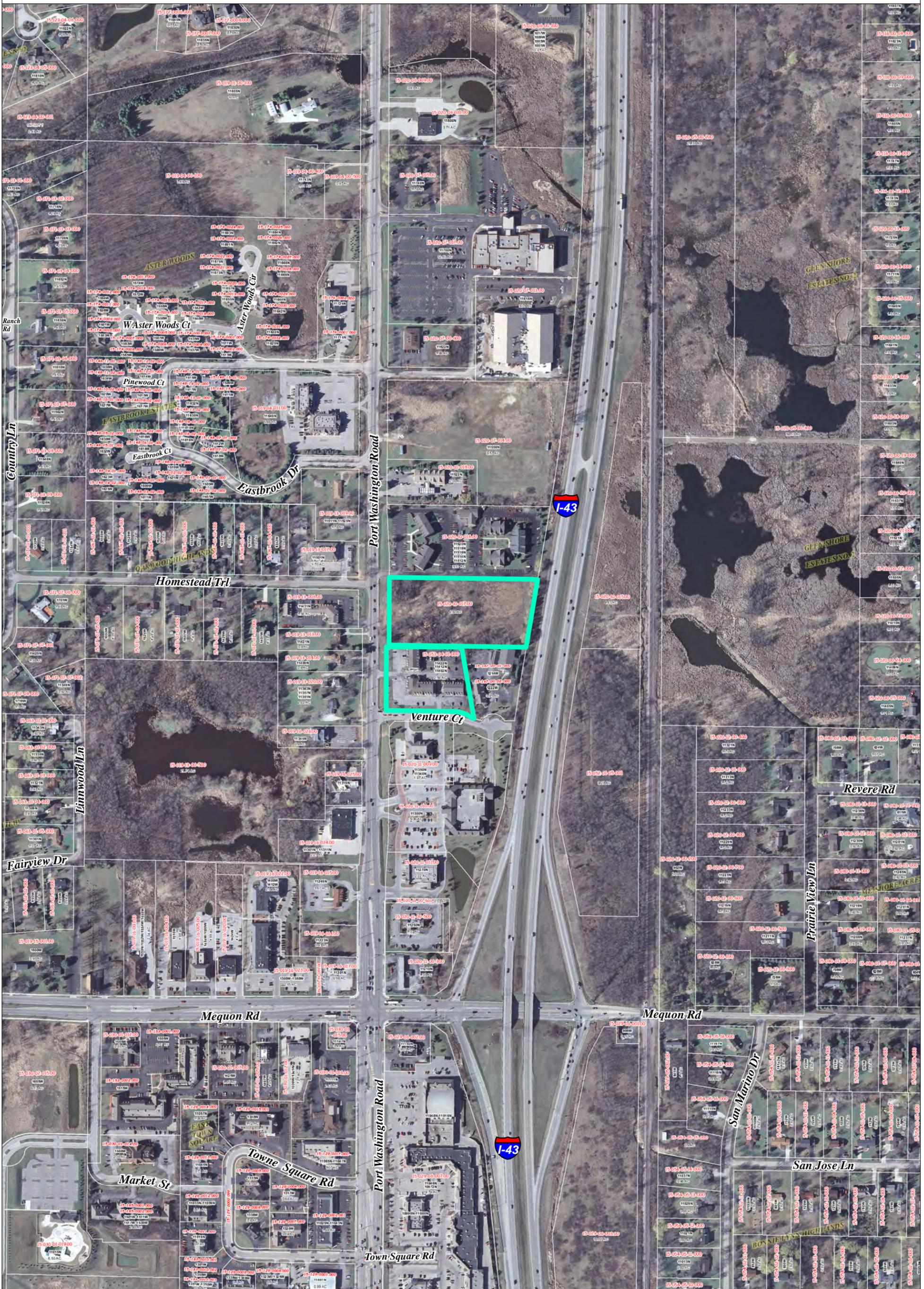
# ITEM #3 - Ryan Companies

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

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



# ITEM #3 - Ryan Companies



## STAFF REPORT

To: Mequon Planning Commission

Prepared by: James Keegan

**Agenda Item:**       **3**

Date: January 11, 2015

***General Information:***

**Applicant:**

Curt Pascoe – Ryan Companies

**Status of Applicant:**

Agent

**Requested Action:**

Fill in Excess of 1,000 cubic yards

**Existing Zoning:**

B-2 (Community Commercial)

**Lot Size**

7.38 Acres

**Location:**

Northeast Corner of Port Washington  
Road and Venture Court

---

**Background:**

The applicant requests Planning Commission approval of a Fill Permit to haul in and deposit fill material for a proposed medical office building construction at the above noted location. The applicant anticipates that approximately 8,800 cubic yards of fill will be required to complete the building construction. The project was approved by the planning commission on at the October 12<sup>th</sup> meeting.

**Engineering Report:**

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

The agent has submitted a grading plan as part of their building permit plan submittal and it is currently under review by the Engineering Department. Issuance of a fill permit would be subject to the below conditions:

- Engineering Department approval of the completed grading plan.

## STAFF REPORT

- Permittee must notify the Engineering Department before starting any land disturbing activity and again not more than five days after project completion.
- Work must be complete on or before the date specified by the City on the permit. Requests for extensions must be made in writing.
- Permittee shall keep a copy of the permit on site at all times.
- The City or the Wisconsin Department of Natural Resources (WDNR) may revoke the permit for non-compliance.
- The City Engineer reserves the right to stop work, amend or alter construction measures.
- Hauling on Venture Court is not permitted. The site must be accessed from Port Washington Road (CTH W).

### **Staff Recommendation:**

Staff recommends **approval** of this request based on the following conditions:

1. Issuance of fill permits by the Engineering Department with the above noted conditions included.
2. Permittee must notify the Engineering Department before starting any land disturbing activity and again not more than five days after project completion.
3. Work must be complete on or before a date specified by the City. Requests for extensions must be made in writing.
4. Permittee shall keep a copy of the permit on site at all times.
5. The City or the Wisconsin Department of Natural Resources (WDNR) may revoke the permit for non-compliance.
6. The City Engineer reserves the right to stop work, amend or alter construction measures.
7. Hauling on Venture Court is not permitted. The site must be accessed from Port Washington Road (CTH W).

**Prepared By:** James M. Keegan, P.E.



11333 N. Cedarburg Road, 60W  
Mequon, Wisconsin 53092  
(262) 242-3100

Permit No.	_____
Date Filed	_____
Exp. Date	_____
Fees Paid	_____

Engineering Department  
Permit Application for Filling, Spoil Removal, Pond & Berm Construction or Grading  
PLEASE PRINT CLEARLY

AGENT / CONTACT NAME: CURT PASCOE - RYAN COMPANIES PHONE #: 630-328-1100

PROPERTY OWNER NAME: RYAN COMPANIES US, INC. PHONE #: 612-492-4000

AGENT OR OWNER CONTACT ADDRESS: RYAN COMPANIES US, INC.  
50 S. 10TH ST. SUITE 400 MINNEAPOLIS MN 55403

LOCATION OR ADDRESS OF WORK SITE: NE CORNER OF PT. WASHINGTON & VENTURE CT.

Or: DESCRIPTION \_\_\_\_\_ 1/4 SECTION \_\_\_\_\_ T9N, R \_\_\_\_\_ E

TAX KEY NO. \_\_\_\_\_

SUBDIVISION \_\_\_\_\_ LOT \_\_\_\_\_ BLOCK \_\_\_\_\_

ESTIMATED DATE OF COMPLETION: DECEMBER 31, 2016

REASON FOR FILL/REMOVAL/EXCAVATION CONSTRUCTION OF NEW MEDICAL  
OFFICE BUILDING

Name of contact other than applicant: CURT PASCOE PHONE #: 630-328-1100

**FEE COMPUTATION**

TOTAL CUBIC YARDS TO BE DEPOSITED/REMOVED/EXCAVATED 8,000 C.Y.

*(Over 1000 cubic yards requires Planning Commission approval)  
(Berms greater than 4½' in height requires Planning Commission approval)  
(Separate application to the next available Planning Commission meeting is necessary)*

\$60.00 – 0 – 250 C.Y.

\$120.00 – 250 C.Y. – 1,000 C.Y.

\$240.00 – 1,001 C.Y. – 5,000 C.Y.

\$360.00 – 5,001 C.Y. – 10,000 C.Y.

\$480.00 – OVER 10,001 C.Y.

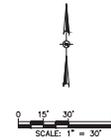
} \$ 360.00

SIGNED: \_\_\_\_\_  
OWNER / AGENT

DATE: 12/3/2015

ADDRESS 50 S. 10TH ST. SUITE 400

CITY MINNEAPOLIS STATE MN ZIP 55403



One Honey Creek Corporate Center  
125 South 84th Street, Suite 401  
Milwaukee, WI 53214-1469  
414 / 259 1500  
414 / 259 0037 fax

www.graef-usa.com

OWNER:



RYAN COMPANIES US, INC.  
756 North Milwaukee Street, Suite 220  
Milwaukee, WI 53212

414-918-6569 tel  
414-918-6499 fax

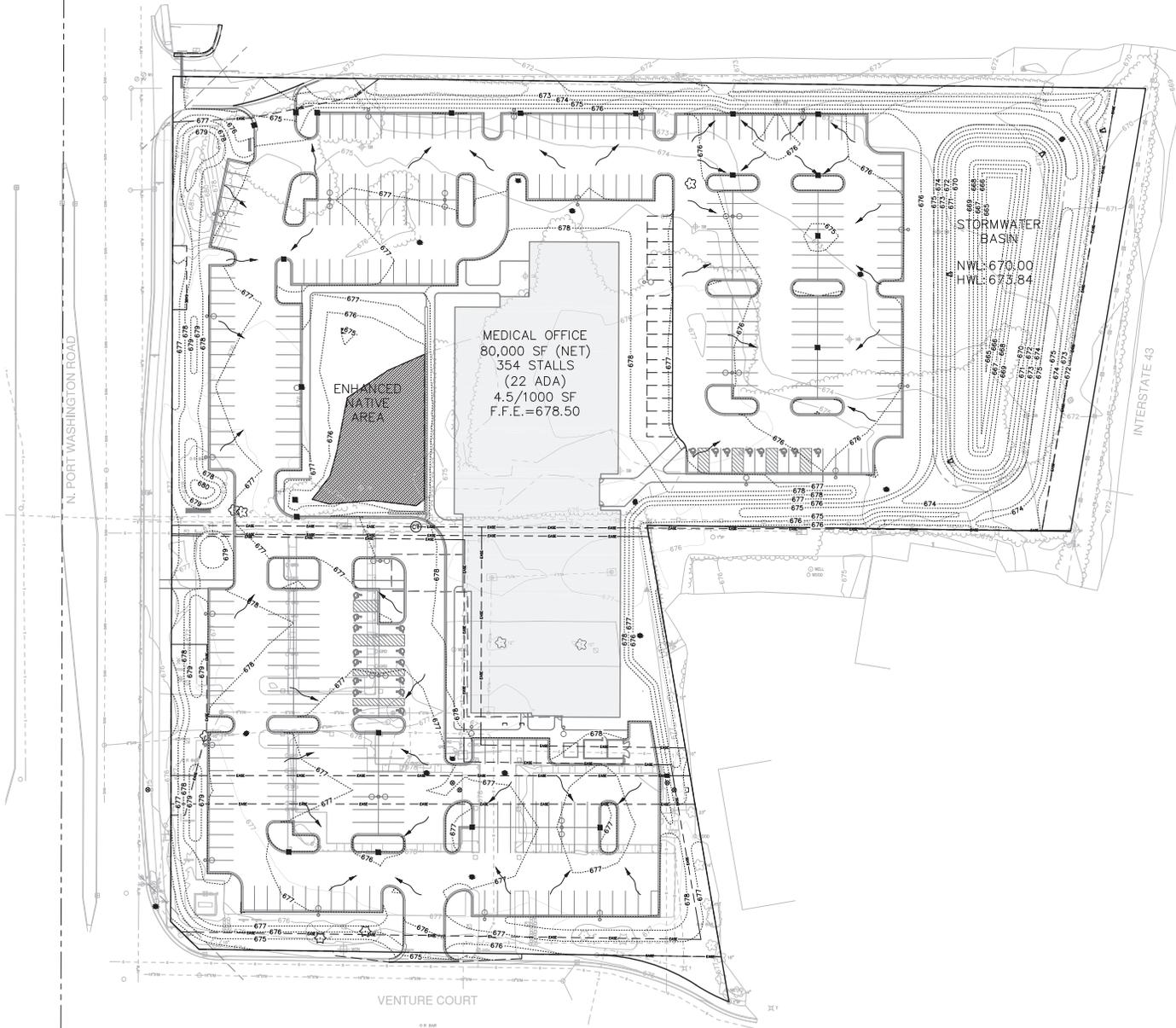
www.ryancompanies.com

PROJECT TITLE:

VENTURE COURT  
MEQUON, WISCONSIN

ISSUE:

NO. DATE REVISIONS BY



### LEGEND

- 100--- EXISTING CONTOUR
- .....100..... PROPOSED CONTOUR
- PROPOSED VERTICAL CURB
- PROPOSED MANHOLE
- PROPOSED STORM STRUCTURES
- Ⓜ PROPOSED ADA RAMP WITH TRUNCATED DOMES
- DRAINAGE ARROW
- ②②②③ PROPOSED TOP OF CURB ELEVATION
- ②②②② PROPOSED FLANGE ELEVATION
- ②②②③ PROPOSED SPOT GRADE
- ②③③③ PROPOSED FINISHED GRADE AT TOP OF WALL
- ②②②② PROPOSED FINISHED GRADE AT BOTTOM OF WALL
- Ⓞ PROPOSED CURB TAPER
- ▨ WETLANDS TO REMAIN

### GENERAL NOTES

- THE BASE SURVEY WAS PREPARED BY GRAEF IN 2015. ALL UNDERGROUND UTILITIES AND STRUCTURES HAVE BEEN SHOWN TO A REASONABLE DEGREE OF ACCURACY AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THEIR EXACT LOCATION AND TO AVOID DAMAGE THEREOF.
- REFER TO SHEET C100 FOR BENCHMARKS, DATUM, AND TOPOGRAPHIC ELEMENTS.
- CONTRACTOR SHALL VERIFY LOCATION OF PROPOSED WORK AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO COMMENCING WORK.

### GRADING NOTES

- ADA REGULATIONS REQUIRE A MAXIMUM SLOPE OF 1:20 (5%) ALONG THE LENGTH OF THE ACCESSIBLE ROUTE AND A MAXIMUM SLOPE OF 1:20 (5%) ACROSS THE WIDTH OF THE ACCESSIBLE ROUTE. ADA REGULATIONS REQUIRE A MAXIMUM SLOPE OF 1:20 (5%) IN ALL DIRECTIONS WITHIN AN ADA PARKING STALL AND ADJACENT UNLOADING ZONE.
- RIM ELEVATIONS IN CURB AND GUTTER ARE FLANGE GRADES.

### PROJECT INFORMATION:

PROJECT NUMBER: 2015-1004.00  
DATE: DEC. 14, 2015  
DRAWN BY: TRY  
CHECKED BY: JMK  
APPROVED BY: JPH  
SCALE: AS NOTED  
FILE PATH: C:\00\_CAD\_GRADE\_1004

### SHEET TITLE:

OVERALL GRADING PLAN

### SHEET NUMBER:

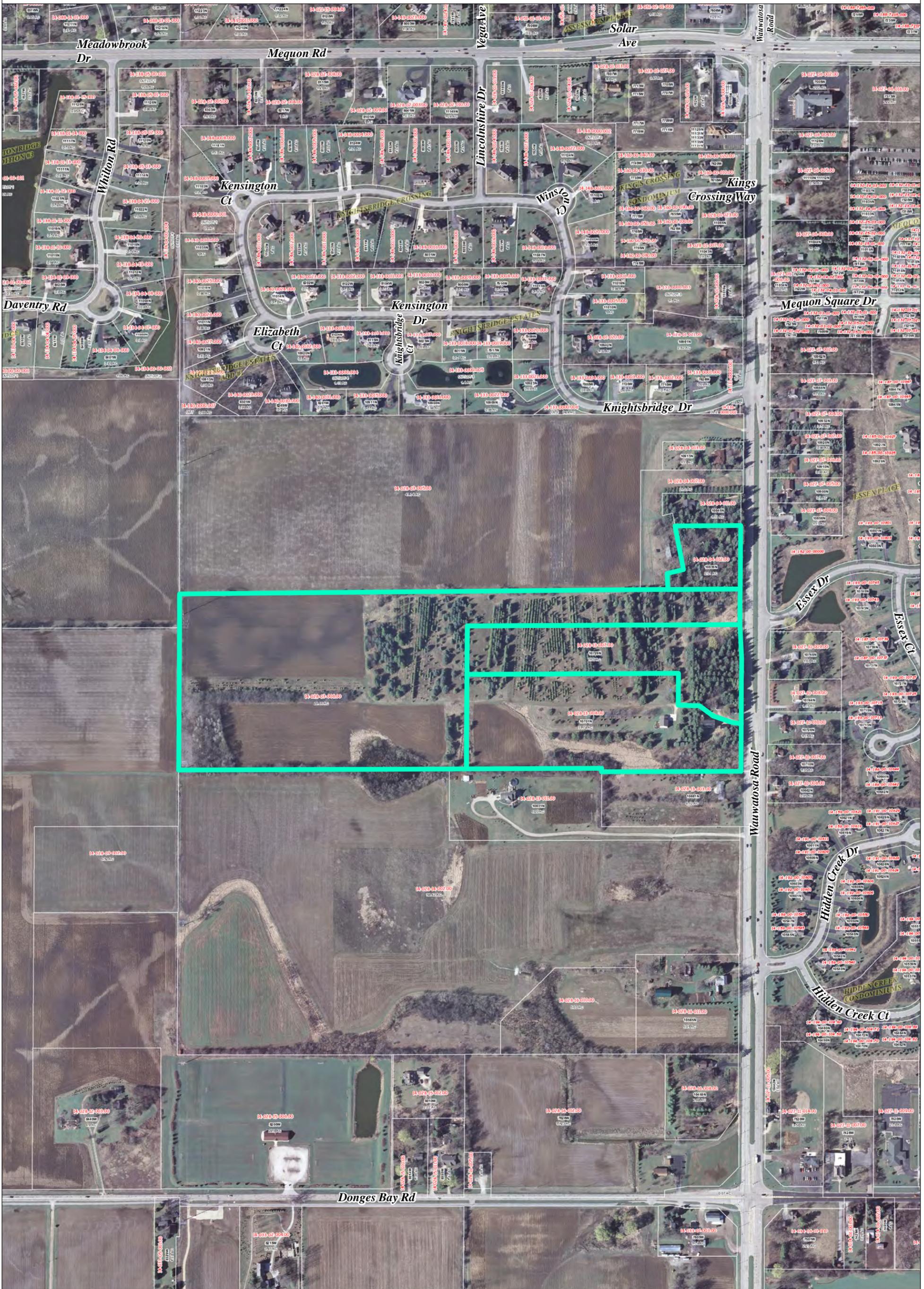
# C400

**NOTICE:**  
In accordance with Wisconsin statute 182.2175, damage to transmission facilities, excavator shall be solely responsible to provide advance notice to the designated "ONE CALL SYSTEM" not less than three working days prior to commencement of any excavation required to perform work contained on this drawing, and further, excavator shall comply with all other requirements of this statute relative to excavator's work.

**DISCLAIMER:**  
The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the location of the utilities shown are in the exact location indicated although he does certify that they are located as indicated or provide the information available. The surveyor has not physically located the underground utilities.



# ITEM #4 - Veridian Homes



**STAFF REPORT**

To: Mequon Planning Commission

Prepared by: Jac Zader

Agenda Item: **4**

Date: January 11, 2016

**General Information:**

**Applicant:**

Veridian Homes

**Status of Applicant:**

Owner

**Requested Action:**

Street Tree Plan for Phase I  
Open Space Plan (Overall)

**Existing Zoning:**

R-3 (Single Family 1 Acre)  
R-4 (Single Family ¾ Acre)  
Central Growth Overlay

**Lot Size:**

51 acres

**Location:**

10729-10839 N. Wauwatosa Road

---

**Background:** The applicant is requesting open space plan approval for the Enclave Subdivision and street tree plan approval for the first phase of the development located at 10729-10839 N Wauwatosa Road. The street tree plan was approved by the Tree Board on December 14, 2015.

**Open Space Plan:**

The open space plan for the subdivision includes both active and passive recreational areas. Active amenities include a sand volleyball court, a children’s play area and over a mile of interconnected trails. The plan includes a trailhead park area that will serve as a gathering area and includes a gazebo and a number of benches. Throughout the rest of the development there are numerous overlook areas that will include interpretive signage about the existing ecosystems within the neighborhood. The applicant is entering into a partnership with the Mequon Nature Preserve to assist with their educational efforts.

**Street Tree Plan:**

On December 14, 2015, the Tree Board approved the street tree plan for Phase 1 of the Enclave Subdivision (please see attached memo from City Forester, Ken Baker). The plan calls for a total of approximately 116 trees which are located within the road right of way.

**Tree Board Recommendation:**

The Tree Board recommends approval of the street tree plan.

---

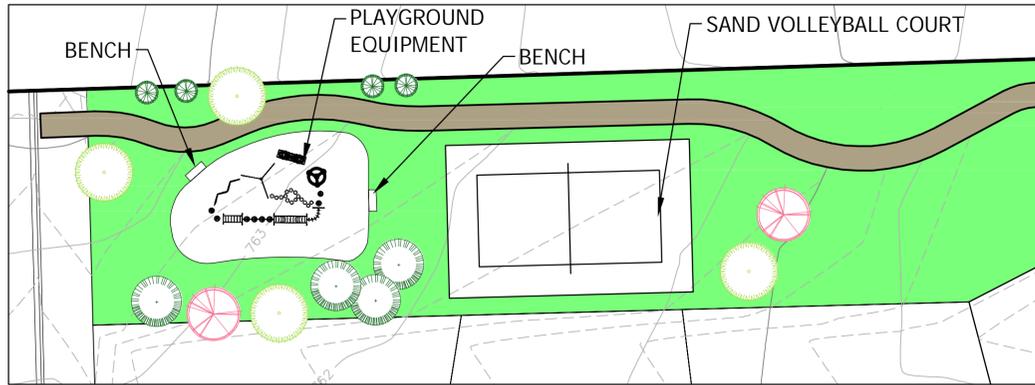
**Planning Staff Recommendation:**

Planning Staff recommends **approval** of the overall open space plan and street tree plan for phase 1 following conditions:

1. Staff review of final street tree and open space plans.



THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS. DO NOT SCALE THE DRAWING. ANY ERRORS OR OMISSIONS SHALL BE REPORTED TO STANTEC WITHOUT DELAY. REPRODUCTION OR USE FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY STANTEC IS FORBIDDEN.



# CHILDREN'S PARK



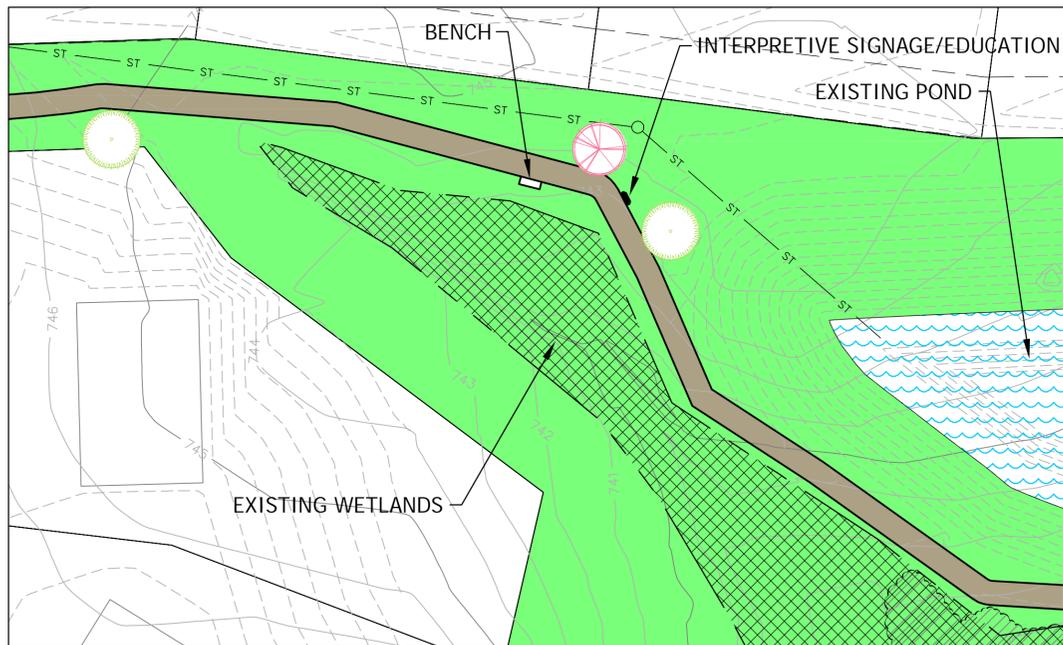
BALANCE CLIMBER



RUSH SLIDE



SAND VOLLEYBALL COURT



# WETLAND PARK



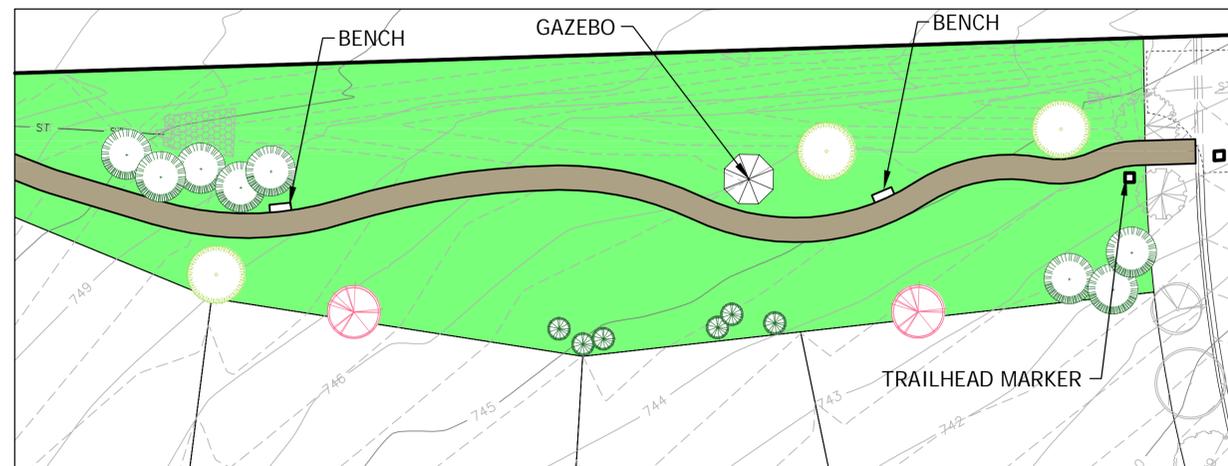
WETLAND EDGE



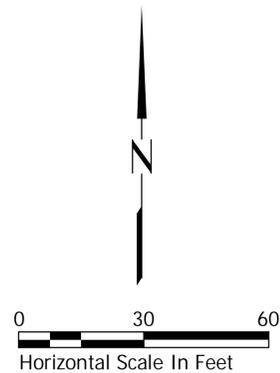
INTERPRETIVE SIGNAGE/EDUCATION



GAZEBO



# TRAILHEAD PARK



TRAILHEAD MARKER

Plot Date: 11/16/2015 - 10:36am  
Drawing name: V:\1938\active\193803307\CAD\DWG\193803307L200.dwg  
Xref: border, 193803307XSNF, 1422410\_Phase I\_Layout, 1422410\_Phase I\_Grading.EC, 1422410es-LINEWORK-Guide, STAMP only -GERARD

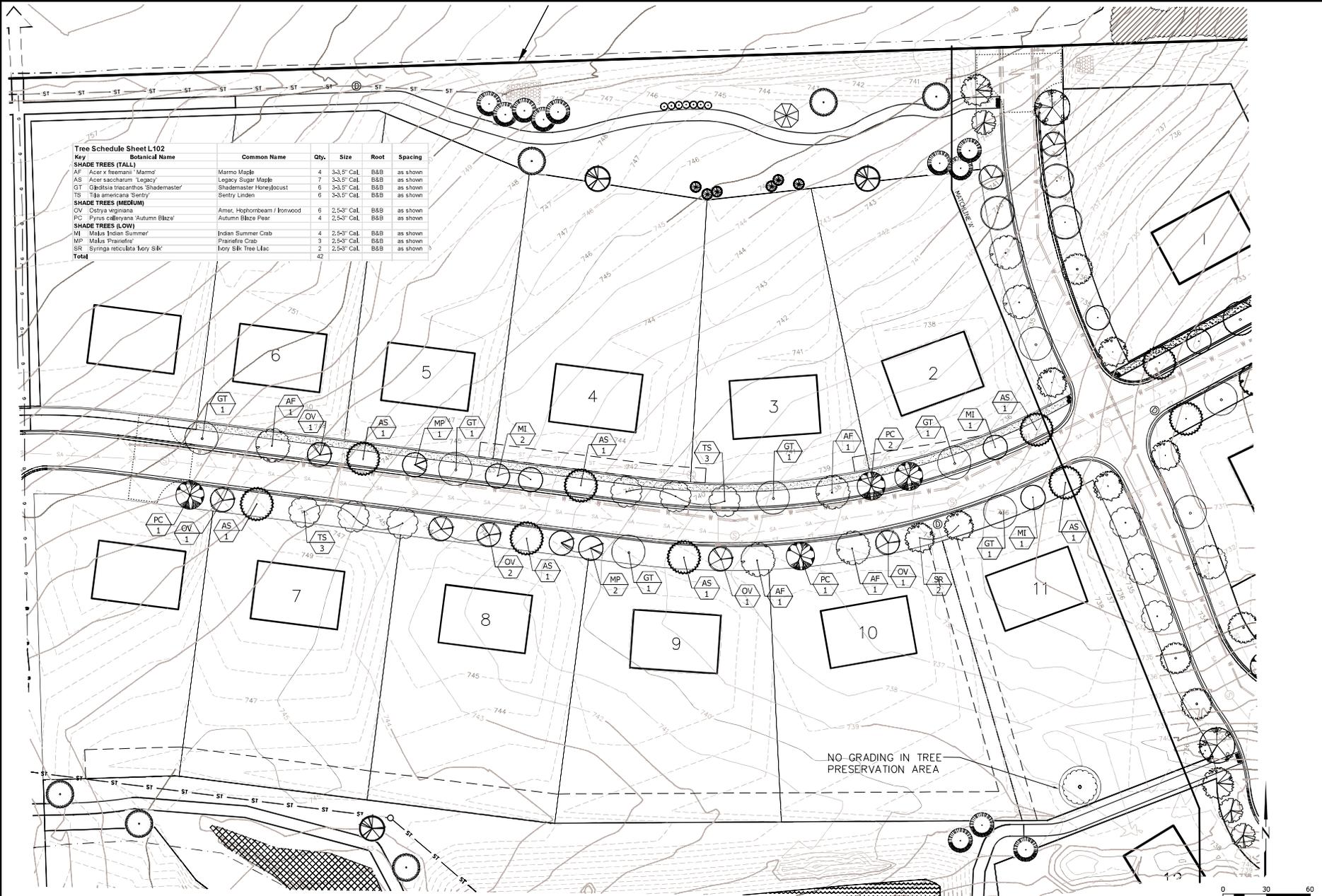




ALL CONTOUR LINES AND TREE SCHEDULES ARE BASED ON THE PROVIDED SURVEY DATA. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE SURVEY DATA. THE DESIGNER HAS CONDUCTED VISUAL VERIFICATION OF THE SURVEY DATA AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE DESIGNER HAS CONDUCTED VISUAL VERIFICATION OF THE SURVEY DATA AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE DESIGNER HAS CONDUCTED VISUAL VERIFICATION OF THE SURVEY DATA AND HAS FOUND IT TO BE REASONABLY ACCURATE.

**Tree Schedule Sheet L102**

Key	Botanical Name	Common Name	Qty.	Size	Root	Spacing
<b>SHADE TREES (TALL)</b>						
AF	<i>Acer x freemanii</i> 'Marmo'	Marmo Maple	4	3-3.5' Cal.	B&B	as shown
AS	<i>Acer saccharum</i> 'Legacy'	Legacy Sugar Maple	7	3-3.5' Cal.	B&B	as shown
GT	<i>Gleditsia triacanthos</i> 'Shademaster'	Shademaster Honeylocust	6	3-3.5' Cal.	B&B	as shown
TS	<i>Tilia americana</i> 'Sentry'	Sentry Linden	6	3-3.5' Cal.	B&B	as shown
<b>SHADE TREES (MEDIUM)</b>						
OV	<i>Cotuya virginiana</i>	Amer. Hophornbeam / Ironwood	6	2.5-3' Cal.	B&B	as shown
PC	<i>Pyrus calleryana</i> 'Autumn Blaze'	Autumn Blaze Pear	4	2.5-3' Cal.	B&B	as shown
<b>SHADE TREES (LOW)</b>						
MI	<i>Malus Indian Summer</i>	Indian Summer Crab	4	2.5-3' Cal.	B&B	as shown
MP	<i>Malus Prairiefire</i>	Prairiefire Crab	3	2.5-3' Cal.	B&B	as shown
SR	<i>Syringa reticulata</i> 'Kory Silk'	Kory Silk Tree Lilac	2	2.5-3' Cal.	B&B	as shown
<b>Total</b>			<b>42</b>			



0 30 60  
Horizontal Scale In Feet



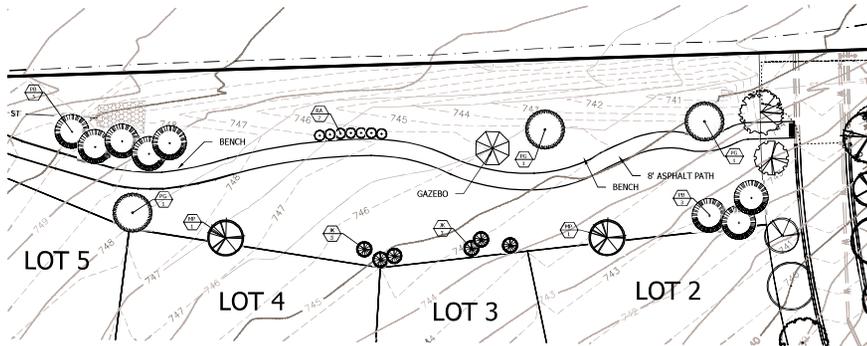
1000 Wisconsin Avenue, Suite 200  
Madison, WI 53703  
www.stantec.com

LANDSCAPE PLAN  
ENCLAVE AT MEQUON PRESERVE  
VERDIAN HOMES  
MEQUON, WISCONSIN

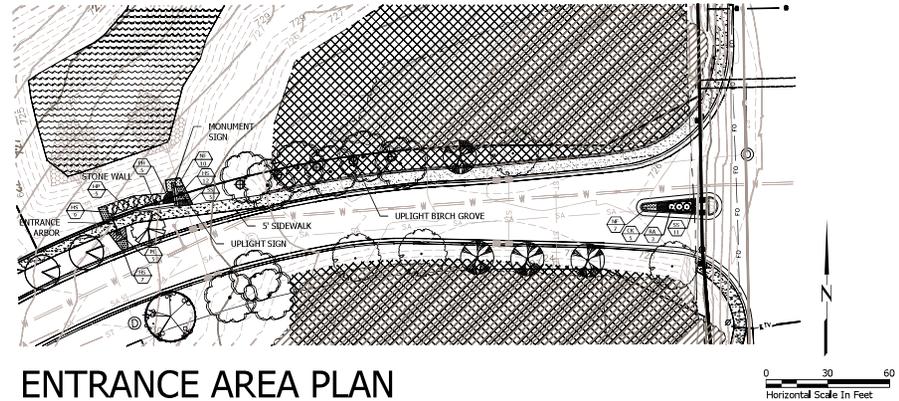
DATE OF ISSUANCE	OCTOBER 6, 2015
NO. REVISIONS	DATE
SURVEY	***
DRAWN	***
DESIGNED	***
CHECKED	***
APPROVED	***
PROJECT NO.	150803507

SHEET NUMBER  
**L102**

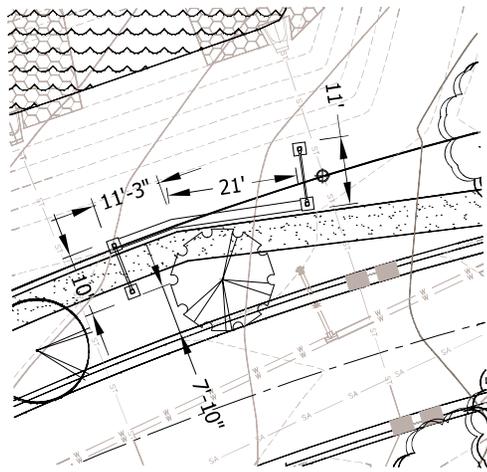
NOT TO SCALE. ALL DIMENSIONS ARE APPROXIMATE. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



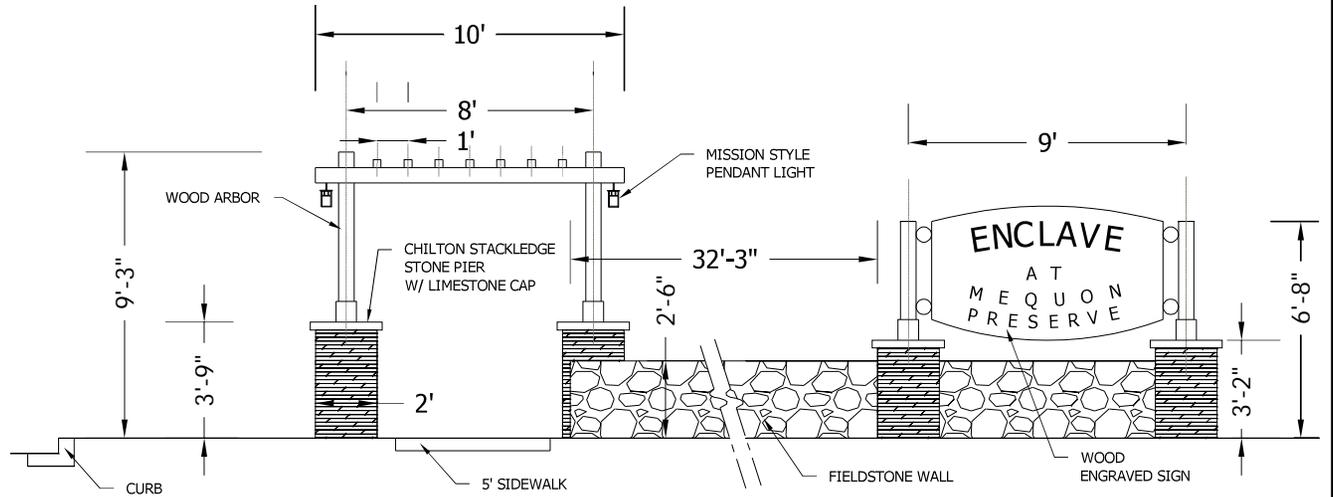
TRAILHEAD PARK PLAN



ENTRANCE AREA PLAN



ENTRANCE FEATURE PLAN



ENTRANCE FEATURE ELEVATION  
SCALE 1"=2'-0"

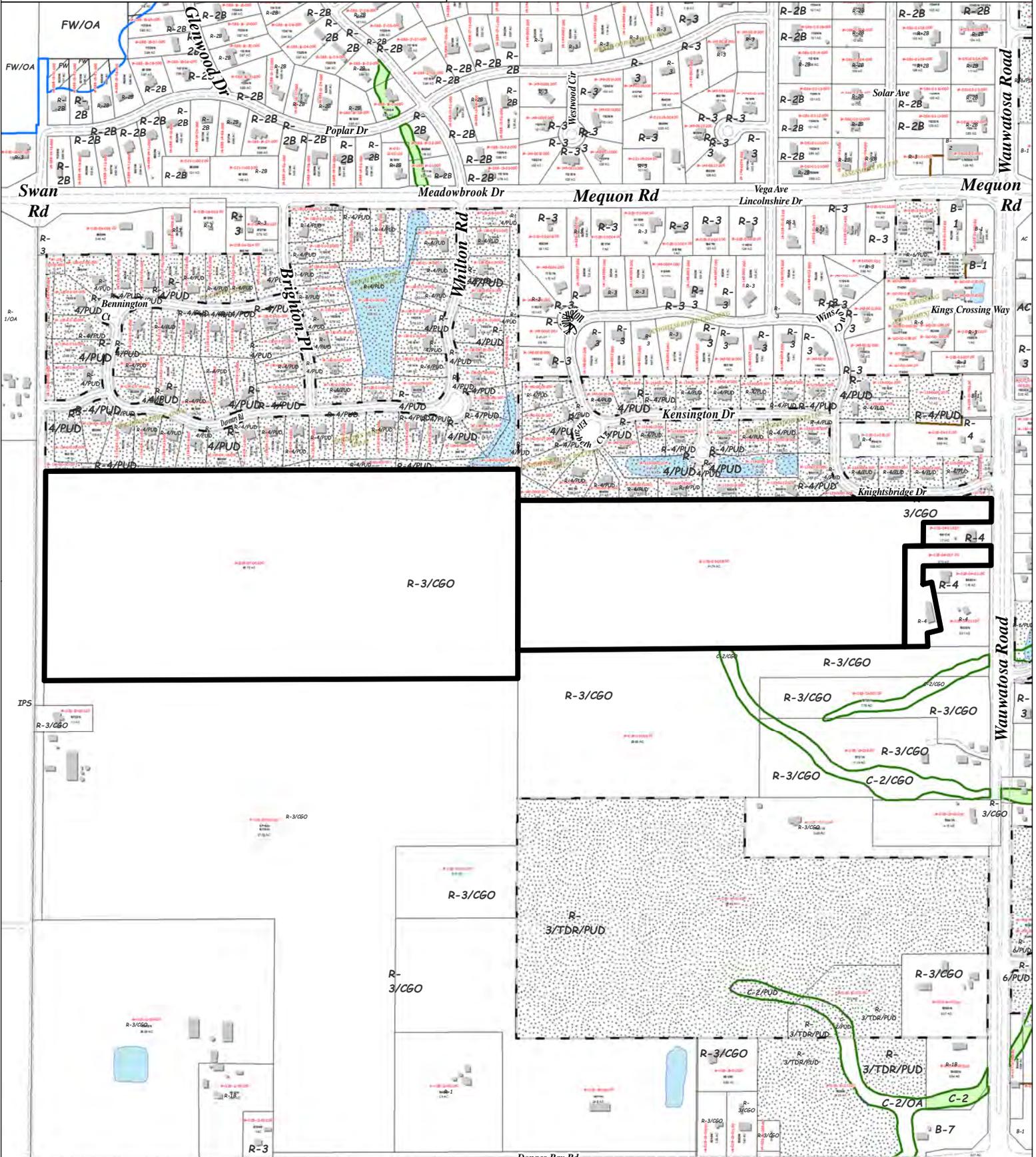
**Sheet L103 Plant Schedule**

Key	Botanical Name	Common Name	Qty.	Size	Root	Spacing
<b>SHADE TREES (LOW)</b>						
MP	<i>Malus Prairiefire</i>	Prairiefire Crab	2	2.5-3' Cal.	B&B	as shown
<b>EVERGREEN TREES</b>						
JK	<i>Juniperus chinensis 'Keteleeri'</i>	Keteleeri Juniper	6	5' High	B&B	as shown
PG	<i>Pinus glauca</i>	White Spruce	3	7' High	B&B	as shown
PB	<i>Pinus strobus</i>	Eastern White Pine	8	7' High	B&B	as shown
<b>SHRUBS</b>						
HP	<i>Hydrangea paniculata 'Pinky Winky'</i>	Pinky Winky Hydrangea	5	24" High	Container	as shown
RA	<i>Rhus aromatica 'Grow Low'</i>	Grow Low Sumac	10	24" High	Container	as shown
<b>PERENNIALS/GRASSES</b>						
CK	<i>Calamagrostis acutiflora 'Karl Foerster'</i>	Feather Reed Grass	5	1 Gal.	Container	24" o.c.
HS	<i>Hemerocallis 'Stella d'Oro'</i>	Stella d'Oro Daylily	28	1 Gal.	Container	18" o.c.
NF	<i>Nepeta fassenii 'Walker's Low'</i>	Walker's Low Cat Mint	17	1 Gal.	Container	20" o.c.
PH	<i>Panicum virgatum 'Heavy Metal'</i>	Switch Grass	5	1 Gal.	Container	24" o.c.
PL	<i>Petovskia 'Little Spire'</i>	Little Spire Russian Sage	5	1 Gal.	Container	24" o.c.
SS	<i>Sedum spurium 'Vera Jameson'</i>	Vera Jameson Sedum	16	1 Gal.	Container	18" o.c.

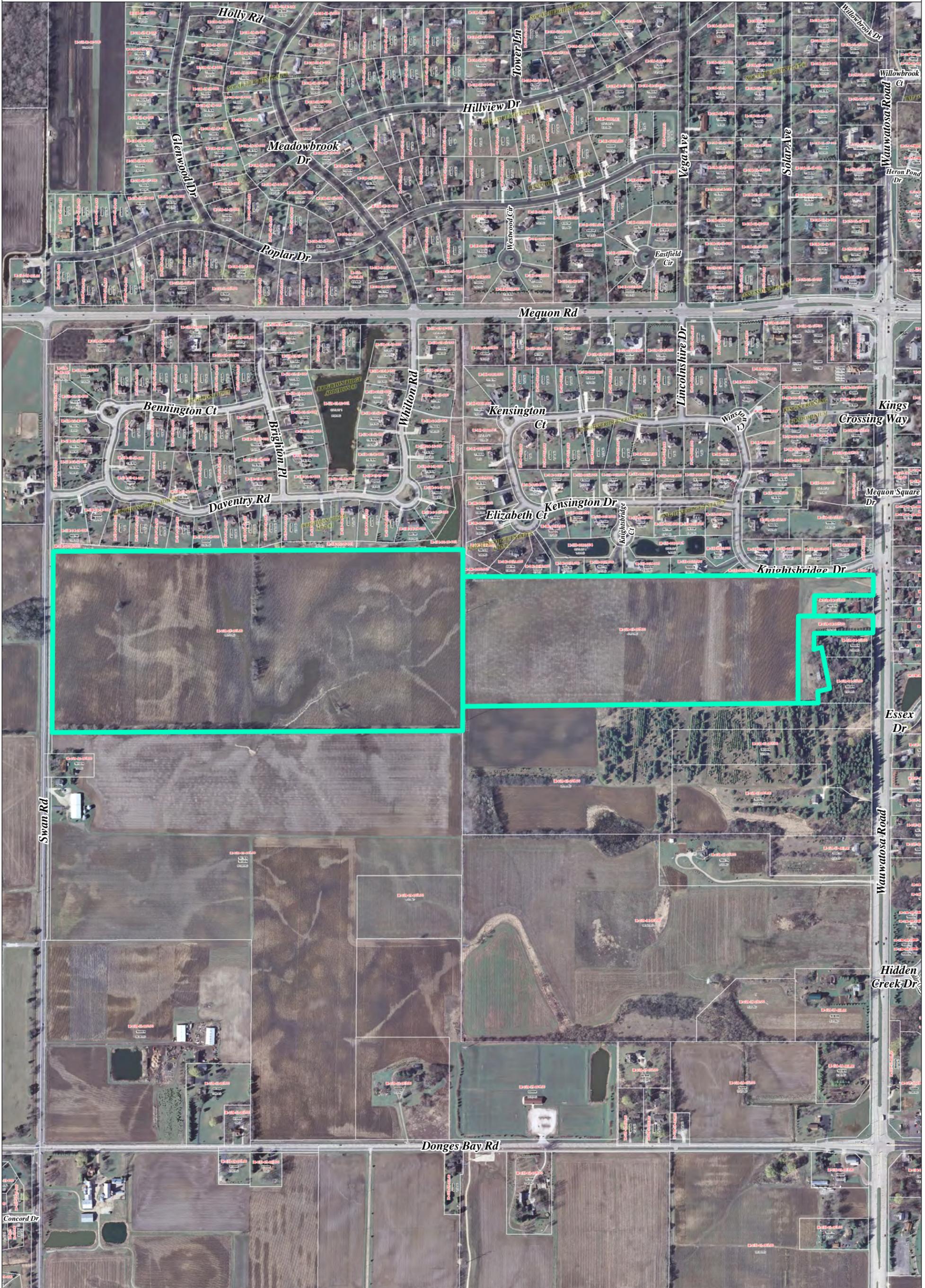
PROJECT: 10/26/2015 - 11/10/2015  
DRAWING NO: L103  
DATE: 10/26/2015  
SCALE: AS SHOWN  
SHEET NUMBER: L103

# ITEM #5 - Highlander Estates, LLC

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



# ITEM #5 - Highlander Estates, LLC



## STAFF REPORT

To: Mequon Planning Commission

Prepared by: Jac Zader

Agenda Item: **5**

Date: January 11, 2016

**General Information:**

**Applicant:**

Neumann Companies

**Status of Applicant:**

Owner

**Requested Action:**

Development Agreement Phase II  
Fill Permit

**Existing Zoning:**

R-3 (Single Family 1 Acre)  
Central Growth Overlay (CGO)  
R-4 (Single Family ¾ Acre)

**Lot Size:**

112.7 acres

**Location:**

Lands immediately south of Brighton Ridge  
and Knightsbridge Subdivisions between  
Swan and Wauwatosa Road.

---

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

**Development Agreement:**

Please see attached draft development agreement for Phase II authored by Planning and Engineering staff to address the necessary improvements for the development. The development agreement provides the opportunity to construct two (2) model dwellings prior to final plat approval with the understanding that the unit can't be sold or title transferred until the associated plat is recorded. The development agreement requires that all amenities located in the second phase that were required as part of the approved open space plan, be constructed prior to final plat approval.

**Engineering Report:**

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

The preliminary plat plan details construction of the development in three (3) phases. The first phase is currently under construction and completion is expected in the middle of 2016. The

---

second phase includes 30 lots and does not complete the roadway connection to Swan Road on the west end of the development. The Engineering Department will not recommend approval of building permits for the second phase until a secondary roadway connection and a secondary water main connection to an adjacent development is provided.

As phase 2 of the Highlander Estates is the central phase of the development, there is not a direct access onto adjacent arterial roadways without hauling over existing subdivision roadways. Excessive trucking over the recently constructed local roadways can cause damage to roadways and utilities which create a risk to the City, as the infrastructure will be dedicated to the public. As a result of this risk, the City will require that all hauling and deliveries will be made via a temporary access road from Swan Road.

The site is located within the City's 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. The mainline water main shall meet Water Utility standards for ISO recommended fire flows of 2500 gpm. The development must also provide for cross connections to the adjacent properties.

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 has been approved by both the City and MMSD.

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.

The developer has submitted preliminary fill calculations as part of their plan submittal and has applied for a fill permit. The developer requests authorization to haul 17,000 cubic yards of material to the site. The material is required to grade the roadway base course and to backfill the utility trenches. Issuance of a fill permit would be subject to the below conditions:

- Engineering Department approval of the completed grading plan.
- Permittee must notify the Engineering Department before starting any land disturbing activity and again not more than five days after project completion.
- Filling must be complete on or before the date specified by the City on the permit. Requests for extensions must be made in writing.
- Permittee shall keep a copy of the permit on site at all times.
- The City or the Wisconsin Department of Natural Resources (WDNR) may revoke the fill permit for non-compliance.
- The City Engineer reserves the right to stop work, amend or alter construction measures.
- All material shall be hauled in from Swan Road via a temporary access roadway. Hauling on the Knightsbridge Drive and the Highlander Estates Phase 1 roadways is not permitted.

**Planning Staff Recommendation:**

---

Planning Staff recommends **approval** of the development agreement subject to the following conditions:

1. Common Council approval of the Development Agreement.
2. Adjacent road connections must be constructed with the respective phase and must include a temporary turnaround both to the adjacent lots and future phases until constructed.
3. Connection to public water and sanitary sewer. The applicant shall obtain the necessary approval and permits for the installation of the sanitary sewer and water main from the various regulatory agencies. Water main shall be located within the roadway footprint.
4. Cross connection or extension of water and sanitary sewer service to the adjacent properties.
5. Public sanitary sewer connection must be made.
6. All lots within the development are subject to a cost recovery policy for public utility extension to be determined by the Common Council.
7. Engineering Department review and approval of grading, drainage, stormwater management, erosion control and sewer plans in conformance to City ordinances and the Standard Specifications for Land Development.
8. Execution of a Water Service Agreement between the applicant and the Water Utility, subject to applicable fees. The mainline water main shall meet Water Utility standards for ISO recommended fire flows of 2500 gpm.
9. Easements over existing and proposed drainageways with supporting declaration language requiring Home Owners Association maintenance.
10. The applicant shall provide utility easements for the adjacent lot owners to allow access to the public water main and sanitary sewer.
11. WisDOT right-of-way permit for any utility or construction within the right-of-way.
12. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
13. The wetland setback line shall be included on the preliminary plat.
14. 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).
15. Legal documents requiring the Home Owners Association to maintain public sidewalk, bike and pedestrian trails within the common open space, wetland buffers, and stormwater facilities.
16. A secondary roadway connection shall be made prior to the city approving any building permits for a second phase.

- 
17. Public road design standards shall be subject to the review and approval of Engineering and the Fire Departments.
  18. Fire Department approval of the number and location of fire hydrants.
  19. The development and subsequent building construction shall be subject to WDNR review and approval regarding the wetland buffer.
  20. Permittee must notify the Engineering Department before starting any land disturbing activity and again not more than five days after project completion.
  21. Filling must be complete on or before the date specified by the City on the permit. Requests for extensions must be made in writing.
  22. Permittee shall keep a copy of the fill permit on site at all times.
  23. The City Engineer reserves the right to stop work, amend or alter construction measures.
  24. The City or the Wisconsin Department of Natural Resources (WDNR) may revoke the fill permit for non-compliance.
  25. All material shall be hauled in from Swan Road via a temporary access roadway. Hauling on the Knightsbridge Drive and the Highlander Estates Phase 1 roadways is not permitted.
  26. If the Planning Commission removes the requirement to haul material via a temporary access roadway from Swan Road, a road bond will be required for Knightsbridge Drive and the Highlander Estates Phase 1 roadways.





## **DEVELOPMENT AGREEMENT**

### **Highlander Estates Addition No.1**

Articles of agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between \_\_\_\_\_, hereinafter called the Developer, and the City of Mequon, a municipal corporation of Ozaukee County, Wisconsin, hereinafter called the City.

**WITNESSETH:**

**WHEREAS**, the Developer desires to improve and develop certain lands located in:

See Exhibit A

And as described on attached Exhibit A (the "Development"), and for that purpose requires the installation of certain public improvements; and

**WHEREAS**, the City Engineer's report, attached hereto as Exhibit B, identifying the public improvements and other terms and conditions necessary to this Development (the "Improvements"), and

**WHEREAS**, Section 236.13(2) of the Wisconsin Statutes and Sections 58-634(c) and 58-637 of the Mequon Code of Ordinances provide that as a condition of approval, the City shall require that the Developer make and install or have made and installed, any improvements reasonably necessary; and

**WHEREAS**, the Public Works schedule and budget of the City does not now include installation of the said improvements for the said Development, and normally there would be a considerable delay in the installation of said improvements unless the instant agreement were entered into; and

**WHEREAS**, the City believes that the orderly, planned development of said lands will best promote the health, safety and general welfare of the community.

**NOW, THEREFORE**, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration to each in hand paid by the other, receipt of which is hereby acknowledged, and in consideration of the various approvals granted by the City, and in obedience to the conditions imposed upon said approvals, and the mutual covenants herein contained, the parties agree:

1. The area to be improved shall consist of that area designated in Exhibit A in the proposed development plan granted preliminary plat approval by the Planning Commission.
2. Preliminary plat approval was granted by the Planning Commission on April 13, 2015.
3. The Improvements shall be as described on Exhibit B.
4. The Developer will, at its expense, have plans and specifications prepared for the aforesaid Improvements and such plans and specifications shall be submitted to the City Engineer for approval. The plans and specifications to be submitted are indicated in Exhibit C.
5. The Developer will contract for and have constructed, at its expense, all of the Improvements. The City, as a condition of final certification by the City Engineer, and approval and acceptance of dedication of the Improvements by the City, will require that copies of lien waivers from all contractors and/or material suppliers performing work or supplying materials for the installation of the Improvements be filed with the City.

6. The Developer will pay for all reasonable costs incurred by the City, or its consultant in the review of the engineering plans, landscaping plans, inspection of the construction and/or installation of the Improvements, installation of street signs, review of record drawings for City files, and any other costs that may be incurred by the City in the installation of the Improvements for this Development. The Developer will pay the costs above enumerated within thirty (30) days after being billed by the City. Billing will be made periodically and/or monthly as the improvements are completed and as costs are incurred. Full cost will include labor, equipment, materials, engineering, inspection and overhead costs incidental to said work. Past due amounts on invoices generated by the City are subject to a one and one-half (1.5) percent per month charge, computed from the date of the original invoice.
7. All dedicated Improvements shall be warranted against defects due to faulty materials or workmanship which appear within one (1) year from the date of acceptance of dedication by the City, and Developer shall assign to the City applicable contractor warranties for the Improvements. If any defect should appear during this warranty period, the City shall first seek to enforce any applicable contractor warranty; however, Developer hereby guarantees the Improvements and shall indemnify the City to the extent of any default or failure of any contractor to honor the warranty. Each repair or replacement performed pursuant to this paragraph shall be guaranteed for one (1) year from the completion thereof.
8. Upon certification by the City Engineer that all of the Improvements have been satisfactorily constructed, installed or escrowed in accordance with City of Mequon Zoning Code, inspected and found to be in compliance with City requirements and with the following conditions as described below, and that all other requirements of this agreement have been complied with, Final Plat approval will be granted by the Common Council.
  - A. The City Engineer shall only recommend Final Subdivision Plat approval to the Planning Commission and Common Council upon certification that:
    - i. All of the Improvements have been satisfactorily constructed or installed, completed and approved.
    - ii. In the event that installation of the final asphalt surface course, street trees, open space landscaping and/or minimal site restoration as contemplated in Developer's plans approved by the City cannot be completed due to weather conditions at the time in which Developer wishes to obtain Final Plat approval, the City may, in its sole discretion, accept from Developer a Letter of credit in form approved by the City Attorney and in an amount determined by the City Engineer to provide appropriate security to ensure installation is completed within 14 months from Final Plat approval.
  - B. The Department of Community Development shall schedule Final Subdivision Plat recommendation before the Planning Commission and Common Council only upon certification by the City Engineer that all the improvements have been constructed, installed and approved.
9. There is an existing special assessment on the property for sanitary sewer.
10. The following special provisions shall apply:
  - A. Easements are to be provided on the plat for the use of WE Energies, AT&T, Cable T.V. and other utilities for provision of services to the subdivision. The Developer shall provide proof of payment in full for installation of the utilities prior to Final Plat approval.
  - B. Underground utility installations shall be made without any street pavement removal, unless otherwise specifically approved by the City Engineer.

- C. A building permit may be issued for 2 principal structures (model) prior to the Final Plat being approved and recorded. The building permit for the model home shall not be issued until the binder course is installed. The Developer agrees and understands that the transfer of title to any lot/residence in this development may not occur until after final certification by the City Engineer that the terms of this agreement have been complied with and the final subdivision plat is approved and recorded.
  - D. Subject to ¶5 above, the title to the sanitary sewer system, water main, streets and all other Improvements and the land on which they stand, unless located within a dedicated public easement, shall be dedicated and given in fee simple by the Developer to the City upon recording the Final Plat, as provided by State Statutes, and without recourse, and free and clear of all encumbrances and with access provided from a dedicated street, where necessary. Title to the fire protection and water supply facilities shall be given to the City of Mequon.
  - E. The Improvements shall be constructed in strict accordance with the requirements of the City and the City Engineer or his authorized representative, or as directed by said City Engineer; and shall be under and subject to constant inspection by the City Engineer or representative.
  - F. The Developer agrees that it shall be fully responsible for the Improvements for the Development and appurtenances thereto during the period of the construction of the Improvements, and until certification by the City Engineer, approval of the Improvements, and acceptance of dedication by the City, any damage as may occur to these facilities during this period shall be replaced or repaired by the Developer.
  - G. Excess topsoil shall only be removed from the subdivision Development by means of end-loading (no screening allowed on site) and trucking from the site. The Developer shall not disrupt topsoil where it is unnecessary, and the final arbiter of necessity shall be the City.
  - H. The covenants, conditions and restrictions recorded against the property described on Exhibit A shall prohibit future property owners from removing any berms, landscaping or amenities installed on this Development as a condition of landscaping, open space, grading or drainage plans, and from placement of landscape features, berms or plantings which disrupt flow of run-off in drainage ways or courses approved as a condition of the grading and drainage plans, without express written consent from the City Engineer and by action of the Planning Commission.
  - I. The Developer, its successors and assigns along with individual future lot owners are hereby notified that "impact" fees will be assessed by the City against the Developer and/or lot owners, pursuant to the requirements of Sections 58-138 et seq. of the Mequon Code of Ordinances, which payment is due prior to obtaining a building permit. The parties understand and acknowledge at this time that the City retains full right and authority to amend and modify its impact fee ordinance, the methodology by which impact fees are calculated or the numerical component values of the impact fee calculation in the future, such that the resultant impact fee amounts in effect from time to time may differ from the impact fee assessment which is currently in effect as of the date of this agreement, and that such modifications and amendments are not susceptible of determination at this time.
11. The Developer shall not be released or discharged from the obligations assumed under this agreement until final inspection and certification of all the Improvements has been made by the City Engineer in writing, and the Improvements have been approved and their dedication accepted by the City.
12. The Developer hereby agrees that the costs and value of said improvements will become an integral value of the abutting lots and that no future lot assessment will be made on behalf of the Developer.

13. Provisions of this agreement which may specify design criteria for required improvements are subject to change by the City Engineer, upon written notice to Developer and based on changes in applicable codes or regulations, for the purpose of reflecting the most up-to-date design standards for required improvements. The design standards in effect at the preliminary approval shall apply to all improvements for a period of two years.
14. Developer shall indemnify, defend, and hold the City and its officers harmless from, penalties, fines, costs, or loss (including reasonable fees for attorneys, consultants, and experts) that arise as a result of the presence or suspected presence in or on the real property dedicated or conveyed to the City by, under, pursuant to, or in connection with the Subdivision Plat or this Agreement including, but not limited to street rights of way, of any toxic or hazardous substances arising from any activity occurring prior to the acceptance of dedication of all Improvements. Without limiting the generality of the foregoing, the indemnification by Developer shall include costs incurred in connection with any site investigation or any remedial, removal, or restoration work required by any local, state, or federal agencies because of the presence or suspected presence of toxic or hazardous substances on or under the real property, whether in the soil, groundwater, air or any other receptor. The City agrees that it will immediately notify Developer of the discovery of any contamination or of any facts or circumstances that reasonably indicate that such contamination may exist in or on the real property. The City also agrees that following notification to Developer that contamination may exist, the City shall make all reasonable accommodations to allow Developer to examine the real property and conduct such clean-up operations as may be required by appropriate local, state, or federal agencies to comply with applicable laws.
15. Execution of this agreement shall be accepted by the City as adequate provision for improvements within the meaning of Section 236.13(2) of the Wisconsin Statutes.
16. This agreement shall be binding upon the heirs, successors, executors and assigns of the parties hereto.
17. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If the final plat is not submitted within 24 months of satisfaction of the last required condition of approval of the preliminary plat, any approving authority may refuse to approve the final plat. The final plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat, which the Developer proposes to record at that time. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Planning Commission at the time of its submission.
18. It is understood that this Development Agreement may need to be amended to cover changes to the standards regarding landscaping, stewardship plans, stormwater management, grading and/or other plans.
19. In accordance with section 58-635(3)(e), if the Developer fails to commence construction within two (2) years of development agreement approval, then the development agreement shall become null and void.



**EXHIBIT A**  
**DEVELOPMENT AGREEMENT**

**Development Title – The Highlander Estates Addition No.1**

DESCRIPTION OF AREA INCORPORATED IN THE SAID DEVELOPMENT:

LEGAL DESC

EXHIBIT B  
CITY OF MEQUON  
WISCONSIN  
\* \* \* \* \*

DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

TERMS AND CONDITIONS INCORPORATED INTO DEVELOPMENT AGREEMENT BY AND  
BETWEEN THE CITY OF MEQUON AND THE HIGHLANDER ESTATES ADDITION NO.1

The proposed development plans granted concept approval and preliminary plat approval by the Planning Commission have been reviewed by the Engineering Division and this report is hereby submitted in accordance with the procedural requirements established by the Common Council.

Notwithstanding anything herein to the contrary, the parties acknowledge that the Developer intends to complete the improvements necessary prior to construction of principal structures, and other improvements may be constructed and obligations may be performed by Developer, as indicated below, by requiring its lot purchasers to so perform in the lot purchasers' contracts or declaration of restrictions.

The following public works improvements and conditions are necessary:

1. Sanitary Sewer System

- a. Installation of a sanitary sewer system designed to meet the ultimate needs of this development, in accordance with the City's sanitary sewer system plan. Installation of one sewer lateral from the sanitary sewer main to the limits of the sanitary sewer utility easement or, road right-of-way.
- b. Sanitary sewer plans/profile shall conform to the City's Standard Specifications for Land Development, Standard Specifications for Sewer and Water Construction in Wisconsin and additional requirements of the Milwaukee Metropolitan Sewerage District (MMSD) shall apply.
- c. The City shall approve all sanitary sewer lateral locations.
- d. Connection to the existing sanitary sewer shall be done in accordance with the City's specifications.
- e. The lateral locations shall not deviate from the approved plan unless approved by the City.
- f. The public mainline shall meet the City's master plan for the area, in terms of depth and size, and be extended to the adjacent properties.

2. Water Supply System

- a. Installation of a water supply and distribution system for the proposed Development with mains, hydrants, valves and laterals for each lot. The plans, specifications and installation shall be in accordance with the City Standard Specifications for Land Development, latest edition.

- b. The City shall review and approve all water main plans to be installed in a City road right-of-way or easement.
- c. Connection to the City of Mequon water system shall be in accordance with the City of Mequon Standard Specifications for Land Development, latest edition and be subject to a Water Services Agreement.
- d. The City will determine the lateral locations to avoid removal of any specimen trees; the City shall approve all lateral locations.
- e. The public mainline shall meet the City's master plan for the area, in terms of depth and size, and be extended to the adjacent properties.
- f. Easements shall be provided to adjacent single family lots for access for potential future connection.
- g. The mainline water main shall meet Water Utility standards for ISO recommended fire flows of 2500 gpm, which may require 12" pipe for the dead end main.

3. Fire Protection Water Supply

- a. The water for fire protection will be supplied to the Development water system through the City of Mequon Water System.
- b. All fire hydrant locations shall be approved by the City's Fire Chief.

4. Grading and Drainage Plan

- a. The Developer shall submit a master site grading plan. The master grading plan shall indicate which lots are designed for the following; full exposure, partial exposure, and lots that are limited to front load entry garage only. The Developer shall grade the site in conformance with the approved grading and drainage plan. The future owners/builders who construct the principal building shall be responsible for siting the principal building, rough and fine grading the building pad to comply with the master grading plan.
- b. The Master Grading/Drainage/Storm Sewer and Erosion Control Plans shall comply with the requirements of the City's Standard Specifications for Land Development, latest edition.
- c. Grading and drainage plan showing 2' contours for both existing and proposed grades, City approved building pad grades, culverts or storm sewers. Cross-section and profiles of all drainage ways and erosion protection as required, must be indicated on the plans and detailed.
- d. Site grading plan showing only minimum setback and offset dimensions, and City approved building grades.
- e. Erosion Control Plan for land disturbing activities showing existing contours at least 200' into adjacent parcels. This plan will show location and dimension of all construction site management measures to control erosion and sedimentation.
- f. Rough grade as necessary to establish lot grades in accordance with future building grades, top-soiling, seeding and mulching as required, to all exposed ground surfaces to prevent erosion.
- g. The grading plan shall include minimum elevations for proposed top of principal building foundation wall based on proposed building envelopes shown on the approved specimen tree plan and City approved finished yard grades.

- h. Grading and filling shall be kept to a minimum, including in individual building envelopes.
- i. The Developer is responsible for top-soiling, seeding and mulching, as required to all exposed ground surfaces to prevent erosion, including disturbance by utility contractors.

5. Storm Drainage System

- a. Drainage System Plan showing all tributary areas to the proposed subdivision drainage system and downstream analysis. Included on the system plan should be all proposed and existing drainage structures in the drainage system area.
- b. Drainage easements must be shown by dimension and detailed cross-section.
- c. Installation and construction of a complete storm drainage system, including culverts, storm sewer, and open ditches as required to adequately drain the surface water from and through the Development. Erosion protection and minimum velocity design shall be provided for in the storm drainage system design. All areas adjacent to existing and proposed roadways shall be restored to conform with the approved roadway cross-section.
- d. The storm water facilities shall be installed before the impervious surface.
- d. Additional considerations will be required on all ditch slopes exceeding five percent (5%). All roadside ditches or drainage easements shall have a minimum one percent (1%) slope. Areas less than one percent (1%) will require further analysis.
- e. The Development will be required to provide on-site stormwater detention and demonstrate to the City Engineer that the Development shall comply with the City's stormwater ordinance and MMSD Chapter 13 rules and regulations.
- f. The Developer shall submit hydrologic calculations for the 2, 10 and 100 year development conditions.
- g. The Developer shall provide hydraulic calculations showing pond discharge rates under proposed conditions. Under proposed conditions, the retention pond must demonstrate that the 2, 10 and 100 year discharge rate will be less than pre-settlement conditions.
- h. All sump pump discharge pipes shall discharge to a roadside ditch, storm sewer or other location approved by the City. For roadways with an urban section a sump pump collection system shall be required in accordance with the City's Standard Specifications for Land development, latest edition.
- i. Submittal, at the time of architectural review and approval, of a sump pump discharge and roof drainage plan in accordance with Storm Water management Plan approved by the City Engineer.
- j. Drainage Easements must be shown by dimension and detailed cross-section.
- k. If the storm sewer design includes underground piping, a set of utility plans showing all plan and profile views of sanitary water and storm sewer shall be used and kept current during all phases of construction.
- l. Detention Basin/Pond Maintenance Agreement:

The Developer shall design and construct storm water facilities, including detention and/or retention pond(s), in accordance with the approved storm water drainage plan such that they are adequate to accommodate expected surface water flow within and through the Development, in accordance with applicable City ordinances, Chapter 13 of the Milwaukee

Metropolitan Sewerage District rules, and the regulations of WDNR, as may be applicable. Thereafter, it shall be the responsibility of the Developer and/or its successors and assigns, as provided below, that such storm water facilities shall be maintained to meet or exceed the standards to which they were constructed, such that in the future, they continue to accommodate the maximum potential volumes of flow through and within the development, and meet applicable performance standards for storage and release.

Accordingly, the following requirements are applicable to this Development and conditions of approval of the preliminary plat and the development agreement, pertaining to detention basin/pond maintenance.

- i. All stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be maintained and cared for by the Developer and subsequently, at such time as the Developer passes control of the stormwater elements of the Development and responsibility for maintenance thereof to the Home Owners Association they shall be maintained in accordance with this Section 5. g.
- ii. In order that the perpetual care and maintenance of all stormwater drainage and storage facilities shall be provided for, the Developer shall create or cause to be created an entity (the Subdivision Homeowners Association) with a perpetual existence under the laws of the State of Wisconsin for the express purpose, *inter alia*, of assuming all responsibility in connection with the perpetual maintenance of the stormwater facilities. Developer shall provide by contract, declaration of covenants, deed provision, or otherwise that all lot owners in the subdivision development, including Developer, shall be members of the Association solely by virtue of being a lot owner, and shall be jointly responsible for its obligations, which obligations shall be assessable as against such members. If, as contemplated by the parties, any portions of the Development in or on which is located stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be conveyed to other assigns and/or successors in interest, then Developer shall provide by contract, declaration of covenants, deed provision, or otherwise that such other assigns and/or successors in interest shall assume all responsibility in connection with the perpetual maintenance of those stormwater facilities. The Developer shall have no further responsibility for such maintenance, only after arms length sale of the lots by the Developer, conveyance of outlots and/or common areas to the Subdivision Homeowners Association or other good faith grantees, and acceptance of dedication of the Improvements by the City.
- iii. The following minimum standards for future care and maintenance of the stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be adhered to by Developer and Developer's assigns and successors in interest:
  - A. Provide normal and customary cleaning and maintenance to the detention basin(s), and pond(s) located in this Development including, but not be limited to, weed and algae control, dam stabilization, emergency overflow, outlet structure (including trash rack), dredging and biological control.
  - B. As necessary, dredging of the storm water facilities shall require permits and approvals under Section 30.20 Wisconsin Statutes, to remove materials from the bed of a pond ultimately connected to Lake Michigan from the Wisconsin Department of Natural Resources (WDNR).
  - C. Make chemical treatments as necessary, in keeping with the regulatory requirement(s) that the application of EPA/State Registered Chemicals to detention basins/ponds or lakes is regulated by the WDNR. With few exceptions, a permit must be filed with, and approved by the WDNR, prior to chemical

treatment. In certain circumstances, a representative of the WDNR will monitor or supervise the chemical treatment. Contact the WDNR for additional information.

- D. The detention basin(s)/pond(s) shall be certified by a licensed professional engineer or land surveyor as a condition of Final Plat approval. To assure compliance with the approved plans, the Developer shall be responsible to recertify the detention basin(s)/pond(s) as a condition of transferring ownership to the Homeowners Association, but in no event shall such recertification occur later than five years after the approval of the Final Plat.
- E. The detention basin(s), pond(s) certification shall be submitted with an as-built record drawing.
- F. The detention basin(s)/pond(s) shall be inspected in compliance with the Inspection Report Form supplied by the City. Any deficiencies shall be corrected immediately. A copy of the report form, including but not limited to photographs or diagrams of the deficiency and corrections with the certification shall be provided to the Homeowners Association, and any other assigns and successors in interest of Developer, and shall be promptly submitted to the City Engineer for review and approval. Specific areas shall include, but not be limited to:
- Bio-retention facility
  - Pond containment berms are stable and free of animal burrowings
  - Detention storage volume
  - Erosion
  - Vegetative cover
  - Sediment accumulation
  - Trash rack/culvert functions
  - Outlet flow
  - High water level
  - Water surface elevation at time of survey
  - Normal pond water level
  - Emergency overflow
- iv. To guarantee performance of all of the foregoing obligations concerning the private stormwater drainage and storage facilities, including detention basin(s)/pond(s), the Developer shall establish a Drainage Letter of Credit which shall be issued by a local bank on the US Chamber of Commerce model form or reasonable equivalent, and shall be subject to prior review and approval by the City Attorney, in the amount of \$4,000.00/lot. The Letter of Credit (“LOC”) requirement shall remain in effect for five (5) years from the date of Final Plat approval, however, the LOC may be renewable annually, provided that notice of non-renewal shall be given to the City Administrator in writing by the issuing bank not less than sixty (60) days prior to expiration. Developer or its successor in interest shall thereupon be required to furnish a substitute LOC which shall be in-hand and approved by the City by not later than thirty (30) days prior to expiry of the then-current LOC, or the City will draw on the then-current LOC before expiry.
- v. Not less than ninety days prior to the final expiration of the Developer’s LOC obligations, or at such time as the Developer shall convey the outlot(s) or common area(a) in or on which are located the stormwater drainage and storage facilities, including detention basin(s)/pond(s), to the Subdivision Homeowners Association or other assigns or successors in interest, whichever is later, the Developer shall have the detention basin(s)/pond(s) recertified in accordance with d. and e. above.

- vi. At any time in the future, if, in the opinion of the City, either the Developer (in keeping with the limitations upon its responsibility as expressed herein), the Subdivision Homeowners Association, or any other assigns or successors in interest, shall fail to maintain the stormwater drainage and storage facilities, including detention basin(s)/pond(s), the City, at its option, may give the Developer, the Subdivision Homeowners Association or other assigns or successors in interest, as may be interested, written notice requiring any or all of them within thirty (30) days thereafter, to cure the failure and to maintain and to provide the required care. If the notified party fails to comply with the demands of the notice, the City shall have the right, but not the obligation, to perform the work necessary to correct the deficiency, and to charge the cost thereof, including administrative charges, to the Developer, and/or to the Subdivision Homeowners Association, and/or other assigns and successors in interest, by drawing upon the LOC, and/or by imposing such charge as a special charge for services pursuant to §66.0627, Wisconsin Statutes, and if not promptly paid by the party to whom the charges were invoiced, as a lien and special tax on the property(ies).
- vii. The City Engineer has the authority to stop work, amend, or alter remediation measures to the detention basin/ponds. Failure to comply will result in the issuance of a municipal citation by a forfeiture as prescribed by law, or may be addressed in an action for injunction, mandatory injunction, or any combination of remedies. Each day a violation exists shall constitute a separate offense.
- viii. Upon 75% (or fewer) of the lots within this Development being sold, a Homeowners Association shall be created.
- ix. This agreement and all of its covenants are and shall be covenants running with the land, and shall encumber the Development, and shall be binding on the heirs, personal representatives, successors and assigns of the parties hereto. This agreement shall be recorded with the Ozaukee County Register of Deeds office. The Development covenants and restrictions shall include this language and not by reference.

6. Erosion and Run-off Control

- a. Installation and construction of improvements in the proposed Development shall be done in conformance with the City in cooperation with the Ozaukee County Land Conservation Guidelines (SCS) and Department of Natural Resources "Wisconsin Construction Site Best Management Practice Handbook," latest edition, requirements, with respect to erosion and sedimentation control. Temporary stormwater quality measures during construction activities shall include, as a minimum, the installation of silt fence and temporary sediment basins.
- b. The Developer shall install the drainage system, including roads (unpaved, but with gravel surface), first. The swale and ditches shall be sodded or planted with fast growing grasses immediately after grade certification by the City or designated agent. The City may request temporary mulching if ground is exposed for more than 7 days. Straw, hay bales, check dams or silt fences shall be placed in the drainage system as sediment traps in accordance with established Best Management practices. The City will decide what situation is appropriate for sod and will determine the sediment trap method to be used.
- c. The Developer may not commence land disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be approved which requires the Developer to construct in conformance with the City's erosion control ordinance.
- d. Excavated soil shall not be allowed to be piled near the drainage system. A topsoil stockpile area shall be identified and used, complete with appropriate erosion control measures.

- e. The surface of exposed bare soils shall be protected by mulches or by temporary annual grasses, or erosion matting.
- f. The Developer will periodically inspect and maintain any measures utilized above. All erosion control devices shall be inspected after each rain event.

7. Streets

- a. The road design standards shall be subject to the review and approval by the City Engineer and Fire Chief. The roads, whether public or private, shall be constructed in compliance with the City Standard Specifications for Land Development, latest edition, unless otherwise approved by the City.
- b. Private access roads/driveways shall be approved by the City Engineer and Fire Chief.
- c. Construction of a twelve (12) inch road base consisting of twelve (12) inches of one and one-quarter inch (1 1/4") crushed stone base course for all new streets. The initial surface shall consist of three inches (3") of bituminous binder course. The roads shall be constructed to the City's typical cross-section and in accordance with the City's standard specifications for land development.
- d. In developments with sanitary sewer the final one and one-half inch (1 1/2") asphalt surface course shall be applied following the construction of the binder course.
- e. Should the money in the account be inadequate to defray the cost of surfacing to include inspection, shouldering, road failures, base repairs and defects and utility adjustments, the Developer shall make up any shortage of funds.
- f. All cross connections are required to be constructed in each phase, with a temporary turnaround constructed until the adjacent property develops. The developer or Homeowner's Association shall remove and restore the temporary turnaround at the time the connection is constructed.
- g. The roadside sidewalk shall be installed at the time of roadway construction, prior to final plat and shall be maintained by the homeowner or homeowners association. This maintenance will include snow and ice removal.
- h. The Developer shall provide to the City a performance bond in a form approved by the City Attorney subject to prior review and approval by the City, to provide security for compensation to the City for wear and tear and accelerated deterioration of City streets as a result of infrastructure improvement associated with the hauling of stone and asphalt attributable to the approved Development.

Prior to commencement of any construction activity, the Developer shall establish with the City a performance bond in a form approved by the City Attorney, for road damage, in the amount equal to \$1,000 per residential lot in the proposed Development. Should the proposed development be approved as a phased Development, the performance bond and evaluation process shall be established prior to commencement of each phase of Development. Prior to the commencement of any construction activity, the following provisions shall be complied with:

- i. The Developer shall meet with City Engineering and Public Works staff to identify and agree to a specific "haul" route for all construction equipment and material supplies associated with the Development. The Developer shall agree to confine the movement of its construction equipment to the approved route unless approved otherwise by the City Engineer or Public Works Director.

- ii. Prior to commencement of construction, the City shall videotape and perform a road evaluation of the agreed to haul route. This evaluation, known as a service condition rating or SCR, shall be used as the base line for establishing the level of damage that occurs as a result of the Development.
- iii. At the conclusion of the construction activity and prior to the recording of the final plat, the City will again videotape and perform a post development SCR of the Developer's "haul" route.
- iv. Prior to the City acceptance of the Improvements, the Developer will repair the road or pay to the City for the Dollar amount for the estimated repairs.

The road account and road evaluation is only applicable to that portion of the approved haul route that lies within the corporate limits of the City.

8. Landscaping and Open Spaces

- a. A street tree plan shall be subject to the review and approval of the Tree Board and Planning Commission. The species and installation of street trees shall conform to the street tree ordinance.
- b. Landscape plans for the open space, public street cul-de-sac, and detention pond buffering shall be designed by a licensed landscape architect and shall be reviewed and approved by City staff. The City may have a licensed landscape architect review the submitted landscape plans. All amenities located in this phase of the development shall be constructed prior to Final Plat approval.
- c. Signage and entryway landscape plans shall be reviewed and approved by City staff.
- d. A letter of credit issued by a local bank on the US Chamber of Commerce model form or reasonable equivalent, and subject to prior review and approval by the City Attorney, equal to 25% of the landscape and hardscape amenities contract cost to insure that all private open space landscaping that dies within three (3) years of installation will be replaced by the Developer.
- e. A performance bond equal to 25 percent of the installation costs of the street trees is required to ensure that all street trees that die within the first 14 months will be replaced by the developer.
- f. Any required pedestrian paths shall be installed and shall be maintained by the developer or home owners association. Pedestrian and bike path plans shall address the public use of the paths and maintenance and shall be subject to the review and approval of the City Engineering Department. A ten (10) foot wide pedestrian and bike path easement shall provide for public access. An eight (8) foot wide path shall be designed and constructed in accordance with the Department of Transportation (DOT) Bike Path Facilities Handbook.

9. Miscellaneous

- a. The Developer shall be responsible for maintaining and repairing all damage done to City streets as a result of excessive hauling operations and Development construction pursuant to section 7(f) above.
- b. The Developer shall be financially responsible for the material and installation of street signs. The City shall install said signs and invoice Developer, which shall be paid within thirty (30) days of invoice.

- c. All construction shall conform to the “Standard and Specifications for Development Construction in the City of Mequon,” latest edition.
- d. Wetland Boundaries shall be identified and marked in the field and verified by the Wisconsin Department of Natural Resources. The wetlands and setbacks shall be identified on the plat. Wetland boundary markers shall be maintained and setbacks observed during all phases of land disturbance and construction.
- e. The City Engineer may make changes to the approved plans and specifications for any of the improvements covered under this agreement which are necessary to correct oversights, omissions, and errors to compensate for changing site conditions, or to complete fully the work in accordance with sound engineering practice. The Developer shall perform the work as changed entirely at its expense without any claim for reimbursement.
- f. Submittal and Planning Commission approval of the appropriate stewardship plan preservation easement, maintenance agreement and street tree landscape plan, if applicable.
- g. Submittal of underground utility easements.
- h. All sanitary, drainage, water and other utility easements must be shown on the plat. All sanitary, water and drainage easements must be prepared separately for each lot or parcel and recorded at the Developer’s expense. These documents shall be required at the time of final plat approval and approved by the City.
- i. Submittal of proposed driveway culvert size plan where applicable.

11. Special Provisions

- a. The development process shall strictly conform to the conditions of approval of the Preliminary Plat and other approvals, and as set forth in the Development Agreement. Request for final plat approval is subject to Engineering Department certification that all improvements required to be installed have been completed and approved, and as to the Improvements, approval and acceptance of their dedication by the City.

**The remainder of this page is intentionally left blank.**

EXHIBIT C

CITY OF MEQUON  
WISCONSIN  
\*\*\*\*\*

ENGINEERING DEPARTMENT  
DEVELOPMENT AGREEMENT

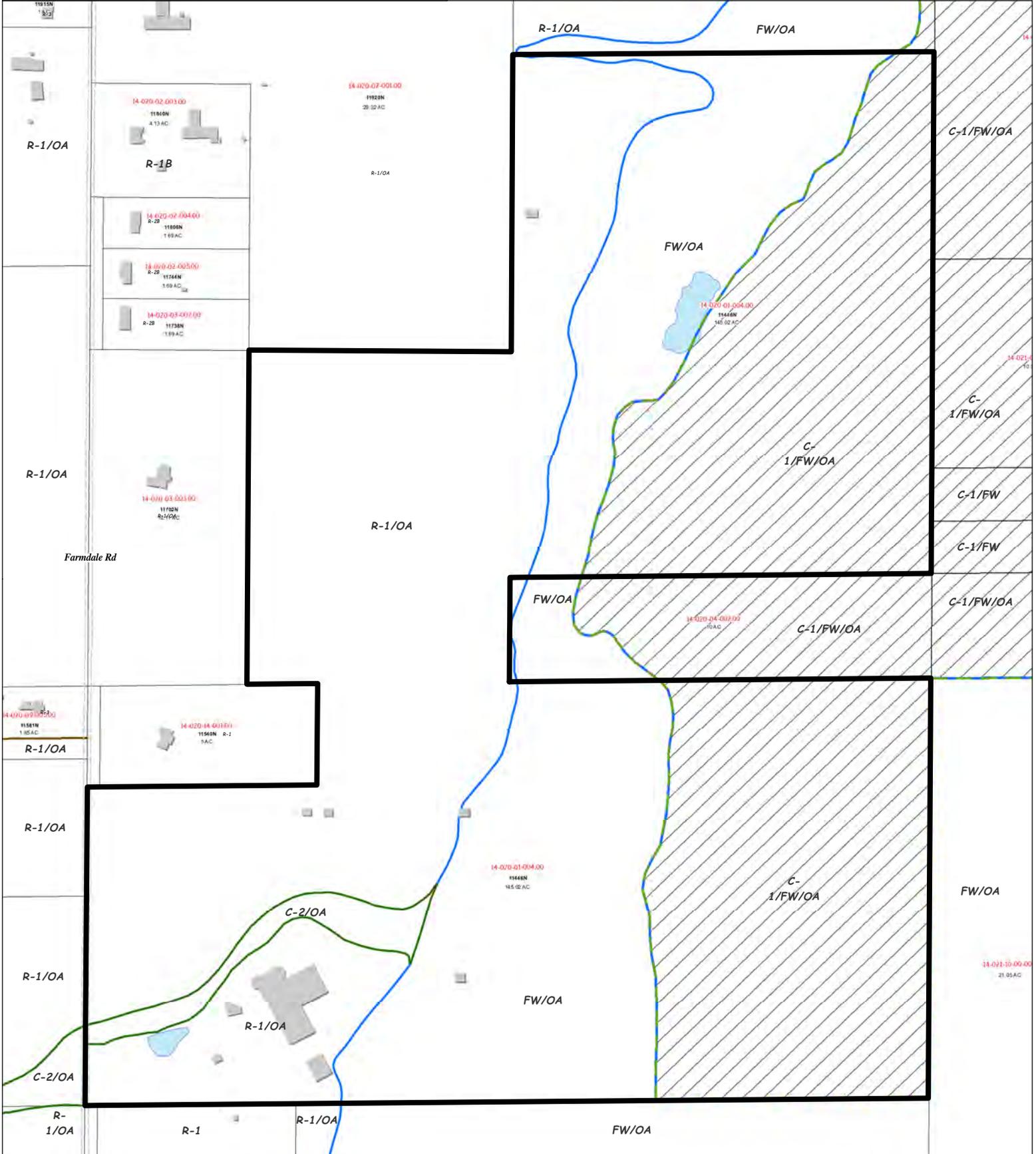
Development Title **The Highlander Estates Addition No.1**

As a condition of final plat approval, the Developer, in accordance with the requirements of Section 58-640 of the Mequon Code of Ordinances will make payment in full of the following sewer connection charge: \$6,000 (30 lots @ \$200 per lot). This charge will only be applied if the Development is required to install a public sanitary sewerage system.

In addition, the Developer shall provide a lot pipe guarantee in accordance with Paragraph 20 of this agreement. The Developer shall provide a financial guarantee in the amount of \$3,000, which is equivalent to \$100 per lot. The financial guarantee is subject to release upon receipt by the City of a lot pipe certification stamped and signed by a professional land surveyor, registered in the State of Wisconsin.

# ITEM #6 - Oldenburg Farm

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





**STAFF REPORT**

To: Mequon Planning Commission

Prepared by: Jac Zader

Agenda Item: **6**

Date: January 11, 2016

**General Information:**

**Applicant:**

Karen Maclay

**Status of Applicant:**

Agent

**Requested Action:**

Horse Riding Arena and Stable

**Existing Zoning:**

R-1 (Rural Residential)  
OA (Agricultural Overlay)

**Existing Use:**

Private Horse Stable

**Existing Land Use Plan:**

Rural Residential

**Lot Size:**

20 Acres

**Location:**

11446 N Farmdale Road

**Background:** The applicant is requesting conditional use grant approval for a commercial horse riding arena and stable at 11446 N Farmdale Road. The site has been used for a private horse facility for years and includes a 24,000 square foot stable and arena, a storage building, an outdoor practice arena and padlocks. The proposed use will include boarding, training and riding events throughout the year. The hours of operation of the facility will be weekdays from 8:00 AM to 9:00 PM and weekends 8:00 AM to 6:00 PM. According to the code, the applicant is allowed up to 19 horses on the 20 acre parcel. The property is zoned R-1 (Rural Residential) with an OA (Agricultural Overlay). Commercial horse riding academies and stables are a conditional use in the OA district.

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

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

The use of the horse stable should not endanger the public health or safety of the immediate neighborhood. As with other horse stables approved in the past there is a concern with the handing of waste. The applicant will be using a sealed dumpster to store manure and other waste and collected by a waste hauler on a weekly basis. The proposed dumpster will be located on the northeast side of the existing storage building well screened from public view.

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

The property includes a total of 20 acres of the land and the closest residential structure to the south is approximately 520 feet from the existing stable. The abutting land to the north and east is part of the proposed 20 lot conservation subdivision. There are two existing driveways to the site that connect to Farmdale Drive. Farmdale Drive is classified as a local collector and is capable of handling the increased traffic.

In addition to the borders, the horse stable will hold small clinics and events that will seat up to 30 spectators. There is an adequate area for parking located adjacent to the arena on the north and south side of the building. There are ample trees and other vegetation on site which screens the parking area from public view. Staff believes the proposed use of the property should not injure the value of adjoining properties.

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

The site is located in the R-1 (Rural Residential District) with an OA (Agricultural Overly) which is intended to provide for, maintain, preserve and enhance agricultural land and uses. Adjacent sites are zoned R-1 with an OA (Agricultural Overly) as well. The area has remained relatively unchanged over the last several years with the exception of a few minor land divisions. The proposed use is considered compatible with the area and will add to the established rural character which is encouraged in the OA District. The horse stable and other on site facilities have been in existence since the 1990's.

**Staff Recommendation:**

Staff recommends approval of the conditional use grant based on the following conditions:

1. No other commercial use of the property shall be permitted.
2. Public hours of operation shall be limited to 8:00 a.m. to 9:00 p.m. weekdays and 8:00 AM to 6:00 PM on weekends.
3. The structures shall be used for agricultural related equipment and activities.
4. The stable shall house a maximum of nineteen horses.
5. Final review and approval of site, floor and elevation and lighting plans.
6. Riding clinics and competition shall be limited to 30 spectators.
7. No more than five trailers shall be stored on the premises at any given time.
8. Waste pick up shall be done on a weekly basis.

# *HIGH HOPES FARM – Business Plan*

September, 2015

**Business Name:** High Hopes Farm, LLC

**Owners:** Karen B. Maclay (80%) and Kristen L. Maclay (20%)

**Contact Information:** Karen B. Maclay, 2200 West Fairy Chasm Road, Milwaukee, Wisconsin 53217.

Cell phone: 414-617-0332 Email address: karen.b.maclay@gmail.com

**Business:** Equestrian boarding, training, riding instruction including public lesson program.

**Mission Statement:** High Hopes Farm will provide a unique and comfortable environment dedicated to the welfare of horses and riders and to the enjoyment of equestrian sports and activities. Services and resources will be made available as necessary for the successful achievement of customer goals and for success in equestrian competitions.

**Values:** The welfare of the horse and rider come first.

Teamwork and mutual respect will be the foundation of the working relationships of the staff.

Success will be measured by the successful accomplishment of customer goals and by high levels of customer satisfaction.

## **Goals and Objectives:**

### Goals:

- Personalized and high quality care of boarders' horses.
- Safety of horses, riders and staff.
- High levels of customer satisfaction.
- Successful teaching and training program.

### Objectives:

- A minimum of fifteen boarders by the end of the first quarter of 2016.
- A full barn (twenty horses or more) by the end of 2016.
- High customer satisfaction and retention.
- Average monthly lessons exceeding 120 by the end of the first quarter of 2016.
- Average monthly lessons exceeding 200 by the end of 2016.
- At least one special training event per month in 2016 featuring a guest professional.

## **Philosophy:**

It is important that High Hopes Farm be recognized for its high quality and dependable care, its positive and solid relationships with boarders and students, and as a quality facility with successful and popular programs and equestrian events. The welfare of horses and customers will be more important

than other measures of success. It will be a priority to create an environment and culture that is based on respect, teamwork, and the enjoyment of equestrian activities.

### **Competitive Advantages:**

High Hopes Farm will be differentiated by its desirable location and world class facility. The experience and strengths of its staff, combining significant business experience with significant experience in the care and training of horses, will also provide a competitive advantage.

### **Products and Services:**

High Hopes Farm will offer a number of options to board customer horses, from full service to basic board with basic training. Basic board will include a large stall, generous individual turnout, a high quality feed program, frequent provision of hay and stall cleaning at least twice daily. Basic training will include one training ride and one lesson per week. Initially, fewer than 20 horses will be boarded with the goal of boarding up to 30 horses on the property. Training and teaching services will be offered six days a week. Lessons will be available to members of the public who do not board a horse at the farm. Complete horse care services will also be offered. Special teaching and training events will be offered to provide customers with access to outside top quality professionals (hunter, jumper, dressage, and horse care or training specialists). Teaching and training professionals who are on staff at the farm will also accompany customers to equestrian competitions and will assist in the purchase, sale and leasing of horses.

A list identifying services to be offered is attached.

### **Operating Assumptions:**

High Hopes Farm business plan is based on the following estimates and assumptions:

- **Hours of Operation:** Monday – no training or lessons; Tuesday through Friday – 8:00 am to 9:00 pm; Saturday and Sunday – 8:00 am to 6:00 pm.
- **Staff:** In addition to services performed by owners and trainers, we anticipate needing two part-time employees.
- **Lesson Volumes:** Initially estimated to average four to five per day, six days per week. A goal is to increase volume to an average of eight to ten per day, six days per week, by the end of 2016.
- **Special Events:** Riding Clinics – participation estimated at 15 per event; Schooling Competitions and other special events – participation estimated at up to 30 per event.
- **Animal Waste Removal:** At least weekly.
- **Vehicle Traffic:** Monday – less than ten vehicles; Tuesday through Sunday – fifteen to twenty-five vehicles per day; special events – up to 30 vehicles on day of event.
- **Resident Staff:** At least one person will be present (residing) at the facility seven days per week.

# High Hopes Farm

## BOARD

### BOARD

INCLUDES – Feed twice daily, hay fed four times per day, quality shavings, blanketing, turn out, boots on and off, stall fans, and daily supervision.

## TRAINING

*One of the following training packages is required in addition to Board:*

### Option A. FULL SERVICE TRAINING PACKAGE

INCLUDES: 4 or more training rides per week, 2 lessons per week, grooming every day (bathing as necessary), hand walks when needed, indoor turn out when outside not permitted, holding for vet, farrier supervision, mane pulling & trimming, lunging, tacking up as requested, administration of medication as needed.

### Option B. SERVICE AND TRAINING PACKAGE

INCLUDES: 2 training rides per week, 2 lessons per week, vet hold, farrier supervision, grooming twice a week, indoor turn out when outside not permitted, hand walking when needed, mane pulling & trimming, administration of medication as needed. Additional training rides and lessons available for a discounted rate.

### Option C. BASIC TRAINING PACKAGE

INCLUDES: 1 training ride per week, 1 lesson per week. Additional training rides and lessons are available and separately charged.

PUBLIC LESSONS Hourly rate.

HORSE SHOW DAY - SERVICE FEES Daily rate.

HOME CLINIC CHARGE – FACILITY FEES Daily rate.

### COMMISSIONS

Percent of purchase price when buying or selling a horse

Percent of lease cost when leasing a horse.

Reduced percent of cost if both parties are High Hopes Farm clients – Split between clients

HORSE SEARCH FEES Daily rate plus out of pocket expenses.

### MEDICAL SUPPORT CARE

OTHER SERVICES AVAILABLE Hand walk, lunge, vet/farrier hold, bathing, grooming, body clip, etc.



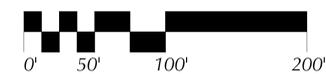
### LEGEND

1. Indoor Equestrian Arena
2. Stables
3. Storage Building
4. Farm House
5. Outdoor Practice Arena
6. Oval Paddock
7. Round Training Arena
8. Turn-Out Paddock
9. Paddock with Shade Structure
10. Farm Pond

Equestrian Parcel Enlargement  
**J. G. Ventures Farm**

Mequon, WI

J.G. Ventures, L.L.C.  
 11501 N. Port Washington Rd.  
 Mequon, WI 53092  
 414.870.1701



SHEET SP-6

December 21, 2015



**CONDITIONAL USE GRANT**

Articles of Agreement made and entered into this 11th day of January 2016, by and between \_\_\_\_\_ owners of the property located at 11446 Farmdale Road and the City of Mequon Planning Commission.

Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section \_\_, Range 21 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows:

**LEGAL DESCRIPTION**

Exhibit A-1

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

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

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

**GRANTED** by action of the Planning Commission of the City of Mequon this 11th day of January 2016.

\_\_\_\_\_  
**Dan Abendroth, Mayor, Planning Commission Chairperson**

**Acknowledgment:**

STATE OF WISCONSIN)

)SS

OZAUKEE COUNTY)

Personally came before me, this \_\_\_\_ day of \_\_\_\_\_, 2016, the above named Dan Abendroth, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Ozaukee County, Wisconsin  
My Commission (expires) \_\_\_\_\_

\_\_\_\_\_  
**Planning Commission Secretary**

**Acknowledgment:**

STATE OF WISCONSIN)

)SS

OZAUKEE COUNTY)

Personally came before me, this \_\_\_\_ day of \_\_\_\_\_, 2016, the above named \_\_\_\_\_, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Ozaukee County, Wisconsin  
My Commission (expires) \_\_\_\_\_

**RETURN TO:**

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

**PARCEL NO.:**

The **CONDITIONS** of this Grant are:

1. This grant shall become effective upon the execution and recording by the owners and operators of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
2. This grant shall expire and become void unless, pursuant to the building and zoning codes of the City, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of Planning Commission approval noted above, or actual construction is commenced within twelve (12) months of the date on which the building permit was issued.
3. This grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.
4. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and annexed hereto.
5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the Premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
6. This grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
7. The Grantee and its successors in interest shall hold the City of Mequon harmless from any claims or losses to the City or its residents including reasonable attorney fees arising from or related to use of the facilities.
8. Any change to the approved use or change to the building or site plan will require an amendment to the Conditional Use. Minor changes to the building and site plan shall be approved by the Department of Community Development.
9. **Conditions on the Operations:**
  - a. Hours of operation: 8:00 AM to 9:00 PM
  - b. Performance standards relating to parking, noise, vibration, odor, smoke, dust, and light: As per City ordinance and as further designated under letter (e.) below.
  - c. Water supply requirements:  
Well
  - d. Provisions for sewage disposal:  
On Site
  - e. Other:
    - If the conditional use shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or if material problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten health or safety or to become a nuisance condition, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, or in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
    - If, despite efforts to prescribe conditions which render the conditional use harmonious in the surrounding neighborhood, problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten the peace and enjoyment of neighboring properties, or shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or shall threaten health or safety, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, and in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
    - No other commercial use of the property shall be permitted.
    - The structures shall be used for agricultural related equipment and activities.
    - The stable shall house a maximum of nineteen horses.
    - Final review and approval of site, floor and elevation and lighting plans.
    - Riding clinics and competition shall be limited to 30 spectators.
    - No more than five trailers shall be stored on the premises at any given time.
10. **Conditions of the structures:**
  - a. Site Plan: As per attached Exhibit A
  - b. Landscaping Plan: N/A.
  - c. Elevations: N/A
  - d. Sign: As on file with Community Development Department, City of Mequon

Conditional Use Grant

---

- e. Floor Plan: As on file with Community Development Department, City of Mequon
- f. Exterior lighting of the site and building: Per Existing
- g. Fence / Wall / Dumpster plan details: Per Existing
- h. The building shall comply with the building code.

11. **Conditions on the site:**

- a. Street access (number, location, design): As per attached Exhibit A
- b. Off-Street Parking (location and design including screening thereof): As per attached Exhibit A.
- c. Outside storage of materials, products or refuse (location and screening thereof): As per attached Exhibit A
- d. Parking, exterior lighting of the site, location design and power:  
Any changes subject to Planning Commission approval.
- e. Other:

---

**Owner**

**Acknowledgment:**

STATE OF WISCONSIN)

)SS

OZAUKEE COUNTY)

Personally came before me, this \_\_\_\_ day of \_\_\_\_\_, 2016, the above named \_\_\_\_\_, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

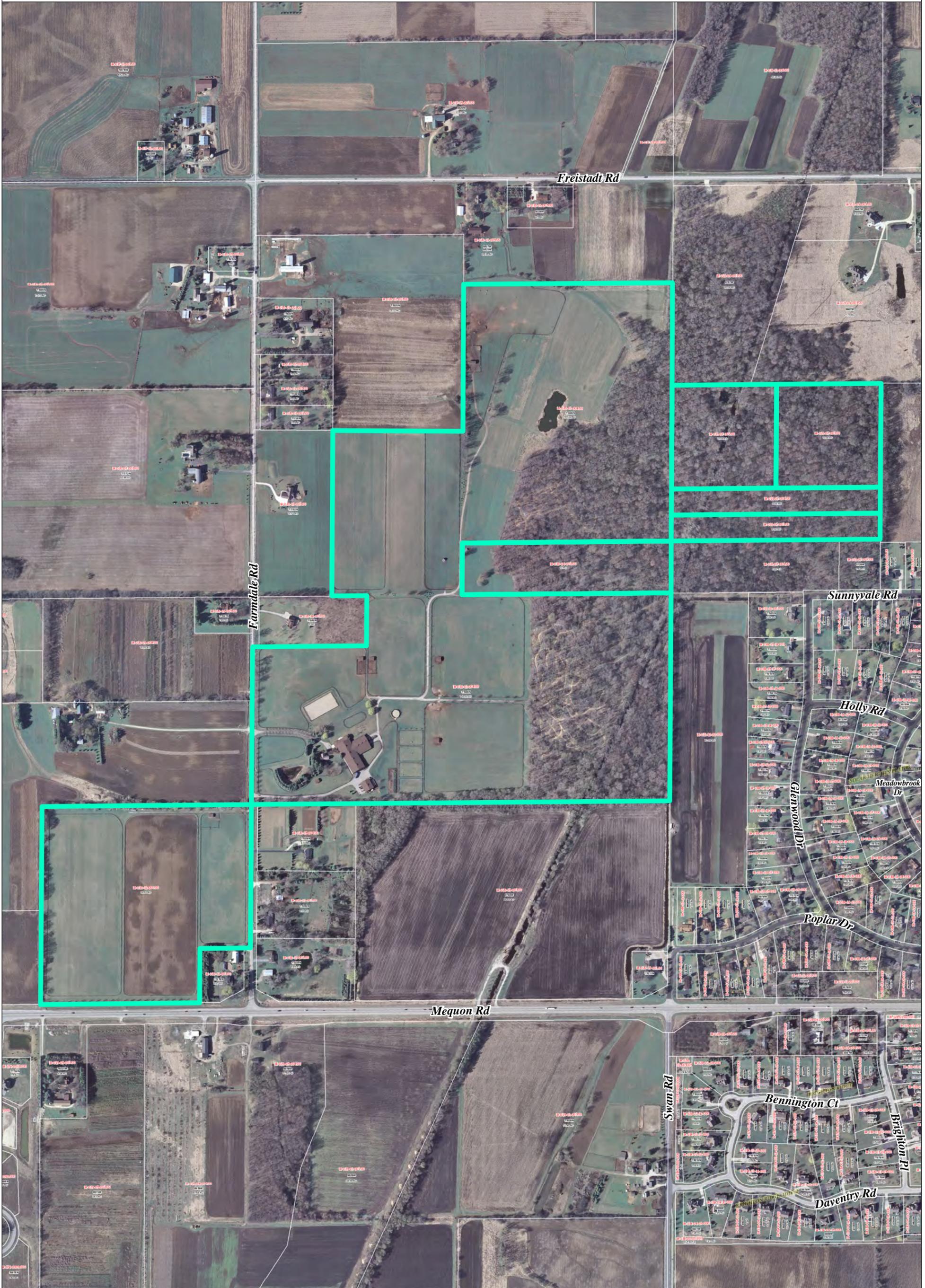
---

Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument on behalf of the petitioner acknowledged the \_\_\_\_\_ day of \_\_\_\_\_, 2015



# ITEM #7 - Oldenburg Farm



**STAFF REPORT**

To: Mequon Planning Commission

Prepared by: Jac Zader

Agenda Item: **7**

Date: January 11, 2016

**General Information:**

**Applicant:**

JG Ventures LLC

**Status of Applicant:**

Offer to Purchase

**Requested Action:**

Rezoning Recommendation  
Concept Plan

**Existing Use:**

Single Family Dwelling  
Private Horse Stable

**Existing Zoning:**

R-1 (Rural Residential)  
OA (Agricultural Overlay)  
FW (Floodway)  
C-1 (Critical Environmental)

**Proposed Zoning:**

R-1 (Rural Residential)  
FW (Floodway)  
C-1 (Critical Environmental)  
PUD (Planned Unit Development)

**Land Use Plan:**

Rural Residential  
Critical Environmental

**Lot Size:**

221 acres

**Location:**

11446 N Farmdale Road and the  
northwest corner of Mequon Road  
and Farmdale Road

---

**Background:** The applicant is requesting a rezoning recommendation and concept plan approval for a 20-lot conservation subdivision development on 221 acres of land located at 11446 N Farmdale Road and the northwest corner of Mequon Road and Farmdale Road. The conservation plan proposes approximately 71.7% common open space and lots ranging from 1.25 – 3.0 acres in lot size. The development includes two separate sections of land. There is a 185 acre section of land on the east side of Farmdale Road and a 37 acre piece of land on the northwest corner of Mequon Road and Farmdale Road. The existing horse stable and 20 acres of land adjacent to the stable are not included in this development proposal.

## STAFF REPORT

### **Proposed Yield Plan:**

The attached yield plan shows twenty (20) lots, each conforming to the R-1 district standards. Six of the lots are shown on the western parcel and 14 are shown on the eastern parcel both with access from Farmdale Road. Some of these lots would contain significant environmental features.

### **Proposed Concept Plan:**

The concept plan shows five lots on the western parcel and fifteen on the east parcel. The site east of Farmdale Road contains woodlands, floodplain, wetlands and sloping topography and is adjacent to the Little Menomonee River. The western parcel is currently farmed upland. The applicant did not provide a wetland delineation for the site which contains a large wetland complex along the Little Menomonee River. Staff will require the delineation be completed prior to Planning Commission action on the Preliminary Plat. There site also contains a significant amount of floodplain associated with the Little Menomonee River. SEWRPC is currently modeling the area and has completed draft floodplain boundaries. The proposed home sites are shown to be located outside the proposed floodplain boundaries. Staff will require FEMA approval of the draft floodplain modeling and final base flood elevation prior to issuance of final plat.

### *OPEN SPACES:*

Based on staff calculations, the subdivision contains 71.7% open space, which achieves Planning Commission's policy for open space (60%) in conservation subdivisions. The applicant has agreed to dedicate a significant amount of the opens space along the Little Menomonee River to the City of Mequon. The final location of the dedicated land has not been finalized at this time. The dedication of land will provide the city the opportunity to connect existing publicly owned land to the north and south along the Little Menomonee River (see attached map).

Staff believes the proposed plan accomplishes many of the goals for conservation subdivisions including the following:

- The plan maintains open space along the perimeter of subdivision.
- The plan incorporates a pedestrian trail system in the open space area.
- The concept plan now creates pockets of open space between the proposed lots by reducing lot sizes and clustering the lots into groups.

Staff does recommend the following changes to the proposed plan:

- Lots 9-12 are shifted south to allow for a larger buffer to the north property line.
- A trail connection is added between Lots 12 and 13 that connects to the public road.

### *LOT LAYOUT AND SIZES:*

The eastern section of the development includes 15 lots that average 1.33 acres in size which is consistent with other conservation subdivisions in Mequon. The developer adjusted has taken advantage of the existing topography by strategically orientating lots to maximize views of the significant open space along Little Menomonee River. The lots are clustered in groups between three and five lots. The western section includes five lots 2.75 acres in size. The lots are shifted to the north end of the property in order to provide a larger buffer to Mequon Road.

## STAFF REPORT

### *ACCESS and INTERCONNECTIVITY:*

The eastern section shows access from Farmdale Road and terminates with a cul de sac at the north end of the parcel. Due to the length of the road and the number of lots, staff will require that a road stub be extended to the north property line which will allow future connection to Friestadt Road. The western section also has access to Farmdale Road and shows five lots on a cul de sac which terminates at the west end of the parcel. Since the road serves only five lots, it is staff's recommendation that the road is privately owned.

### **Site Conditions:**

The site is located outside of the sewer service area and therefore the lots will be served by private water and sewer systems. City Forester, Ken Baker, has walked the site to identify specimen trees and has determined that all of the specimen trees are located in or adjacent to the existing wetlands/floodplain and will not be impacted by the proposed subdivision.

### **Engineering Report:**

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

The concept plan details five lots in the northwest quadrant of Farmdale Road and STH 167 (Mequon Road) and fifteen lots to the east of Farmdale Road. Both accesses are made to Farmdale Road. As the roadway serving the lots in the northwest quadrant of Farmdale Road and Mequon Road will only service five lots, per City policy it should be a private roadway. The access point for the fifteen lot subdivision should be moved to the north to align with the field entrance on the west side of Farmdale Road. The access road itself should be designed as a public road and dedicate the required 60' of right-of-way.

The fifteen lot development should allow for the future roadway connection to the property to the north. This will require that the public right of way (R.O.W.) be extended to the north and west property line along the main access roadway. The proposed concept road should be realigned as an offset cul-de-sac with the west edge of the right-of-way matching the property line.

Additionally, Farmdale Road has an ultimate road R.O.W. of 80'. This will require both parcels to dedicate a strip of land 40' wide measured from the center of the roadway for the length of the parcels for public road purposes.

The additional traffic generated by the development will not warrant a signal at the intersection of Mequon Road and Farmdale Road. The Wisconsin Department of Transportation (WisDOT) is in the planning stages of a project to reconstruct Mequon Road and has performed traffic projections for the year 2040. At the forecasted levels a traffic signal is not warranted at the intersection of Farmdale Road and Mequon Road. Farmdale Road is a rural two lane roadway and has adequate capacity to handle the increase in traffic generation. Both the fifteen lot development and the five lot development will require a boulevard entrance in accordance with the City of Mequon Standard Specifications for Land Development. Additionally, both developments will

## STAFF REPORT

require acceleration/decelerations lanes and a bypass lane on Farmdale Road in accordance with the City of Mequon Standard Specifications for Land Development.

The proposed development is not within the sewer service area and public water is not available. Private water systems and private onsite wastewater treatment systems will be required to service the proposed homes.

Wetland delineations have not been performed on the site, but are a requirement. Any filling or disturbance of the wetlands is subject to WDNR approval.

The site proposes an increase in impervious surface in excess of one half acre and therefore requires a storm water management plan (SWMP). The developer has submitted a SWMP, as a condition of approval; the SWMP must be approved by the City. The concept plan shows the location of several storm water management facilities.

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 Recommendation:**

Planning staff recommends the Planning Commission recommend **approval** of the rezoning subject to the following condition(s):

1. All buildings shall maintain a minimum building setback of 50' from the public road right-of-way and a minimum 20' offset from the side and rear property lines, with increased offsets on lots adjacent to wetlands as required by the Department of Natural Resources (DNR).
2. The entire property shall be appropriately field-staked for wetland areas and reviewed and approved by the Department of Natural Resources (DNR), including an indication of the required setback from the wetland, prior to preliminary plat approval.
3. The concept plan shall be updated to include the following changes:
  - Lots 9-12 are shifted south to allow for a larger buffer to the north property line.
  - A trail connection is added between Lots 12 and 13 that connects to the public road.
4. The applicant shall dedicate a portion of the open space along the Little Menomonee River to the City of Mequon. Final location of land area shall be determined prior to final plat.
5. FEMA approval of the draft floodplain modeling and base flood elevations prior to Final Plat approval.
6. The Engineering Department shall review and approve the appropriate documents to ensure private waste systems for sewage disposal on each lot. If waste systems cannot be accommodated on an individual lot, off-site systems will be allowed subject to staff approval of the necessary easements.

## STAFF REPORT

7. Pedestrian and bike paths and the necessary easements shall be required in accordance with the attached concept plan and as noted in the staff report.
7. A stewardship plan for the dedicated open space areas shall be prepared by the applicant and is subject to Planning Commission review and approval.
8. The preliminary and final plat shall include a note that the future road connection is required in order to put future owners on notice.
9. The development shall comply with preliminary plat, development agreement, and final plat requirements.
10. Grading, drainage, erosion control, and other engineering plans are subject to Engineering Department and outside engineering consultant review and approval.
11. There shall be a permanent open space buffer along the perimeter of this development as illustrated in the attached development concept plan and per Planning Commission action.
12. 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.
13. Street trees are subject to the approval of the Tree Board and Planning Commission.
14. Street lighting, if proposed, is subject to the approval of the Planning Commission.
15. Entryway signage and landscaping is subject to the approval of staff.
16. The final road design shall be subject to the review and approval of Engineering and the Fire Departments.
17. Fire Department approval of the number and location of fire cisterns, if needed.
18. Any substantial change to the general concept plans illustrated in the attached exhibits shall require appropriate amendment to this ordinance.
19. 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.
20. 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.
21. The access roadway for the western development shall utilize a private roadway built to City standards. The Development Agreement shall outline the Home Owners Association's responsibilities to maintain the private roadway.
22. Easements over existing and proposed drainageways with supporting declaration language requiring Home Owners Association maintenance.
23. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
24. Wetland delineations must be performed. Any proposed impact to the wetlands requires WDNR approval.
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

STAFF REPORT

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).

26. Legal documents requiring the Home Owners' Association to maintain pedestrian trails within the common open space, wetland buffers, and storm water facilities.
27. Both parcels must dedicate a strip of land 40' wide measured from the center of the roadway for the length of the parcels for public road purposes.
28. The access point for the fifteen lot subdivision should be moved to the north to align with the field entrance on the west side of Farmdale Road.
29. The public right of way (R.O.W.) for subdivision on the east side of Farmdale Road must be extended to the north and west property line along the main access roadway.
30. Separate Development Agreements will be required for each of the subdivisions to properly address road and storm water facilities.
31. Both developments will require the addition of boulevard entrances, acceleration/deceleration lanes on Farmdale Road and bypass lanes on Farmdale Road per the City of Mequon Standard Specifications for Land Development.

**Prepared By:** \_\_\_\_\_

City of Mequon Plan Commission  
11333 North Cedarburg Road  
Mequon, WI 53092

January 6, 2016

Re: The Overlook at Oldenburg Farm (The Overlook)

Ladies and Gentlemen:

Our Concept and Plan for The Overlook is respectfully submitted for your review and approval.

**Our Plan** - Over the last 15 years the Oldenburg family converted an old farm into an equestrian and Longhorn Cattle showpiece in Mequon. With over 220 acres and a world class riding center with stables, we believe the Oldenburg land on Farmdale Road is an important part of the Mequon community. Our plan is to maintain the existing character of the land and use of the stables while offering 20 incredible lots ranging from approximately 1.25 to just over 3 acres, and transfer to the City of Mequon approximately 40 acres of the wooded land surrounding the Little Menomonee River to protect the river area and allow in the future for a public trail connecting City owned property on the North and MMSD owned land on the South.

#### **Elements of the Plan**

1. **Equestrian Center** - The Equestrian Center will remain on a 20 acre parcel with the stable and grazing area. The center will be sold to an experienced operator to board, train and provide riding services. Certain common areas will be used by the Equestrian Center for grazing and riding.
2. **Residential Lots** – The Overlook at Oldenburg Farm will offer 20 outstanding lots located on the remaining 200 acres of land. The residential lots will be located on two parcels of the Oldenburg property.
  - a. **Western Parcel** - An approximate 40 acre parcel on the northwestern corner of Farmdale and Mequon Roads will contain 5 lots from 2.5 acres to just over 3 acres with access from Farmdale Rd. The 5 lots are clustered to the north of the property to maintain a vista from Mequon Rd of significant open space.
  - b. **Eastern Parcel** - The balance of the eastern parcel, approximately 164 acres will offer 15 lots ranging in size from 1.25 to 2.75 acres on a high ridge overlooking over 100 acres of meadow land and woods along the Little Menomonee River.
3. **Common Area**- The common area of The Overlook will allow owners to enjoy and protect great vistas, wooded areas, The Little Menomonee River, walking trails and in some areas riding. The overall community of approximately 220 acres will have only 20 lots and a 20 acre equestrian center resulting in a density of one lot for every 10 acres! All lots have easy access to the common open space through a low impact trail system from Overlook Trail through the historical grazing land and into the wooded area.
4. **Little Menomonee River** – The Little Menomonee River runs through the property in a significant wooded area. Our plan proposes to deed to the City of Mequon

approximately 40 acres surrounding the river to protect the river area, offer public access to the river and in the future, set the stage for a trail system.

5. **R-1 PUD Zoning** - The parcels in the Oldenburg site are zoned R-1. We are seeking an R-1(PUD) zoning to facilitate The Overlook development described in our plan.

The Overlook entrance will be very similar to that of Hawks Landing's, providing a long rolling drive allowing owners to decompress as they arrive home. The majority of lots will back onto a ridge overlooking open space of mature woods and past grazing/riding areas. Open space will be preserved in perpetuity with the transfer of the land surrounding the Little Menomonee River to the City, giving it the opportunity to work with other agencies to protect the river area and in the future, possibly offer a trail for the public. All lots will be served by public roadway, private onsite sewerage systems and individual wells. We have incorporated many amenities into our plan:

- A walking trail system
- All lots are at least 150 feet wide at the building pad to allow for generous spacing between homes.
- Lots are clustered in groups of 3 to 5 with green space surrounding
- Lots located on the eastern parcel on the ridge with views of grazing/woods land and ability for fully exposed lower levels.
- Lots on the western parcel of size to remember the historical paddock areas.
- Lots located away from Farmdale and Mequon roads to maintain vistas
- Maintaining the world class stable
- Access to the stable and common areas to ride horses.

As we started the design of The Overlook, we met with the immediate neighbor Mr. Dale Schoessow to share our ideas and listen to comments. We offered to work with Mr. Schoessow and his brother in trading land and reduce the number of lots near his property. As the plan reflects, only 3 lots are on the western side of Overlook Trail.

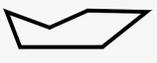
We are very excited about this project as it provides an opportunity to offer 20 incredible lots on a 220 acre parcel, while maintaining the Oldenburg stable grounds and protecting the Little Menomonee River. We look forward to answering question on our plan at the January 11<sup>th</sup> Plan Commission. If you would like to visit the property in advance of the meeting please call, we would be delighted to show you The Overlook at Oldenburg Farm.

Sincerely,

J G Ventures LLC

Dennis M. Bush  
Senior Development Consultant

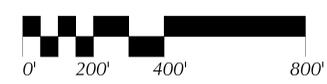
John O. Graham  
Principal 414-870-1701

-  Property Line
-  100 Year Floodplain Line  
(SEWRPC Dec. 2015)
-  100 Year Floodplain Line  
(SEWRPC Dec. 2015)
-  Tree Line
-  C-1
-  C-2 Drainageway

Existing Zoning is  
R-1; Rural Residential  
5 Acre Minimum Lot  
Size Density



Existing Conditions  
**J. G. Ventures Farm**  
Mequon, WI



J.G. Ventures, L.L.C.  
11501 N. Port Washington Rd.  
Mequon, WI 53092  
414.870.1701

LAND PLAN  
PREPARED BY:





Equestrian Entry



Looking South From Middle of Property



Equestrian Stable Aerial Looking Southeast



Aerial Looking North

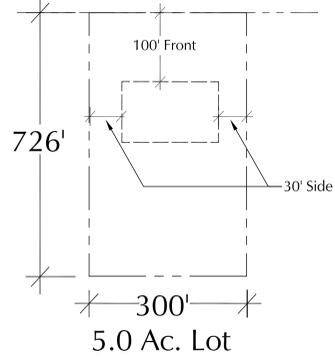
Yield = 20 Lots at 5 Ac.(217,800 s.f.)  
 1 Equestrian Lot at 20 Ac.

 100 Year Floodplain Line  
 (SEWRPC Dec. 2015)

 100 Year Floodplain Line  
 (SEWRPC Dec. 2015)

 40x60' Building Envelope

 60' Private Road Easement

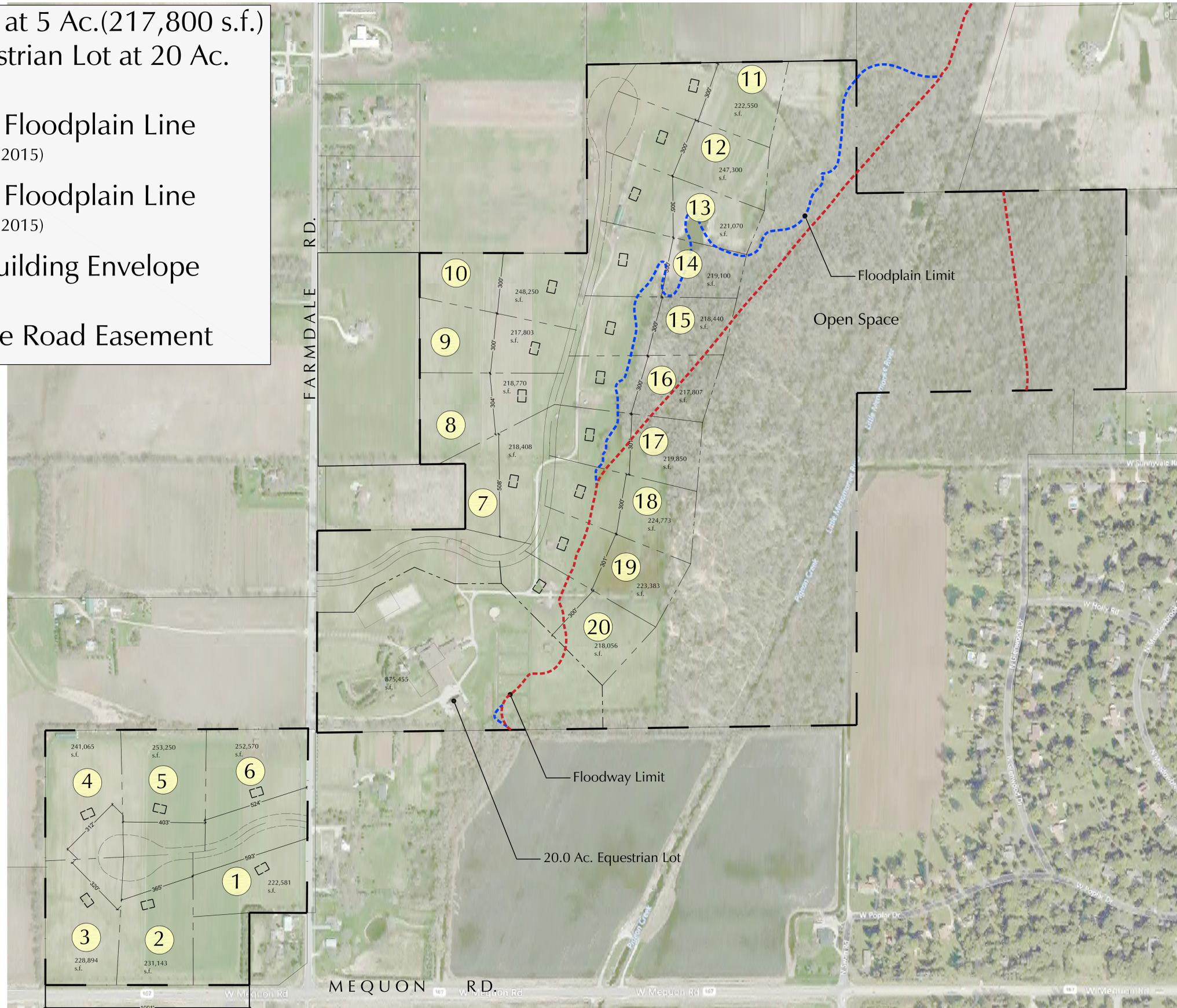


Typical Lot Diagram  
 Conforms to R-1 Zoning

Land Area

	Tot. Acreage
East	184.53 Ac
West	36.99 Ac
Total	221.52 Ac

Yield Plan is Prepared to  
 Demonstrate Density for  
 (20) R-1 Conforming Lots  
 And (1) Equestrian and  
 Open Space Parcel



# 20-Lot Yield Plan - R-1 Rural Residential Zoning J. G. Ventures Farm

Mequon, WI

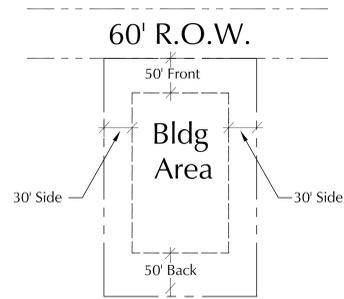
J.G. Ventures, L.L.C.  
 11501 N. Port Washington Rd.  
 Mequon, WI 53092  
 414.870.1701



DESIGNED BY:



-  100 Year Floodplain Line  
(SEWRPC Dec. 2015)
-  100 Year Floodplain Line  
(SEWRPC Dec. 2015)
-  Walking Trail



Proposed R-1 Open Space;  
Conservation Subdivision  
With Agricultural Overlay

	Tot. Acreage	Open Space
East	184.53 Ac	137.86*Ac(=74.7%)
West	36.99 Ac	21.07 Ac (=57.0%)
Total	221.52 Ac	158.93 Ac (=71.7%)

\*Excluding 20.0 Ac  
Equestrian Parcel

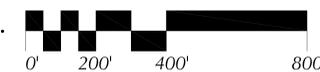
Proposed Road Length	
East Parcel	4,115 L.F.
West Parcel	1,200 L.F.

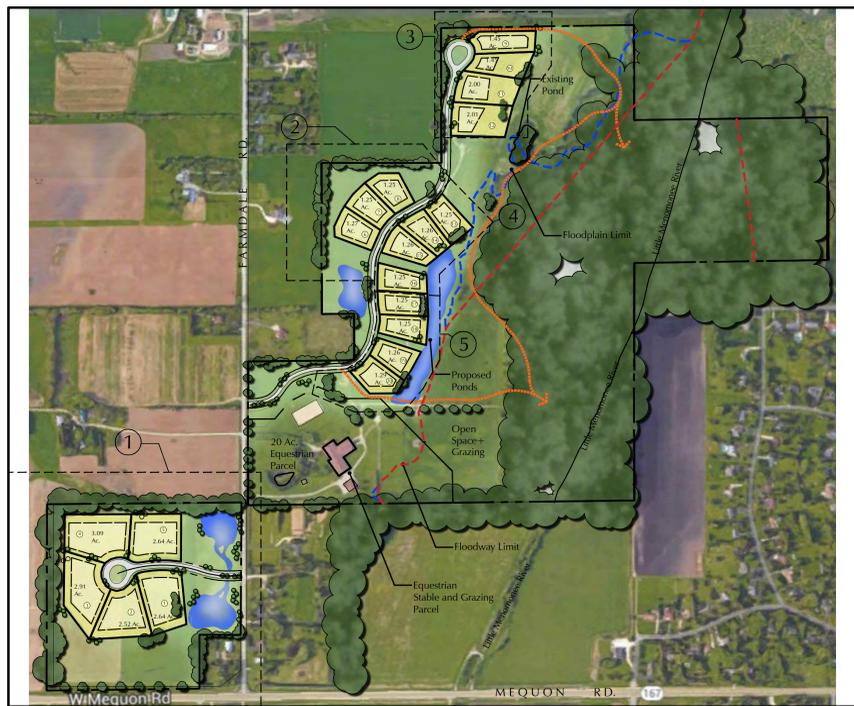


# 20-Lot Conceptual Site Plan J. G. Ventures Farm

Mequon, WI

J.G. Ventures, L.L.C.  
11501 N. Port Washington Rd.  
Mequon, WI 53092  
414.870.1701

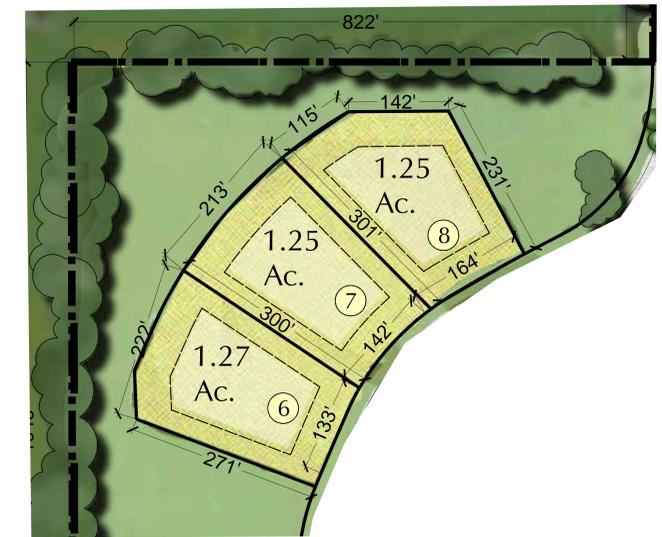




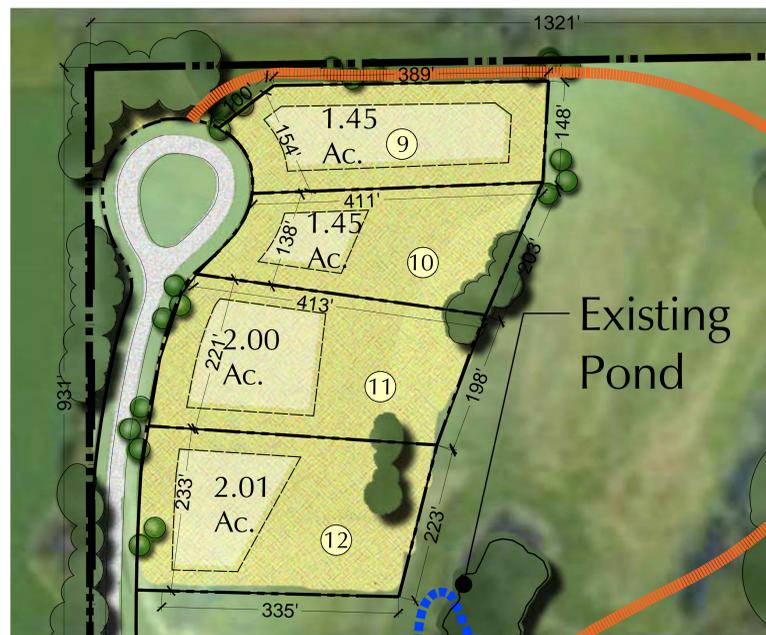
Area Map NTS



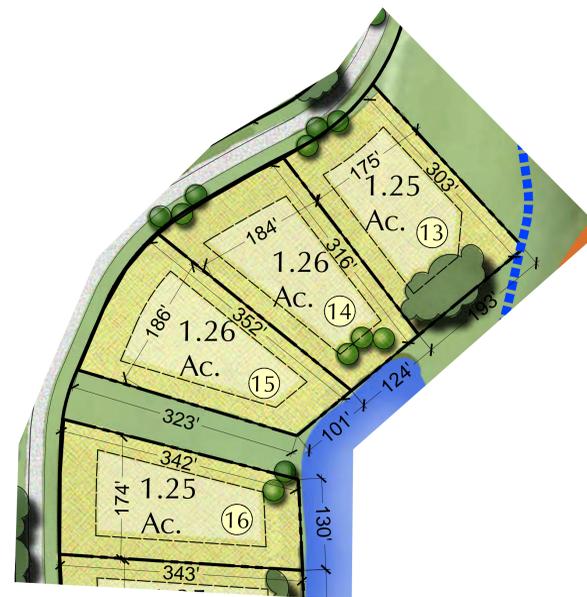
1. Lots 1-5



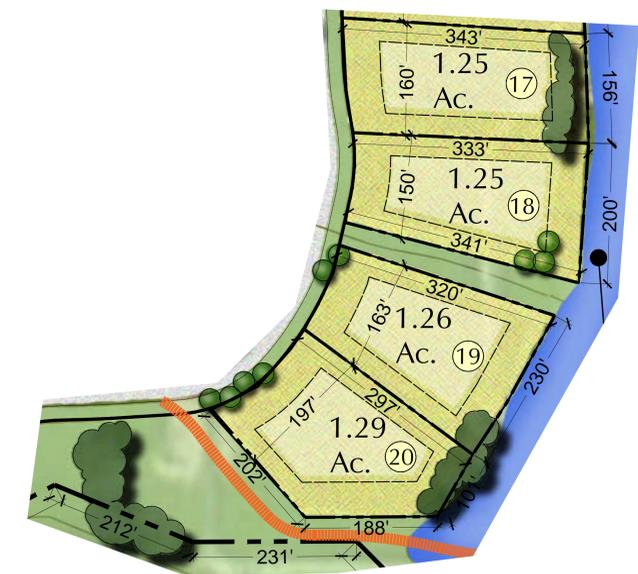
2. Lots 6-8



3. Lots 9-12



4. Lots 13-16

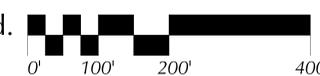


5. Lots 17-20

24-Lot Conceptual Dimension Plan  
J. G. Ventures Farm

Mequon, WI

J.G. Ventures, L.L.C.  
11501 N. Port Washington Rd.  
Mequon, WI 53092  
414.870.1701













STORAGE

ARENA AREA

STABLE

















# STAFF MEETING FOR DEVELOPMENT INQUIRIES: DECEMBER 2015

## PROJECT TYPE W. ESTIMATED VALUE BY LOCATION

### TOWN CENTER

Revolving Loan Fund  
Program for TC User

Mixed-Use \$30M

New Development:  
Residential MF use

Mixed-Use \$19M

New Development:  
Senior Living \$9M

City Facility Uses

### PORT

Redevelopmen site  
in TID #5

Medical office \$21M

### OTHER COMMERICAL

Restaurant Redevelopment

Industrial manufacturing use-  
Redevelopment

Industrial manufacturing use -  
New

Revolving Loan Fund Program for  
Commerical user

### RESIDENTIAL

Central Growth development  
implementation

WE Energies for Central Growth  
single family