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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, June 13, 2016
7:00 PM
Christine Nuernberg Hall

Minutes

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

Present:

Chairman Dan Abendroth
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Brian Parrish
Alternate John Stoker
Alternate LeRoy Bessler
Commissioner Rebecca Schaefer
Commissioner Rick Lemke

- a) Approval of Minutes from May 9, 2016
b) Planning Commission - Regular Meeting - May 9, 2016 7:00 PM

Ald. Strzelczyk made an amendment to reflect the minutes that he was not absent from the Meeting. He shares the aldermanic seat with Ald. Adams.

RESULT:	ACCEPTED AS AMENDED [UNANIMOUS]
MOVER:	Brian Parrish, Commissioner
SECONDER:	LeRoy Bessler, Alternate
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, Bessler, Schaefer, Lemke

2) Public Hearing

- a) Cheryl and Mark Rebholz

Commissioner Stoker made a motion to open the public hearing.
Commissioner Becky Schaefer seconded the motion.

Bob Walerstein - 4707 W. Park is supportive of this project as it provides an indoor place to practice shooting.

Jamie Reider - Huntington Park subdivision is opposed to this project being near her home. There are many children in her subdivision and Lemke Park is nearby. She stated that the east side of town voiced their opposition when this was proposed on the east side of town and she wants this to be tabled so that her subdivision can be notified and voice their opposition.

Residents that support the project but do not wish to speak:

Arlene Kurzer - 11104 N. Oriole Lane
Sue Armacost - 8035 W. Manor Circle, Milwaukee
Scott Miller - N 36 W7393 Buchanan St, Cedarburg
Bikhender Salh - 12929 N. Wauwatosa Road
Jaspar Dhauwaz - 12929 N. Wauwatosa Road
Guy Lindekugel - 9731 N. Granville

Commissioner Stoker made a motion to close the public hearing.
Commissioner Lemke seconded the motion.

Asst. Dir. Zader stated the request is for an indoor shooting range located at 9653 N. Granville Road that will use 9,500 square feet of an existing multi-tenant building. In addition to the range, other activities on site will include education training, a hunter safety class and CCW classes. There will be no changes to the exterior of the building except for an awning over the entry door. The Common Council approved Ordinance 2015-1461 that allows for indoor shooting ranges as a conditional use in the B-5 zone. There were a number of conditions put into the ordinance that are required by the conditional use grant to ensure that there is no impact to the public safety.

- 1) The range design will have to meet the U.S Department of Energy Source Book requirements.
- 2) The design and construction will mitigate any noise or air quality.
- 3) A Range Safety Officer is required to be on the premises at all times.
- 4) To ensure that all these conditions are met, a third party consultant hired by the city and paid for by the applicant will be involved in the plan review as well as the construction of the building.

This is for an indoor range only; an outdoor range is not permitted per the ordinance. There will be a total of 6 employees on site during peak times. The hours of operation will be 10 am - 9 pm Monday thru Saturday and 10 am to 5 pm on Sunday. The applicant is not proposing any changes to the site at this time, but staff is requesting that the applicant do a few things as part of the approval:

- 1) Add an additional 11 parking spaces to the lot.
- 2) Resealing and stripping of the parking lot.
- 3) Removal of four underground storage tanks.
- 4) Restore the landscaping back to the original approved plan.
- 5) Replace non-code compliant lighting and pole lights.

Staff does recommend approval of the conditional use.

The applicants, Mark and Cheryle Rebholz, stated that they never applied for a permit on the east side of Mequon and that they agree to all the conditions placed in the Staff report.

Commissioner Choren asked if there would be sales on site and also about the physical range limitations and guidelines.

Asst. Dir. Zader answered that there would not be any ammunition or gun sales on site. The only retail allowed will be for repairs. There are also bullets and caliber limitations, these along with the range specifications will be monitored by a third party as staff and the Mequon Police Department are not experts in this field.

Ald. Strzelczyk stated that he likes the location of this facility and he appreciates that the applicant listened to feedback from the residents and Common Council. It does not feel that any neighborhoods will be directly impacted and it is located with easy access from several communities.

Ald. Strzelczyk made a motion to approve the request.
Commissioner Bessler seconded the motion.

Action

A voice vote was taken, the vote passed 7-0 (Commissioner Parrish recused himself)

RESULT:	APPROVED [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	LeRoy Bessler, Alternate
AYES:	Abendroth, Strzelczyk, Choren, Stoker, Bessler, Schaefer, Lemke
RECUSED:	Parrish

3) Regular Business/Consent

a) Neumann Companies - Highlander Estates LLC, Phase I

Asst. Dir. Zader stated that the applicant for item #3 wants it to be removed from consent and some of the commissioners want item #4 removed from consent, so he suggests that all items be removed from consent.

Asst. Dir. Zader stated that item #3 is requesting approval for the final plat for Phase I for Highlander Estates subdivision. This phase has 36 single-family lots of a total of 111 lots on 112 acres. Everything on the final plat conforms with the preliminary plat with a few minor changes that staff is requesting. The cul de sac islands should be labeled as outlots as opposed to right of way, so that the maintenance responsibility is on the HOA and not on the City.

The applicant would like to discuss item #4 of the staff report conditions regarding the final

legal documents including Open Space Easement being subject to City Attorney review and approval prior to recording. The applicant is objecting to having that done and finalized prior to recording the plat. Staff does feel that this is an important condition to have. Staff does recommend approval per the conditions in the report.

The applicant, Kevin Anderson from the Neumann Companies, stated that the issue for them is timing. 20 of the 36 lots in Phase I are currently under contract to sell and close by three or four different developers. These clients really want to get into their new homes by Christmas. He stated that they have been working on the final plat and it will take probably two more weeks to get it fully executed. They do not know the timing of legal documents on the Open Space Plan; it could be two weeks or two months. They feel this could hold up their process of being able to move forward with their clients. They have put up \$41,000 in cash guarantees to make certain that the items get finished. The document is for an access agreement so that the public can use the bike paths and so that the City can replace trees if needed. They are asking for some leniency as they feel these items can be fulfilled after the final plat is recorded. They are invested in Mequon and they are committed to staying here. They have 70 more lots coming on this year.

Mayor Abendroth clarified that this is not a debate with the applicant about any issues, but a matter of timing of filing the legal documents. He also asked if the City has leverage with this applicant in regards to Phase II.

Asst. Dir. Zader confirmed this and stated that having the legal documents prior to the recording of the final plat is the City's leverage. He stated that this has caused problems with other projects where things have been missed. He explained that is much easier to get it all done at one time and ensure it is done properly. He stated that there is leverage with the second phase.

Commissioner Parrish stated that he is in favor of how the report is written by staff and he feels it is well written. He asked about the basement restriction regarding the ground water and if the applicant is disclosing and/or testing these lots.

Mr. Anderson answered that it is a standard disclosure. They have done geo technical testing and they have met with the County and the engineers. There are some areas with ground water but it is very deep about 12-15 feet down from the surface. Per county requirements, there is 2-foot separation between the seasonal high ground water and any basement elevation. It is a standard note.

Commissioner Stoker stated that he is in favor of making the requested concessions made by the applicant. He has worked with The Neumann Companies and there have not been any issues. He feels that the City has more leverage with this situation than any other developer in a long time.

Commissioner Bessler moved to approve per staff's recommendations.
Ald. Strzelczyk seconded the motion.

Commissioner Stoker made a friendly amendment to allow for the requested concession to allow the applicant to move forward prior to filing for final plat (staff report item #4). Mayor Abendroth seconded the amendment.

Commissioner Bessler did not accept the amendment.

Action to vote on the friendly amendment (remove #4)

Voice vote was called, passed 6-2 (No votes-Becky Schaefer, Bessler)

Action to vote on the main motion to approve minus item #4

A roll vote was called, vote passed 6-2 (No votes - Becky Schaefer, Bessler)

RESULT:	APPROVED [6 TO 2]
MOVER:	John Stoker, Alternate
SECONDER:	Dan Abendroth, Chairman
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, Lemke
NAYS:	Bessler, Schaefer

b) David Leszczynski for River Club Estates

Wendy Porterfield - 3245 Oak Shore Lane did not wish to speak but asked about the landscape plan for the trees and berms.

Asst. Dir. Zader stated that there is not a plan for berms along Oak Shore Lane. There are Pine trees planned along Lot #1. The applicant spoke to the City Forester and agreed to leave the natural vegetation as is and not remove it to put in the Pines. The rest of the Pines along the front of the lot were installed.

Ms. Porterfield stated that there are not any trees on the right side of Freistadt Road heading north. There are not trees south of the private road.

Asst. Dir. Zader stated that if the Planning Commission wants the developer to install scattered trees that were shown on the original landscape plan then a motion can be made to have them included. There is not a berm there and there was no berm proposed.

Commissioner Becky Schaefer stated that the Pine trees should definitely be installed as originally proposed. She asked about the reason this project showed up on the agenda so many times last summer and is just now being presented. She also asked what happens to the storm water management plan if the 5 homes decide not to have pavers and chose a different type of road surface.

Asst. Dir. Zader answered that staff placed the item on the agenda as a placeholder and some of the issues were engineering that were not able to be addressed over the winter. The applicant did not request to be put on the agenda, it was done by staff.

Deputy Director of Engineering, James Keegan, stated that the applicant is required to

provide certifications for grading and storm water management to ensure that the pond is built to certain specifications and the field study work needed to be conducted in favorable conditions. He also answered that the 5 homes are required to have pavers as part of their approved storm water management plan.

Commissioner Becky Schaefer asked how this information is shared with potential home builders for this project. She asked to have it noted in the minutes that the onus is on the buyers to do their research and understand that they are buying into a paver based road.

Asst. Dir. Zader explained that there is a shared access and maintenance agreement. As the storm water management plan is approved it will become part of the title for those individual lots.

Commissioner Stoker asked about the reason the City Forester did not require the trees to be planted.

Asst. Dir. Zader stated that the City Forester indicated that existing trees and bushes were acceptable to keep what was already there. Screening between single family to single family lots is not required by the City. The lot will be privately owned and that property owner may wish to do their own landscaping plan that may modify it.

The applicant, David Leszczynski, stated that there are many Black Walnut trees along that section that should grow and do well. Everything south of the paver roadway in Lot #1 was left as is, about 5-6 Pine trees. Everything north of the paver roadway was done per plan in the out lot.

Mayor Abendroth asked that staff work with the applicant to enhance the landscaping along Oak Shore Lane south of the private lane.

Asst. Dir. Zader stated that it will not be a screen but that they can look back at the plan to modify it to keep the existing Black Walnut trees and add some Pine trees there.

Mayor Abendroth made a motion to approve final plan with the amendment that staff will work with the applicant to enhance the landscape along Oak Shore Lane.

Commissioner Lemke seconded the motion.

Commissioner Bessler asked about the final name of the subdivision.

Mr. Leszczynski answered that it will be called River Estates.

Action

A voice vote was called

The vote passed 8-0

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Abendroth, Chairman
SECONDER:	Rick Lemke, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, Bessler, Schaefer, Lemke

c) Sommer’s Automotive

Ald. Strzelczyk made a motion to approve to request.
Commissioner Stoker seconded the motion.

Asst. Dir. Zader made a friendly request to allow for the lights to remain on for one hour after the dealership closes to allow the employees to safely get to their vehicles parked in the lot. Staff supports this request.

Action
A voice vote was called
Vote passed 8-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Alternate
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, Bessler, Schaefer, Lemke

4) Regular Business

a) Poblocki Sign Company for Children's Hospital of Wisconsin

Asst. Dir.Zader stated that Children's Hospital is requesting 2 separate sign waivers. One is for the wall sign on the east elevation and for a sign on the north elevation. The request for the east elevation sign is for an increased size. The code requires that 2% of the area of the wall is the size limitation for the sign but the maximum is 60 sq. ft. The request is a couple feet larger than the 2%. Staff feels that this sign is a better fit for the building that what the code dictates and staff supports the waiver on this facade.

There is also a request for a waiver on the north facade. This would require two wavier. There is a maximum height of 20 feet. The requested sign is 103 sq. ft. Staff does not support the waiver request and feels that the permitted size fits in better with the architecture and that the sign should be placed lower on that wall. Staff is requesting that the sign be limited to 25 feet in height and be 60 sq. ft. per code. There is also an issue with the neon "open" sign on the building. Staff is requesting that this sign be placed on the freestanding monument sign and not on the building.

Matt Kominsky, representative from Poblocki Sign for Children's Hospital, stated that the monument sign is modest in size and it is difficult to add the "urgent care and open" verbiage

there. He feels that it gets too compressed and is not easily readable. He added that if they cannot have it on the north elevation wall, they will probably leave the monument sign alone and forgo having the open sign at all. The north elevation which matches the east elevation is for the appeal in the functionality of the sign for the distance to Mequon Road. The Children's Hospital of Wisconsin writing will not be lit and it is already rather small. They are hoping to add it to this elevation as it is not on the monument sign. They desire to be seen on the north elevation.

Mayor Abendroth asked if the urgent care hours are different than the clinic hours.

Mr. Kominsky stated the hours of operation for the urgent care are different than the clinic hours and if the open sign is on the monument sign only without "urgent care", it conveys that the entire clinic is open as opposed to just the urgent care.

Commissioner Bessler suggested that utilizing the monument sign would accomplish the applicants' goals.

Mr. Kominsky stated that the monument sign is already in place and the space between the property line and the parking lot is a small space so the applicant went with a smaller sign than the 50 sq. ft. allowed.

Commissioner Parrish stated that he is opposed to allowing the LED on the facade. He does approve for the applicant to reconsider the monument sign being larger if they decide to later. He feels that there are some ugly trees on the corner that he feels should be removed as they pose a safety issue. He thinks the building is beautiful and the trees distract from it.

Asst. Dir. Zader stated that the applicant has the ability to remove the trees, they were not addressed because they are in a wetland.

Ald. Strzelczyk stated that he supports the larger sign on the east elevation per Staff's recommendation as it does not face any residences. He feels the residents have concerns with height and size on the north facade. He does not like the neon sign on the building and he does not like the green LED color. He is supportive of the larger monument sign to be increased to allow for the necessary verbiage.

Ald. Strzelczyk made a motion to approve the recommendation by staff to allow for the east elevation variance and the north facade being lowered and smaller in size to comply with city code. He would like to allow for Children's Hospital to be allowed to work with staff in the future if they decide to make the monument sign larger to include the urgent care verbiage up to code allowable.

Commissioner Choren seconded the motion.

Action

A voice vote was called, vote passed 8-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, Bessler, Schaefer, Lemke

b) The Lowlands Group d/b/a Cafe Hollander

Asst. Dir. Zader stated there are two separate requests. The first one concerns the hours of operation. Restaurants in the Town Center ("TC") zoning are a permitted use but they are a conditional use in other zoning areas and hours of operation are usually discussed when granting a CUG. The hours per the code are 11:00 pm for everything to close. At the time of building/site plan approval the developer did not ask for any additional time, so it was left at 11:00 p.m. Cafe Hollander is proposing a 2:00 a.m. close time daily for the indoor restaurant as well as the outdoor seating areas. Staff proposes a midnight closing time for the outdoor seating area as the TC is a more vibrant area and there are not many residential units nearby.

The lighting plan did not include all the elements when it was submitted. The festoon lighting (string lighting) are currently up on the north and south elevations and they were not approved by staff and they are not permitted per code. They are prohibited because they tend to have a lot of glare and light trespass. Staff does feel that this lighting fits in well with the TC area and some of the other amenities on the building. They put in fairly dim bulbs so they are not overly bright which does not cause a glare on the roadway or to any residential units. Staff recommends approval with the condition that the lights cannot flash or flicker.

Tom Joy, from Ricka Chang Architecture representing the Lowlands Group, stated that they are agreeable to both staff recommendations. He explained that the building was designed and positioned to take advantage of the summer and outdoor dining and that the lighting adds to that experience.

Mayor Abendroth made a motion to approve the motion.
Commissioner Stoker seconded the motion.

Ald. Strzelczyk made a friendly amendment to allow for outdoor dining on the south side of the building until 2:00 a.m. which does not directly impact the residential units.

Asst. Dir. Zader stated that staff is supportive of this amendment.

Mayor Abendroth accepted the friendly amendment.
Commissioner Stoker seconded the amendment.

Action
Roll Call was taken, vote passed 8-0

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Abendroth, Chairman
SECONDER:	John Stoker, Alternate
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, Bessler, Schaefer, Lemke

c) River Centre Building, LLC

Asst. Dir. Zader stated this is a request for modifications to the canopy overhang at the River Center. Staff is supportive of the design but feels that the entire stretch of the shopping center should be consistent. The applicant is requesting that area in front of the Piggly Wiggly remain as shingles because they are still in good condition. Staff did not feel comfortable approving that with the different materials on different sections of the canopy, so the building plan approval is deferred to the Planning Commission. Staff does approve the color and standing seam metal but feels that the entire complex should be done at one time.

Commissioner Bessler asked how long it takes to galvanize standing seam metal. He stated that galvanize does not last forever.

The applicant, Lance Lichter, stated that the material being used is Galvalum which is a combination of aluminum and galvanize and it does not rust.

Commissioner Choren stated that the Piggly Wiggly almost presents itself separately from the shopping center. The lower canopy meets the other canopy and is two different materials. He asked the applicant if his budget could cover replacing the shingles on the entire building and whether he would have it in the budget to do now. He feels that it would be nice to have a time frame for the project to be completed but does not feel that it is fair to place a financial burden on the applicant.

Mr. Lichter answered that he does not have the money in the budget to cover new shingles on the entire center. They are trying to update the center given the new developments nearby.

Ald. Strzelczyk stated that he commends the upgrade to the center. He does not like the silver that was going up and feels that it did not blend with the area's natural colors. He agrees that the entire building should be all one color and he prefers a darker color.

Mr. Lichter stated that he has consulted with two architects and four color consultants and the proposed plan is the comprehensive plan that conveys an updated, traditional yet modern look.

Commissioner Parrish is in favor of the project but he does feel that there needs to be a plan to complete the upgrade.

Mr. Lichter stated that five years is feasible.

There was a conversation about colors and color palettes were shown.

Action:

Commissioner Parrish made a motion to approve to the building plan amendment for the entire roof canopy to be replaced with galvanized standard seamed metal over the next five years from date of approval.

Commissioner Lemke seconded the motion.

Roll call was called, vote passed 8-0

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Parrish, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, Bessler, Schaefer, Lemke

d) Fred Bersch for Spirit Lake International, LLC

Sharon Pechiva - 4518 W. Hiawatha Drive is opposed. She stated that the fill that was placed there years ago is still there. The ditch that was supposed to be cleaned out has not been and it is filled with garbage. When there are heavy rains, there is flooding there. She feels that if this property has more fill and is raised higher and driveways are added, it will make the flooding worse for the surrounding neighbors.

Mike Pritchard - 4700 W. Hiawatha Drive is opposed. He lives directly south of this property. He stated that there is a lot of standing water and that it has been getting worse. He said that five years ago fill was dumped on that property and nothing was done about it. He hopes developer will work with him to help divert the water off his property.

Debra Scott - 4651 W. Willow Road is supportive of this project. Her property will border this project. She would like details on how the water will run off this property to ensure that it is not running onto her property.

Shirley Huxhold - 9649 N. Fairfield Road. She asked when the property was rezoned from commercial to residential. She also stated that the property was contaminated years ago and what was done to ensure that it is not contaminated now. She would like information regarding the plumbing and sanitary system hookups. She also would like to know if it will be on city water or on a well. She is concerned about low income housing going in there. She would like to know where the road is going to be located.

Robert Hurda - 4528 W. Hiawatha is opposed. He has lived there 39 years and said that it has been flooding in recent years. He is concerned about the property being raised four feet without ditches on Cedarburg Road.

Asst. Dir. Zader stated that this is a four lot land division (CSM); it is not a subdivision. The CSM does meet all requirements for the land use plan and zoning code. The site does not

show anything from the surveyor about being within the flood plain. City flood plain maps do show portions of this site being in the flood plain which means the applicant would need to get a letter of map amendment approved to put in basements prior to basements. The City Forester did identify some specimen trees located on the south property line of the neighboring property and they would not be impacted by development on the site.

He explained that at one point this entire area, except for two homes, were part of the greenhouse and it was always zoned residential, it was never zoned commercial. In 2005, the previous owner split off a couple parcels in the back and constructed the storm water pond. The proposed development will also drain into this storm water pond. The applicant is proposing that the access for lots #1, #2 and #3 will come from Cedarburg Road. The DOT has approved the road connection provided that the recently built family adult home also uses that connection point off Cedarburg Road. There is an unresolved issue regarding an shared access easement that exists from that previous approval that extends to Arrowwood Road. There is not a recorded document associated with the CSM at the time of the recording. There are no descriptions of what rights that easement prevails. The applicant would like to use that easement for the access for Lot #4. There is a unsigned draft document of the easement that provides insight to what the document stated and some protections were provided to Lots #2 and #3. Staff has asked the applicant to provide documentation that the two neighbors to the west would agree that Lot #4 could access through the shared access and maintenance easement area. If not, then it is recommended that access for this lot also come off Cedarburg Road which will trigger the requirement that instead of a private driveway according to city policy, it would be a private road, which requires a different set of standards in terms of the type of layout of the road.

Mr. James Keegan, Deputy Director of Engineering, stated that overall it is a very flat parcel. A large portion of the site drains north along the property lines to the Willow Road ditch and over to the Cedarburg Road ditch and then heads south. There is an existing ditch low swell that drains along the south property line that comes through to the east and then to the Cedarburg Road ditch as well and heads south. Some of the issues with this ditch along the south property line is that it is overgrown, poorly defined and poorly grated so it does not drain well. He explained that there was about 4,000 cubic yards of fill placed on this site about 8 years ago without a fill permit. As part of the proposed application the applicant is required to get a fill permit for the fill from 8 years ago. This is included in the 5,100 cubic yards they are applying for today. Engineering has not received a grading plan for the site and is unable to speak to how the property will drain. It is required prior to approval. The developer has committed to cleaning out the overgrown ditch along the south property line to help improve the draining system. It may be possible to get better drainage be creating a slope on the site.

Regarding the access from the north side, it would add additional pervious surface. A condition included in the report is that any surface in excess of .5 acre would trigger a storm water management plan be submitted and reviewed and approved by both the City and MMSD.

He stated that the presence of the fill does not create drainage issues; the way it is graded can

cause drainage issues.

Commissioner Parrish stated that he feels uncomfortable with future elevations of each lot. He asked about the function of the pond and whether there will be a pond maintenance agreement. He feels there are many questions still to be answered.

Mr. Keegan answered that each lot will need to submit a grading plan for the individual home and it will be reviewed on an individual basis. Due to the access road, a grading plan is also required showing the swell and ditches will drain. He stated that further analysis would need to be done on the pond to determine if it could be improved or if it would meet the needs of any additional impervious surface if it does hit the trigger for the new access roadway.

The applicant, Fred Bersch, stated that the fill that is currently on the site did not change the drainage pattern of the property. He stated that he is not requesting to raise the grade four feet but will accommodate the existing fill in a way that does not create a change in the drainage pattern. Even through the swell on the south side of the site is filled with garbage and such it is not hampering the drainage. They will clean that swell out which will create a greater flow as well as create a greater capacity due to there being more room in the swell. Due to this project being a 4 lot CSM and not a large subdivision, the pond that is there is a simple pond which is larger than capacity. It is somewhat upstream from where this water wants to drain to the southeast corner of the property. He stated that they will create appropriate drainage so that it drains along the north property line. The goal is to continue the drainage patterns in that area: north drains north and south drains south, but everything generally flows to the east. He stated that while accommodating the fill that is there, they will create additional storm water capacity and good channelized flow.

The requested fill permit for 1,150 c.y. is only for the granulated base for the roadway and the roadway pavement. There is not dirt fill as part of this phase. The quality of the fill that is there from the previous owner is clay fill. Mr. Bersch stated that it is good quality fill, it was placed and never graded.

Mr. Bersch stated that previously neighbors south of Hiawatha complained about drainage changes when the greenhouse buildings were taken down. He stated that the changes were not from the building being taken down rather by the original pond that was created there. It did slightly change the drainage directly south of it because it was built with a berm and not by digging a hole. He feels that a swale and channel along that side of the property would reverse anything that has been noticed. Their goal is to keep all the water draining to the southeast and to help improve drainage to the neighborhood. They do not intend to create any berms or screening but to enhance this site. Each parcel will be about 1 acre and they intend to build modest homes that fit the context of the neighborhood.

Commissioner Bessler asked about the purpose on the pond on lot #4.

Mr. Bersch explained that the pond was created there as part of the previous CSM approval, it is a storm water pond. Their goal is to redefine it to the original shown plan. He explained that it is not uphill but rather upstream.

Commissioner Choren stated that there seem to be more questions than answers and he asked if it is typical to go through this without a grading plan and some clarification about the

easement to the west.

Asst. Dir. Zader answered that CSMs have been approved in the past without all of the details but this project is a bit unusual in that the shared driveway may require some storm water requirements. The PC can request to see the information updated regarding the driveway.

Mr. Bersch explained that staff has required him to show a plan that the four lots work together and they are not to be reviewed independent of each other.

Asst. Dir. Zader stated that as long as Mr. Keegan, Deputy Director of Engineering, feels that something can be worked out with regards to drainage and storm water than it would not be required to be proven before approving the CSM.

Mr. Bersch stated that he currently has an unconditional easement from the west; from Arrowwood, because it is on the survey. The written easement maintenance responsibility was never recorded. It would have benefitted lot #4. It required lots #2 and #3 of the previous CSM to do the construction and to do the maintenance of the road and to grant access to lot #4.

Asst. Dir. Zader clarified that staff feels uncomfortable granting sole access to lot #4 without an understanding and an agreement with the other two lots that are impacted by the easement. He stated that due to the easement not being recorded, the other lot owners may not be aware of this situation. In the agreement that was not recorded, there is language in the document that granted equal vote to lots #2, #3 and #4 with regard to expansion or modification of the roadway. Now they are basically not getting a vote. Staff prefers that lot #4 gets access from Cedarburg Road unless an agreement can be reached with the two homeowners to the south.

Mr. Bersch stated they prefer to have access from Arrowwood but they understand they may have to get access from Cedarburg.

Ald. Strzleczyk stated that he struggles with the drainage issues because he knows that there is water there. He is uncertain about where the drainage will go and where the access road will be; he does not yet have enough information. He wishes he had all the engineering reports in front of him to help him make the decision. He thinks the only issue is the water. He likes the idea of 4 new homes there.

Mr. Keegan explained that the process for reviewing the grading plan, is that one of the conditions is the approval of the grading plan prior to the CSM being recorded. The developer will submit a grading plan that is reviewed by staff to be in conformance with the site prior to that fill being placed; so that the overall drainage patterns are maintained from that site prior to the fill being placed. There were greenhouses on the site with large impervious surfaces so that will be reduced with four homes. He stated that more conditions can be added to the review. He feels that adding the southern swale will be a big improvement in helping the drainage on site.

Commissioner Parrish stated that he prefers to table this project tonight because he is supportive of this developer long term but there is not enough information available to make a sound decision. He is concerned with the 17 neighboring parcels.

BJ Schumacher - 4808 W. Hiawatha Drive is opposed to this project. She is happy that someone wants to take care of that property and clean it up. She is worried about the water issues in the neighborhood and on her property which is getting more water recently. She feels that an honest vote cannot take place without more answers about the grading and drainage.

Mayor Abendroth stated that Mr. Bersch is not going to go through the expense of a grading plan unless he is granted the CSM.

Asst. Dir. Zader stated that CSM meets the zoning and land use plan. The PC can decide if they want to review the grading plan once it is completed or allow it to be reviewed and approved at staff level.

Ald. Strzelczyk wants to ensure that the minimum only is not just done and he would like some quantitative measures; he is looking to engineering to help him out.

Mr. Bersch stated that grading the site to have a larger swale than necessary and allow for additional storm water capacity is his intention. He feels these four lots are being held responsible for these issues and that the surrounding neighbors are not also being held responsible for helping to find ways to mitigate the drainage issues. The surrounding 17 lots do not currently drain into this site. He said that the burden of the neighborhood issues cannot rest solely on these four lots.

Commissioner Choren made a motion to approve per staff's conditions and adding that engineering will review and improve water run-off, improve the southern swell and return the grading plan to PC.

Ald. Strzelczyk seconded the motion.

Action

A roll vote was called, vote passed 8-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Martin Choren, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, Bessler, Schaefer, Lemke

e) County Line Holdings, LLC

Shirely Huxhold - 9649 N. Fairfield Road asked if the zoning change allows for multifamily residences.

Asst. Dir. Zader answered no and he explained that in 2009 the entire site was zoned R-4 and there was an existing restaurant there that was grand fathered with a conforming use in the residential zone. It has sat vacant for over a year so there is no longer a clause to be grand fathered as a restaurant. The current owner asked the City to rezone it to be B-2 to allow for a restaurant and the City placed the PUD zoning as well so that it could only be a restaurant and not other commercial uses. The applicant is asking for it to be rezoned back to R-4 to allow the structure to be rehabbed back to a single family home. They would be allowed to create other lots in the future. Staff is supportive of the request per the conditions and requirements in the report.

The applicant stated that they are willing to work with all of the staff conditions.

Mayor Abendroth made a motion to approve.

Ald. Strzelczyk seconded the motion.

Action

A voice vote was called, vote passed 8-0.

Per the applicants request, they would like for the zoning not to go into affect until after the land in transferred to the applicants. Asst. Dir. Zader stated that Staff will work with the City Attorney to provide language that the land use will be changed after the property is acquired and put into the Common Council's motion.

Commissioner Bessler made a motion to adjourn
Ald. Strzelczyk seconded the motion.

A voice vote was called, motion passed 8-0

The meeting concluded at 9:45 pm.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Abendroth, Chairman
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, Bessler, Schaefer, Lemke

5) Announcements

- a) Development Inquiry May 2016
- b) Next Meeting is July 25, 2016

6) Adjourn