

**CITY OF MEQUON
WISCONSIN
PLANNING COMMISSION MINUTES
November 10, 2014**

Commissioners present: Chair Strzelczyk, John Stoker, Brian Parrish, Patrick Marchese, John Mason, James Schaefer, David Fuchs, Alderman Adams, Alt. Bessler, Alt. B. Schaefer

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

Minutes of meetings held on Monday, September 8, 2014 and Monday, October 13, 2014 both 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 September 8, 2014 and October 13, 2014 Planning Commission meetings.

Action:

Alderman Adams moved to approve the September 8, 2014 and October 13, 2014 minutes.

Commissioner Parrish seconded the motion to approve minutes.

Commissioner Mason added a friendly amendment to correct an error on page 3.

Amendment was accepted by Alderman Adams and Commissioner Parrish.

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

2. The Ozaukee Washington Land Trust

District: # 1

Tax Key: #14-013-16-000.00

Zoning: R-3/OA, FW/OA

Request:

1. Certified Survey Map

Briefing:

The applicant is seeking to create a one parcel Certified Survey Map at the property located South of the Freistadt Road, East of Oak Shore Lane.

Staff Conditions of Approval:

1. Staff approval of Certified Survey Map

3. Andrew Petzold, Concord Development for SugarLee, c/o David and Carol Schenker, Schenker Designs, LLC.

Address: 10950 N. Cedarburg Rd District: #6 Tax Key: # 14-171-0001.000 Zoning: B-3, FFO, FW

Address: 10922 N. Cedarburg Rd District: #6 Tax Key: # 14-171-0002.000 Zoning: B-3, FFO, FW

Staff Conditions of Approval:

1. Common Council approval of the rezoning recommendation.

Briefing:

The applicant is requesting approval for rezoning recommendation from FW to FFO to be consistent with the hydraulic study approved by FEMA and DNR.

4. Bob Hacker for Highlander 2003 LLC

Address: 11203 N. Buntrock Ave District: # 3 Tax Key: #14-092-10-11-000 Zoning: TC

Request:

1. Minor Request: Sign Waiver

Briefing:

The applicant is seeking a minor request (sign waiver) to the 10 foot setback for a new sign.

Action:

Commissioner Parrish moved to approve Consent Items 2, 3 & 4.

Commissioner J. Schaefer seconded the motion.

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

Public Hearing

5. Andrew Petzold, Concord Development Company for Mark & Lynn Leonard

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

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

Cancelled

Request:

1. Conditional Use Grant
2. Building and Site plan
3. Certified Survey Map approval
4. Master Sign Plan

Briefing:

The applicant is seeking a Conditional Use Grant to allow for waivers to the B-3 zoning standards for a 14,400 square foot multi-tenant building and approval of building and site plan and certified survey map.

Regular Business

6. Matt Cudney, Veridian Homes for North Shore Bank

Address: Wauwatosa Rd. District: # 4 Tax Key: #14-028-14-002.00 Zoning: R-3/TDR/PUD

Address: Wauwatosa Rd. District: # 4 Tax Key: #14-028-16-010.00 Zoning: R-3/TDR/PUD/C-2

Request:

1. Preliminary Plat
2. Development Agreement

Briefing:

The applicant is seeking approval for a Preliminary Plat and Development Agreement for a 76-lot subdivision (The Estates of Mequon Preserve) located on lands south of 10631 N. Wauwatosa Road.

Discussion:

Public Testimony – Gregory Black resides at 11012 Knightsbridge Drive. He questioned whether having the same developer for two adjacent projects would promote enough architectural diversity. He asked about the proposed smaller lots and the conservancy concept area. He is not opposed but is interested in understanding more.

Assistant Director Jac Zader stated the City does not dictate what types of homes are built but that the Architectural Board does have the authority to request architectural diversity from the developer.

Asst. Director Zader explained that the preliminary plat development agreement is slightly different than when it was presented in May to the Common Council. The rezoning and concept plan were approved at that time. The southern piece is owned by a different developer so that it is no longer part of the application. There were a number of changes made by the applicant to the plat that were conditions of the rezoning and concept plan approval. These include adding a sidewalk on one side of the main thoroughfare, the cul du sacs now meet the City's requirements

for a 75 feet radius with landscaped islands, permanent buffer open space on the perimeter, and the wetlands have been delineated. All of the wetlands will be in the open space areas. Staff worked with the applicant to provide more amenities that were not originally shown on the concept plan. One of them is a boardwalk that will cross the wetland areas to get to the recreation area. The recreation area will include a pavilion area, playground area, trail system that will tie in to the property to the north, some traffic calming devices in the roadway and a landscape median at the entrance way. Staff is in support of the changes to the concept plan.

In respect to the yield, there are changes from the concept plan that was presented in May. The developer has control of the TDR credits but will be allocated in a different way. The developer is using 6 TDR credits on the north property and 15 TDR credits on this piece which leaves 1 TDR credit left. The development agreement will allow for the developer to build 2 spec houses on the property prior to final plat. They will not be allowed to transfer the two lots until final plat has been recorded. The applicant will return in front of the commission with a full detailed open space plan with full details of what the pavilion and playground will look like.

The applicant, Matt Cudney from Veridian Homes was present to answer questions from the board.

Alderman Adams asked who would maintain the sidewalks. Matt Cudney answered that the subdivision would be responsible for maintenance. Ald. Adams wanted confirmation that the City was not responsible for the upkeep of the sidewalks. Ald. Adams asked about the central growth overlay conditions that Common Council passed that requires 50% of the lots in a subdivision required to be .5 acre and if those restrictions of lot size applied to this project. Asst. Director Zader stated this project is not part of the central growth overlay district. The only requirement from the PUD in regards to this project is that the lots had to be .3 acres or over. The property to the North will need to comply with the requirements associated with the central growth overlay. Ald. Adams inquired about there being more pathways on the original plan. Asst. Director Zader stated that were some slight reductions that seemed redundant. Ald. Adams asked about the sidewalk being on Wauwatosa Road being only a little section. Asst. Director Zader stated that the City would try to get the next development to continue the sidewalk but there may be some pockets that will take more time to connect. Ald. Adams asked if the pavilion would be in before homes are built because people may not want to live right next to the pavilion. Asst. Director Zader stated that the pavilion will be a part of Phase I and all improvements are required to be in prior to final plat.

Commissioner J. Schaefer questioned the developer about the proximity of the homes and noise generated from the playground and if it is a distraction for people from the children playing on the playground. Matt Cudney stated that the playground noise has not been a problem at other developments and that it is a great place for the kids. He does agree that it is important for potential buyers to know the location of the playground and type of materials and equipment that will be there prior to purchasing their lots.

Commissioner Fuchs asked about the size of the playground will be and if there are any guidelines to how many people can use it. Matt Chudney stated that the size has not been determined yet as they are working with the City to accurately size if for all the children that will be using it. Commissioner Fuchs stated that he is not in favor of the project because of the high density and that when the project is completed it will only support 35 children without raising the tax rate.

Commissioner Parrish stated his support of this project and asked about the timing of Phase III regarding the egress to the north and south before it would begin. He questioned whether Phase I would only have access from Wauwatosa Rd. Asst. Director Zader stated that the developer will need to rely on other entrances from the adjacent properties.

Ald. Adams stated that the developer should differentiate the two properties based on distinct land features and the central growth overlay guidelines in regards to lot sizes, in response to the question from Mr. Black.

Alternate Commissioner Bessler questioned if this was the project that was previously presented involving accessory buildings. Asst. Director Zader stated that there were previous conversations about garage sizes and that 1% of the lot size or less or the zoning so that would not allow for large storage structures. Matt Cudney, from Veridian Homes stated that they typically do not allow for accessory buildings

Commissioner J. Schaefer asked about the width of the road. James Keegan, Engineering Services Manager, stated that the width is 22 feet from curb head to curb head. There are islands that bump out and vary in size.

Action:

Alderman Adams moved to approve the motion.

Commissioner Stoker seconded the motion.

Roll vote was called and the motion passed 6-2 (No: J. Schaefer and Fuchs)

Alderman Adams made a motion to reconsider the motion to discuss the Development Agreement.

Commissioner Stoker seconded the motion.

A voice vote was called and all voted aye.

Discussion:

Matt Cudney from Veridian Homes had three issues. First he asked about several references throughout the development agreement in regards to a specific letter of credit. His understanding is that there was a state statute passed earlier this year allowing a surety bond instead of a letter of credit and he would like to discuss this. Secondly, in section (B)(1) it talks about the developer being responsible for the cost associated with the installation of the sanitary sewer line. Per his previous conversations with the City Engineer, it was discussed that the sanitary sewer line was going to be used for a city-led project and at that time it would be determined if the City would assess impact fees or assessments, evenly among the properties. Lastly, in section (B)(4) in regards to the grading and drainage plan requiring the developer to designate right now whether or not lots are going to be full or partial exposure and if the lots will be side-loading or front-loading entry garages at this point. He wants to give

the homeowners the flexibility. He understands that the grading plan cannot be changed but he wants to allow as much flexibility for potential homeowners in selecting homes. They employ an onsite architect that sometimes makes significant changes to building plans and at this point he does not want to limit options. He stated that there are specific requirements in the PUD and as long as they are meeting the architectural requirements and adhering to the drainage plan that should be sufficient.

Addressing the first issue, Asst. Director Zader responded that there were some changes in the legislature this year at the state level that limits the City's ability to do a letter of credit on certain development projects and the City's development agreement is not up to date on those changes to the state law. Staff will work with the new city attorney to change the language so that the City is compliant with state law. In regards to the sanitary sewer issue, he stated that staff did speak with the city attorney about the city-led project along Wauwatosa Road because it is uncertain what the mechanism for funding will be. The city attorney asked staff to put something in the agreement that is relatively vague. It may be an impact fee or it may be a special assessment, staff is not certain at this time but staff wanted the developer to be on notice that there will be some charge and that it will not be paid for by the City.

Matt Cudney from Veridian Homes wants the language changed to reflect that the costs are shared and not the sole responsibility of the developer. Asst. Dir. Zader stated that they could work together with the city attorney to come up with language that both sides are comfortable with in the agreement. He also stated that in regards to the third issue the language is a proactive measure to ensure that the project does not get too far along in the development and it is discovered that the requirements have not been met, which happened with the Heron Pond project. The City is not trying to limit flexibility, just ensuring that per the grading plan the correct type of structure is built on each lot; whether the lot allows for a side or front loading garage or full exposure. Matt Cudney agreed that they are on the same page with the same intent.

Commission Fuchs stated that there is also a requirement that there cannot be more than three front loading garages in a row.

Commission Marchese asked about how the final documentation of these conversations would be put in place. Asst. Dir. Zader stated that the staff would meet with the city attorney and the developer to ensure the language is acceptable to all parties before the Common Council meeting the next night and if it is not addressed by the meeting the next day then the council can table it. He reminded the commission that their role is of a recommending body and that there is time before the common council meeting to make the necessary changes. He stated that the language regarding working with the applicant to let them know that they are obligated to pay for the sewer will be in place. The impact fee versus special assessment is still in process and will take months to figure out. There will be an agreement on the letter of intent. If it is not in final form for the council meeting then it will be tabled until the next meeting.

Action:

Alderman Adams moved to re-approve the motion.

Commissioner Stoker seconded the motion.

Roll vote was called and the motion passed 6-2 (No: J. Schaefer and Fuchs)

7. City of Mequon

Briefing:

Staff will present findings of data that was compiled on the demographics of households with public school aged children.

Discussion:

Asst. Dir. Zader discussed the findings from the city on the impact of school aged children and new development. Staff worked with the school district to figure out where the kids that attend public schools in Mequon live and if there are significant trends and data that would help the city make better decisions going forward. Discussion followed.

8. Announcements – none

Action:

Commissioner Fuchs moved to adjourn.

Commissioner Stoker seconded the motion.

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

9. Adjourn - the meeting concluded at 8:15pm