

**CITY OF MEQUON  
WISCONSIN  
PLANNING COMMISSION MINUTES  
September 8, 2014**

Commissioners present: Mayor Abendroth, Alderman Pam Adams, Commissioner Stoker, James Schaefer, Patrick Marchese, John Mason, Brian Parrish, Alt. LeRoy Bessler, Alt. Becky Schaefer

Staff members present: Kim Tollefson, Director of Community Development,  
Jac Zader, Asst. Director of Community Development,  
Kristen Lundeen, Director of Public Works / City Engineer, and interested public and press

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

**Consent Agenda**

**2. Burke/Cullen**

Address: 11114 N Whilton Road District: # 4 Tax Key: # 14-038-05-030.00 Zoning: R-4 / PUD

Address: 11022 N Whilton Road District: # 4 Tax Key: # 14-038-04-210.00 Zoning: R-4 / PUD

**Request:**

1. Road Reservation Vacation

**Briefing:**

The applicant is seeking a Road Reservation Vacation at 11114/11022 N Whilton Road.

**Staff Conditions of Approval:**

1. Common Council action on the vacation.
2. The existing pedestrian and bike access easement and drainage easement shall remain in
3. effect.
4. City Attorney approval of the form of the vacation document and recording with the Ozaukee County Register of Deeds.

**3. Martin Knuth**

Address: 12220 W Highland Road District: # 1 Tax Key: # 14-007-11-006.00 Zoning: R-1

Address: 12300 W Highland Road District: # 1 Tax Key: # 14-007-05-005.00 Zoning: R-2B

**Request:**

1. Minor Land Division
2. Rezoning Recommendation

**Briefing:**

The applicant is seeking a Certified Survey Map for a 2 lot land division and a rezoning recommendation for the parcel at 12300 W Highland Road from R-2B/R-1 to R-1B.

**Staff Conditions of Approval:**

1. The applicant shall make any technical corrections to the final CSM.
2. Common Council acceptance of the dedicated right of way.
3. Final review of the Certified Survey Map by the City prior to recording.
4. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2000 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 27).
5. Compliance with the Tree Preservation Ordinance.

**4. Robert Huhn**

Address: 10523 W Hawthorne Farms Lane      District: # 1      Tax Key: # 14-008.11.010.00      Zoning: R-1

**Request:**

1. Fill Permit

**Briefing:**

The applicant is seeking a fill permit in excess of 1,000 cubic yards for the parcel at 10523 n Hawthorne Road.

**Staff Conditions of Approval:**

1. Application for and issuance of fill and erosion control permits by the Engineering Department with the above noted conditions included, subject to applicable fees.
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. Community Development approval of a landscape plan.

**Action:**

Commissioner Stoker moved to approved the Consent Agenda Items (#2, #3, #4)

Commissioner Mason seconded the motion.

**Discussion:** No Discussion

*Voice Vote was called and all voted aye.*

**Public Hearing**

**5. Zimmerman Architectural Studios**

Address: 10995 W Market Street      District: # 6      Tax Key: # 15-030-02-023.00      Zoning: IPS/PUD

**Request:**

1. Rezoning Recommendation
2. Conditional Use Grant Amendment

**Briefing:**

The applicant is seeking a Rezoning Recommendation for the property at 10995 W Market Street to modify provisions listed in the PUD. They are further seeking a Conditional Use Grand Amendment to the existing senior care facility to allow 5 additional housing units.

**Staff Conditions of Approval:**

1. Staff review and approval of final floor plans.
2. Common Council approval of the rezoning.

**Action:**

Commissioner Stoker moved to open the public hearing for item 5.

Commissioner Parrish seconded the motion.

*A voice vote was called. All voted aye.*

**Discussion: No Discussion**

Commissioner B. Schaefer moved to close the public hearing for item 5.

Commissioner Stoker seconded the motion.

*A voice vote was called. All voted aye.*

**Discussion:**

Assistant Director Jac Zader stated that the Sarah Chudnow Campus Center's original PUD ordinance passed in 2002 and limited the development to 100 total living units at a density of 5.75 units an acre. The PUD required breakdowns of the individual types of services care provided; independent care capped at 41 units, assisted living 25 units, nursing 20 units, hospice 5 units, memory care at 9 units. The request is to allow for an additional 6 units to the development as well as modifying the types of units that are allowed in the facility. When the land division

was done between Winding Hallow and the JCC Pool the Sarah Chudnow Campus increased by 2 acres. The density would go down to 5.45 units with the request for the additional 6 units. The applicant is requesting that no more than 45 units be independent senior living, with the remaining 61 units being a mix of the other types of care provided. This would allow them to adjust to market conditions and provide more units that are in demand. There will not be changes to the actual site, all the changes will be made within the building. There are 3-bedroom units that will be converted to 1-bedroom units to provide the additional independent living and some other additional space that can be used.

Doug Barnes from Zimmerman Architectural Studios stated that he appreciates the consideration for the changes within the building. He stated they plan to stay within the building and will not expand the building.

Alderman Adams stated that the public hearing asked for 5 additional living units. She asked if it can legally change to 6 units.

Asst. Director Zader stated that it did change to 6 and that it can be legally changed.

**Action:**

Commissioner J. Schaefer moved to approve item #5 with the 2 stipulations recommended by staff.

Commissioner Stoker seconded the motion.

*A voice vote was called and all answered aye (8-0).*

**Regular Business**

**6. Chris Hitler for Mequon Storage Joint Venture (Peter Hitler)**

Address: 6911/6921 W Donges Bay Road      District: # 4    Tax Key: # 14-034-05-013.00    Zoning:  
B-5

Address: 7031/7033 W Donges Bay Road    District: # 4    Tax Key: # 14-034-05-011.00    Zoning: C-2 / B-5

**Request:**

1. Remove From Table
2. Conditional Use Grant Amendment
3. Building / Site Plan Amendment

**Briefing:**

The applicant is seeking a Conditional Use Grant Amendment and Building / Site Plan Amendment for 6911/6921

and 7031/7033 W Donges Bay Road to allow for the expansion of an existing storage facility.

**Staff Recommendation:**

1. Staff review and approval of final site, landscaping, and grading plans
2. Additional fenestration along the north elevation of the buildings subject to staff review and approval.
3. Staff review and approval of an updated lighting plan and dispersion plan. All building mounted fixtures shall be full cutoff.
4. A landscaping escrow equal to 125% of the improvement costs for installation of landscaping by a licensed contractor and an escrow equal to 25% of the landscape contract cost to insure that landscaping that dies within three (3) years of installation will be replaced by the applicant.
5. All ground-level and roof top mechanical equipment shall be well screened from public view with screening or landscaping.
6. Compliance with the Tree Preservation Ordinance.
7. Submittal of adjacent driveway location to determine whether separation requirements have been met. Any new driveway will be required to meet separation requirements.
8. WDNR permitting of the culvert application, the stormwater pond application and the wetland fill.
9. Submittal and approval of a storm water management plan in conformance to City ordinances, MMSD Chapter 13 and WDNR 151/216.
10. Submittal of a Storm Water Facilities Maintenance and Easement Agreement.
11. As a condition of approval and issuance of the permit, the city engineer will require the applicant to 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 for a time period of five years and will be computed on the basis of \$4,000.00 for every 3,500 square feet of impervious surface added (58-677(b)).
12. Application, approval and issuance of a City erosion control permit, subject to applicable fees.
13. If required, approval and WDNR issuance of a WRAPP permit.
14. Connection to public utilities, as applicable.

**Action:**

Commissioner Stoker moved to remove from table.

Commissioner Marchese seconded the motion.

*A voice vote was called. All voted aye.*

**Discussion:**

Asst. Director Zader stated that at the July 12<sup>th</sup> public hearing on the Conditional Use Grant was tabled due to some existing issues with the setbacks and wetland filling. The Site Plan has been modified to update all the non-compliant issues. There is only one non-compliant issue that still remains that the applicant is requesting a waiver for which is the building set back off of Donges Bay Road. The code requires a 65 foot minimum set back. The original plan had a set back of 30 feet, the applicant has now adjusted that to 54 feet. Staff feels that the 54 feet is an acceptable compromise due to the fact that there are wetlands at the rear of the site and a wetland buffer that have minimized the buildable area of the site. There are also two buildings on the adjacent sites. The building to

the east is at approximately 30 feet and the property to the west is at roughly 65 feet which does meet the set back, so there is a transition between those two properties. It will put this right in middle. Regarding the offsets off the property line to the west, staff asked the applicant to move the fence, that is located along the west property line, 5 feet in, which will allow the opportunity to put the landscaping on the outside of the fence. The applicant did address landscaping in the front by adding three different elements: he added a number of foundation plantings along the front of the building, some evergreen treatments in front of the building to further screen the building from Donges Bay Road as well as the originally proposed street trees along Donges Bay Road. Staff is pleased with the changes made to the site plan. Asst. Director Zader reported that he had received preliminary concurrence from the DNR that they will allow for the wetland crossing at the rear of the site to connect to the rest of the development. The building elevations are similar to what was proposed at the July meeting. There was a question regarding the field stone treatment. Asst. Director Zader had a sample of what the application was proposing to show the Commission. He explained it is basically like a fiber-cement panel made to emulate stone or brick. Based on the look of it, staff feels this would be an appropriate treatment. Staff does have one concern regarding the front façade that faces Donges Bay Road. Staff would like to see some type of fenestration be required on the front elevation to break up the massing of the front facades. He suggested possibly an opaque window to provide coverage for the security of the storage lockers inside. Other than this issue the staff recommends approval according to the conditions in the report.

Commissioner Schaefer stated that he is not supportive of the windows in the front of the building.

Commissioner Stoker agreed with Commissioner Schaefer. He asked about whether the deal would still work if the DNR does not come through. The applicant stated that it is his preference to have the additional accessibility but the possible denial from the DNR would not terminate the deal.

Commissioner Parrish asked if the applicant intended to have additional signage, the applicant denied his intent for additional signage.

Commissioner Adams stated her approval of the enhancements being made and her support of this project.

**Action:**

Commissioner Stoker moved to approve per staff's recommendation minus the northern exposure fenestrations.

Commissioner Marchese seconded the motion.

*A voice vote was called. All voted aye.*

**7. Niemann/Fromm**

District: # 2 Tax Key: # 14-022-15-003.00 Zoning: R-4/C-2

**Request:**

1. Remove From Table

2. Site Plan Amendment
3. Specimen Tree Removal

**Briefing:**

The applicant is seeking a site plan amendment for the addition of parking facilities for the property located at 11352 N Buntrock Avenue. The applicant is also requesting removal of one specimen tree.

**Staff Conditions of Approval:**

1. Staff review of final site plan
2. The applicant shall provide 16” of replacement trees on the property or in a city park or pay \$1,200 to the City of Mequon for urban forest projects.
3. Submittal of the wetland delineation report and confirmation that the wetlands are classified as highly susceptible or less. If the wetland is considered more significant, a wetland setback waiver is required.
4. The applicant shall provide the area of the increase in impervious surface. If the calculation exceeds 0.5 acres, the site plan shall be subject to City ordinances, MMSD Chapter 13 and WDNR 151/216.
5. As a condition of approval and issuance of the permit, the city engineer will require the applicant to 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 for a time period of five years and will be computed on the basis of \$4,000.00 for every 3,500 square feet of impervious surface added (58-677(b)).
6. Application, approval and issuance of a City erosion control permit, subject to applicable fees.
7. If required, approval and WDNR issuance of a WRAPP permit.

**Action:**

Commissioner Stoker moved to remove from the table.

Commissioner Mason seconded the motion.

*A voice vote was called. All voted aye.*

**Discussion:**

This was tabled from July due to issues regarding wetlands. The applicant did get an updated wetland delineation. The wetlands are further away from the parking lot than originally anticipated. There is a specimen tree that was found on the site in the center of the parking lot. The City Forester issued a memo recommending removing the tree because it is located in the middle. A handicap parking spot was removed from the previous site plan so now there is only one handicap spot at the front of the parking lot location. The remaining stalls are at the rear of the site. Asst. Director Zader stated that due to the trading of land, the setback off the rear of the property off the parking lot is being reduced to 11 feet. Staff feels this is an adequate trade off for the acquisition of the land. Staff recommends approval according to the conditions in the report.

The applicant agreed with the recommendation of the tree removal and staff recommendations.

Commissioner Adams supports the removal of the tree after asking staff several questions about any options to save it.

**Action:**

Commissioner Mason moved to approve the site plan and specimen tree removal and staff recommendations .

Commissioner Marchese seconded the motion.

*A voice vote was called. All voted aye.*

**Discussion:** No discussion

*A voice vote was called. All voted aye.*

**8. TWP Architects for Lakeside Development CO**

Address: 1539 W Market St    District: # 6    Tax Key: # 15-152-00-020.00    Zoning: B-1

Address: 11015 N Market St    District: #6    Tax Key: #15-030-01-018.00    Zoning: R-3

**Cancelled**

**9. 76<sup>th</sup> Investments LLC**

District: # 4    Tax Key: # 14-028-01-026.00    Zoning: R-3

**Request:**

1. Land Use Plan Amendment
2. Rezoning Recommendation

**Briefing:**

*The applicant is seeking Rezoning recommendation from R-3 to B-1 for the property located at 7625 W Mequon Road.*

**Staff Conditions of Approval:**

1. Common Council approval of the rezoning recommendation.
2. Any occupancy change to a commercial use shall require building and site plan review and approval.

**Discussion:**

Asst. Director Zader explained that the adjacent parcel had been previously rezoned to R-6/PUD, for construction on four side-by-side condominiums/apartments. Staff felt that the R-3 did not make sense for this site. There is

interest for a massage therapy business to operate in the building and they are requesting a change to the B-1 zone on the corner. It has little marketable value for a single family home and the rezoning is appropriate. Because it has not been used as a commercial site it will need a building and site plan review. The home on the property will most likely be demolished as part of the changes to Mequon Road in the future. Staff wants to see the parking lot and landscaping cleaned up. Staff does support the B-1 rezoning as it finishes off that corner usages of commercial uses in that area and this will go in front of Common Council for a public hearing in October for a final vote.

Commissioner Adams stated that now that this area is used for commercial use it makes sense for this rezoning.

**Action:**

Commissioner Adams moved to approve item 9 per staff conditions.

Commissioner Stoker seconded the motion.

*A voice vote was called. All voted aye.*

**10. Highland Partners LLC**

Address: 7232-7588 Heron Pond Drive District: # 3 Tax Key: # 14-188-72-320.00 Zoning: R-6/PUD

**Request:**

1. Rezoning Recommendation

**Briefing:**

The applicant is seeking Rezoning Recommendation for the property at 7232-7588 Heron Pond Drive to modify provisions listed in the PUD related to the percentage of side entry garages.

**Staff Conditions of Approval:**

1. Common Council approval of the rezoning recommendation

**Discussion:**

Asst. Director Zader stated that in 2004 the Heron Pond development was approved for 32 condominium units on 21 acres of land. All the public improvements have been installed and a majority of the units have been built. A new developer bought the remaining units roughly a year ago. Going through the process they were unaware of the condition regarding the side entry requirement but they were close to being on pace to meet the 50% requirement. There is a building under construction to the south that has a pedestrian path to the south of it that does not allow for the side entry garages on this building. Due the impact on the trees and the location to the The OutPost the applicant is asking for these garages to be allowed to be front loading. Staff did have the City Forester evaluate the property and he did concur that side entry garages would cause damage to a number of the specimen and non-specimen trees and he recommends that the side entry garages not be required. Planning staff does agree with this recommendation. Heron Pond condominium association submitted a letter also in support of the proposal as submitted. Staff does recommend approval of the rezoning recommendation to change the number of side entry garages to 37%.

Commission Parrish supports this because the condominium association is supportive.

**Public:**

Tom Pallus, a new resident in the neighborhood stated that he is not in favor of the association changing the requirements and bylaws. He does not like that the units will all look very similar; “cookie cutter”.

Shawn Pallus stated that the neighborhood association has never informed the residents of this issue or of these changes to the bylaws. She is not supportive of the “cookie cutter” look. She is worried about the common areas being changed and the building location being changed. She does not care about the silo.

The applicant explained that in order that units share do not share driveways and the building not be pushed back towards The OutPost that there will be trees that will need to be eliminated. He stated that the silo was always going to remain as it was important to the Heron Pond community. He explained that the unit directly across from the Pallus’ will have a side entry garage.

**Action:**

Commissioner Stoker moved to approve item 10 per staff conditions.

Commissioner Parrish seconded the motion.

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

**11. Sterling Hasey Company**

Address: 10299 N Wildwood Court      District: #8      Tax Key: # 15-180-00-030.00      Zoning: R-3

**Request:**

1. Specimen Tree Removal

**Briefing:**

The applicant is seeking to remove two specimen trees at 10299 N Wildwood Court.

**Recommendation:** The City Forester recommends **denial** of the specimen tree removal.

**Discussion:**

Asst. Director Zader stated that City Forester denied the request for the removal of the specimen trees. Planning staff and the developer worked on an overall master plan for Wildwood Preserve as to how many specimen trees would be removed on individual lots because there were so many trees in this subdivision. This was to eliminate each new home owner needing to appear in front on the Planning Commission for approval to remove trees. Lot 3 was approved originally at 1 tree and then was changed to 0. When the planning staff and City Forester worked

with the developer to design and create the lots for this subdivision, they were assured that the footprint that was provided was adequate enough to contain a single family home and that no trees in this case would need to be removed. In accordance with the City Forester, the staff is in support of his recommendation of denial of the specimen trees.

Asst. Director Zader stated that the box drawn up for a building pad was 100x100 and was thought to be quite adequate for a single family home. The proposed house is much longer at about 142 feet from one end to the other. Staff discussed with the applicant they could seek a variance to the 20 foot set back to the north and push the home closer to the north. The applicant did not feel that there was adequate space for the home and to also protect the tree. There are also 2 trees that the driveway was shown to go in between. The applicant is proposing to remove one of these trees to allow more room for the driveway and as a buffer for the other tree. The applicant is concerned that keeping both of the trees would damage both trees. The City Forester feels that there is adequate room for a driveway without significantly impacting trees.

The applicant Richard Sheer with Deep River Partners, architects and interior designers representing the homeowner Ken Treveiro stated that the box drawn around the tree is significantly smaller than what is required for a proper tree protection zone. They went out and measured the tree and the drip line. There is about 64 feet of buildable pad. That is without equipment access around the tree protection zone, they like to have 10 feet between the tree protection zone and the building itself. The other concern is that the master grading plan is indicating a grade elevation for the first floor yard grade of 692.4 The neighboring properties; 4,5 and 2 drain towards Lot 33. Tree #131 is at 689 approximate grade. There is a close to a 3 to 4 foot difference between existing grade and what the proposed yard grade is supposed to be. They propose to replace the one tree with a diversity of trees under the city of Mequon's ordinance. The applicant feels that there are a large number (about 14) of specimen trees on the property and they are asking for one to be removed. He has a picture of another tree that fell that was next to a driveway at another property.

Asst. Director Zader stated that we are seeing much larger homes in that subdivision than originally planned for. Staff is trying to stay true to form and the intent of the subdivision which is to fit into the environment that is there. Commissioner Adams questioned whether the Planning Commission approved previous requests for additional specimen tree removal and Asst. Director Zader confirmed that on lots 12 and 5 specimen tree removal was allowed.

Commissioner B. Shaefer asked about the setback and about moving the house further back. The applicant stated that the neighboring house is already as close as can be to the setback. The side yard set back is 20 feet and they would need to be right on the lot line.

Patty Canter, the developer stated that she did have 17 trees removed from her lot and that they will be replacing them. She stated that she feels that some of the building pads are too small. She said the tree in question will die during construction and that the applicant has committed to replacing trees on their lot.

Mayor Abendroth stated that we are learning a lesson about this subdivision. He stated the intention was regarding the ravine and not the white pines that are being discussed. He suggests that we allow for bigger building pads

going further.

Commissioner Mason is supportive of removing the white pine but not supportive of the tree #123 by the driveway.

**Action:**

Commissioner Stoker moved to allow for the removal of tree #131 with consideration that the replacement trees be in conjunction of the City Forester and wants it to be noted that by not allowing the removal of the tree near the driveway that the trees most likely will die.

Commissioner Mason seconded the motion.

*A voice vote was called. All voted aye.*

**12. Ralph Poldoske**

Address: 5149 W Cairdel Lane District: # 3 Tax Key: # 14-014-08-007.00 Zoning: R-3

**Request:**

1. Minor Land Division

**Briefing:**

The applicant is seeking a Certified Survey Map for a 3 lot land division for the parcel at 5149 W Cairdel Lane.

**Staff Conditions of Approval:**

1. The applicant shall make any technical corrections to the final CSM.
2. Final review of the Certified Survey Map by the City prior to recording.
3. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2000 dwg or dxf in Wisconsin State Plane
4. Coordinate system. South Zone (NAD 27).
5. Compliance with the Tree Preservation Ordinance.
6. City Attorney approval of all required legal documents, including the deferral agreements.
7. Modification of the holding tank and driveway easement to require Lots 2 and 3 have a shared driveway.
8. If home construction on Lots 1 and 3 do not commence prior to 2019, an updated wetland delineation may be required to confirm the wetland boundary has not changed. If the wetland boundary has changed, it may further increase the wetland boundary and restrict the building envelope for the lots.

**Discussion:**

Asst. Director Zader stated that this is request for three lot land division. Lot 2 would contain an existing single family home. The certified map survey does comply with zoning standards of the R-3 district. There is a wetland area on the property. The site will be served with +septic wells. Staff recommends approval in accordance with the conditions in the report.

The applicant asked about the condition #6 being a shared driveway and whether that is necessary to be done.

Director of public works/city engineer, Kristen Lundeen recommended the shared driveway due to spacing

requirements. The legal document for the easement of that shared driveway would need to be revised to accommodate that shared access.

Commissioner Stoker asked about the soil borings in the middle of the east end. He asked where the perk for lot 3 is located. He asked about an alternate approved area to build a house.

Commissioner Marchese asked about the public works recommendation regarding sewer for the property.

Director of Public Works Lundeen stated that due to the lots being in within the city's sewer service district and they are required to connect to public sanitary sewer. The current owner was not interested in the cost of the connection to the public sanitary sewer system. They sought deferral from the sewer utility district commission which was granted. That recorded deferral agreement will just be against lots 1 & 3 will state that if at such time the city would extend sewer down Cairdel Lane that lots 1 & 3 would be committed to connect at that time. Until that time they are allowed to have conventional systems on site.

**Action:**

Mayor Abendroth moved to approve item 12 per staff conditions unless that applicant can place a driveway somewhere else with proper spacing; they will not need a shared driveway.

Commissioner Marchese seconded the motion.

*A voice vote was called. All voted aye.*

**13. City of Mequon**

**Briefing:**

Amendment to Chapter 58, City of Mequon Zoning Code, to allow for the raising of chickens on a parcel of any size.

**Discussion:**

Director Kim Tollefson stated that this has been on going discussed with the welfare committee. There is an enforcement issue in which there is a violation of raising chickens on less than 10 acres. The committee are in support of the text as is per the zoning code; must have 10 acres to have chickens. The public welfare did have some additional standards regarding the enclosure of waster and enclosure of food, which has been modified. It will be presented to the public welfare committee tomorrow night for recommendation. It is scheduled for a first reading at common council tomorrow night as well. The council will discuss it and then take action in October. Director Tollefson read through the draft ordinance language; this is for a single family residential lots:

- No more than 4 hens/chickens per parcel allowed
- No slaughtering outside of a building
- The hens /chickens must be kept in secure, clean enclosures at all times
- All enclosure to be set back 50 feet from the property line. Enclosure massing controlled.

- Feed that is kept outside must be kept in containers that are rodent proof
- Any waste must be removed from the yard and enclosures daily and stored tightly as well.
- Set back for the containers
- Insect festation
- No odor nuisance

Per the text amendment these would be permitted outright uses. An initial permit and annual permit would be required. This will help enforcement and compliance.

Commissioner Adams stated she wants these policed and inspected. She stated that they must have permits. She suggested a no noise condition. She is very concerned about the lot size allowed. She recommends at least 1 acre. She suggested being consistent and keeping 1.5 acres like the horses.

Commissioner Bessler confirmed with staff that roosters are not permitted and that the chickens must be kept in the rear of the house.

Commissioner Stoker is not supportive of this at all. He does not think this can be monitored. He does not think it is a good fit for our community.

Commissioner Marchese asked whether this would be allowed in conservation subdivisions. Director Tollefson stated that specific homeowner associations could prohibit this in their subdivision. He is against this on any lots under 5 acres and definitely not on conservation subdivisions.

Commissioner Bessler favors 10 acres which is the current minimum.

**Action:**

Commissioner Stoker moved to keep ordinance as it is (10 acrea minimum).

Commissioner Parrish seconded the motion.

*A roll call was called. Vote passed (6-2. No: Mayor Abendroth & Commissioner Parrish )*

**14. Announcements**

Asst. Director Zader introduced James Keegan as the new engineering services manager. He gave an update to the July meeting regarding the Deb Binder horse facility. The vote ended in a 4-4 tie. After the meeting, the city attorney's opinion is that the alternates on the commission cannot take the vote of the mayor or aldermanic representation. The actual vote was 4-2 in favor of the approval. This will be updated in the July minutes at the next meeting. Director Tollefson stated that the city attorney opinion letter and a cover memo from her was sent to anyone that spoke at the meeting so that they can appeal if they desire. Asst. Director Zader addressed a previous request for an update from Commissioner J. Schaefer regarding the status of the Ville Du Parc easements and land transactions. The easements have been signed by the owner of The River Club as well as the city. The land transactions have been taking place and completed. Everything in regard to the PUD amendment as been completed and is in place. The development agreement for the development has been signed. Everything that was to be accomplished with the PUD amendment is done.

**15. Adjourn**

**Action:**

Commissioner Stoker moved to adjourn the meeting.

Commissioner Adams seconded the motion.

*A voice vote was called. All voted aye.*