

**CITY OF MEQUON
WISCONSIN
PLANNING COMMISSION MINUTES
March 9, 2015**

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

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

Minutes of the meeting held on Monday, February 9, 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 February 9, 2015 Planning Commission meeting.

Action:

Commissioner Mason moved to approve the February 9, 2015 minutes.
Alderman Strzelczyk seconded the motion to approve the minutes.

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

Public Hearing

1. Segundo Ramirez

Address: 11225 N Prairie View Lane Tax Key: #15-020-12-00-700 District: #5 Zoning: R-4

Request:

Conditional Use Grant

Briefing: The applicant is seeking a Conditional Use Grant approval to allow for a non-income producing living accommodation (mother-in-law suite) at 11225 N. Prairie View Lane.

Action:

Commissioner Stoker moved to approve to go into public hearing.
Commissioner Parrish seconded the motion.

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

Public Hearing Discussion: None

Action:

Alderman Strzelczyk moved to approve to close the public hearing.
Commissioner Stoker seconded the motion.

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

Discussion:

Asst. Dir. Zader stated that all the improvements for the mother-in-law suite are being made within the building so there are not any changes to the exterior. Staff recommends approval.

Action:

Alderman Strzelczyk moved to approve to the public hearing item.
Commissioner Fuchs seconded the motion.

Commissioner Bessler asked why the mother-in-law suite has a kitchen.

Asst. Dir. Zader answered that having the kitchen is basically the zoning code definition of a mother-in-law suite. He added that a second kitchen in the house being used in relation to a separate suite within the building, under the code it is a conditional use grant for a mother-in-law suite. Without the kitchen it would simply be considered another bedroom.

Action:

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

Regular Business

3. Lumen Christi Catholic Church

Address: 2640 W. Mequon Road Tax Key: #15-019-11-00-200 District: #8 Zoning: R-4

Request:

- 1. Rezoning Recommendation
- 2. Land Use Plan Amendment
- 3. Site Plan Approval
- 4. Fill Permit > 1,000 cubic yards

Briefing: The applicant is seeking rezoning recommendation, land use plan amendment, site plan approval and fill permit approval for a parking lot located at 2640 W. Mequon Road.

Discussion:

Asst. Dir. Zader stated that the subject parcel which is owned by the church, until recently contained a single family home. They are requesting a rezoning recommendation from R-4 to Institutional as well as site plan approval for the expansion of the parking lot. The parking lot expansion will result in an additional 116 stalls on the site. There are 184 shown on the plan but there are an existing 77 that will be modified. This is an initial step in a multi-phase expansion development for the church. They are combining their two campuses into one at this location. The area is a mixture of single family homes and institutional uses in the general area; Christian Life Church, the cemetery and Range Line School. This rezoning would expand the institutional one parcel over from the existing. The plan does comply with the restrictions in the IPS district. The only place it falls short is the interior lot landscaping which requires a minimum of 10% and they are currently showing about 8%. They would need to add a couple of islands. There is a potential to reduce some of the aisle widths in the parking lot as they are a little wider than necessary. The city landscape architect reviewed their landscaping plan and there is a recommendation for additional street trees or parking lot trees along Mequon Road. This is contingent on how much of the existing vegetation gets removed.

Resident Mary Loke lives at 11324 N. Glenbrook Lane. She is opposed and deeply concerned about any more land coverage because the current drainage situation is a big concern. Flash flooding has had a serious and expensive impact on the neighborhood. (She provided a flash drive of photos for engineering to review)

Mayor Abendroth stated that Mequon city policy is that if there is any development, the run off cannot be any greater or any faster when they are done developing. The drainage should not get any worse and in most cases it actually gets better.

James Keegan, Engineering Services Manager, stated that the process is that the developer will submit a “storm water management plan”. The city and the review consultants will review it and once it is approved by the city, it is then submitted to MMSD for their approval. The development cannot move forward without this approval. The storm water plan will have considerable review and the run off cannot exceed the predevelopment levels. The city has not yet received the plan but it is forthcoming.

Alderman Connie Pukiate for District #2. She is representing many constituents that have expressed their concerns regarding the drainage in the area. The area has had consistently poor drainage. Previous developments in the area did not have the same review of considerations that are now required and there are serious drainage issues. There have been sewer back-up into the basements of some homes. She has reviewed the plans and she is concerned about the east side of the parking lot that slopes downward to a house immediately below the parking lot at the corner of Robin Lane and Mequon Road. She would like to see a curb around the parking lot to ensure that the water drains to the drainage facility that is being developed. She is also concerned about the drainage coming off this site. She hopes it will be better and not any worse than it is today.

Applicants Marty Choran from Plunkitt Raysch Architects, Tom Gillenbach from GSD and Tom Watson from the Lumen Christi Church were present. Mr. Choren stated that the church is looking to consolidate on this site and to begin this process they looked to expand the parking to address the anticipated increase in attendance at the church due to the Thiensville location being transferred over to this site.

Tom Gillenbach, Civil Engineer from GSD, stated that the parking lot was designed to collect any water from the new paved area in the paved area. He explained that the long skinny pond on the north end is designed to collect all of the water into that dry basin. It is then piped down the hill to the drainage ditch that is on the north end of the church property. The only water that should be coming off of that property once it is completed is just from the hillside, from the pavement out. The pavement area is designed to be collective within itself. The low spot is located further west near the first row of islands on the east. The water will drain towards that direction and then to the north into the pond. It is designed to meet the city ordinances and the overall discharge from the site is lower than what it is today. There is an 80% reduction in the amount of runoff to the north or the east than what there is there now after it is developed.

Alt. Commissioner Bessler asked for clarification about the existing drainage problems being reduced.

Mr. Gillenbach answered that the discharge from the pond after development will be lower than the current discharge off of the site. That discharge is being redirected to the north so that it is not coming off into the neighbor's backyards. There is currently not storm water management on this site.

Commissioner Fuchs asked what rainfall was used as calculations.

Mr. Gilenbach answered they used the 250 and 100 year. They calculated off the worst three storms in those years. In each of those three storms the discharge has been reduced.

Commissioner Fuchs asked if they had considered using any more semi-permeable materials to minimized runoff problem.

Mr. Gilenbach answered that the problem with using a permeable paving on there is that it gets down through the pavement and the water still has to go someplace. The soil conditions are silty clay so it is not going to infiltrate into the ground. So instead of being collected on the surface of the pavement, it would need to be collected underneath the pavement which is not a good thing in the winter time and then it would still need to be conveyed someplace.

Commissioner Fuchs asked if the there had been any analysis of the traffic given the size of the expansion of the parking lot and given the times of the church in operation.

Mr. Choren stated there has not been a study at the controlled intersection (stoplight) of Mequon Road and Range Line Road. The access and existing drive onto the property, the DOT is not allowing them to use it and they have filed papers to abandon that driveway.

Ald. Strzelczyk asked if there were any plans to address the east side neighbor's concerns regarding a possible curb as Ald. Pukiate recommended.

Mr. Gillenbach stated that the pavement pitches and the high point is at the southwest corner of the parking lot where it connects to the exiting. It pitches and the lowest part of the parking lot is basically a swale within the parking lot itself. The water will go into that low point of the parking lot and then north into the basin.

Ald. Strzelczyk asked about exaggerating the swale to address the neighbor concern.

Mr. Gillenbach stated that they could raise the eastern edge of the asphalt a little bit more so that it is more defined.

Commissioner Mason asked about how the rainfall is measured and how is it known what the baseline is today.

Mr. Gillenbach stated that they are given the rainfall data which is collected over a period of time. He explained that they analysis the data from predevelopment conditions when there was not anything built there and see what the runoff rate is. Then it is analyzed under the new conditions with the new additional impervious over all the different storm events and see what the increase is and the pond is designed to hold the difference.

Commissioner Mason asked if the pond would help improve the current situation today.

Mr. Gillenbach stated that he believes it will and that it will significantly reduce the amount of runoff from this property onto the neighbor's property in the future.

Asst. Dir. Zader stated that there are two issues: drainage issues in the area and drainage issues related specifically to this site. The property to the east of this site is about 10 feet lower in grade and currently with the house being there, there is nothing stopping the water from naturally going that direction. This will help push that to the north instead of going to the east. There are other drainage issues that engineering has been working on for years that will not be solved by this particular application as they are larger issues that need more of a regional solution.

Commission Fuchs asked if the traffic light is controlled by time of day or by traffic flow.

Mr. Keegan stated that the light there is controlled by time and is under the jurisdiction of WISDOT. If a signal timing was required, the city could work with WISDOT to get the signal retimed.

Mayor Abendroth asked if the light is controlled differently at different times on different days.

Mr. Keegan stated that they can be. It can be controlled by peak hour, time of day; whatever is requested.

Mr. Strzelczyk asked if there is an option to widen the entrance.

Mr. Keegan answered that it is a WISDOT issue and their maximum driveway width is 35 feet.

Mr. Gillenbach stated that they had already asked WISDOT about the driveway and they were told not to widening the driveway.

Mr. Strzelczyk suggested that the city work with WISDOT to try to get the driveway widen to help mitigate some of the traffic issues.

The applicants stated they would be very receptive to the driveway being widened.

Commissioner Parrish stated he would be in favor of the approval with the east side being raised to address the neighbors concern.

Ald. Strzelczyk made a motion to approve this request with the contingency that the east side is raised up to a 2% cross-slope to address the neighbors concern to the east.

Alt. Commissioner Bessler seconded the motion.

Mr. Choren stated that in regards to the comments made about the landscape plan that they will work with staff to get to the 10% but it is their preference that they achieve that by not adding any islands. They will also work with staff to take care of the issue with the landscape versus the position of the light fixtures.

Mayor Abendroth stated that there are many recommendations on the staff report and verified that the applicant is comfortable with all of them – 19 in total.

Mr. Choren confirmed yes.

Roll vote was called.

All voted aye (8-0)

Mayor Abendroth stated that this will go before the Common Council for a first reading tomorrow and a public hearing in April.

4. Veridian Homes, Enclave at Mequon Preserve

District: #4	Tax Key: #14-028-03-006.00	Zoning: R-3/CGO
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: #14-028-14-012.00	

Request:

1. Preliminary Plat
2. Development Agreement
3. Open Space Plan

Briefing:

The applicant is seeking a preliminary plan, development agreement and open space approval for a 50-lot subdivision located at 10729-10839 N. Wauwatosa Road.

Discussion:

Asst. Dir. Zader presented Staff's report. Staff will work with the applicants to find an adequate solution. The ultimate goal is to provide sidewalk access along Wauwatosa Road as much as possible. Hopefully the DNR can work together to make adequate space for the road as well as the sidewalk. Staff does recommend approval according to the conditions in the report.

The applicant, Matt Cudney and Jeff Quast, Engineer from Veridian Homes were present to answer questions from the Commission and they stated that they are in agreement with staff.

Commissioner Fuchs asked what the new average lot size is with the change in the number of lots.

Asst. Dir. Zader confirmed that it is about .51-.52/acre per lot.

Commissioner Becky Schaefer asked whether the specimen trees are on any planned lots or if they are all in the open space.

Jeff Quast answered that the trees are not on any planned lots. They are not entirely in the open space; on some of the larger lots they are located in the setback areas, outside the envelope areas which they are calling no grading.

Asst. Dir. Zader added that the benefit of the easement is to prevent the builder or the homeowner from coming forward and asking for removal of those specimen trees.

Commissioner Becky Schaefer questioned whether the process should be this far along without confirmation of the road being placed over the wetland.

Asst. Dir. Zader stated that this is contingent upon that access point being approved. If the access does not get approved and the plat has to change dramatically than it is null and void and the applicant would be back in front of the Commission. Staff may make some minor tweaks after approval but the access is going to have to go in that location somewhere; they are not a lot of other opportunities.

Mayor Abendroth added that it is the perfect spot for the access because it matches the access across the street.

Commissioner Jim Schaefer stated that the retention pond south of the existing landmark has many spruce trees around it and he asked if they were all going to be clear-cut for the retention pond.

Jeff Quast answered they that area will be clear-cut and that there are not any specimen trees located there.

Commissioner Mason asked whether the applicant is comfortable with the lot size widths regarding the required number of side-loading garages.

Mr. Cudney stated that because they no longer have a PUD they do not have the specific requirement on this portion of the development.

Asst. Dir. Zader stated that because the PUD is void, the city does not have the authority to require those conditions.

Commissioner Mason asked whether all the garages could be front loading.

Asst. Dir. Zader answered “yes”, under the CGO and the R-3.

Mayor Abendroth asked the applicant if they knew what they planned to do with the TDR credits.

Mr. Cudney answered that at this point they did not have a set plan but they understand the importance of them being used properly.

Ald. Strzelczyk asked about the activity area and ensuring that it is achievable.

Asst. Dir. Zader stated that staff has been pushing the applicant to provide more detail about what the areas will look like. What has been submitted did not have enough detail. Staff will continue to work to with the applicant so that all the bullet points in the report match all the detail provided. It is up to the Commission whether they want to see all the details or allow staff to handle the approval, being that it is the first one in the CGO area.

Mayor Abendroth stated that the Commission would like to see it.

Mr. Cudney stated that they are willing to bring more detail at a later date but while working to on the preliminary plat that many things can change; location and specific placement. As the plans get finalized they will bring more of the details of the park plan to the Commission.

Action:

Commissioner Stoker moved to approve contingent upon staff recommendations.

Commissioner Parrish seconded the motion.

A voice vote was called

Motion passed 7-1 (No vote: Jim Schaefer)

5. Veridian Homes, Mequon Preserve Estates 1st Addition

Address: 10565 N. Wauwatosa Road District: #4 Tax Key: #14-028-16-011.00 Zoning: R-3/CGO

Request:

1. Concept Plan
2. Preliminary Plat
3. Development Agreement

Briefing:

The applicant is seeking a concept plan, preliminary plan and development agreement approval for a 5-lot subdivision located at 10565 N. Wauwatosa Road.

Discussion:

Asst. Dir. Zader presented Staff's report. The plan does show a total of 5 lots which does meet the 5 acre yield. It will have its own storm water management plan and it will be part of the same HOA; they will share in all the benefits of the open space plan. The code does require a concept plan and preliminary plat as the TDR site, but given that it is only 5 lots, staff feels that the preliminary plat alone is sufficient. The road layout as it enters the subdivision is still unresolved. Planning and engineering staff have some concern regarding the slight jog in the road. There is a large section of right-of-way that would have to be dedicated which is beyond what the typical right-of-way section. Secondly, the intersection could use refinement; it is very linear at 90 degree and it does not match what else is out there. There has been some tweaking back and forth on this intersection and entrance way and do not yet have a final resolution. Staff feels that this will be worked out and it is listed as a condition of approval. The development agreement for the 5 lots will go before Council tomorrow night. Staff does recommend approval according to the conditions in the report.

Mayor Abendroth stated that the road matching the access across the street is definitely an improvement.

Action:

Commissioner Bessler moved to approve.
Commissioner Mason seconded the motion.

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

6. Ryan Companies

Address: 10565 W. Wauwatosa Road Tax Key: #14-028-16-011.00 District: #6 Zoning: R-6/PUD

Request:

1. Consultation

Briefing:

The applicant is seeking a consultation for a proposed two-story, 42,500 square foot medical office building located at the southwest corner of Mequon Road and Market Street.

Discussion:

Asst. Dir. Zader stated that this was previously in front of the Commission last month for the rezoning recommendation and the applicant wanted to come back for a consultation for feedback regarding the building location and design. It is similar to last time but there are some alternative plans. As a reminder, staff was concerned with the building architecture versus the context of the surrounding area as well as the location and building placement. The alternate plan submitted by the applicant shows the building pushed over to the east and the north. Staff prefers this plan as it provides a lot more of a buffer between the property line and the parking lot. It could also

provide an opportunity for a privacy patio adjacent to the storm water pond. The applicant has stated they are not in favor of this design. A requirement of Children' Hospital is 4-sided access in terms of a fire lane. Another option submitted has no parking on the west side and has a drive aisle. This allows them to increase the buffer to the property line in terms of a pavement edge but the building is still close to the same direction. Staff does feel that shifting the building to the east is a benefit to the development and to the surrounding area. The applicant was asked to provide some more detail regarding the architecture. Some more details about the types of materials used were added to the new renderings submitted. There is brick but also a portion of EFIS which was not known last time. Besides the PNC building, there is not a lot in this area that does not have more of a traditional look. (Mr. Zader showed pictures from the surrounding area shown). The area is traditional architecture with steep-sloped roofs. A criteria of the code for site plan and building approval is that the building must fit into the character of the surrounding area, which it currently does not. There is a differencing of opinion regarding the architecture between staff and the applicant. The applicant is looking for feedback from the Commission to weigh in on the issue for final design to bring back as part of their site plan approval after the rezoning gets acted upon. Staff is willing to work with the applicant in whatever direction the Commission advises for building design and the site plan.

John Kesselman resides at 1813 W. Mequon Rd (3 lots to the West of this site). He feels that the PUD is being used incorrectly with this site. He feels that making this site a PUD makes it less friendly for the housing around it. The area is much less residential now. He does not feel that there is a long term city plan and this site was not intended to be a commercial site.

Carol Mueller resides at 1737 W. Mequon Rd (49 years there). This developer did not ask the neighbors to meet to discuss the plan. She is very upset they did not communicate with the neighbors ahead of time, like Sarah Chudnow did. Water is an issue there, their yard is consistently wet. She is worried that if this building is also raised it will create more water and drainage issues.

Arlene Kurzer resides at 11104 N. Oriole Lane. Her backyard will face this office building. Her biggest concern is the swamp she has in backyard all spring and summer. She has lived there 30 years and since Sarah Chudnow was built she has a consistently wet backyard. No one can answer her about where all the water is coming from. She is worried about more water problems when the building gets built. She also asked about all the pink flags put in her yard; no one will tell her who put them there. She is worried about where the air conditioner unit will be placed because once a week there is a lot of noise from Sarah Chudnow. She is wondering about landscaping to block any potential light coming from the building. She feels there needs to be a stop light at Mequon Rd and Market Street because there is already a lot of traffic and it is difficult to make a left turn onto Mequon. She thinks the road also needs to be widened to accommodate the additional traffic.

Mayor Abendroth asked Asst. Dir. Zader if he knew about the pink flags that were placed in Mrs. Kurzur's yard.

Asst. Dir. Zader stated that there is probably a developer interested in some parcels along Oriole Lane to the south of the existing homes and west of Sarah Chudnow. They are wetland flags.

David Mueller resides at 1737 W. Mequon Road has concerns about the drainage. The newest building plan is most preferable. He prefers the building closer to his lot line than parking spots and traffic. He is concerned that the ponds will cause geese and he is worried about the lights, security and privacy. Sarah Chudnow has caused wetlands for the surrounding areas. He feels everyone surrounding this site will be worse off in regards to the water issues. He feels the city should have a plan to help alleviate these water issues.

Ryan Marks and Curt Pascol were present from the Ryan Companies. Mr. Marks stated that they are aware that they will need to work with the DNR and engineering regarding the water and drainage issues. They will be grading the lot from south to north to filter into the new retention pond that they are putting in on the north side of the property. They are one of the only property's to have two retention ponds so they do not anticipate the storm water being an issue. The air conditioning unit is proposed to be placed on top of the building and will have a screening system for all the HVAC units. They are happy to meet with any neighbors. They have met with David Mueller and they have walked the property with him. They have tried to adjust their plan to take in consideration some of his concerns. Regarding the site plan, the staff preferred plan is not favored by Children's Hospital because of the lack of drive lane around the entire building. It is a major concern for them not to have access for any life safety vehicles or fire trucks. Sometimes there is specialty equipment delivered to the building that they would rather not move through the front of the building. The

northeast of the building is going to be a unique rehabilitation gym and it has a neat two-story glass piece to it. This plan does not allow for the parking to be next to the gym area.

This is going to be Children's newest and nicest asset in their portfolio and there is not a main front access, it does not show well from Mequon Road. Another concern is that the traffic pattern pushes the traffic to use the further west entrance, which is closer to the neighbors. They submitted a new plan today which is their choice for a site plan. They moved much of the parking along the western edge along the property line which now allows for about 50 feet of green space which can be filled with landscaping. The building would be set about 82 feet off the property line. If the building is moved to the north east, all the light and all the traffic moves to their side of the building. Mr. Pascol stated that B-3 zoning code next to residential property for set back is 20 feet, so this site allows for 40% more than is required.

Commissioner Fuchs also prefers this site plan. The position of the building further away from Mequon Rd. and Market St. helps de-emphasize the sizing of the building.

Commissioner Becky Schaefer stated that she also prefers this site plan.

Mr. Marks stated that the prominence of the entry to the building is much clearer in this plan.

Commissioner Parrish stated that he appreciates the consultation approach and the new plan as well.

Commissioner Bessler asked why this location was selected as opposed to land on Port Washington Road.

Mr. Marks stated that this is a very difficult and comprehensive process of selecting a location. Almost every location that was considered on Pt. Washington Rd. did not accommodate this building plan for varying reasons. The options were limited.

Commissioner Bessler offered that the old Pick n Save location would be ideal.

Mr. Marks responded that they did look at that location. It does not work for their operations and there are some issues with the real estate.

Commissioner Jim Schaefer stated that regarding the architecture he agrees with staff that this building looks way too institutional. He feels that East Towne Square is one of the finest developments in Mequon. It has architectural detail, pitched roofs, good materials, good fenestration design and window design. This lacks all of those.

Mr. Marks stated that they tried to balance the Children's brand and standard, their needs and what identifies them and their other buildings with the other buildings in proximity and in Mequon. Changes from last time include taking off the metal pieces and they have added some wood pieces and they added more stone pieces to the building. They purposely stayed away from the doing gables because it added too much mass to the size and they would be above the height limit. They tried to pull all the other materials used in the neighborhood. It is a modern health care building and some of the things that need to be accomplished on the inside of the building need the outside of the building to work with it. They have added some details around the windows to match other window treatments to help pop the window, incorporate pillar concepts in the awning pieces and other EFIS changes.

Commissioner Jim Schaefer stated that he would definitely like to see a partially pitched roof on this building.

An architectural representative stated that Children's Hospital is a cutting edge medical facility and a pitched roof is not something they are amenable to incorporating. They added EIFS to soften the building feel, the wood panel was added too.

Commissioner Jim Schaefer stated that as the Planning Commission board they are concerned with the design of the building and the details of how it fits into the neighborhood. They are not as concerned with Children's Hospital image. He would like to see a partial pitched roof.

Commissioner Bessler commented that Children's Hospital is regarded for their reputation by the services and function of the Hospital and not the architectural of their building.

The architectural representative stated that this is the third building he has done with Children’s Hospital and the iconic imagery of the building is at the forefront of the design.

Ald. Strzelczyk stated that Children’s Hospital would be a huge asset to Mequon. Regarding the site plan, he initially preferred the one that staff had but after hearing the reasons for the new plan, he also supports that version. He asked that the drainage issue be addressed; maybe adding a significant swale on that west side of the building to ensure any drainage from the property does make it to the north side retention pond. Secondly, requiring the back access to the building is critical. Trucks backing up and beeping constantly will draw some negative feedback. Regarding the architecture, he agrees that it does not fit into the area buildings. Adding more dimension to the bump outs or a roof façade to the front could help this.

Commissioner Mason stated that this would be a great asset. The site plan with the building to the west is more desirable. Regarding the architect, he is comfortable with what is being shown. He feels that the brand and service is more important.

Commissioner Parrish agrees with Mr. Mason. He is excited to have Children’s in Mequon. He also added that he would like to see a berm added to the swale to help buffer sound to the west.

The architectural representative added that there is a 360 degree roof screen around all of the mechanics on the roof. He forgot to mention that earlier.

Mayor Abendroth asked whether it is possible to add a roof element somewhere without having to build a roof.

The architectural representative stated that he feels that it would look like a hat. He said there are some things they can do, they will submit some new renderings to staff to pass along to the Commission. He added that the new rendering had certain pieces of wood and brick that are darker and softer to better blend with the neighborhood.

Commissioner Becky Schaefer added she too likes the darker colors and it may be a good way to help the building blend in better with the surrounding neighborhood.

Commissioner Fuchs would like to see a deep red brick to match the rest for the construction. They could also use more natural stone to break up the brick. The straight lines of the roof bother him greatly. Some partial pitch would be appreciated.

Ald. Strzelczyk stated that he is comfortable with the color. He recommends some more stone element; like Café 1505. He likes the deeper and richer tones.

Mr. Marks thanked the commission for their feedback and stated that they would be back in April for final approval.

7. Mequon Town Center

Addresses: 11205-11315 N. Cedarburg Road and 5900-6048 W. Mequon Road

District: #2

Tax Key: #14-050-02-050.03

Zoning: TC

Request:

1. Site Plan Amendment

Briefing:

The applicant is seeking a site plan amendment approval related to storefront entrances for the mixed use development located at 11205-11315 N. Cedarburg Road and 5900-6048 W. Mequon Road.

Discussion:

Asst. Dir. Zader stated that this request was generated recently by submittal of floorplans in the Mequon Town Center

(MTC). One is in the east building along Cedarburg Rd. and a tenant build out in the south building, along Mequon Rd. This generated discussions between staff and the applicant regarding some of the conditions placed on the approval and after much discussion a solution was not reached. There are three requests to the Town Center district standards: one is for the size of the commercial tenant spaces, one is for the location of the established front door of the tenant spaces and third is the design and use of windows and doors along Cedarburg Rd. and Mequon Rd. There is language in the zoning code that allows the Commission to approve waivers to the TC district standards. Basically it states that in the code the burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the spirit and intent of this district remains at all times on the applicant. Staff approves of dropping the minimum space requirement down for some of the spaces to between 700 – 1200 sq. ft. for some of the buildings. There are some limitations; no more than two tenant spaces for the south and east buildings can be between 700-1200 sq. ft. and no more than one tenant space in the north building can be below the 1200 sq. foot requirement.

Regarding the second waiver request of the location of the established front door and the tenant spaces, there is disagreement. On the east building plans the Cedarburg Rd. access point shows a door located in the break room of the proposed tenant space. The door would not be accessible and open to the public; it would be locked and only be used as an emergency exit door. On the south building plan it shows a vestibule with a double door along Mequon Rd. that leads to nowhere. There is an exit door of a tenant space into the vestibule but it would be locked and only used for an emergency exit. This is what spurred on the request from the applicant because staff did not feel that those doors met the spirit and intent of the Town Center district. Asst. Dir. Zader did include in the report a number of code sections and staff reports that supports staff's position that the doors along Mequon Rd. and Cedarburg Rd. should remain fully functional and be treated as front doors. Staff feels it is disingenuous thinking that this is a town center development that is geared towards providing more pedestrian accommodating space and then does not allow pedestrians on either door along either Mequon Rd. or Cedarburg Rd. to access the buildings. He supplied pictures of places where this idea was tried and has not been successful.

The third issue is regarding the issue of covering the windows is not only a Town Center issue, it is all across commercial areas, the city strives to have natural surveillance into all buildings. It is very important in the town center environment that there is not a cold sterile look with bays that cannot be looked into. Staff feels this is very important. Staff does approve the waiver for the square footage but staff does not approve of the waivers for the doors or window coverings.

Director of Community Development, Kim Tollefson presented a power point presentation regarding the history of the MTC and the public interest goals and intent.

- Vision and implementation of MTC formulated and created over last 12 years
- MTC designed as a traditional neighborhood, focus is on pedestrian priority over the vehicle
- Floor spaces controlled to feel natural in a neighbor environment (small to medium sized)
- Examples were shown of two door entrances in other developments
- The neighborhood context needs to be looked at as a whole, not just this development
- Various modes of transportation will be used to get to this site and to/from various locations
- Other stakeholders are involved than the business owners and motorists
- \$2.2 million invested from the city (1.8 million is a cash grant). The city has a responsibility as an investor and over \$1 million of other improvements have already been made to the neighborhood (street-scaping).
- A development fee was granted by the city which requires an achievement of the desired project outcome and the public interest goals, and also carries a component of accountability
- The project has benefitted from the zoning district and these benefits are not offered in any other district in the city (multi-family use, densities at 16 units per ½ acre, an FAR of 100% instead of 30%, reduced parking on site).

The applicant, Blair Williams, President of WiRed Properties, presented a power point presentation as well.

- MTC has benefitted from the special zoning and Mequon's vision.
- MTC is a pace setting and precedent setting development in Mequon
- He is proud and appreciative of the partnership with the City of Mequon. He feels that staff, the Commission and Council have all been supportive during the process.
- The city TIF money goes with \$3.6 million of cash equity and \$13.4 million of developer guaranteed debt
- This is a \$19.2 million dollar project
- It is projected to generate more than \$12 million annual economic activity

- The TIF should be paid off in 8 -9 years
- He failed to understand the impact on the retailer of the storefront requirement and that staff would react unfavorably to retailers' space plans submitted.
- There is the risk of losing key tenants; causing significant lost to the retailers and significant reduction in value for the owner and for the city.
- He is offering an olive branch while still advocating for all his partners. He has removed from consideration the roof top sign from the corner building (Café Hollander/Lowes).
- He showed examples of urban designs that work and do not work.
- He explained that some service based business can't have entrances on both sides of their business.
- He is requesting certain retailers be allowed to have a true front and back of business.
- Specific Requests:
 - Accommodations are made for second entries along street frontages for all inline retailers and retailers along Mequon Rd.
 - Specific approval now for Elements Massage and Forward Dental.
 - Accommodation of store front display windows in the limited quantity presented in memo in the packet
 - Fully agrees with staff regarding number of smaller sized spaces allowed

Mayor Abendroth stated that he agrees that there should be some entrance from the street side to enter the businesses; this was the intention of the MTC from its inception.

Commissioner Strzelczyk stated the city has been extremely flexible through this entire process. He added that the core premises that this development was built on was the activity of the pedestrian. People want interaction. Closed off windows are not acceptable. A locked door to the street is not acceptable. The benchmark was well known and now is being asked to have the zoning changed from what was planned and intended. He stated the staff is affording much flexibility on square footage size, which is varied from the original bench mark.

Mr. Williams stated that there will be vacancies and reduced rent if the project is forced to have two door entrances. It reduces marketability to the inner spaces. Retailers are communicating that this doesn't work for them. Every suite must have access to parking lot side. These two specific retailers cannot accommodate the street entrance. He considered buzzer entry an entrance and did not know that it would not be considered an entry by staff.

Asst. Dir. Zader clarified that the code states "that in addition to the windows and principle entrance, the front façade should include architecture features which emphasize it as a front façade". He clarified that it must be the principal entrance, not just any entrance.

Commissioner Fuchs stated this is a dilemma. The impact is real. He questioned how much will it cost to hold up the concept. It costs something. He feels that reducing some of the space sizes aggravates the door problem. He feels that the window blockage is the most bothersome. He wants the see through aspect to remain intact. He believes that the functionality of the walk up from the streets will be minimal. The financial success of this development is very important to all parties. He feels that some flexibility is needed for the few spaces that need accommodating in order have the whole development be productive.

Sandeep Mirani, owner of Elements Massage stated that privacy is paramount to his business. There is very limited space that would be acceptable to have the see through window aspect in his business.

Mr. Williams stated that he would like to have the two businesses granted waivers to the code. He wanted to do this at staff level and not change the code. He wants to continue to work with and support the mix of tenants that have lined up for this development. He is asking for this consideration for first generation tenants only. He wants to give MTC the best chance to be successful.

Commissioner Jim Schaefer stated that he would like to see some flexibility on the door issue as well. He understands that tenants like Element Massage doesn't work having a door on the street. He stated that you won't be seeing through the buildings because of all the activity going on.

Commissioner Mason asked staff if the concept of a buzzer door works in the concept.

Dir. Tollefson answered that it was discussed with the applicant and it is not acceptable due to the door being a locked door.

Commissioner Mason stated that he feels that pedestrians will want to get off Mequon St. as soon as possible due to high speeds of traffic and that entrance doors in the middle of the buildings on the street sides would not be used often.

Dir. Tollefson stated that there are connecting highways at the intersection of the development and the city has the authority to have streetscape approved and has worked with WISDOT for possible reduced speeds there.

Commissioner Mason stated that the Commission is in a hard position. He likes the idea of having staff having authority to be flexible to make sure the project is successful for everyone, and not get stuck on a rule. He is concerned about how to make it work and make sure there are retailers in the spaces.

Asst. Dir. Zader explained that on the Mequon Rd. elevation that was shown it has a double door vestibule that leads nowhere which is the only compromise offered by the applicant and based on the floorplans they are not willing to change this. There is flexibility but staff is not moving off either of those positions and what has been submitted is not expectable to staff.

Dir. Tollefson stated that there is a distinction in her opinion between Forward Dental and Elements Massage in that Forward Dental was not putting its service functions to the public street, it was putting active and interest use of the operations to the front. The five bays of interaction between people working and the customers is much more interesting than display windows or locked doors. Elements Massage floorplan has their back of office operations; break room, display area and the utility room, facing the street is different that Forward Dental. Forward Dental is more reasonable because it engaged some visibility and activity into the business.

Amita Mirani, owner of Element Massage stated that there are three components of the massage business: reception, massage and laundry. The floorplan only allows for this layout. They upgraded, at an expense to them, their back room to a serenity room and had to get approval from their franchiser that these changes needed to be made for MTC. There will be staff meetings in the serenity room as well as it being used as a staff break room..

Commissioner Bessler stated that there was an ideology concept formulated years ago. He wants the new project to succeed. He stated that putting a door on Mequon Rd. as a vestibule only has no value. He feels that walking on Mequon Rd is not going to be a cozy experience and pedestrians are not going to spend much time on the streets. He feels that the inside of the development is the “cozy” feeling space, inside the square. He feels most of the users will be drivers and will be coming from the parking lot side. Any doors on Mequon Rd or Cedarburg Rd should be for a validate functional reason and not to simply comply with a concept. It works well for some businesses and not for others. He does not feel the MTC is an urban intersection.

Commissioner Stoker does not want to go against the intent of the district; but he feels that it is totally impractical to use a Mequon Rd. entrance. He wants to accommodate these businesses but maybe that can be accomplished without having change the code. He says it is his role as a Commissioner to make the best decisions to help ensure this project is successful. He would be happy to have staff make the decision if they can reach an agreement that is in alignment with the Commissioners to make judgment calls on a case by case situation, otherwise each case would need to come back before the Commission to be decided on as a group. He totally supports both Forward Dental and Elements Massage. He cautioned the applicant not to limit himself on this being a “one time” deal; second tenants may have similar requests.

Commissioner Parrish stated that this is a complex issue. He heard a sincere apology from the developer. He does not feel that a blanket variance is the answer and that it should be decided case by case. Vacancies would have an adverse impact on this project. He agrees with staff for the need to avoid the slippery slope with this development and he feels that staff should make the decisions case by case. He supports upholding the glass window issue. He would like to have each applicant speak on their own behalf.

Mr. Williams stated that he is authorized to speak for each applicant and that the city has been sitting on the permit

application for Elements Massage for 6 weeks and Forward Dental as well as others. They are anxious to move forward. He stated that other tenants can come forward on their own if necessary. He is advocating for these two businesses only.

Dir. Tollefson stated that the Commission has the authority; and the specific request is a waiver or an exception to the code requirement. The first finding under that first page of legal requirements handed out in the packet is what needs to be taken action on. The actions are three separate and distinction ones: the size of the tenant space, the doors and the windows. You can take action just on the doors as it relates to Elements and Forward Dental. Any other further tenant space can either have staff review and approve it as a minor request. In the case such as this one where staff did not think it was minor or too precedent setting, it would come before the Commission again. Commission has the authority to take and make an action tonight on the door issue.

Commissioner Mason stated it was good to go over this because it was such a big issue and it was good that it was in front of Commission. He is comfortable on the tenant size going down to 750 sq. ft. and the doors but he does not want to see the windows covered or have the glass change.

Dir. Tollefson stated that even if she did agree with the applicant, personally or professionally, this is too great of a shift from the policy decision and she did not want to jeopardize her credibility with Common Council.

Commissioner Becky Schaefer questioned how there is such a departure from the understanding of the principal of the project. She questioned why the two businesses were not steered towards a second floor location instead of to a first floor location where there was suppose to be two entrances. Moving forward, she suggests more clear direction from the applicant for other tenants about what the concept of the MTC is supposed to be.

Ald. Strzelczyk stated that he is more supportive of flexibility on Mequon Rd., due to the proximity of the intersection, and would like to make an exception without changing the entire TC overlay and concept. Cedarburg Rd. is where the city festivals take place and there will be more pedestrian traffic there to feed to that building. He asked how to make a quantifiable decision without changing TC zoning.

Dir. Tollefson stated that waivers are a legal option for the Commission. It is a matter of setting precedent. She asked the Commission to be clear about their reasons while taking that action so that staff has the ability to gauge next time whether it is consistent with this action or not. She encouraged them to be articulate in giving their reasons so that precedent does not get set for every tenant space. The fact that Forward Dental has active operations along the storefront is a valid argument.

Commissioner Mason made a motion that the square footage can be reduced to 700 square feet for tenant spaces per staff recommendations. The window and glass requirements shall remain as written. The Commission is granting the requested waivers for the use of the doors for Forward Dental and Elements Massage because of their specific business operations.

Ald. Strzelczyk made a friendly amendment that due to the heightened concern for privacy and the nature of the massage business to allow for the requested waiver for the window request for Elements Massage.

Commissioner Mason accepted the amendment to the motion.

Commissioner Stoker seconded the motion.

Dir. Tollefson stated that staff fully understands their authority to make major and minor changes and also understands the policy, the credibility and intent to uphold.

Action:

A roll call was taken. Vote passed 8-0

Policy

8. City of Mequon

Briefing:

Amendment to Chapter 58, City of Mequon Zoning Code, related to the size of accessory structures.

Asst. Dir. Zader stated that this request came from Ald. Pukiate regarding accessory structure sizes. The current code allows in addition to one permissible garage an accessory structure not exceeding 1% of the lot area or the property's minimum lot size zoning requirement. This has been a complaint item with a number of residents. There are a number of properties that face a disadvantage by having a zoning district that is more restrictive than their lot size.

Asst. Dir. Zader talked through some examples.

As part of this, the lot coverage requirement will be changed. It is the percentage of the lot that can be covered by buildings or structures. It has been modified to have it progress to get larger as the lots get smaller. Staff does recommend approval of the ordinance according to the report.

Ald. Pukiate completed a registration to speak in support of this change.

Action:

Commission Stoker made a motion to increase to 20% for the R-3 and R-4 lot coverage and to accept the text amendment for the accessory structures.

Mayor Abendroth seconded the motion

A voice vote was called, passed 8-0

9. Announcements

The next meeting is April 13, 2015

10. Adjourn - the meeting concluded at 11:05 pm

Commissioner Jim Schaefer moved to adjourn.

Ald. Strzelczyk seconded the motion.

All voted Aye.