

**CITY OF MEQUON WISCONSIN
PLANNING COMMISSION MINUTES
February 8, 2016**

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

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

Minutes of the meeting held on Monday, January 11, 2016 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 January 11, 2016 Planning Commission meeting minutes.

Action:

Commissioner Mason moved to approve the January 11, 2016 minutes.

Commissioner Fuchs seconded the motion to approve the minutes.

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

Consent

2. WE Energies

Address: 7980 W. Donges Bay Road Tax Key: #14-028-16-005.00 Zoning: R-4 District: #4

Request: 1. Road Reservation Vacation

Briefing: The applicant is seeking a road reservation vacation to remove a 30' road reservation for the property located at 7980 W. Donges Bay Road.

3. Fiddleheads Coffee

Address: 10530 N. Port Washington Road Tax Key: #15-179-0001.000 Zoning: B-4/PUD District: #8

Request: 1. Master Sign Plan Amendment

Briefing: The applicant is seeking master sign plan amendment approval to allow for signage on two awnings, 8 square feet in area, at the property located at the 10530 N. Port Washington Road.

Action:

Commissioner Bessler made a motion to approve the consent items #2, #3

Commissioner Becky Schaefer seconded the motion.

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

Public Hearing

4. P2 Development Company, Bob Bach / Lakeside Development

Addresses: 6809 W. Mequon Rd. Tax Key: #14-027-05-001.00 Zoning: AC/PUD District: #4
6835 W. Mequon Rd. Tax Key: #14-027-02-015.00
6729 W. Mequon Rd. Tax Key: #14-027-02-002.00

- Request:**
1. Conditional Use Grant
 2. Building/Site Plan
 3. Certified Survey Map
 4. Specimen Tree Removal

Briefing: The applicant is seeking conditional use grant, building/site plan, certified survey map and specimen tree removal (2 trees) approval for a three story 88 unit multiple family residential development located at 6729-6835 W. Mequon Road.

Action:

Commissioner Parrish made a motion to go into public hearing.
Commissioner Stoker seconded the motion.

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

Action:

Commissioner Parrish made a motion to go into public hearing.
Commissioner Stoker seconded the motion.

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

Asst. Dir. Zader stated that at the November Planning Commission (PC) meeting, the applicant was approved for concept plan and PUD rezoning which then was also approved by the Common Council (CC). They are now seeking conditional use grant, building/site plan, specimen tree and certified survey map approval. The number of apartment units has been dropped to 81 to better fit along the south property line. The average size of the apartments is 1,232 with a mix of:

- 21 1-bedrooms
- 42 2-bedrooms
- 18 2-bedrooms with den apartment

There are a few waivers as part of the PUD that were granted:

- 20% of the units are allowed to be less than 1,000 sq. ft. with no unit less than 881 sq. ft.
- FAR for the entire project allowed to be at 66%

All the other zoning requirements are met. The site plan has some minor changes that were made based on comments from the CC:

- The building was slightly shifted to the north to add an additional buffer to the apartments to the south. The applicant is planting additional trees on the neighboring property as a buffer.
- The intersection was modified to include an island was moved.

There will be a shared driveway with the RCAC, the Memory Care Facility and future retail development. As part of this approval, it will be required that this section of the road get installed before occupancy of either of these two developments. It will include the island, the street trees, the landscaping and the sidewalk out to Mequon Road.

Regarding the building plan, staff has a few recommendations. One recommendation is to have the southwest corner of the building have similar brick to what is on the northwest corner. The articulation on the building has been slightly changed. The preferred design is that the columns do not extend all the way up to the roof line. Staff is looking for some more trim detail over the windows to provide a more horizontal band across that elevation. Commissioner Jim Schaefer, PC architect, is supportive of these changes and he feels that these changes are much improved since the last meeting.

There are two specimen trees located in the middle of the proposed project and Ken Baker, City Forester, reported that the trees are not in the best condition and he is supportive of the two trees being removed in accordance with the City's Tree Preservation Ordinance.

The building is 2.5 stories in height which by code requires a shadow line study. Staff feels that no matter what gets developed on that property; the narrow property to the west will be in the shadow line. There is very minimal difference between the 2.5 story and 3 story shadow line impact.

Regarding the landscaping plan, there are a number of suggestions made by Terry Higgins, the City's landscape architect consultant. The applicant has already made these changes and they are satisfactory to Staff. The applicant will be planting a number of trees on the neighboring property and staff has asked for some variation in the species.

The lighting plan needs a few small changes. The plan shows the same fixtures as the Memory Care facility for the parking lot. They are using the Town Center fixture for the road. There will be a few other minor tweaks to the dispersion plan that staff will handle as a condition of approval.

The certified survey map will be divided into three separate lots: the RCAC, the apartment building and the future retail

portion which Lakeside will retain ownership.

Staff recommends approval according to the conditions in the report.

The applicant, Bob Bach, stated that the neighbor to the south was a main focus. There are allowing planting on their property to help buffer between the buildings. He feels that the combination of moving the building to the north and adding the buffering helps to alleviate concerns of the residents. They also reduced the number of units from 88 to 81 units.

Commissioner Fuchs asked about the landscaping on Mequon Road to help cut the massing of the building.

Mr. Bach answered that there will be tall street trees planted along the north property line parcel as well as south of the parking lot by the green area.

Ald. Adams stated that she has given much thought to this project and at this point she is not supportive of this large building. She would prefer smaller buildings, maybe connected, with some more finesse. She stated that there will be many more apartments coming in the TC area.

Commissioner Mason asked about the stone sample the applicant had with them.

Mr. Bach stated that there will be Iannon stone around the building. They exceed the required masonry requirements of the city.

In response to Ald. Adams he answered that they have conducted two studies that warrant the need for these apartments. The high-end amenities need to be off-set by a certain number of apartments. He feels that having all the units under one roof helps contribute to a community feel.

Commissioner Stoker asked if the applicant was comfortable with all 22 of staff conditions.

Mr. Bach stated that they are comfortable with all of the staff recommendations. They have spent a lot of time with Km and Jac and Jim Schaefer and they made all the recommended changes.

Commissioner Parrish stated that he appreciates that the applicant responded to the feedback from the PC at the concept plan meeting. He stated that he feels comfortable with the size of the building and that the apartment building will not sit directly at the road. There will be retail in the front of this building along the street. He asked for some explanation about the location of the entranceway due to the pool being located directly at the front of the building. He prefers that the pool be tucked into the building and that there be a more prominent entry area. He also asked about the percentage of amenities of the space.

Asst. Dir. Zader stated that they due to the large amenity of the pool and the underground parking, there are not other options for the location of the pool. It is a tough site to accommodate this amenity. They did make some changes to try to work with this situation: they made the corridors wider; it gives a little more privacy to some of the units; almost like a courtyard feeling.

Mr. Bach answered the amenities are about 12-13%.

Mr. Bach explained that the second floor above the pool is a common area with grills and a fire pit. It is over 4,500 sq. ft. He stated that it is a great gathering space for the residents. There is a community room on the 1st floor next to the pool for the residents to use for parties and large gatherings. The intent is that this is a community and not just an apartment building. Residents can stay on site to work out, use the pool and have friends over. The applicant also wants to establish this as a walking area to nearby TC amenities and services.

Commissioner Becky Schaefer stated that the changes have been well done. She also has concerns about the size of the building. She asked about the projected average rent.

Mr. Bach answered that the rents would start at about \$1,400 to about \$2,300 depending on size of the unit, floor an

location in the building. He stated that this building is set back from the street and there are other buildings close to the street that would be more noticeable than this building.

Commissioner Bessler asked for clarification about the significance of the FAR waiver that was approved.

Asst. Dir. Zader answered that the FAR is the floor area ratio. In the Arrival Corridor (AC) it is 50%. The applicant asked for 66%. The Demond apartments asked for 100% and were granted 116%. Some of the reasons for the FAR increase are due the many large amenities and the indoor pool. It is not isolated to this site it includes the RCAC which has many community areas and cafeterias. It was deemed acceptable and built into the PUD that was approved by CC.

Ald. Adams stated that she is open to apartments and likes the high end amenities. She would like to have smaller buildings and less massing. She would like the trees to enhance the landscaping not to hide a building.

Commissioner Fuchs asked if there is integration between the three buildings considering they offer varying levels of living and care.

Mr. Bach stated that each building is separate but there is a natural progression of utilizing the different buildings and one could stay within the same campus when needing to change their level of care. They are planning to appeal to empty nesters and can offer more than one service. They also own the Memory Care center.

Action:

Commissioner Mason made a motion to approve based on all the staff recommendations.
Commissioner Stoker seconded the motion.

A roll vote was called. Vote passed 7-1 (No: Ald. Adams)

5. Robert Niebauer for Lakeside Development

Addresses: 6809 W. Mequon Rd. Tax Key: #14-027-05-001.00 Zoning: AC/PUD District: #4
6835 W. Mequon Rd. Tax Key: #14-027-02-015.00

Request: 1. Conditional Use Grant
2. Building/Site Plan

Briefing: The applicant is seeking conditional use grant and building/site plan approval for a three story 60-unit assisted living care facility located at 6729-6835W. Mequon Road.

Asst. Dir. Zader stated that this is phase 2 of the approvals for this site. The only change from the last version is that the building has been shifted further from the tree line at the south property line. Staff is asking for the building to be shifted back three feet to allow for a grass terrace area to be added back into the plan. A small storm water pond was added to help with possible capacity issues from the large storm water pond. They are still working on some areas relating to the retail portion of the site but there is ample space to handle all the storm water requirements. This is a RCAC facility with 53 surface parking spaces and 34 underground parking spaces. There is a shared parking agreement among all of the entities at this site.

The new building design is a vast improvement from the concept plan. The colors have been softened to a more earth tone palette that is compatible with the memory care facility. Staff is happy about the changes that have been made. The height of the building exceeds 2.5 stories which requires conditional use grant approval. The shadowing would take place in the interior of the lot and will not have any impact on the surrounding properties. There are some minor landscaping changes on the interior road. The same issues regarding the interior lighting and having the TC lights to extend the length of the road apply here as item #4. There are no specimen trees on this site but tree protection fencing is recommended at the tree line on the south property line to protect the trees during construction. Staff recommends approval.

Action:

Commissioner Stoker made a motion to go into public hearing.
Commissioner Fuchs seconded the motion.

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

Action:

Commissioner Stoker made a motion to go into public hearing.

Commissioner Becky Schaefer seconded the motion.

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

Ald. Adams stated this is a completely different issue than the apartment building because it is a much smaller building and much more similar to other buildings in town. She feels there is a need for this type of service in the community. She likes the new building design.

Commissioner Fuchs asked about the comparison of height compared to the apartment building.

Asst. Dir. Zader answered that the buildings are roughly the same height.

Action:

Commissioner Stoker made a motion to approve with staff recommendations.

Commissioner Bessler seconded the motion.

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

Regular Business

6. Mequon Town Center LLC

Address: 11205 – 11315 N. Cedarburg Road
5900 – 6048 W. Mequon Road

Tax Key: #14-050-02-05-003

Tax Key: #14-050-02-04-001

Zoning: TC

District: #2

Request: 1. Development Agreement Amendment

Briefing: The applicant is seeking development agreement amendment for the property located at the northwest corner of Cedarburg Road and Mequon Road in Town Center to extend the timeline for Phase II project completion: Café Hollander.

Asst. Dir. Zader stated that this is an update for the PC. The current development agreement states that the completion of Phase II of Café Hollander shall be done no later than February 29th. The applicant is now requesting that the completion date of Phase II be June 30, 2016 with total completion and all site amenities completed.

Commissioner Becky Schaefer asked if it is projected to be done prior to that date.

Blair Williams, President of WiRed, answered that it is projected to be done one month prior but the amended development agreement ties the date together.

Commissioner Becky Schaefer stated that she is happy to have Mr. Williams present at the meeting and would like his presence at all PC meetings when issues regarding his property are being discussed.

Commissioner Fuchs asked about the reasons for the delays.

Mr. Williams answered that there are many issues occurring within the Lowlands organization. There were many design changes and they did not have the site far along enough to pour the concrete in the fall.

Commissioner Mason asked what percent of the building is currently complete.

Mr. Williams answered that they are over 50% complete. His commitment as the landlord will be completed this month. His portion is 100% completed except for the final landscape and some final improvements at that site. He says that it is much further along internally than it appears from the exterior. He feels confident about the June 30th day and he is

hopeful they would be able to open sooner.

Commissioner Fuchs asked what exactly is considered complete by staff.

Asst. Dir. Zader answered that all items that went before the PC for approval: landscaping, lighting, site, parking lot, storm water, building elevations; everything must be completed.

Ald. Adams stated that the community is very excited about Café Hollander opening soon. She asked about the outdoor spaced and how it will be shared between Café Hollander and Colectivo..

Mr. Williams answered that there will be two distinct outdoor spaces; each has an area for their customers. He said the area was designed to complement each other and he expects it will be a very active space.

Action:

Commissioner Bessler made a motion to approve the item.

Commissioner Parrish seconded the motion.

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

7. Dan Mikolajczak

Address: 8677 W. Freistadt Road Tax Key: #14-021-06-009.00 Zoning: R-1/OA, C-1/FW District: #3

Request:

1. Remove from Table
2. Minor Request - Accessory Structure + 1,000 sq. ft,

Briefing: The applicant is seeking accessory structure approval for a new storage building at the property located at 8677 Freistadt Road.

Action:

Commissioner Becky Schaefer made a motion to remove from table

Commissioner Stoker seconded the motion.

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

Asst. Dir. Zader stated the use of this building was previously discussed. The applicant was previously approved in November of 2015 to use the structure “primarily” for agricultural purposes. The City Attorney issued an opinion that based on the code; the building had to be used solely for agricultural purposes.

The applicant has now provided a 2 hour rated wall separating the personal portion and the agricultural portion. The personal portion will be 2,268 sq. ft. and the portion used solely for agricultural purposes will be 1,880 sq. ft. The personal portion did go before Architectural Review Board and was approved at their last meeting. The 1,880 sq. ft. portion is before the PC now for approval. This could have been on consent except that it needed to be removed from table. Staff feels satisfied with the outcome of this issue.

Action:

Commissioner Mason made a motion to approve the item per staff recommendations.

Commissioner Fuchs seconded the motion.

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

Commissioner Parrish recused himself from items #8 and #9.

8. Tom Zabjek for Lakeside Development Company /Oriole Lane

Addresses: Land immediately south of 11104 Oriole Lane.

Tax Key: #15-030-02-023.00 #15-030-02-022.00

Zoning: R-3, IPS, PUD, C-2 District: #6

#15-030-02-020.00 #15-030-02-021.00
#15-030-03-024.00

Request: 1. Rezoning Recommendation
 2. Concept Plan

Briefing: The applicant is seeking rezoning recommendation and concept plan approval to allow 9 lots for a single-family residential subdivision on a 10-acre property located immediately south of 11104 Oriole Lane.

Asst. Dir. Zader stated that items #8 and #9 are inter-related. The IPS/PUD that Sarah Chudnow is covered by along Oriole Lane is zoned R-3 residential. There was a land division that created four separate lots along Oriole Lane. The applicant would like to do a PUD on this development. In order to do a PUD, a minimum of 10 acres is required. They are doing a land swap with the JCC so that they are able to apply for the PUD.

The applicant is proposing nine single family condominium units. There are a number of wetlands on the site that allow for very little developable area. In an effort to protect the wetlands and create a plan that would work, the development is located in the center of the site. It keeps the property lines to the south further away from existing residential units.

Staff does not prefer the two units located to the south; which are close to the road. Staff feels that all 9 units could be located off the main road and still meet the 30 ft. spacing requirement. The plan does require a wetland fill. This would be a general permit through the DNR. Staff has been working with the DNR on a number of issues; the wetland fill and the wetland setback deviation and the issues are not yet resolved. Staff is recommending tabling this item until some of these issues can be resolved. Another outstanding issue is the specimen trees. It is not known how many specimen trees would be impacted by this development. The work needs to be done to identify the trees.

Staff recommends tabling the item.

Janet Ehn – 1948 W. Hidden Reserve Court. – Opposed. She is the president of the homeowners association of Hidden Reserve. She has received many concerns about this proposed development. The concern is regarding the wetlands and also all the development that has occurred in this area. The buffer area would be removed and wildlife would be disturbed.

Charles Bomzer – 1963 W. Hidden Reserve Court. He is opposed because of the disruption of the rural character of the area. He has concerns about the infrastructure of Oriole Lane and the additional stresses on infrastructure components.

John Graham – 9627 W. Highland Road. He is in favor of this development. He is not a neighbor but he encourages development like this throughout the city. He says the developer is sensitive to the environment there. He stated that the condominiums would have an association that would be care for the common areas.

Lisa Lamb – 10925 N. Oriole Lane. She is opposed and lives directly across the street from the proposed development. She read a letter she sent to Ald. Hawkins. She stated that there are serious water problems in that area and says that there is constantly standing water. She is concerned about the storm water ponds proposed and worried there will be more flooding. She is concerned about the location of the proposed road and headlights going straight into their home. She is concerned that the sewer system would be comprised with additional use. She is worried about the additional traffic there because there are no sidewalks or lights and many people walk on Oriole Lane.

Al Washko - President of the Winding Hollow association. He is concerned about the drainage and says they will be directly affected. He stated that Winding Hollow will hire engineers if the applicant does not to help evaluate the drainage concerns. He wants to ensure that any plan is well thought out and well executed.

Mr. Tom Zabjak, President of Lakeside Development, and Scott Humber were present. Mr. Zabjak stated that the property is zoned for residential development. They could develop four individual homes on this site which would not require any additional engineering evaluation. He feels that developing four homes there does not add to the neighborhood. He says there is a huge demand for these type of homes and he does not have any concerns about absorption. He stated that have spent about \$40,000 evaluating the site regarding the wetlands. He does not want to move forward and spend more money before getting feedback from PC to be able to move forward.

Mr. Humber added that they have built homes in the Mequon for 40 years. He says they are losing clients because there is

not the type of housing for older residents wanting high end product in a smaller home. This design has less impact than individual homes would have on the area.

Mayor Abendroth stated that he has received feedback from many older residents that do want to sell their larger homes and buy something smaller in Mequon. He feels this type of product and the location is very desirable. He asked Mr. Zader to explain the difference of a conservation subdivision versus individual home builders and the storm water issues.

Asst. Dir. Zader explained that if four individual homeowners are to build on these lots they are not required to provide any storm water maintenance for their individual lots. Through the proposed conservation subdivision the developer is required to provide a full storm water management plan that will need to meet all the requirements.

Mr. James Keegan, Deputy Director of Engineering, stated that the wetlands were delineated by an assured DNR delineator. They were classified as moderately susceptible. The City's code does not set a setback for this classification, so the city defaults to the DNR's standards; which is a 50 foot protective area. There cannot be direct run off from impervious surface from 50 feet. The fill for the wetland is regulated by the DNR. A storm water management plan is required for this site and would be approved by both the City and MMSD. It requires that run off does not increase the current rate at this site. It would be a well vetted site.

Commissioner Fuchs asked how the proposed 9 units compare in square feet to other homes on Oriole Lane. He stated there is a nice mix of homes there. He feels that Hidden Reserve is further away and not directly impacted. He is concerned about the water issues here and suggests that there be a safety factor to ensure there are not added issues. He would like to table this issue until the water issues can be better addressed.

Mr. Zabjak stated the units would be a very upscale (\$200 - \$400/sq. ft.) unit of around 2,400 – 3,000 sq. ft. He feels what is being proposed would be an enhancement to the neighborhood.

Ald. Adams stated that this area has a lot of history. Before she can vote she would like to hear from the neighborhood on Oriole Lane about how they feel, she wants to know the answers regarding the wetlands, the answers to the specimen trees; how many will be affected and is the site buildable. She does not feel that the yield plan is feasible. She feels that lots 7, 8 and 9 do not work well on this site.

Commissioner Stoker stated that he likes the concept of the cohesion and he knows the product and is supportive. He feels that an appeal to this development is that it is a known quantity as opposed to four individual homes that could be very different. He is concerned about the 40 x 60 pad being buildable. He has the confidence that the staff will do the due diligence. The DNR will not allow the project to proceed unless everything is done correctly and examined thoroughly. He supports this proposed development.

Mr. Humber stated that the condos will be cottage style, clustered close together and it is not anything that has been done before in Mequon. It is for residents that want a sense of community that do not want to share a wall. The idea is to cluster and to have as few hard surfaces. Minimize lawns and have more nature close by.

Mayor Abendroth stated that there is support for the concept plan and there needs to be more information regarding the wetlands.

Commissioner Mason stated that he favors the concept plan because he feels it is a better design than 4 individual homes. He does have concerns about the water and drainage and does not want the neighbors to be negatively affected. He asked Mr. Keegan if there are current issues being dealt with in the area now.

Mr. Keegan answered that there were no active drainage complaints at the time of Children's Hospital was being developed. Engineering takes feedback from neighbors when there are concerns when reviewing grading plans and site plans. The reviews will be thorough. This is all the materials that have been presented for this site thus far.

Commissioner Mason asked the applicant if the reason for doing fill is to get the houses high enough to get out of the water and he asked if there will there be basements.

Mr. Zabjak answered that some of the wetlands need to be filled in not to raise the area. He answered that they are

planning to put basements in the condominiums.

Commissioner Becky Schaefer stated that she is not in favor of the development. She does not feel this site is desirable for building because of the reoccurring water issues. She likes the idea but not on this site. She agrees to table the issue.

Mr. Zabjak stated that they will develop on this site regardless of which plan is chosen; either the proposed plan or 4 individual homes.

Commissioner Fuchs stated the he likes this development. He feels that the conservation subdivision is favorable and that it is more attractive than what is currently there. He feels there is a market for this type of homes. He wants to make sure the water and drainage issues are reviewed thoroughly.

Mayor Abendroth stated that the rezoning would be done by the CC.

Action:

Commissioner Becky Schaefer made a motion to table the item per staff recommendations.

Commissioner Fuchs seconded the motion.

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

9. Sarah Chudnow

Addresses: 10995 N. Market Street Tax Key: #15- 030-02-023.00 Zoning: IPS/PUD, R-3 District: #6

Request: 1. Rezoning Recommendation

Briefing: The applicant is seeking a rezoning recommendation approval to reduce the overall land area of the PUD by 2 acres for the property located at 10995 N. Market Street.

Asst. Dir. Zader made a suggestion to table the item based on the action taken on item #8.

Action:

Ald. Adams made a motion to table the item based on the action taken on item #8.

Commissioner Becky Schaefer seconded the motion.

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

10. Kohler Credit Union

Address: 11351 - 11363 N. Port Washington Road Tax Key: #15-019-13-020.00 Zoning: B-3 District: # 5

Request: 1. Rezoning Recommendation
 2. Land Use Plan Amendment

Briefing: The applicant is seeking a rezoning recommendation and land use plan amendment approval change from B-3 (Office) to B-2 (Community Commercial) for the property located at 11351 - 11363 N. Port Washington Road.

Asst. Dir. Zader stated that the Kohler Credit Union is seeking rezoning from B-3 office to B-2 community commercial zoning. The applicant states that they are having difficulty securing tenants that will wait to go through the process to obtain a text amendment or conditional use grant. They are seeking more flexibility in uses for the site. When evaluating rezoning these factors are considered:

- What does the surrounding area look like – the properties to the north, to the south and surrounding this site are all zoned B-3. This was done purposefully when the area was rezoned. The B-3 zoning was used as a buffer between the Port Washington commercial corridor and the residential single family homes to the west. If this property were to be rezoned, staff feels that many other properties in the area would also come forward with rezoning approval requests. This would open the possibility of a fast food restaurant being allowed.

- Are there reasonable uses allowed. It was zoned B-3 when Kohler Credit Union was built on this site and they should have requested the change at that time.

Staff is not supportive of these approval request and feels that this property should remain as a B-3 zoned area as it serves as a buffer. It may be beneficial to change some of the allowed uses in the B-3 zone. Staff can look at these uses to be allowed in the B-3. The LTD Overlay district could also be an option. It allows for more limited retail (Lexington Square) but does not allow the fast food restaurant.

Brian Stark, agent for the Kohler Credit Union, stated they are seeking more flexibility on uses allowed. They are having a difficult time leasing for their two vacant spaces at this property. It is very hard to market for the specific uses allowed. Potential renters have not wanted to wait to go through the approval process.

Ben La Macchia from the La Macchia Group designed and built this building. He stated this is a professional, owner occupied building. They would like a designation retailer in their spaces. They would like the flexibility to work with possible tenants with permitted uses. They want to be able to market this property for personal services (beauty salon, dry cleaner, health, fitness). The approval process is too lengthy.

Asst. Dir. Zader stated that beauty services already are an allowed use in the district.

Mayor Abendroth stated that the LTD Overlay would be a better option for the applicant. He stated if they have suggestions for uses in the B-3 to bring them forward.

Ald. Adams stated the LTD Overlay is too expansive of what could be allowed. She thinks too many others will request this as well. She is more comfortable evaluating a specific use.

Commissioner Fuchs stated he too favors the property remaining a B-3. He stated there is more control and less impact on surrounding parcels. He stated that he has a fundamental problem with developers that build under one zone and then apply to change the rules. He will vote no against the B-2.

Commissioner Bessler stated he feels the same way as Commissioner Fuchs.

Action:

Commissioner Bessler made a motion to deny the request to rezone the property.

Commissioner Fuchs seconded the motion.

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

8. Announcements

Development Inquiry

Commissioner Fuchs asked Ms. Tollefson about the Ruby Tap Loan Program listed on the Development Inquiry.

Ms. Tollefson answered that in 2013 staff along with First Financial Bank Center, have established a business loan and expansion loan program. They typically invest in downtown areas. The program was developed to target Town Center. Town Center (TC) businesses are eligible for it and it is a nice economic development tool. TC is part of a TIF district which helps provide public improvements as well as provides incentives to the developer for redevelopment. This helps businesses build out their tenant space, enhance their current space by allowing for capital investment and equipment investment. This specific case is helping with the completion of their outdoor dining space. All of the underwriting and all of the financial commitment comes from First Financial, there is no money given from the City. When this program was approved by the CC, some criteria were established: for what type of business the City would like the dollars to go towards:

- Business Expansion
- Startup businesses
- Uses that will create a larger user base and employees
- A business that provides attraction people gathering and creating vitality

Ms. Tollefson also explained the Revolving Fund Loan (RFL) is from Community Block Fund Dollars provided through HUD; a federal government program that was approved about 6-7 years ago for \$650,000. It is completely based on job creation. Eligible for up to \$20,000 for every full time job created and it is available city-wide. The Ozaukee County Economic Development Corporation helps the City of Mequon administer the program as they are more familiar with state and city criteria.

This specific case is Nichol Park recreation facility has a new potential user. Their business plan includes year-round activity, lessons and a contract with First Tee (the PGA youth program). They are looking for a loan to help with job creation at that site and it will help with land acquisition as well as capital investment. The Ozaukee Economic Development Board along with resources in the private lending businesses doing all the underwriting and vetting for the City. There are specific loan terms and collateral associated which is managed by the finance department.

Next Meeting is Monday, March 7, 2016

10. Adjourn

The meeting adjourned at 9:25 pm

Commissioner Stoker moved to adjourn.

Commissioner Fuchs seconded the motion.

All voted aye. Vote passed 8-0