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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, February 12, 2018
7:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chairman Dan Abendroth
Commissioner John Mason
Commissioner Brian Parrish
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Alderman John Wirth
Commissioner Rick Lemke
Alternate Stephanie Hawley

a) Approval of Minutes from January 15, 2018

Action

Commissioner Mason made a motion to approve the minutes as written.
Ald. Wirth seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED [8-0]
MOVER:	John Mason, Commissioner
SECONDER:	John Wirth, Alderman
AYES:	Abendroth, Mason, Parrish, J. Schaefer, R. Schaefer, Wirth, Lemke, Hawley
ABSENT:	Choren
EXCUSED:	Strzelczyk, Stoker

2) Regular Business

- a) Dennis Stern. The applicant is seeking minor request approval to allow for an agricultural accessory structure greater than 1,000 s.q. ft. for machinery storage for equipment used on agricultural land for the property located at 11947 W. Highland Ave.

Action

Ald. Wirth made a motion to approve the item.

Commissioner Lemke seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	John Wirth, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Abendroth, Mason, Parrish, J. Schaefer, R. Schaefer, Wirth, Lemke, Hawley
ABSENT:	Choren
EXCUSED:	Strzelczyk, Stoker

- b) Colliers International for West Bay Commerce, LLC. The applicant is seeking Master Sign Plan approval for the existing multi-tenant building located at 7100-7190 W. Donges Bay Road.

Action

Ald. Wirth made a motion to approve the item.

Commissioner Parrish seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Wirth, Alderman
SECONDER:	Brian Parrish, Commissioner
AYES:	Abendroth, Mason, Parrish, J. Schaefer, R. Schaefer, Wirth, Lemke, Hawley
ABSENT:	Choren
EXCUSED:	Strzelczyk, Stoker

- c) WS Design for A&V Waterjet. The applicant is seeking removal from table and landscape plan approval for revised plans incorporating conifer trees along the west property line for a new building located at 10601 N. Commerce Street (Mequon Business Park).

Action

Ald. Wirth made a motion to remove the item from table.

Commissioner R. Schaefer seconded the motion.

A voice vote was taken; vote passed (8-0)

Action

Ald. Wirth made a motion to approve the item.

Commissioner Parrish seconded the motion.

A voice vote was taken; vote passed (8-0)

The agent for the applicant, Kevin Wahlgren, stated that his client was disappointed in the process as they were not aware of the deficiency in the landscaping; specifically along the

west property line, when they purchased the parcel. He stated that at the August 2017 Planning Commission meeting the neighbors in the abutting condos voiced concerns. They have worked with the condo association and added 20 additional conifer trees along the west property line at a cost in excess of \$10,000. Additional trees are asked for in the staff report. The applicant does not feel that it is his responsibility to fix a screening problem between the condo association and their business.

Mayor Abendroth stated that the land is not owned by the city.

Asst. Dir. Zader stated that there was not anything required from this property that is above and beyond any other property in the city. He feels that the cost of the landscaping is in line with other commercial or industrial developments approved over the past several years.

Ald. Wirth stated that landscaping for vacant land is different than landscaping for developed land. He stated that he received positive feedback from the condo association and they are thankful for the efforts made.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Wirth, Alderman
SECONDER:	John Mason, Commissioner
AYES:	Abendroth, Mason, Parrish, J. Schaefer, R. Schaefer, Wirth, Lemke, Hawley
ABSENT:	Choren
EXCUSED:	Strzelczyk, Stoker

- d) Homes by Chapel Hill, LLC for Adams. The applicant is seeking reconsideration of a previous approval by Planning Commission in which a reduced wetland setback was authorized in order to avoid removal of a specimen tree for the property located at 13448 N. Northwood Road.

Action

Ald. Wirth made a motion to approve the waiver for the 30 ft. setback.
Commissioner Mason seconded the motion.

The agent for the applicant stated that in November they submitted an application and asked for the 50 ft. wetland setback to be changed to a 30 ft. wetland buffer setback. There were two justifications for this request. The letter from Alice Thompson stated that the 30 ft. buffer was appropriate and by moving the house, they would be able to save a specimen tree. Unfortunately, the contractor inadvertently cut down the specimen tree. Due to the tree being cut down, and the specimen tree as one of the reasons the waiver was previously granted, staff advised the applicant to come back in front of the Commission.

Asst. Dir. Zader stated that the applicant needs to comply with the tree preservation ordinance standards. They will need to provide compensation to the Mequon Tree Fund for 100% value of that tree plus a citation is typically issued in these situations. This is happening regardless of the decision about the setback by the Commission.

He stated that staff denied the request for the waiver because the justification of the tree is no longer valid. He stated that the neighbor directly to the east also had the same request for a 30 ft. wetland setback and was advised that an amendment to the CSM should be done.

There was discussion regarding procedure and what the appropriate process is for requesting a waiver for wetland setback; specifically if there is not a specimen tree involved.

Ald. Wirth stated that at the previous meeting there was much discussion regarding the fact that the house was in a much better place with the 30 ft. setback. He feels comfortable allowing the applicant to build the house where they think it should be built, but he wants to ensure the proper process is being followed for these requests going forward. He stated that due to the fact that there are only two properties on one CSM, the CSM should be amended and properly fixed.

The applicant stated that they are eager to move forward on this project and they would prefer an affidavit of correction be done by the surveyor on the CSM and be issued as opposed to a new CSM needing to be done and approved.

Asst. Dir. Zader stated that an affidavit of correction could be done but he believes that the Planning Commission would need to approve the corrective instrument of the CSM because the original CSM was approved by the Commission with the original setback.

Ald. Wirth asked if the Commission could approve the change in setback and the applicant would not need to ask for a waiver. He feels this may be a more logical path than approving a waiver.

Asst. Dir. Zader stated that a formal application requesting the wetland setback amendment to the CSM would need to be made.

Commissioner Jim Schaefer stated that he lives in the neighborhood and he agrees with the 30 ft. setback as it gives the applicant more of a backyard and more separation from the neighbor.

Ald. Wirth amended his motion to state that if a new CSM is created for the development that the applicant share in the cost of the CSM to correct the setback for the development.

The agent for the applicant stated that the applicant will pay for the affidavit of correction to the CSM but he asked for confirmation that the wetland setback is officially approved to change from 50 ft. to 30 ft. and stated that they are ready for their building permit to be issued.

A voice vote was taken; vote passed (8-0).

RESULT:	APPROVED [8-0]
MOVER:	John Wirth, Alderman
SECONDER:	John Mason, Commissioner
AYES:	Abendroth, Mason, Parrish, J. Schaefer, R. Schaefer, Wirth, Lemke, Hawley
ABSENT:	Choren
EXCUSED:	Strzelczyk, Stoker

- e) Fox Tale Brewing Co., Inc. The applicant is seeking building and site plan amendment approval for a proposed renovation to the existing building located at 6411 W. Mequon Road. CANCELLED

3) Announcements

The March 12, 2018 meeting will be at 4:30 pm.

4) Adjourn

Action

Ald. Wirth made a motion to adjourn the meeting.
Commissioner Jim Schaefer seconded the motion.
Voice vote was taken; vote passed (8-0)

Respectfully Submitted,

Jac Zader