City of Mequon

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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, February 10, 2020
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Mayor Wirth called the meeting to order at 6:00 p.m.

Present:
Chair John Wirth
Alderman/Vice Chair Robert Strzelczyk
Commissioner Martin Choren
Commissioner Stephanie Hawley
Commissioner Rick Lemke
Commissioner Rebecca Schaefer
Commissioner John Stoker
Alternate Dan Gentges
Alternate Greg Bach
Alternate James Baka
Commissioner James Schaefer - **Absent**

a) Approval of Minutes from January 13, 2020

Action
Ald. Strzelczky made a motion to approve the minutes from January 13, 2020.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Strzelczyk, Bach, Baka, Choren, Hawley, Lemke, Stoker
ABSENT:	J. Schaefer

2) Public Hearing

a) E-Collectique, LLC. The applicant is seeking conditional use grant approval to allow for a resale clothing and clothing accessories consignment store for the property located at 1550-1556 W. Mequon Road.

Action
Commissioner Stoker made a motion to go into public hearing.
Ald. Strzelczky seconded the motion.
A voice vote was taken; vote passed (8-0)

Action
Commissioner Stoker made a motion to close the public hearing.
Ald. Strzelczky seconded the motion.
A voice vote was taken; vote passed (8-0)

Planner Vang stated that on January 14, 2020 the Common Council approved a text amendment to allow for resale clothing and clothing accessory stores as a conditional use in the B-2 zoning district. E-Collectique has an existing location in Thiensville which will remain open and the Mequon location will be their second store. Ms. Vang stated that the applicant has submitted window display renderings as PC approval is a requirement of the conditional use grant (CUG). Staff does support the aesthetics of the window displays as they are minimal, and the applicant has indicated that the garments placed on the mannequins will be planned cohesive pieces.

The proposed hours of operation are 10:00 a.m. – 6:00 p.m. with a maximum of 11 staff at any given time. Based on the type of use and floor plan space, a total of 18 parking spaces are required. There are two other tenants in the building; a plastic surgeon and a restaurant, and per the code a total of 29 stalls are required for these two tenants. The total parking requirement is 52 stalls and the site has a total of 53 stalls. The applicant has indicated that the surgeon is only in the office 16 hours a week with a total of two employees while the restaurant has hours of operation until 2:00 pm daily. The site has insufficient parking per the code but considering the limited hours of operation of the other tenants, staff believes that the available parking is sufficient for the three tenants. Staff supports this CUG request based on the conditions in the staff report.as the type of use is harmonious with the surrounding area and other uses in the zoning district.

There was a suggestion from the Commission that the hours of operation be extended to give the applicant flexibility in operating their business. It was discussion that when applicable, it is good practice to allow as much flexibility as possible.

Action
Commissioner Stoker made a motion to approve the conditional use grant with amended hours of operation of 8:00 a.m. – 9:00 p.m.
Ald. Strzelczky seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [9 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Bach, Baka, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT:	J. Schaefer

b) Nearly New Consignment Shop. The applicant is seeking conditional use grant approval to allow for a resale clothing and clothing accessories consignment store for the property located 10042 N. Port Washington Road.

Action
Commissioner Stoker made a motion to open a public hearing.
Commissioner Becky Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

Action
Commissioner Stoker made a motion to close the public hearing.
Commissioner Becky Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

Planner Vang stated the request is for a clothing and accessory clothing retail store located in the B-2 zoning district. The floor plan shows 1,450 sq. ft. which meets the 1,500 sq. ft. requirement. The land use is designated Community Commercial, and the surrounding properties are B-2 and B-3. This type of use is considered compatible with the land use and zoning in the area. The applicant is not proposing any window displays at this time, but if they choose to do so in the future, it will require Planning Commission approval per the CUG requirement. The applicant has indicated there will be a total of 3 employees on site during the hours of operation which requires 10 parking stalls. There are three other tenants in the building; Hong Anh restaurant, Well Body and Hair by Renee, requiring a site total of 45 parking stalls. By code, the site will be 22 parking stalls deficient. She explained that at the time of the Hong Anh CUG, the Commission approved a reduced number of required stalls for the restaurant and Well Body. Based on the conditions of that CUG approval, the site is only deficient by 2 stalls. At the time of approval of the restaurant, the Commission did consider requiring the parking lot be expanded but the CUG was approved with the recommendation that parking would need to be considered for additional tenants in the future, so no changes were made to the parking lot at that time. Approval was based on tenant parking demand submitted at that time. During a recent weekday site visit, staff did note that the parking was at 80%-90% capacity. Due to the number of existing tenants and the vacant tenant space square footage, any tenant that occupies that space will likely cause the parking to be considered deficient per the code.

Planner Vang explained that the Commission may approve the CUG based on the 2-stall deficiency due to the reduced number of required stalls approved in the past; or the Commission may consider adding a requirement that the parking lot be expanded to provide additional parking for the site. Other than the parking issue, based on the conditions in the report, staff supports the approval of the CUG.

The applicant, Peggi Hoerter, stated that the property manager is considering relining the parking lot to create more stalls.

The Commission provided feedback that the operations of business need to be restricted to 5:00 p.m. as it is a very busy parking lot for the restaurant in the evenings and some Commissioners feel that it is already under-parked. There was discussion about the parking lot and what improvements could be made.

Asst. Dir. Zader suggested that this issue could be reviewed again in 6 months and there can be a requirement for improvements to be made. He explained that at the time of the Hong Anh approval the rest of the building was vacant and under-utilized. He stated that the applicant suggested that possibly 14 stalls could be added but Asst. Dir. Zader stated that will be difficult to achieve at the site without a waiver for setbacks or greenspace. By revisiting the issue in 6 months, waivers could be granted at that time if necessary. He stated that staff can work with the property owners to reconfigure the parking lot to maximize the number of stalls. He stated that some stalls can be added; possibly 5-10, but that site will not ever be code complaint.

The Commission made it clear to the applicant to be aware that she is entering this tenant space well informed that there is deficient parking at the site.

Action
Commissioner Stoker made a motion to approve the CUG with the deletion of condition #2. Commissioner Lemke seconded the motion.
A roll call vote was taken; vote passed (6-2){No votes: Ald. Strzelczyk, Choren)

RESULT:	**APPROVED WITH CONDITIONS [6 TO 2]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Baka, Hawley, Lemke, R. Schaefer, Stoker
NAYS:	Strzelczyk, Choren
ABSENT:	J. Schaefer

3) Consent

a) Andrew Novak. The applicant is seeking approval for an accessory structure greater than 1,000 sq. ft. to allow for a 5,760 sq. ft. agricultural storage building for the property located at 10800 W. Mequon Road.

Action
Ald. Strzelczyk made a motion to approve per the 3 consent agenda items.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	Martin Choren, Commissioner
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT:	J. Schaefer

b) MLG Capitol. The applicant is seeking certified survey map approval for a 3-lot land division for the property located north of Executive Drive, between Essex Place and Executive Court.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	Martin Choren, Commissioner
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT:	J. Schaefer

c) Bonnilake Real Estate, LLC. The applicant is seeking certified survey map approval for a 4-lot land division for the property located at the southwest corner of N. Birchwood Lane and W. Hemlock Lane.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	Martin Choren, Commissioner
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT:	J. Schaefer

4) Regular Business

a) Design to Construct for Athlete Performance. The applicant is seeking a consultation for a new 33,390 sq. ft. athletic facility for the property located northwest of Executive Court (Currently Lot 1 of Mequon II Business Park).

The applicant was represented by Mark Hertzfeldt from Design 2 Construct and Steve Becker; owner of Athlete Performance (AP).

Planner Vang stated that this item is related to the certified survey map (CSM) on the consent agenda. This proposal will be located on the 4.05-acre lot; northwest of Executive Court. The applicant will need conditional use grant (CUG) approval as it is required for a fitness facility in the B-5 zoning district. The floorplan is provided in the packet and includes 3 basketball courts, a baseball area, AP training facility and space for 3 other tenants. The proposal does meet the district requirements for the B-5 zoning district. The site plan shows future additions which will cause the site to be non-conforming to the open space requirement. The applicant indicated they

plan to utilize open space borrowing from the Outlot 1 (shown on the CSM). Outlot 1 is not developable per the Development Agreement. In order to accommodate the additions, this site will need to borrow 11,000 sq. ft. from the Outlot. The future addition(s) will require an amendment to the CUG.

Planner Vang explained the total number of parking stalls proposed is 152. The three basketball courts will generate the greatest number of users; the applicant indicates that will be about 120 users during daytime peak hours of 8:00 a.m. - 5:00 p.m. The applicant indicated that there will be tournaments hosted on the weekends in which they plan to shuttle users in from Brown Deer and Homestead High School. This can be added as a condition of the CUG. The applicant did provide approximately 25% more parking than required by code to accommodate future parking needs.

Planner Vang talked about the proposed building design and the lighting and landscape plans which will be reviewed at time of Building and Site Plan and Conditional Use Grant approvals.

The applicant stated they are interested in feedback from the Commission and that they are also going through a value engineering process. They are making some minor modifications to the site plan and floor plan. They will be back in front of the Commission with final plans and request for Building and Site Plan and CUG approval.

The Commission provided supportive feedback and the sentiment is that this type of use is needed in the community and they feel this is an ideal space for this facility.

b) Mequon Medical, LLC & Project 4 Services. The applicant is seeking rezoning recommendation from R-2B to B-2 with PUD and certified survey map approval for a 2-lot land division to allow for a medical office clinic for the property located at 1310 W. Highland Road.

Dir. Tollefson stated that she and Asst. Dir. Zader worked together on the analysis and recommendation of this item. They have been meeting frequently with the applicant and their development team to gain a better understanding of their development interest; specifically, their desired uses. She explained that this request is unique in that the Policy Subcommittee is in the midst of evaluating the zoning of this area; and there is a focus on that intersection at Port Washington and Highland Roads.

The request is for a 3.4-acre rezoning recommendation of a 40-acre parcel which also requires a land use plan amendment and a certified survey map (CSM). The portion requested for rezoning is right at the intersection of Port Washington Road and Highland Road and the intent is to rezone it for a medical office (approx. 33,000 sq. ft.). Staff recommended that the applicant also request approval for a Planned Unit Development (PUD) along with the commercial use request. The reason for this is to ensure that an office would be the only use allowed on that parcel under the B-2 zoning which otherwise allows for gas stations or fast food with a drive-thru.

Dir. Tollefson explained that the property is currently zoned R-2B (Single Family Residential 1.5 Acre) and the land use plan matches that zoning as well. The staff report includes an outline of the partners involved, as well as a briefing of the overall project. She stated that the project, as an

entirety, includes a number of other uses than just the medical office: senior housing, assisted living memory care facility, a daycare facility, a potential institutional use and a hotel.

Due to the policy analysis going on, staff did recommend the development team present their proposed project to the Common Council as an opportunity to receive feedback and insight from the ultimate decision makers. The presentation to the Council took place in November and there were a variety of reactions provided by the Council. After accessing the Council's feedback, the applicant reached out to staff and indicated their plan to postpone a request for rezoning for the remaining portion of the 40-acre site; but due to timing and their need for new and additional square footage for the medical office, they are now before the Commission with this narrowed rezoning request.

Dir. Tollefson provided some context of the site and its surrounding uses. She also discussed some of the public indicators of the area and public feedback from two recent community surveys which were focused on development and zoning in the East Growth area.

Staff believes that the rezoning of this portion for office to B-2 zoning does not necessarily set the tone for the rest of the corridor nor set an obligation for continuing zoning for commercial uses north of Highland Road. But, by placing a medical office here without a better understanding of the type of uses on the remaining 40-acres, there could be an impact on the decisions for the remaining 40-acres. It also raises a question as to how viable other desired land uses may be at this location. It is difficult for staff to recommend approval with confidence that the proposed zoning and use would be the best fit at this location. Additionally, in the midst of the broader policy debate that is on-going, it would be a disservice at this time and creates a high risk of error on the City's part. The past 10-12 years have shown that when the City is proactive in our policy analysis and work methodically through the process, success is achieved. Town Center and Central Growth are examples of such. In summary, staff recommends denial at this point. She added that at a minimum staff recommends tabling the item to provide an opportunity to work through the policy decisions sooner rather than later to allow the applicant to continue to consider this site for their proposed use.

She added that in regard to the proposed site plan and concept plan, staff does have some strong recommendations regarding modifications to the architecture.

Mary Macharne – 12727 N. Forest Court – she is opposed to the proposal as she feels that the neighborhood feedback was not considered. She is concerned about the impact on the traffic and the number of people in the area that this use would bring.

Dan Abendroth – 12960 NW. Shoreland – he is opposed as he feels that residential neighborhoods are the strength of the community. He feels that the land use plan should be followed and that this site is surrounded by residential properties and should remain zoned as residential.

The applicant was represented by Paul Weaver from Highland Investments LLC, John Ford from Mequon Medical and Blake Estes, Vice-President for Ascension Ambulatory. Mr. Weaver stated that they have spent a considerable amount of time developing a thoughtful plan for this site. He

said that they have taken the feedback and advice from staff and they are only requesting approval for this medical office at this time and have tabled the opportunity of uses for the remaining 36 acres.

Mr. Ford stated that they have spent the past 2 years meeting with staff, local officials and the public. He explained that they have 4 commitments from potential users that bring significant benefits to the community (taxes, city and school revenue benefits and over 100 jobs). Based on feedback received, they have eliminated select uses and drastically reduced the overall density. They have tabled all their other potential users until the City completes their analysis study this summer, with the exception of the medical office.

He stated that Ascension is looking for a greater commitment to the City, the greater good of the residents and the medical community. There is a need for their doctors to have close proximity to the hospital. They also have a relationship with Concordia University that will allow their students hands-on instruction.

He listed the project highlights:

- Proximity to the hospital and Concordia
- $15M of total development cost
- Long term commitment to the City
- 30,000 sq. ft. for 3 users: Ascension, Madison Medical & Premier Radiology
- 70 good-paying jobs
- Improved technology and healthcare for the community

Mr. Estes stated that this is a very exciting and important project. He stated that they currently care for approximately 80,000 patients annually and employ approximately 700 people at Ozaukee St. Mary's Hospital and the primary-care facility across the street. There are currently 3 primary-care providers across the street, and they are looking to expand to 8 primary-care providers including specialty care. The project will include an outpatient imaging center that will not be associated with the hospital but will add affordable and convenient imaging services.

The Commission gave feedback that Ascension is a great neighbor and a respected business in the community. There were several comments regarding the importance of that corner and the reluctance to decide the zoning before the on-going analysis has been concluded. It was stated that this is a process that takes time to be done correctly. It would not be good policy to decide about one parcel before the zoning of the entire area is decided. There was mention of the interchange going in and the unknown implications.

A few Commissioners do support this proposal as there are commercial uses on the other 3 corners of that intersection and it is not perceived that residential use will not be desired on that immediate corner. It was suggested that residential properties could go behind this project on the remainder of the parcel.

Action
Commissioner Choren made a motion to table the item.
Ald. Strzelczky seconded the motion.

A voice vote was taken; vote passed (6-2) {No votes: Becky Schaefer, Lemke)

RESULT:	**TABLED [6 TO 2]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, Stoker
NAYS:	Lemke, R. Schaefer
ABSENT:	J. Schaefer

c) Concord Development. The applicant is seeking a text amendment to Chapter 62, Sign Code, related to I-43 freestanding signs.

Asst. Dir. Zader stated that a request was made from Christ Church to modify the city sign code to allow religious institutions a freestanding sign along I-43. He explained that the City adopted Ordinance 2011-1363 which permitted I-43 freestanding signage in certain circumstances. The code section allows signs for identification of a business park, retail center or educational facility that contains 4-acres and 400 feet of direct frontage on I-43. He further explained that prior to 2011 signs along I-43 were prohibited. After discussion the Planning Commission recommended to the Common Council that the number of signs would be limited along I-43, specifically freestanding signs, to areas that have a greater regional draw and a branding name for the site. It was contemplated at the time that The Pavilions, Concordia University and the Mequon Corporate Park would benefit from this type of signage. The approach also limited the number of development signs that would be permitted to prevent visual sign clutter.

In this case, staff feels that the religious institution is similar to any other single use or multi-use tenant along I-43 and is somewhat contradictory to the policy established in 2011. Unless there is a broader policy discussion among the Commission to open it up to other uses, staff does not support the amendment to allow I-43 sign specifically for a religious institution and recommends denial of the request.

The applicant was represented by Andrew Petzold of Concord Development Company. He stated they are requesting a freestanding sign along I-43 which is permitted in the City if 7 conditions are met. Christ Church does meet all but 1 of the conditions. They do not meet condition #3 which states; "*One freestanding sign shall be permitted for identification of a business park, retail center or education facility that contains a minimum of four acres and 400 feet of direct frontage on I-43 right-of-way*". He explained that they have 26 acres and more than the required 400 feet of frontage but they are not defined as one of the types of businesses listed. Although they do have an educational component they are not defined as an educational facility.

Mr. Petzold commented that neither "educational facility" or "business park" are defined terms in the Ordinance. The business park definition does include and allow for quasi-public uses. The quasi-public municipal city ordinance definition specifically allows for religious uses. Based on this, they do not feel that this is a stretch and that the church shall be an approved user and allowed to have the freestanding sign along I-43. Mr. Petzold suggested that the text amendment modification could include language referring to "quasi-public" use instead of religious

institution. He stated that this is very important to the Church as they have invested in the community over many decades and their facility has been used for many different public uses over the years. They do not feel that this allowance would cause a proliferation of signs along I-43 and they ask that the Commission approve this request.

There was discussion about the history of the approvals and the intention of signs allowed along I-43. Some Commissioners feel that the use of "quasi-public" is more appropriate language to use and they are supportive of this I-43 sign request.

Action
Commissioner Lemke made a motion to approve a text amendment modification to include "quasi-public" use in the language.
Mayor Wirth seconded the motion.
A voice vote was taken; vote passed (7-1){No vote: Becky Schaefer}

The text amendment recommendation will be made to the Common Council.

RESULT:	**APPROVED AS AMENDED [7 TO 1]**
MOVER:	Rick Lemke, Commissioner
SECONDER:	John Wirth, Chair
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, Lemke, Stoker
NAYS:	R. Schaefer
ABSENT:	J. Schaefer

5) Policy

1) An Ordinance Amending Chapter 62 of the Mequon Municipal Code, Related to the Allowance of Auxiliary and Banner Signs in the B-2 (Community Commercial), B-4 (Business Park) and B-5 (Light Industrial) Commercial Zoning Districts.

Dir. Tollefson stated that this initiated from a request by the Public Welfare Committee (PWC) based on a specific business interest but is addressed as a city policy issue. The PWC did a survey of the Chamber of Commerce business members regarding signage to ascertain their interest and feedback. Although there was a low response rate, the feedback provided included two changes:

1. Auxiliary Signs- which are already allowed and defined in the sign code.
2. Special Event Signs

The PWC recommended approval of the text amendment by a vote of 2-0 at their January meeting; which allows for a secondary auxiliary sign that is much smaller in scale for certain properties that have the following conditions:

- More than one business tenant

- 400 feet of street frontage

The intent is to narrow this down to larger sites that have a great deal of street frontage so that they are afforded their monument sign along the street and a smaller secondary sign at another site along the street. It is limited to 16 square feet and a maximum of four feet in height. There are several design standards that have been recommended by the Planning staff to be included as conditions of approval.

The second change regarding the temporary special event signs was initiated by staff as there have been more feather flags in use. Staff has recommended the modification of the language of the sign code for special event banner signs to also include feather flag style signs. Due to the fabric used on the feather flags they seem to hold up better in weather conditions and hold their color better.

The Commission asked about the height restriction for feather flags. It was recommended that it should not exceed 14 feet. There was discussion about properties that have a master sign plan and that those properties would be evaluated on an individual basis if they request additional secondary signage.

Action
Ald. Strzelczyk made a motion to recommend this text amendment to the Council for approval with the conditions of feather flags no larger than 30 sq. ft with a height restriction of 14 feet, change the language to read B-4 or B-5 and ~~striking out B-2~~ for the auxiliary monument signs.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

Action
Mayor Wirth made an amendment to the motion to add B-2 back into the language of the text amendment.
Commissioner Baka seconded the motion.
A roll call vote was taken; vote passed (6-2){No votes: Ald. Strzelczyk, Becky Schaefer}

RESULT:	**APPROVED AS AMENDED [8 TO 0]**
MOVER:	Robert Strzelczyk, John Stoker
AYES:	Wirth, Strzelczyk, Baka, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT:	J.Schaefer

6) Announcements

The next meeting is March 9, 2020 at 6:00 p.m.

7) Adjourn

Action
Commissioner Choren made a motion to adjourn.

Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)

The meeting concluded at 8:00 p.m.

Respectfully Submitted,

Jac Zader