City of Mequon

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2904
Fax: 262-242-9655

www.ci.mequon.wi.us
Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, March 11, 2019
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chairman Dan Abendroth
Commissioner Martin Choren
Commissioner Rick Lemke
Commissioner Brian Parrish
Commissioner Rebecca Schaefer
Commissioner John Stoker
Alderman Robert Strzelczyk
Commissioner James Schaefer - **Absent**
Alternate Stephanie Hawley
Alternate James Baka

a) Approval of Minutes

Action
Ald. Strzelczyk made a motion to approve the February 11, 2019 minutes.
Commissioner Parrish seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED BY ROLL CALL VOTE [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Brian Parrish, Commissioner
AYES:	Abendroth, Choren, Hawley, Lemke, Parrish, R. Schaefer, Stoker, Strzelczyk
ABSENT:	J. Schaefer

2) Public Hearing/Regular Business

a) Legacy Pools & Hottubs, LLC. The applicant is seeking conditional use grant approval for a hardware store to allow the retail sale of hot tubs, saunas and pool/spa supplies for the property located at 6619 W. Mequon Road, Unit D.

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

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

Planner Vang stated that at the previous meeting the Commission determined that the retail sales of hot tubs, pools and saunas should be allowed as hardware store use; which is a conditional use in the Arrival Corridor (AC) district. All retail sales will occur inside the store between 10:00 a.m.- 7:00 p.m. The floorplan includes a 1,700 sq. ft. showroom, 200 sq. ft. office and 10 sq. ft. enclosed area and breakroom. There is 16 sq. ft. on the outside space on the sidewalk to be dedicated to commodity materials such as salt/sanitizers for easy access for customers. Based on feedback from the Commission at last month’s meeting, staff has added a condition that no outdoor storage or display is allowed. A revised floorplan showing no outdoor storage is required to be submitted to staff. There is also a condition that the use must comply with all the requirements of the AC district which includes window area requirements. According to the zoning code, 8 parking spaces are required for the use. The site has a total of 44 parking stalls which staff believes is adequate. The applicant indicated that there will not be overnight storage of vehicles associated with the business. All deliveries will occur during business hours. Staff does recommend the approval of the conditional use grant.

The applicant provided staff with the updated required floorplan.

Action
Ald. Strzelczyk made a motion to approve the conditional use grant subject to the conditions in the staff report. He made a consideration to change the operation hours to begin at 9:00 am to accommodate potential deliveries.
Commissioner Lemke seconded the motion and accepted the consideration.
A voice vote was taken, vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Abendroth, Choren, Hawley, Lemke, Parrish, R. Schaefer, Stoker, Strzelczyk
ABSENT:	J. chaefer

3) Regular Business

a) Boulder Venture for Associated Bank. The applicant is seeking sign waiver approval for a second wall sign, sign waiver approval for a wall sign that exceeds the height requirement, and building and site plan amendment approval to amend a condition of approval that prohibited signage in the glass tower for a proposed two-story, 7,600 sq. ft. financial institution building located at 11223 N Port Washington Road.

Planner Vang stated that on January 14, 2019 the Commission approved the building and site plan and added a condition that signage not to be allowed in the glass tower as well as no storage of any equipment be allowed in the tower vestibule. The applicant is requesting building and site plan amendment approval to revisit the tower sign approval. In addition, they are requesting a sign waiver to allow a second wall sign on the north façade as well as a sign waiver to allow the east elevation wall sign to exceed the 20 foot height code requirement. Although the applicant has requested two sign waivers, they are seeking approval for only one of these waivers to be approved.

Two options for the tower sign were submitted. The green banding that was previously approved is now requested to be approved to be illuminated.

The zoning code allows for one wall sign and the applicant is requesting a second wall sign on the north elevation that meets the size requirement but exceeds the height requirement of 20 feet (proposed sign is 30 feet in height). The applicant indicated this sign is needed for the visibility of southbound traffic due to changes made to the building. Staff believes the visibility issue can be addressed by a free standing monumnet sign which is allowed per the sign code. Staff does not recommend approval of this sign waiver request as there are no site specific hardships to support the waiver.

The east elevation sign waiver is due to the height requirement. Staff has offered suggestions on ways to meet the height requirement and the applicant has indicated that they will lower the sign to meet the 20 foot height requirement. Staff is recommending denial of this sign waiver due to lack of site specific hardship but the height issue is being resolved.

Staff recommends denial of the building and site plan amendment to allow for signage in the tower element

The applicant was represented by Robert Schmidt and Curt Smith from Boulder Venture as well as David Knight from Associated Bank. Mr. Schmidt stated that at the February Planning

Commission meeting they were surprised to have the tower sign eliminated. They are focused on the corporate branding for Associated Bank. They feel that there needs to be visible signage on the building for southbound traffic. He explained the proposed sign cube in the tower has a somewhat semi translucent and the light in the tower provides light but the cube is not internally illuminated.

When asked whether the applicant is interested in a free standing sign as that is permitted in the sign code, the applicant answered that signage on the building is desirable in regards to both branding and visibility versus a freestanding sign.

There was feedback from the Commission that signage in the tower is not desired. There was agreement that something is needed in the tower as it feels too empty, a suggestion was made for something artistic in that space, but not signage or branding to be allowed. It was also discussed that the tower would be more attractive if it is lowered because it looks too big and empty without something in that glass tower. Some of the Commissioners commented that they are reluctant to set a precedent by allowing there to be signage in the glass tower.

Ald. Strzelczyk made the following suggestions:

- Reduce the north elevation sign to match the 28 sq. ft. size of the east wall sign.
- Lower the tower to within 3-5 feet of the building height (not more than 7 feet above).
- Very dim illumination only, prefers not to have illuminated at all.
- Natural logo only (wood, steel or metal).
- Remove the option of a monument sign going forward.

<u>Action</u>
Commissioner Stoker made a motion to table the motion.
Ald. Strzelczyk seconded the motion to table the item.
A voice vote was taken; vote passed (8-0)

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Choren, Hawley, Lemke, Parrish, R. Schaefer, Stoker, Strzelczyk
ABSENT:	J. Schaefer

b) ICAP Development for Jewish Home and Care Center. The applicant is seeking rezoning recommendation from IPS (Institutional and Public Service) to B-2/PUD (Commercial Business/Planned Unit Development (and concept plan approval to redevelop the site for multiple commercial uses for the property located at 10865-10911 N. Port Washington Road (formerly Mequon Care Center) and the parcel to the south.

Commissioner Parrish recused himself from this item.

Asst. Dir. Zader stated that a new drawing was submitted after the packet was posted. He stated that at the last meeting there was consensus of support for the rezoning request but there were unknowns regarding the quantity and quality of the specimen trees on site. The item was tabled for this reason as well as some design considerations staff recommended. The new plan shows the building to the north shifted to preserve the stand of trees and the other buildings shifted so the long side of the building faces Port Washington Road. The City Forester did locate trees and there are 15 specimen trees along with 35 other trees that are part of a larger ecosystem and they are considered specimen. Feedback from the Commission is requested regarding the specimen trees and what would be allowed to be removed before further discussions with the applicant about design can take place. Staff recommends tabling the item regardless of the decision and Commission feedback will dictate the direction of the project moving forward.

Action
Ald. Strzelczyk made a motion to remove the item from the table for discussion.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

Mayor Abendroth stated that there is no hardship to developing this property. He stated that he feels, and according to the ordinance, the trees should stay and not be removed.

The applicant, Jerod Protaskey from ICAP Development, provided a handout of the new plan to the Commission. He talked about the site grading and the need for a stormwater management pond on site. He explained that there are difficulties installing utilities due to the trees on site and an easement on site. He also discussed the issues regarding the roadway and the northern shared access point and the need for improvements there and the difficulties caused by the trees.

Asst. Eng. Henk stated that the hardships are within the control of the developer to change and design around the issues presented.

Asst. Dir. Zader stated that if there are hardships due to the existing conditions of the site, this property is located in the TIF district and they would be eligible to apply for the Fast Track Formula program to have those costs reimbursed if they meet the requirements of the program.

Dewey Strobel – is the neighbor that has the easement of the driveway coming in to the property. He suggested that the utilities can be run straight down the driveway without impacting the trees.

Feedback from the Commission is that there are not hardships to justify the removal of the trees and that the developer should work to design the project to work within the conditions of the site.

Mr. Protaskey stated that the large stand of trees presents problems for them to bring in utilities and well as for buildings to be visible from Port Washington Road. He stated there are many non-specimen trees that need to be cleared up from that area as it is unsightly and that potential tenants want visibility from Port Washington Road.

Action
Mayor Abendroth made a motion to table the motion.
Ald. Strzelczyk seconded the motion to table the item.
A voice vote was taken; vote passed (8-0)

RESULT:	**TABLED [8 TO 0]**
MOVER:	Dan Abendroth, Chairman
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Baka, Abendroth, Choren, Hawley, Lemke, R. Schaefer, Stoker, Strzelczyk
ABSENT:	J. Schaefer
RECUSED:	Parrish

4) Policy

a) Chapter 58 of the Zoning Code as it relates to Animal Uses

Asst. Dir. Zader stated this is a request from Public Welfare due to a resident that requested to have a silkie chicken as a pet. Upon review of the ordinance from Ald. Wirth and staff, it was determined that wholesale changes to the code were necessary. This repeals Chapter 6 and it is now all included in Chapter 58 of the Zoning Code. It better clarifies normal practices and a few minor changes are proposed:

- Updated to include all equine animals as well as sheep as the same amount as horses.
- List of allowable pets in the City. Bees and raptors allowed with conditions.
- Some farming conditional uses have been eliminated.
- Language was added for dog runs and dog houses.
- Miscellaneous pets can go to Public Welfare for consideration.

This was approved by Public Welfare in February; it will be in front of the Common Council tomorrow and then up for a public hearing in April.

Action
Commissioner Stoker made a motion to approve the item.
Ald. Strzelczyk seconded the motion.

The Commission discussed the issue of horses and equine animals allowed on 1.5 acres and many of the Commissioners recommend 2.5 acres. Anyone that already has a horse on 1.5 acres would be grandfathered in.

Commissioner Parrish made an amendment to the motion to change the acreage needed to 2.5 acres for horses and equine animals.
Ald. Strzelczyk seconded the amendment.
A roll call vote was taken; vote passed (5-3)(No: Mayor Abendroth, Stoker, Lemke)

A voice vote was taken on the original motion, vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Brian Parrish, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Choren, Hawley, Lemke, Parrish, R. Schaefer, Stoker, Strzelczyk
ABSENT:	J. Schaefer

5) Announcements

a) Changes Proposed for Froedtert Neighborhood Hospital

Asst. Dir. Zader stated that some minor design changes were made to Froedtert Hospital. Mayor Abendroth and Commissioner Jim Schaefer reviewed the changes and are in favor of them as they feel they are a vast improvement. The changes are mostly materials and colors.

The next meeting is Monday, April 8th at 6:00 p.m.

6) Adjourn

Action
Mayor Abendroth made a motion to adjourn.
Commissioner Parrish seconded the motion.
A voice vote was taken; vote passed (8-0)

Respectfully Submitted,

Jac Zader