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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, March 17, 2025
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Alderman Brian Parrish – Acting Chair
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner John Stoker
Commissioner Nancy Urbani
Commissioner Stephanie Hawley - **Absent**
Commissioner Rebecca Schaefer - **Absent**

Acting Chair Brian Parrish called the meeting to order at 6:00 p.m.

a) Approval of Minutes from February 24, 2025

Action
Commissioner Stoker made a motion to approve the February 24, 2025, meeting minutes. Commissioner Urbani seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [5 TO 1]**
MOVER:	John Stoker, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

2) Consent Agenda

a) Wirth Law for Julie Flessas. The applicant is seeking minor request approval for a road right-of-way vacation to remove 150 feet of road right-of-way for the property located at 2601 W. Mequon Road.

Action
Commissioner Barnes made a motion to approve the Consent Agenda.
Commissioner Urbani seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [5 TO 1]**
MOVER:	Bruce Barnes, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Stoker, Parrish, , Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

3) Public Hearing

a) Sergio Rodrigues SER RZ3, LLC. The applicant is seeking conditional use grant and building and site plan amendment approval to allow for a restaurant for the property located at 10352 N. Port Washington Road (formally Sobelmans).

Action
Commissioner Stoker made a motion to open a public hearing.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (5-0)

No public comment.

Action
Commissioner Stoker made a motion to close the public hearing.
Commissioner Urbani seconded the motion.
A voice vote was taken; vote passed (5-0)

Assistant Director Jac Zader stated this request is for a conditional use grant (“CUG”) and building and site plan approval. This item was tabled in July 2024 because the proposed design at that time, showed a stucco improvement and removal of the front porch. City staff, the Commission architect and the applicant architect have met several times and arrived at the proposed architectural plans in the packet. He showed the elevations that display a similar look to the existing building will be replaced with clapboard siding with an LP smart siding which will have a light gray color with red accents. The front porch will remain, and old rotting boards will be replaced and will match the existing trim as much as possible. Staff is supportive of the newly designed plans.

Asst. Dir. Zader further explained that the hours of operation will be 11:00 a.m. to 9:30 p.m. and the parking lot has 56 stalls, which exceeds the zoning code requirement of 45 stalls. The approval requires cleanup of the site. Submittal of a landscape plan is deferred until warmer weather and the conditions on the site can be assessed. The landscape plan will need to be approved by the Commission sometime this summer.

The site plan shows the parking lot being resealed but there are some potholes and cracking, and staff recommends that the parking lot be repaired. The plan shows a future outdoor patio on the south side of the site and the Commission will need to approve a full plan for this area.

He commented that there has been some compliance action against the site which was deferred based on completing the required repairs which must be completed by the following dates:

- July 31, 2025, replacement of the building windows, siding and trim.
- September 1, 2025, parking lot repairs.
- October 15, 2025, the landscape installation.

Staff recommends approval of the CUG and building and site plan based on the conditions in the report.

The applicant, Sergio Rodrigues, and the architect stated that their intent is to clean up the site and to match the existing building as closely as possible. They clarified that the proposed patio on the south side of the building is tentative until they can confirm that it physically works in that location.

The Commission gave feedback that the proposed plan is a good design and keeps the integrity of the building and neighboring properties. Keeping the front porch is also favorable to the Commission.

Action
Commissioner Stoker made a motion to approve the item per staff conditions.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

b) Kids Rule Academy. The applicant is seeking conditional use grant and building and site plan amendment approval to all for a childcare facility for the property located at 12308 N. Corporate Parkway.

Action
Commissioner Choren made a motion to open a public hearing.
Commissioner Urbani seconded the motion.
A voice vote was taken; vote passed (5-0)

No public comment.

Action
Commissioner Stoker made a motion to close the public hearing.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (5-0)

Asst. Dir. Zader stated this request is for a daycare facility to move into a multi-tenant corporate center. He explained the indoor space is approximately 12,000 sq. ft. and there is approximately 4,000 sq. ft. of outdoor space. The use is very similar to other daycares in the city; they are licensed for up to 100 children and the hours of operation will be 7:00 a.m. until 6:00 p.m. There are no issues with the requested CUG.

He explained that a previous owner added parking spaces at the rear of the building which encroached into the parking setback. The resolution is to remove those parking spaces and keep the asphalt as a driveway. A site visit revealed a number of dead ash trees in the northwest corner and the southeast corner of the site and there is a condition in the report to have the trees removed and replaced by the fall; per the original landscaping plan approval.

The applicant of the daycare, Alex Mazur, and the building owner representative, John Wirth, were in attendance. Alex Mazur, Kids Rule Academy owner, stated that they have operated this business for the past 12 years, there are 100 families enrolled with 17 full-time employees, and they need additional space for their operations.

There was some discussion from the Commission regarding the parking lot and the lack of a sidewalk and the safety of children being dropped off and picked up. Staff commented that a sidewalk is not required at any of the childcare facilities located in the city.

Action
Commissioner Choren made a motion to approve the CUG.
Commissioner Barnes seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Bruce Barnes, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

c) Dennis Thornton for Vital Care. The applicant is seeking conditional use grant approval to allow for a compounding pharmacy for the property located at 12308 N. Corporate Parkway.

Action
Commissioner Stoker made a motion to open a public hearing.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (5-0)

No public comment.

Action
Commissioner Choren made a motion to close the public hearing.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (5-0)

City Planner Natalie Redding stated that the request is for a compounding pharmacy for Vital Care located at 12308 N. Corporate Parkway. It is zoned B-4 which allows for pharmacies as conditional use. Vital Care offers home infusion pharmacy services and operates as a closed door pharmacy which offers treatments which are then mostly administered at home, but en suite infusion appointments are offered as well. The business hours will be 9:00 a.m. to 5:00 p.m. M-F and the business will employ 5 full time employees.

The parking issue discussed in the previous project relates here but due to this not being a walk-in pharmacy and on site infusions will be by appointment only, staff does not have concerns regarding parking. Staff recommends approval based on the conditions in the staff report.

Action
Commissioner Choren made a motion to approve the item subject to staff conditions.
Commissioner Urbani seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

d) Cardinal Equipment & Event Rentals, LLC. The applicant is seeking conditional use grant and building and site plan amendment approval to allow for commercial use of a historically significant structure including office and warehousing for the property located at 7426 W. Donges Bay Road.

Action
Commissioner Urbani made a motion to open a public hearing.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (5-0)

No public comment.

Action
Commissioner Urbani made a motion to close the public hearing.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (5-0)

Planner Redding stated that the request for conditional use grant and building and site plan amendment approval is for a rental resource company supplying equipment and event rentals and materials. The building is located in B-7 zoning which allows for the commercial use of a historic structure as a conditional use. The site was designated a local landmark in 1996.

The applicant is not proposing any changes to the building and will be using the existing asphalt driveways, which are non-conforming, but the usage is approved by staff. The west side of the parking lot will be for employee parking and the east side is deemed parking for customers. Staff recommends that the parking lot be seal coated and striped to bring it into city compliance.

The most notable aspect of the project is the proposed outside storage because outside storage is typically not allowed in this zoning district. But due to the industrial nature of the adjacent uses, it is compatible with the neighboring properties and the site is well screened with existing landscaping. The equipment will be stored on an installed asphalt lot to the rear of the building. She explained that the applicant is planning to install a fence in front of the customer parking area which will also provide screening from the outdoor storage. Some additional landscaping will be added as well. Staff recommend the proposed mulch beds extend along the east side of the building to enhance connectivity. A landscaping plan is required to be submitted to staff for final approval. The existing concrete pad on site will be removed.

The business hours will be 8:30 a.m. - 5:30 p.m. M-F and 8:30 a.m. - 1:00 p.m. on Saturdays. The applicant requested earlier pick up times on weekdays to begin at 7:30 a.m. but staff is concerned about noise impacting nearby residential neighbors and recommends all operations be confined to the regular business hours outlined. Staff recommends approval of the CUG.

The applicant asked for clarity on the outdoor storge space for equipment and whether it can be gravel or if it needs to be asphalt. Staff replied that typically concrete or asphalt is required but a concession can be made for gravel to be used for a specified period of time.

The Commission discussed the outdoor storage area ground material and what would be accepted to give the applicant some time to get the business up and running due to cost concerns. There was also mention of the operating hours and the understanding that contractors probably want to pick up equipment earlier in the day. There was clarification from staff regarding landscaping screening and the designation of customer and employee parking.

Action
Commissioner Stoker made a motion to approve the CUG, modify condition #10 in the staff report and to allow outdoor storage on a stone base for up to 9 months, the applicant will need to submit plans if they want to expand further.
Commissioner Barnes made a friendly amendment to allow the business to open at 7:30 a.m. on weekdays.
Commissioner Stoker accepted the friendly amendment.

Commissioner Barnes seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED WITH CONDITIONS [5 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Bruce Barnes, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

e) North Shore Dance Studio. The applicant is seeking conditional use grant amendment and building and site plan amendment approval to allow for an addition to the existing building for the property located at 10433 N. Baehr Road.

Action
Commissioner Urbani made a motion to open a public hearing.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (5-0)

No public comment.

Action
Commissioner Urbani made a motion to close the public hearing.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (5-0)

Planner Redding stated that this request is for a conditional use grant amendment as well as building and site plan amendment to allow for an addition to the existing structure. North Shore Dance Studio was previously approved for a CUG in June of 2018. The business is expanding its operations due to growing demand for more studio space, which requires an amendment to the CUG as well as the building and site plan. The building materials will match the existing materials, and the addition will not have any windows as to avoid light trespass from passing vehicles and to allow for internal lighting to be utilized to enhance performances and dances. Staff supports this because it is not out of character for the area as the neighboring uses are industrial with similar type buildings. She explained that the addition will be approximately 4,000 sq. ft. added to the existing 7,500 sq. ft. and will meet the 50-foot setback.

An additional 12 parking spaces will be added, and this does meet previous industry standards set in the CUG. Staff approve of the proposed 1% deficiency in the interior parking lot landscaping (9% instead of the 10% required by the city code) because the updated plan reduces the overall amount of paving and eliminates the previous truck turn around area. Staff recommends that the proposed evergreens be a minimum of 7 feet in height, this is different than what the applicant proposed, but this has been a precedent in past projects and the height will aid in screening the parking lot areas.

The lighting proposed does not match city code compliance as they are not shown as full cut off; which is required. A site visit revealed two lights on site that appear to be similar to the proposed lighting and are likely not full cut off, so staff recommends the applicant select lighting that match one of the compliant lights on the site. A lighting plan is required that shows the light trespass so that staff can ensure that the lighting on site meets city code requirements.

Overall, the business will maintain operations approved in 2018. Staff recommends approval of the requested approvals.

Action

Commissioner Choren made a motion to approve the CUG amendment and building and site plan amendment per conditions in the staff report.
Commissioner Urbani seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

4) Regular Business

a) Lemberg Electric for Chase Bank. The applicant is seeking minor request approval for a sign waiver for the property located at 11001 N. Port Washington Road.

Planner Redding stated the request is for two signs waivers to allow for a wall sign on the north elevation and a larger wall sign on the east elevation. She explained that the sign code typically allows for one wall sign per building unless the building faces two publics streets in which case one wall sign per elevation is allowed. Chase Bank does face two streets in this case: Port Washington Road (east elevation) and Town Square Road (north elevation). Town Square Road is a private street, so the additional wall sign proposed does require a sign waiver. Staff supports the sign waiver for the north elevation as it is abutting a street and it will provide a clarifying identity of the building for traffic along Town Square Road.

Planner Redding explained that the east wall sign per code is allowed to be 26.25 sq. ft. and the proposed sign is slightly larger at 29.7 sq. ft.. Both signs have the same design. Staff does not support this larger wall sign as there is no proven hardship or visual validation and approval of the larger sign would set a precedent in the city. Staff did request a rendering of the sign at the code compliance size but it was not submitted by the applicant.

In summary, staff supports the north elevation wall sign but does not support the larger size wall sign on the east elevation.

The applicant stated that the larger sized sign is requested due to their national industry standard sign size.

There was some discussion among the Commission about the varying size of the proposed signs. The Commission believes the larger sign will be out of proportion and there is no hardship justified for the waiver.

Action
Commissioner Stoker made a motion to approve per staff recommendations due to no hardship proven, the larger sign would be disproportional and the sign on the north elevation will be more visible for traffic on Port Washington Road.
Commissioner Urbani seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	**APPROVED [5 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

5) Policy

1) An Amendment to Chapter 58, City of Mequon Zoning Code, Related to Section 58-416 Building and Structure Location, Setbacks and Related to Setback from Lake Michigan Bluff

Building Inspections Supervisor Greg Golden explained that in August of 2024 the Committee of the Whole directed staff to author code language that would allow property owners along the Lake Michigan bluff permission to access the lake from their property. The highlights from the analysis done include:

- The bluff is unstable (many studies were reviewed and are included in the packet).
- There is not a building code that applies to bluff structures.
- Proposed drafted text amendment states that any building structure constructed on the bluff comes with inherent risks. The responsibility will be placed on the property owner and professional engineer.
- Structure height, weight and maintenance restrictions will be required.
- All federal regulations must be adhered to.

He explained that staff is waiting to hear back from the DNR regarding the high water mark.

Supervisor Golden explained that staff inspectors will be inspecting the location of the staircase only. The liability will be on the property owners and professional engineer.

Alderman Gregg Bach explained that three residents that are lake property owners have come forward voicing their intent to build floating staircases on the bluff on their properties in order to access the beach (similar to the staircase at Virmond Park).

The Commission stated that this is a complex issue and that they would like more time to think about it as they have unanswered questions. They would like to hear from a bluff expert as well as have a full Commission in attendance to decide about making a recommendation to the Common Council; they believe the item should be tabled until next month.

Acting Chair Brian Parrish recommended that the City Attorney should listen to this discussion and provide a legal analysis regarding this item and should attend the meeting next month.

Action
Commissioner Stoker made a motion to table this item so that an expert can be at the next meeting as well as a legal opinion can be provided from the City Attorney.
Commissioner Barnes seconded the motion.
A voice vote was taken; vote passed (5-0)

6) Announcements

The next meeting is Monday, April 21, 2025, at 6:00 pm.

Staff congratulated John Stoker, President of Victory Homes, for being awarded Builder of the Year.

7) Adjourn

Action
Commissioner Urbani made a motion to adjourn the meeting.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (5-0)

The meeting was adjourned at 7:28 p.m.

Respectfully Submitted,

Jac Zader