



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 18, 2024
6:00 PM
Christine Nuernberg Hall**

Minutes

1) Call to Order, Roll Call

Present:

Acting Chairman Alderman Robert Strzelczyk
Alderman Brian Parrish
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Stephanie Hawley
Commissioner John Stoker
Commissioner Nancy Urbani
Commissioner Dan Gentges - **Absent**
Commissioner Rebecca Schaefer - **Absent**

Acting chairman Ald. Strzelczyk called the meeting to order at 6:00 p.m.

a) Approval of Minutes from February 19, 2024

Action

Commissioner Stoker made a motion to approve the meeting minutes from February 19, 2024.
Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED [6 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Urbani, Strzelczyk, Barnes, Choren, Hawley, Stoker
ABSENT:	Gentges, Schaefer

2) Consent Agenda

- a) G3 Development LLC. The applicant is seeking certified survey map approval to allow for a 3-lot land division for the property located at 391 Port Washington Road in the extraterritorial jurisdiction of the Town on Cedarburg.
- b) Ann & Gary Skiff. The applicant is seeking minor request approval to allow for a setback waiver for the property located at 2116 W. Donges Bay Road.

Action

Commissioner Stoker made a motion to approve the consent agenda.

Commission Hawley seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED [6 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Urbani, Strzelczyk, Barnes, Choren, Hawley, Stoker
ABSENT:	Gentges, Schaefer

3) Public Hearing/Regular Meeting

- a) Robert Depies for Martin Skills Academy. The applicant is seeking conditional use grant approval for a fitness center for the property located at 6340 W. Donges Bay.

Action

Ald. Parrish made a motion to open a public hearing.

Commission Hawley seconded the motion.

A voice vote was taken; vote passed (7-0)

No public comment.

Action

Ald. Parrish made a motion to close the public hearing.

Commission Choren seconded the motion.

A voice vote was taken; vote passed (7-0)

City Planner Evan Hoier stated that this request is for a fitness center to be located in the business park. It is a skills academy and will mostly consist of 1 on 1 training sessions. The largest class during the week will have up to 12 students and one instructor and there are no concerns regarding parking spaces needed for this use. Staff has included a condition of approval that an updated floorplan be submitted and approved by staff prior to final approval.

The applicant, Chris Martin, introduced himself and stated that the fitness center will be used to train student athletes.

Ald. Strzelczyk made a suggestion that the hours be extended to allow more flexibility for the applicant; and that the CUG reflect the modified hours of 8:00 a.m. to 9:00 p.m.
Staff approved this modification.

Action

Commission Choren made a motion to approve the CUG with the amended operational hours of 8:00 am -9:00 pm.

Commission Hawley seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED WITH CONDITIONS [7 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Urbani, Strzelczyk, Barnes, Choren, Hawley, Stoker, Parrish
ABSENT:	Gentges, Schaefer

4) Regular Business

- a) Karen & Gerald Splittgerber. The applicant is seeking minor request approval to allow for 2 specimen trees to be removed for the property located at 12360 N. Lake Shore Drive.

Planner Hoier stated that this is a constrained site, but the side yard setbacks can be reduced by 75% to an 18.75 foot setback. This is still 50 feet from the Right-of-Way (“ROW”) and 75 feet from the bluff, which does comply with zoning regulations. The applicant did include a report from an engineering consultant stating that the recommended bluff setback be 125 feet.

At the 75 foot bluff setback, the applicant would have a building pad of approximately 11,600 sq.ft. The allowable building pad would be reduced to approximately 8,000 sq. ft. with the 125 foot bluff setback. There is an 18-foot protection zone for the white cedar trees located on site which decreases the width of the buildable pad to around 32 feet.

City Forester, Mike Gies, stated that due to the narrow restrictedness of the lot, he does not believe there is survivability of the white cedar trees. Adding to this is a pre-existing driveway footprint that is roughly within 12-inches of the base of these root zones. Both trees were most likely planted post 1970 as garage screening and both are not in good shape.

In summary, due to the narrowness of the lot, the construction traffic, the pre-existing driveway located so close to the root zone and the fact that the two trees are almost touching, causing defoliation on 2/3 of each side, staff recommends the removal of the trees due to the low chance of their survivability, even with protective zones. Additionally, one of the trees was also previously damaged from a vehicle accident.

Action

Commissioner Stoker made a motion to approve the removal of the two specimen trees subject to staff recommendations.

Commission Hawley seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Urbani, Strzelczyk, Barnes, Choren, Hawley, Stoker, Parrish
ABSENT:	Gentges, Schaefer

5) Policy

1) Chapter 58, Article XI of the Municipal Code related to Floodplain Zoning

Assistant Director Jac Zader gave an overview of the floodplain zoning changes. He explained that a certain number of items need to be adopted by specific dates in order to stay eligible for the National Flood Insurance Program ("NFIP"). This includes the model ordinance, the updated FEMA maps, flood storage district and maps.

The new FEMA maps must be adopted by July 31, 2024; if this is not done the city will be suspended from the program which would prevent all residents from the city the ability to obtain federally-backed flood insurance.

On March 12, 2024, staff gave a presentation to the Committee of the Whole (video link provided in the staff report) and the Common Council offered some policy direction which was incorporated into the presented model ordinance for the Commission to review and approve so that it can be forwarded to the Council for a first reading in April and a public hearing in May.

The Committee of the Whole approved the following:

1. Adopt the Act 175 Provisions
2. Code language suggested by staff.

Asst. Dir. Zader clarified that the city cannot be less restrictive than the DNR, but the city can be more restrictive. He explained other modifications made to the language in the ordinance.

Ald. Parrish expressed his frustration regarding the rushed timeframe from outside entities to adopt these items and his concern about the affected residents being properly informed of changes that may impact their property. He supports the idea of staff hosting an open house for the residents to have an opportunity to be informed about the changes being made to the floodplain areas.

Asst. Dir. Zader reminded the Commission that it is not required that the city adopt the Maps and ordinance but staff and the Council believe it is the most prudent for the residents to do so.

Ald. Strzelczyk reiterated the sentiments by Ald. Parrish and communicated that the Council feels challenged by these changes and the Council wants to provide the best possible opportunities for the residents.

There was discussion about what the required covered roof area for decks is most appropriate. This item will continue to be discussed and vetted to Common Council.

Ald. Kelly Tolocko spoke about her belief that the city should not adopt the proposed documents until there is confidence that they are correct, and she believes that they need more work.

It was recommended that the city attorney verify whether the residents can keep their current insurance if the city is suspended from the program.

Action

Commissioner Stoker made a motion to recommend this policy item to the Common Council, that the conversation regarding the covered roof square footage continued to be vetted and resolved and that the required NFIP deadlines be met by the city.

Commission Barnes seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED AS AMENDED [7 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Bruce Barnes, Commissioner
AYES:	Urbani, Strzelczyk, Barnes, Choren, Hawley, Stoker, Parrish
ABSENT:	Gentges, Schaefer

2) Chapter 58-303: Arrival Corridor specific development and design standards

Tom Zabjek, representing Lakeside Development Company, stated that he is supportive of the modified text amendment as they own property in this area that would be affected by this modification. He reminded the Commission that he received prior approval for a PUD for two 25,000 sq. ft. office buildings for the portion of the property located in front of the Reserve Apartments fronting Mequon Road along with the 2-acre parcel to the west. He reported that there has been no activity or interest in this location for retail or office use. He believes this area is best suited for residential use and they are interested in proposing 40 townhouses in this 4-acre area. Mr. Zabjek wondered if the policy requiring commercial uses could also be considered.

Director Kim Tollefson stated that the substantive change is the option that in the Arrival Corridor zoning district (“AR”), under a PUD process, allowing a development to have more than 16 units per the development site. She clarified that when referring to a “dwelling” in the text language, it refers to the structure itself. There were some intricacies that needed to be corrected from the 2017 text amendment.

Dir. Tollefson explained some of the specifications required and allowed per the text amendment, including some design standards requirements:

- Only 2-story dwellings are allowed.

- Individual front entrances on the ground level.
- Locational limitations.

The overall intent was to achieve less massing, to be less compact and a bit more spaced out in AC. In the AC no more than 16 dwelling units were allowed. The language was cleaned up, but the policy goal intent has not changed. The only modification is that in the Arrival Corridor, someone would have the legal right to ask for more than 16 units per the entire development, but not have more than 16 per building.

The city has the right to deny a PUD without citing justifications. She communicated that the existing technical and design standards have resulted in high-quality, high-value proposed development projects. She reminded the Commission that since 2015, the tax base of this neighborhood has increased by 286%, and only about half of the parcels have developed.

The Commission provided feedback supporting the text amendment modifications and expressed appreciation that staff are proactive in making these proposed changes. They communicated that clearer code standards help to eliminate confusion for developers and both TC and AC zoning districts have achieved much success due to the standards set. Ald. Strzelczyk highlighted that the Council is focused on achieving as much mixed-use as possible for this district, although residential development is very strong right now.

The Commission discussed maintaining the requirement for commercial uses within development in Town Center (75% required) but support less in AC. An informal vote was taken and the Commission requested staff bring back a percentage change to the required ground level commercial requirement for the Arrival Corridor at the next meeting.

6) Announcements

The next meeting is Monday, April 29, 2024, at 6:00 p.m.

7) Adjourn

Action

Commissioner Stoker made a motion to adjourn the meeting.

Commission Choren seconded the motion.

A voice was taken; vote passed (7-0)

The meeting concluded at 7:27 p.m.

Respectfully Submitted,

Jac Zader