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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, March 20, 2023
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Alderman Brian Parrish – Acting Chair
Alderman Robert Strzelczyk
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Dan Gentges
Commissioner Stephanie Hawley
Commissioner Rick Lemke
Commissioner John Stoker
Chair Andrew Nerbun - **Absent**
Commissioner James Schaefer - **Absent**
Commissioner Rebecca Schaefer - **Absent**

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

a) Approval of Minutes from February 27, 2023

Action

Ald. Strzelczyk made a motion to approve the meeting minutes from February 27, 2023.
Commissioner Hawley seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

2) Public Hearing

- a) Mikkelson Builders for Gino Pak. The applicant is seeking conditional use grant approval to allow for a dwelling unit to be added to the existing residence for the property located at 12875 N. Highgate Court.

Action

Commission Hawley made a motion to open a public hearing.

Commission Stoker seconded the motion.

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

No Public Comment

Action

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

Commission Stoker seconded the motion.

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

Planner Laurie Miller stated that this request is for an accessory dwelling unit within an existing residential home. An oven will be added to an existing unit which under the code will then meet the code definition of a kitchen and requiring a Conditional Use Grant ("CUG"). Staff recommends approval as they meet all requirements per the code.

Action

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

Commission Stoker seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

- b) Gerald Nell, Inc. for Roettgers Company. The applicant is seeking expansion of a non-conforming use and building and site plan amendment approval to allow for a car wash and ancillary facilities for the property located at 11155 N. Wauwatosa Road.

Action

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

Commission Hawley seconded the motion.

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

No Public comment

Action

Commission Stoker made a motion to close the public hearing.

Ald. Strzelczyk seconded the motion.

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

Planner Miller stated this request is for a building and site plan amendment to allow for a car wash, which is considered a non-conforming use, at an existing gas station. This request is considered an expansion of a non-conforming use and is held to a higher level of criteria during the review process. She explained that the Planning Commission must consider whether this use is consistent with public interest, the expansion will not have a negative effect on the property or the surrounding neighborhood as well as assuring that all building and site plans meet the current code of the B-1 zoning district.

The proposal includes the following:

- On-site staff would increase to 2 full-time employees.
- Car wash would have the same operating hours as the gas station:
 - o Mon-Sat 6:00 a.m. – 9:00 p.m.
 - o Sunday 6:00 a.m. – 8:00 p.m.

Staff recommends the car wash hours be more aligned with the hours of the Kwik Trip car wash and Jilly's Car Wash, starting at 7:00 a.m.

Planner Miller explained that the proposed car wash building would be 878 sq. ft. in size and stand approximately 3 feet shorter in height than the existing store. The façade and roof will match the color of the convenient store and the materials. The north and south elevations will have two glass block windows which staff believes make the building appear dated and recommends the applicant consider a different window cover. There will be two polycarbonate overhead doors for the east and west elevations. The west elevation rendering shows a 7' tall doorway but there were no details provided about this feature.

There were no rooftop or mounted mechanicals shown on the proposed plan, but they will need to be screened per code requirements.

There is signage shown on the plan, but the signs will need to go through the sign review process.

The car wash is proposed to be located on the south side of the convenient store, approximately 20 feet from the south property line. It does meet all setbacks and offset requirements. The queuing of the cars will be located along the west property line which allows the queue lane to be somewhat hidden from both Mequon and Wauwatosa Roads. Staff have concerns about the queue lane and drive lane behind the store as it gives the appearance that there is a second lane, but it is not wide enough to get a car through. Staff requested a turning analysis which reported that vehicles have to enter the queue lane in order to get around the building. Staff recommends

that the striping be redone to indicate that there is only one lane and that signage be visible that indicates the area is for car wash patrons only. Additionally, staff have concerns about the drive lane behind the store and the potential negative impact of the few parking stalls on the east side of the store and recommends signage in that area.

The dumpster enclosure location requires coordination with the trash collection contractor to avoid conflicts with the car wash queue. The car wash kiosk plan details were not provided but are required for review and approval.

New asphalt is proposed for a portion of the site, but staff recommends replacement in all areas indicated as “New Pavement” on the Pavement Analysis Map included in the board packet.

The parking analysis and proposed parking includes:

- The parking analysis conducted by staff indicates 13 spaces are required, which includes 8 spaces at the pumps.
- 18 spaces were indicated on the proposed plan.
- Staff recommend the removal of 4 of the 6 new parking stalls near the intersection of Mequon and Wauwatosa Roads.

A vacuum and tire air pump are currently located near Mequon Road with no discernable parking spaces. New combo units will replace the current units, although only a concept drawing was provided and will require further review. Two of the new proposed parking spaces will be located in this location.

The landscaping plan shows that most of the landscaping will remain as is on site. The proposed plan does not meet the code for street trees, parking lot shading, 30% open space requirements or parking lot landscaping. Staff have concerns about the planned investment in landscaping of the site and the reliance of the landscaping of neighboring properties to provide screening and shading. Staff recommends that the applicant update the landscaping plan to meet code requirements, include higher quality landscaping as well as features to show intent of meeting the 30% open space requirement.

No additional lighting improvements were proposed.

In summary, staff recommends tabling this item to allow the applicant time to resubmit plans that comply with code requirements (a table was included in the staff report).

The applicant stated the plans are conceptual but are willing to make some of the changes that are recommended by staff: including complying with the recommendations regarding the striping, mitigating issues regarding the back of the car wash, landscaping issues, repaving the asphalt, curb extension around the site, changing of the windows and eliminating some of the parking spaces.

The Planning Commission agreed with the recommendation to table the item as there are too many unresolved issues. The issue of the noise level at the site was mentioned as a concern as it relates to neighboring properties. It was stated that this is a respected and welcomed business

located at an important intersection/gateway to the city and certain aesthetics are required. There is some concern about the volume of queuing and the potential negative impact of having cars spill out on the roads. The Planning Commission reminded the applicant that conceptual plans would not be accepted and final plans are required for approvals.

Action

Commissioner Lemke made a motion to table the item.

Commission Choren seconded the motion.

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

RESULT:	TABLED [8 TO 0]
MOVER:	Rick Lemke, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

3) Regular Business

- a) Arch Solar C&I for Harry and Rose Samson Family Jewish Community Center. The applicant is seeking minor request approval to allow for rooftop solar panels for the property located at 10813 N. Port Washington Road (Gan Ami Preschool).

Planner Miller stated that the requested solar panels will supply approximately 50% of the center's energy needs. Wisconsin state statute limits local restrictions on solar developments and the location of the panels cannot be changed unless another agreeable location can be found.

The proposal is for 64 panels covering approximately 1,300 sq. ft.: with 16 panels facing the east elevation and the remainder on the south elevation. The south solar panels will not be visible from Port Washington Road.

Staff has noted a few compliance issues on site:

- A portion of the parking lot is approximately 20 feet over the property line and does not meet the 20-foot setback requirement.

This was not approved by the Planning Commission and as a condition of approval, staff recommends that this portion of the parking lot be removed, landscaping be restored, and continuous curbing be installed along the drive lane by June 1, 2024.

- The site does not meet Section 58-564 of the zoning code related to the landscaping: the street trees, shading and landscaping between the public road and the parking lot.

At a minimum, staff recommends street trees and landscaping to screen the parking lot view should be installed by November 1, 2023.

In conclusion, staff recommends approval per the conditions in the staff report.

Action

Commissioner Choren made a motion to approve the item.

Commissioner Gentges seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

- b) Eastbrook Drive, LLC. The applicant is seeking development agreement and building and site plan approval to allow for 10 side-by-side condominiums for the property located immediately west 11649 N. Port Washington Road.

Assistant Director Jac Zader stated that last November a PUD Amendment was approved for Phase 3 of the Lexington Square development. The site plan mostly mirrors the concept plan and meets all the requirements and conditions of the R-6, the PUD and the PUD amendment.

After feedback from the Commission, the Common Council and the Commission architect, there has been several iterations of the architecture and building plan.

He explained the varying designs provided in the board packet:

- Original plan – the front shows a shed roof, stucco-type material and earth-tone colors. Staff were concerned about the shed rooflines and the proposed materials.
- Option 2 – shows a different front design, different materials and colors. There was discussion about the garages being separated.
- Option 3 – the applicant tried to emulate adjacent neighborhoods but the buildings are much thinner.

Staff recommends street trees be added to match the existing pattern along the drive.

Staff believe that Option 2 is the most desirable building plan. Asst. Dir. Zader discussed some of the qualities of the neighboring Eastbrook and Aster Woods communities. Commission feedback is requested, and the final architecture plan will be reviewed and approved by the Architectural Review Board. Staff recommends approval per the conditions in the staff report.

The applicant stated that they prefer that the garages are split. The issue of the south access point was raised, and staff agreed to modify staff report condition #13.

The Planning Commission provided feedback in support of the plan with separated garages and several of the Commissioners prefer Option 3. They will defer to the Architectural Review Board to whether the front two buildings should have more natural materials on them.

Action

Ald. Strzelczyk made a motion to approve with design Option 3 (separated garages) with more stone to be added to the front entrance area façade, based on the Architectural Review Board recommendation and condition #13 of the staff report to be reviewed between the applicant and staff for final decision from staff on the location of the access drive.

Commission Choren seconded the motion.

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

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Choren, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

- c) The Green at Mequon. The applicant is seeking final plat, street tree plan and landscape plan approval to allow for a 7-lot conservation subdivision for the property located at the southwest corner of Villa Grove and Freistadt.

Planner Miller stated this request is for final plat, street tree plan and landscape plan approval for a 7-lot subdivision. Staff supports approval except for one condition that the final plat should show a 30' front setback from the pavement edge of the private road instead of the 11' setback shown. The street tree plan was previously approved by the Tree Board with the suggestion to replace the Northern Catalpa with a Common Hackberry and shall be installed by December 31, 2023.

The landscape plan meets code and PUD requirements except for the height of the evergreen trees which cannot be less than 7' tall at the time of installation. As a condition of approval, staff requires a letter of credit or escrow for 125% of the cost of the landscaping. The plantings shall be completed by December 31, 2023.

Two specimen trees were removed without Planning Commission approval and an outstanding fine of \$4,100 must be paid before recording of the final plat.

City Assistant Engineer Cole McCraw stated that there are a few outstanding easements that need to be reviewed by the City Attorney and will need to be recorded.

Staff recommends approval per the conditions in the staff report.

Action

Commissioner Choren made a motion to approve per staff conditions.

Commission Gentges seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

- d) Swan Ridge Farms. The applicant is seeking preliminary plat, development agreement, open space plan, landscape plan, street tree plan and fill permit for 30,000 C.Y. approval to allow for an 83-lot subdivision for the lands immediately south of and west of 10129 N. Swan Road.

Public Feedback

Jane Chevako – 10129 N. Swan Road – she lives in an existing home immediately south of the proposed subdivision. Her concerns include:

- She would like Phase 1 to include her home in city water and sewer connection.
- She hopes to retain as many trees as possible.
- She feels that the bike path should connect to Foxkirk Drive.
- She is concerned about the proposed pond being located close to the park.

Kristin Humpal – 10144 N. Concord Drive – she has the following concerns:

- She would like kids to be rezoned prior to starting 4K so as not to have to move schools later on.
- She has concerns about the water displacement and requests that it be explained in a way that is easier to understand.

Asst. Dir. Zader stated that the preliminary plat meets all the requirements of the zoning change done in May 2022. The lots along the frontage road have been increased to 75 feet per ordinance and all the average lot widths are now 110 feet. All the recommendations and suggestions from staff were incorporated and the sidewalks will run along the main thoroughfare and connect to the bike path. There will be two connection points into Huntington Park.

He explained that the two residential homes were incorporated into the sewer service plan when it was expanded for the entire area and at that time it was not contemplated that the proposed

subdivision would be a two-phase development. Due to a grading issue, the site cannot be graded front to back, so in order to get the sewer service to the two homes it would need to be extended outside of the Phase 1 boundary. The phasing will delay the extension of the sewer service for a few years, but it will be guaranteed by the developer that the connection will take place.

The landscape plan looks good with the only issue being the lack of screening of the out lot along Swan Road. Staff recommends about 120 additional trees be planted in that location. The applicant indicated they are concerned about the pond lay out there and there may be a pitch point and not enough depth for the trees. A new plan has been submitted that staff will review.

Asst. Eng. McCraw stated that there is a significant portion of the Development Agreement (“DA”) that addresses the sewer system extension. The current request is that a Letter of Credit (“LOC”) be submitted by the developer until the connection is made for the two single family home parcels.

He explained that after storm water ponds are constructed and the development is completed, that the run-off rate must be the same or less as before development (pre-settlement) in certain storm events. It is a restrictive storm water ordinance for run-off.

He also commented that the pond mentioned that is located by the park does need to be addressed during plan review, although it is believed that it will be a dry pond.

The applicant, represented by Joe Bukovich and Mike Kaerek, stated that the pond near the park will be a dry pond. Mr. Bukovich explained that the sewer connection originates at the southwest corner and makes sense from a development standpoint to do the Phase 1 area first and do provide a LOC as a guarantee that the connection will be made in the next few years. They are prepared to add 78 trees for screening along Swan Road.

Ald. Parrish addressed the concern about the school redistricting that was mentioned during the public feedback, and he stated that the school district will need to answer that question, but he empathizes that it was a community wide redistricting that took place and affected many families.

The Planning Commission asked about streetlights in the subdivision. The applicant is not proposing lighting at this time. There was some discussion about the traffic impact on the area.

Public Feedback

Ken Jonas – 9627 W. Huntington Drive – he is on the Huntington Park Water Trust Board. He talked about the option for the Huntington Park subdivision to have the opportunity to connect to city water and he believes that during construction a valve should be installed.

There was discussion about the process for a connection to be installed for Huntington Park. It was stated that the Water Utility would handle this issue.

Action

Commissioner Stoker made a motion to approve per staff conditions.
Commission Lemke seconded the motion.

Ald. Parrish made a friendly amendment to include the two residential properties to have some flexibility regarding sewer and water line location due to tree preservation purposes.

The amendment was accepted based solely on storm water management placement.
A voice vote was taken, vote passed (8-0)

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer
EXCUSED:	Nerbun

- e) Alex Leykin. The applicant is seeking rezoning recommendation to include an agricultural overlay and certified survey map approval to allow for three lots to be combined into 1-lot for the property located at 14207 N. Birchwood Land.

Asst. Dir. Zader stated that this was one large parcel that was split into four parcels with an out lot in the back to protect the wetlands. When the applicant purchased the land, he rezoned it to remove the PUD and rezoned it back to R-1 to allow for three 6-acre lots. The current request is to rezone it R-1/OA and make it back into one large lot. The applicant eventually wants to build a large agricultural building and in order to do so, he needs the OA zoning, which requires at least 10 acres.

This request is contingent on the CSM being approved prior to Common Council action on the rezoning to change the zoning from R-1 to R-1/OA. He commented that any agricultural building in excess of 1,000 sq. ft. needs Commission approval. Staff does recommend approval.

The applicant, Alex Leykin, stated that he would like condition #3 in the staff report omitted as it is related to wetland delineation, as he believes it is not valid as this is a vacant lot.

Asst. Eng. McCraw stated that a deed restriction could be added to ensure that no structure being placed in the wetland setback and the wetland location needs to be known.

He offered a change to condition #3 “The property shall be deed restricted from the development until the current wetland delineation is performed as approved by the City of Mequon and the DNR”.

There was some discussion about agricultural buildings and the uses allowed and how they are

monitored as well as how wetland delineations are typically handled. It was commented that staff need to ensure that no building occurs in the wetland setback.

Action

Ald. Strzelczyk made a motion to approve per staff conditions with the amendment to condition #3 to require a deed restriction in place of a wetland delineation.

Commission Gentges seconded the motion.

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

4) Announcements

The next meeting is Monday, April 24, 2023, at 6:00 p.m.

5) Adjourn

Action

Commissioner Choren made a motion to adjourn.

Commission Stoker seconded the motion.

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

Meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Jac Zader