



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

[www.ci.mequon.wi.us](http://www.ci.mequon.wi.us)

Department of Community Development  
Taped and Televised

**PLANNING COMMISSION**  
**Regular Meeting**  
**Monday, March 21, 2022**  
**6:00 PM**  
**Christine Nuernberg Hall**

**Minutes**

**1) Call to Order, Roll Call**

**Present:**

Chair John Wirth  
Commissioner Gregg Bach  
Commissioner Rick Lemke  
Commissioner James Schaefer  
Commissioner John Stoker  
Alderman Robert Strzelczyk - **Absent**  
Commissioner Martin Choren - **Absent**  
Commissioner Dan Gentges - **Absent**  
Commissioner Rebecca Schaefer - **Absent**

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

**2) Approval of Meeting Minutes from February 28, 2022**

**Action**

Commissioner Stoker made a motion to approve the meeting minutes from February 28, 2022.  
Commissioner Lemke seconded the motion.  
*A voice vote was taken; vote passed (5-0)*

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | John Stoker, Commissioner                |
| <b>SECONDER:</b> | Rick Lemke, Commissioner                 |
| <b>AYES:</b>     | Wirth, Bach, Lemke, J. Schaefer, Stoker  |
| <b>ABSENT:</b>   | Strzelczyk, Choren, Gentges, R. Schaefer |

### 3) Public Hearing

- a) Angelo Vasta for MPP Group. The applicant is seeking conditional use grant approval to allow for expansion of research and development at the existing facility for the property located at 12250 Corporate Parkway.

#### Action

Commissioner Stoker made a motion to open a public hearing.

Commissioner Lemke seconded the motion.

*A voice vote was taken; vote passed (5-0)*

#### Action

Commissioner Stoker made a motion to close the public hearing.

Commissioner Lemke seconded the motion.

*A voice vote was taken; vote passed (5-0)*

Asst. Dir. Zader stated this is a minor request to amend the original Conditional Use Grant (CUG) issued in 2016. There is an area on their floorplan identified as warehouse which is planned to be converted for APIs (Active Pharmaceutical Ingredients). All of the conditions of the original CUG will remain in place. There are scrubbers on the building which help to neutralize odors for the surrounding area. At the most there will be 25 employees on site and there are about 65 parking stalls on the premises. The operating hours are not changing.

#### Action

Commissioner Stoker made a motion to approve subject to staff recommendations.

Commissioner Lemke seconded the motion.

*A voice vote was taken; vote passed (5-0)*

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | John Stoker, Commissioner                |
| <b>SECONDER:</b> | Rick Lemke, Commissioner                 |
| <b>AYES:</b>     | Wirth, Bach, Lemke, j. Schaefer, Stoker  |
| <b>ABSENT:</b>   | Strzelczyk, Choren, Gentges, r. Schaefer |

- b) Christie Ronge for Clean Living Nutrition and Detoxification. The applicant is seeking conditional use grant approval to allow for a wellness center including nutrition and detoxification treatment for the property located at 1025 W. Glen Oaks Lane.

#### Action

Commissioner Stoker made a motion to open a public hearing.

Commissioner Bach seconded the motion.

*A voice vote was taken; vote passed (5-0)*

#### Action

Commissioner J. Schaefer made a motion to close the public hearing.

Commissioner Stoker seconded the motion.

*A voice vote was taken; vote passed (5-0)*

Asst. Dir. Zader stated that this is a minor request for a wellness center located in the B-4 zoning district. Staff determined this use qualified as a fitness center due to the nutritional aspect of the business. This is a one-person operation in an office building with one client at a time. Staff recommends approval.

**Action**

Commissioner Lemke made a motion to approve subject to staff recommendations.

Commissioner Stoker seconded the motion.

*A voice vote was taken; vote passed (5-0)*

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [5 TO 0]</b>                 |
| <b>MOVER:</b>    | Rick Lemke, Commissioner                 |
| <b>SECONDER:</b> | John Stoker, Commissioner                |
| <b>AYES:</b>     | Wirth, Bach, Lemke, J. Schaefer, Stoker  |
| <b>ABSENT:</b>   | Strzelczyk, Choren, Gentges, R. Schaefer |

**4) Consent/Regular Business**

- a) Minahan Children LLC. The applicant is seeking minor request for approval to allow for a proposed (60'x 80') agricultural structure for the property located immediately west of 5630 W. Bonniwell Road
- b) Samantha and Jason Caulfield. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the property located at 12650 N. Wasaukee Road.

**Action**

Commissioner J. Schafer made a motion to approve the two consent items.

Commissioner Bach seconded the motion.

*A voice vote was taken; vote passed (5-0)*

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | James Schaefer, Commissioner             |
| <b>SECONDER:</b> | Greg Bach, Alternate                     |
| <b>AYES:</b>     | Wirth, Bach, Lemke, J. Schaefer, Stoker  |
| <b>ABSENT:</b>   | Strzelczyk, Choren, Gentges, R. Schaefer |

**5) Regular Business**

- a) John Mikkelson for LM Developers LLC. The applicant is seeking certified survey map approval to allow for four single family lots located at 12535 N. Lake Shore Drive including the 5 vacant parcels to the south and west.

Asst. Dir. Zader stated this is not a typical CSM as there are six existing parcels that will be

reconfigured into a 4-lot CSM. The zoning is R1-B and Lots 3 & 4 do not meet the minimum size requirement, but because existing non-conforming lots are being reconfigured, staff recommends approval based on the condition that the CSM will improve the situation. Staff is requesting that the boundary line between Lots 3 and 4 be shifted about 30-feet to the west to allow for a larger building pad on Lot 4.

He explained that this will require some approval from the DNR due to some wetland crossing.

The applicant, John Mikkleson, stated they are downsizing from 6 parcels to 4 parcels. They have minimized the private drive so that there is less wetland crossing and less disturbance to the land. The drive has been moved further south to preserve some trees along the north lot line and will now be 10.7 feet from the lot line. The driveways will be constructed to preserve 2 specimen trees. He explained that they have applied to the DNR for a general permit.

#### **Action**

Commissioner Stoker made a motion to approve subject to staff conditions.

Commissioner Lemke seconded the motion.

*A voice vote was taken; vote passed (5-0)*

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | John Stoker, Commissioner                |
| <b>SECONDER:</b> | Rick Lemke, Commissioner                 |
| <b>AYES:</b>     | Wirth, Bach, Lemke, J. Schaefer, Stoker  |
| <b>ABSENT:</b>   | Strzelczyk, Choren, Gentges, R. Schaefer |

- b) Elevated Identity for Super Steel, LLC. The applicant is seeking sign waiver approval to allow for wall signs over the main entrance for the property located at 10910 Industrial Drive.

Asst. Dir. Zader stated that this is the old TelSmith site, and the applicant is requesting two sign waivers to the sign code. One is for 2 wall signs to increase the square footage allowed per the code. He showed an image of the front entrance of the main building. He explained that staff measured an area to be considered that is about 15 sq. ft. The request is for 2 separate signs at 70 sq. ft. The rationale is that while it is one company, they have two separate brands and need identification for both brands. Two signs are not compliant with the sign code. Staff does not support the sign waiver due to the freestanding sign at the front of the parking lot has two signs which identifies both brands and there is only one customer entrance into the building. Staff cannot regulate content of the sign so they can use whatever language they chose as long as it is compatible with one another and not considered two separate signs. Staff recommend denial of the sign waiver as a hardship is not considered warranted.

The applicant, Paul Kaminsky from Elevated Sign Company, stated there are two entrances; although only one functions as an entrance, and they want to the proposed sign to eliminate confusion about where the correct entrance is located. He also believes that the square footage of the front wall is not calculated correctly per the code; the entire wall is 2,400 sq. ft. and they believe they should be allowed the 60 sq. ft. sign. He also explained that although the two brand

signs have a different font; both signs are located within one cabinet with the same background, and he believes it should be considered one sign.

There was discussion among the Commission that the entire front wall should be considered for the square footage calculation and that the larger sign should be allowed due to the size of the wall as well as a wayfinding sign for clarification due to multiple entrances on site. There was consensus that the larger size is a more appropriate size for that location and that both brands should be allowed to be represented.

### **Action**

Mayor Wirth made a motion to approve the requested sign waiver.

Commissioner Stoker seconded the motion.

*A voice vote was taken; vote passed (5-0)*

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | John Wirth, Chair                        |
| <b>SECONDER:</b> | John Stoker, Commissioner                |
| <b>AYES:</b>     | Wirth, Bach, Lemke, J. Schaefer, Stoker  |
| <b>ABSENT:</b>   | Strzelczyk, Choren, Gentges, R. Schaefer |

- c) Point Real Estate for Linda Johnston. The applicant is seeking rezoning recommendation from R-1/OA, C-2 to R-3/CGA, C-2, land use plan and concept plan approval for a proposed 84-lot single-family residential development for the property located on the west side of Swan Road, approx. 1,200 feet north of County Line Road (Swan Ridge Farms).

Asst. Dir. Zader stated that this is a request for a rezoning from R-1 to R-3/CGA for roughly 86 acres, after the dedication of right-of-way. The yield plan shows 84 lots but there is a note one of the lots is non-compliant so one lot may need to be dropped to a total of 83 lots. The lots range in size from .5 - .71 acres. This would require a change to the sewer service area to incorporate this area to the sewer area. There is one lot (far northeast corner) that will not receive sewer service but will receive water service. The proposal meets all the requirements of the CGA district but there are a few recommendations from staff:

- There is a transition from Huntington Park which does not have sidewalks and it is recommended that the sidewalk extend to the open space area pathway.
- Two connections to the existing subdivision and to connections off of Swan Road.
- Engineering recommends aligning the sidewalk to the MNP entrance.

Staff recommends approval subject to the conditions in the staff report.

Mayor Wirth explained that there will not be final approvals tonight. The Commission can make a recommendation to the Common Council which will then have two separate meetings before a final decision is made.

The applicant, Joe Bukovitch from Point Real Estate and Mike Kaerck, stated they are excited about the concept plan layout due to the great lot sizes and open space plan. He explained that due to the location of the property with a denser subdivision to the west and the Mequon Nature Preserve to the east, they believe this parcel is a great candidate for a cluster-style development. He stated that the sewer service will be connected at the southwest side of the property, and it will help to support the size of the lots (all lots are .5 acres or larger). The size of the lots, the open space and lot widths are larger than required per the CGA requirements:

- Average lot size is 23,000 sq. ft as opposed to 22,000 required.
- Lot widths are all over 100 sq. ft. wide on average as opposed to 95 sq. ft. required.
- Increased the open space requirement by about 5.5%.

### **Public Comment**

James Jossie resides at 10014 N. Concord Drive is opposed to the connections due to the safety of increased traffic and more predators due to increased entrances.

Jane Chevako resides at 10129 N. Swan Road is opposed due to the smaller lot sizes as she does not believe this concept plan maintains the rural nature in this area. She feels that it is too congested and believes R-1B (2.5 acre lots) should be the smallest lots allowed in this location. She also has concerns about water issues in this location.

Timothy Spears resides at 9211 W. Stanford Court is opposed as he is concerned about the stormwater management. He stated there is flooding in this area already and is concerned about additional impervious surface resulting in more water drainage issues.

Andrew Binversie resides at 9123 W. Stanford Court is opposed due to concerns about water issues/drainage as well. He is interested in information regarding water mitigation plans. He also believes the connections should be walking and bike paths and not vehicular traffic due to safety concerns.

Jennifer Watzka resides at 9317 W. Stanford Court is opposed to the rezoning request and he believes that eliminating the 5-acre lot minimum eliminates the rural nature and feeling of that area. He is also concerned about the high-water level in the area.

Andrew Plier resides at 9308 W. Concord Drive is opposed for many of the reasons previously stated. Additionally, he is concerned about maintaining a green corridor in that area for nature life. He suggests that the neighborhood signs should all match and that the two subdivisions should coordinate on these efforts.

Mayor Wirth stated that he has represented this area for 15 years and has had many conversations with many residents. He commented on the following issues of concern from the public comments:

- **Water** – this is a concept plan only and the developer is not obligated to have these plans at this stage. He stated that city code requirements all developers to work with city

engineering staff to ensure that water issues are not made worse than the existing status and is almost always made better.

- **Crime** – he is concerned about this issue and although there has been a spike in the entire city recently, it already seems to be going down again. He feels the concern is not limited to this area.
- **Connections** – he believes they are good for the community and that neighborhoods are made safer when they are connections.
- **Rezoning** – He stated that he is an advocate for 5-acre lots on the north and south sides of the city, but each property needs to be considered individually. This parcel is surrounded by smaller lots, it is a relatively small property and the configuration of being long and narrow does not lend to 5-acre lots easily configured on the property. Nearby neighborhoods have same zoning as proposed development. He agrees with maintaining the rural feel similar to surrounding properties.

Mayor Wirth's only concern is that the parcel is not currently zoned CGA and he does not believe it should be rezoned to CGA zoning. He believes that lots should not be less than 110 feet wide and that the proposed lots are too narrow. He believes a few fewer homes is worth having wider, nicer lots.

Asst. Dir. Zader stated that there is ongoing discussion regarding giving up open space or having narrower lots. Whether a CGA or PUD, the yield will be the same depending on the base zoning. The PUD allows the developer to create a design without specific parameters while the CGA requires specific parameters.

There was consensus among the Commission that the proposed lot sizes are appropriate given the surrounding neighborhoods and the proposed development fits into the area well. The Commission supports the connections as they will help traffic flow. The Commission encouraged the residents to allow the engineering department to do their job and to trust that the water issues will be addressed and will most likely improve in that area.

### **Action**

Commissioner Stoker made a motion to approve recommendation to the Common Council per staff recommendations.

Commissioner Jim Schaefer seconded the motion.

Mayor Wirth offered an amendment that the average width of the lots shall not be less than 110 feet.

Commissioner Bach seconded the motion.

*A roll call vote was taken; vote passed (3-2) (No: Lemke, Stoker)*

### **Action**

*A voice vote was taken on the amended motion; vote passed (5-0)*

|                  |                                                 |
|------------------|-------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED WITH CONDITIONS [UNANIMOUS]</b>     |
| <b>MOVER:</b>    | John Stoker, Commissioner                       |
| <b>SECONDER:</b> | James Schaefer, Commissioner                    |
| <b>AYES:</b>     | Wirth, Bach, Hawley, Lemke, J. Schaefer, Stoker |
| <b>ABSENT:</b>   | Strzelczyk, Choren, Gentges, R. Schaefer        |

## 6) Announcements

The next meeting is Monday, April 25, 2022, at 6:00 p.m.

## 7) Adjourn

### Action

Commissioner Stoker made a motion to adjourn the meeting.

Commissioner Lemke seconded the motion.

*A voice vote was taken; vote passed (5-0)*

Meeting adjourned at 7:23 p.m.

Respectfully Submitted,

*Jac Zader*