City of Mequon

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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, March 22, 2021
6:00 PM
Virtual Meeting

Minutes

1) Call to Order, Roll Call

Present:
Chair John Wirth
Alderman Brian Parrish
Commissioner Martin Choren
Commissioner Rick Lemke
Commissioner Rebecca Schaefer
Commissioner James Schaefer
Commissioner John Stoker
Alternate Stephanie Hawley
Commissioner Dan Gentges - **Absent**
Alternate Gregg Bach - **Absent**

Ald. Parrish called the meeting to order at 6:02 p.m.

a) Approval of Minutes from February 22, 2021

Action
Commissioner Jim Schaefer made a motion to approve the February 22, 2021 meeting minutes.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (6-0)

RESULT:	**APPROVED [7 TO 0]**
MOVER:	James Schaefer, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Parrish, Choren, Hawley, Lemke, J. Schaefer, Stoker
ABSENT:	Gentges
NOT PRESENT:	Wirth, R. Schaefer

2) Public Hearing

a) Anderson Ashton. The applicant is seeking conditional use grant, building and site plan and rezoning recommendation to amend the PUD approval to allow for the redevelopment of the site for a class-A self-storage facility for the property located at 10448 N. Port Washington Road.

Action
Commissioner Becky Schaefer made a motion to go into Public Hearing.
Ald. Parrish seconded the motion.
A voice vote was taken; vote passed (8-0)

Mr. Scott Kimmer had registered to speak but was not available on the call.

Action
Ald. Parrish made a motion to close the Public Hearing.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (8-0)

Asst. Dir. Zader stated that the applicant is seeking a rezoning recommendation, conditional use grant and building and site plan approvals. He reminded the Commission that this item was before the Commission in December for a consultation, and they received positive feedback and support for their proposal. He explained that the rezoning change is from B-4 to B-4 with an amended PUD. The changes to the existing PUD will primarily include the conditions of the PUD related to FAR and green space ratio. The original PUD had a shared green space ratio at 26.5 for both parcels and a FAR of 31%. Due to the new use as a storage facility, there is not a need for so many parking stalls; so the amended FAR will be 30% on the main parcel and 40% on the vacant parcel. Both of these comply with the zoning code. The tradeoff is that the FAR for the vacant parcel will be 30% which meets the code but the storage facility will be 73% mainly due to the 2nd story mezzanine and a small building addition off the back. A condition has been added to the PUD that would require an amendment to the PUD if the use of storage ever changes.

Conditional Use Grant findings:

- Hours of operation – staff will allow the facility to have 24-hour operations due to the security measure plan, approval from the Police Chief of the plan and to be consistent with the existing Mequon Storage Facility that has 24-hour operations. Ald. Parrish would like some limited hours and the applicant is receptive to a conversation about amending the hours.

- There will be considerably less traffic at the site with the new use.
- The use is more in line with the type of use for the surrounding neighborhood, service use versus previous warehousing use.

Staff is supportive of the conditional use grant. Asst. Dir. Zader explained that the site plan is similar to what was shown in December. There is a reduction in parking spaces; there are 6 stalls on the outside of the building and 6 stalls on the inside of the building. The code requires 70 spaces which is agreed to be excessive given the type of use. The applicant has provided information from their other facilities and staff did some research as well and staff is supportive that the proposed parking stalls are adequate for the type of use.

There have been conversations regarding the driveway to the north and whether that could be removed. One easement along this stretch has expired but there is still an easement in place for the cell tower. The applicant has reduced the asphalt to 20 feet which is the requirement of the easement for the cell tower. A small sliver of green space will be gained. There are two cross accesses that are not shown on the plan that staff recommends be eliminated.

Regarding the building design, there was feedback at the consultation that the door be relocated to the south side of the building from the front facing Port Washington Road, which the applicant has done. Staff is also requesting the following changes:

- The window wrapping around the north side (like they are on the south side).
- The office area should be bumped out to match the corner area bump outs.
- The north elevation should also include a bump out at the rear of the site to break up the long stretch of flat building and there is some visibility of it from neighboring properties.
- The south side addition should be constructed of the same brick or fiber cement as is shown on the rest of the building.
- The building color panel is more earth tone than the gray shown.

Staff recommends that this portion come back to the Commission for approval next month. The rezoning will be ongoing through the approval process and this will not delay the project.

There were also several changes to the landscaping plan that staff requests and staff recommends the landscape plan come back before the Commission next month for approval. The lighting plan shows wall packs on the building and no parking lot lighting. A condition was added that the lighting on the interior adjacent to the windows be limited to 10-foot candles as required in the code for passageways.

A master sign plan was not included but they are allowed one sign on the building and one sign along I-43, which will require Planning Commission approval. The plan shows additional signs that will need approval. Asst. Dir. Zader stated that this is a good opportunity for feedback from the Commission regarding allowing additional signage.

Staff recommends approval of the rezoning subject to approval from the Common Council and recommends tabling the conditional use grant and building and site plans until updated plans are submitted at the next meeting. The CSM is on the Regular Business Agenda and is also recommended for approval as it is not affected by the conditional use or the building and site plan.

<u>Action</u>
Commissioner Choren made a motion approve the rezoning recommendation.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

The applicant, represented by Michael Kelly, stated that they are willing to compromise the hours of operation to 6:00 a.m. to midnight instead 24-hour access. He explained that they are proposing 3 signs: 2 facing Port Washington Road at different angles and the third one would face I-43. There are also 2 directional signs; one to highlight the office and one over the loading area. They have not yet selected the national operator; although they will most likely selected Life Storage, and they will submit a sign package once the operator selection is finalized.

Brian Fisher, from the design team, stated that they listened to the feedback from the Commission in December and worked to incorporate many changes, most notably the location change of the garage door. He addressed the recommended changes from staff:

- North side windows – they feel that the proposed plan does a nice job of changing up the façade and he would like to discuss whether windows are needed on the north side.
- They are bumping out the office portion by incorporating 6-inch structural metal studs along the building and bumping the wood section out. They feel that it gives relief to the facade.
- East elevation – a new concrete approach will be poured, and a 14-foot canopy will be added above the door. There is a lot of vegetation back there and the panels will be painted to match, and they feel that area is fine, and they do not want to spend additional money back there.
- The south side of the building/office – way-finding signage is proposed for the overhang and that area will be 6-8 inches bumped out and breaks up the façade along that elevation.

They are receptive to landscaping enhancements that will be discussed and to make changes to the landscape code. They believe that the building changes they are proposing are a significant positive change to the appearance of the building. They believe that the recommended changes are minor and should be approved tonight and not tabled.

Commission feedback includes:

- Office location as proposed by the applicant is acceptable, the applicant does not need to meet staff recommendations.
- North elevation - agreement that windows should be wrapped as recommended by staff.
- Northwest corner should have windows wrapped around.
- Add element on the north elevation.
- There are mixed opinions on whether windows should be required on the northeast corner.

There was discussion about the north elevation and the recommendation from staff to incorporate some elements. Asst. Dir. Zader showed photos of this elevation and stated that there is visibility from other properties.

Mayor Wirth stated that he is less concerned about the view from the highway, but he is concerned about neighboring properties' views as well as the view from Port Washington Road.

Action
Commissioner Choren made a motion to approve the building and site plan to include staff recommendation of an added element to the north elevation, eliminate staff recommendation regarding the office entrance and the amended hours of operation in the conditional use grant to 6:00 a.m. to midnight in addition to all other staff recommendations for both items.
Commissioner Jim Schaefer seconded the motion.
A roll call vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Martin Choren, Commissioner
SECONDER:	James Schaefer, Commissioner
AYES:	Wirth, Parrish, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Gentges

3) Consent

a) Lawrence Katz. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the property located at 10448 N. Port Washington Road.

b) Trustway Homes for John Alden. The applicant is seeking minor request approval for fill in excess of 1,000 C.Y. (4,500 C.Y.) for the property located at 12837 Highgate Court.

c) John Graham for Kathleen & Tim Carr. The applicant is seeking certified survey map approval to allow for a 3-lot land division for the property located at 8501 W. Pioneer Road.

d) Thompson Project Management for Foxtown Brewery. The applicant is seeking text amendment approval to allow for a distillery at Foxtown Brewing for the property located at 6411 W. Mequon Road.

Action
Commissioner Stoker made a motion to approve all 4 Consent Agenda items.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Parrish, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Gentges

4) Regular Business

a) Graphic House, Inc. for Alliance Bible Church. The applicant is seeking master sign plan approval to allow for five wall signs and a waiver to the setback requirement for the property located at 13939 N. Cedarburg Road.

Planner Vang stated that the Alliance Bible Church is requesting master sign plan (MSP) approval which includes 5 wall signs. They are also requesting a setback waiver to the monument sign as part of the MSP. The property only has one principal building and per the code it is only allowed one wall sign at 2.5% of the building wall area or 60 sq. ft., whichever is less. They are proposing 5 wall signs due to the multiple entrances for the various users that visit the site. Staff is not opposed to the 5 signs although staff cannot identify a hardship that would warrant for the number of signs requested. Staff recommends 2 directional signs in place of 2 of the proposed wall signs (shown in Exhibit A of the packet). The entrances for the offices and student ministries are set further back from the drive aisle and wall signs are warranted here but staff believes directional signs can be used as allowed per the code to direct patrons to the entrances. Staff does support the other 3 wall signs subject to the conditions in the report.

She explained that one of the conditions is that the Alliance Bible Church sign needs to be reduced in size to the 60 sq. ft. requirement. Regarding the requested setback waiver to the monument sign, the applicant is requesting that the sign extend to the property line, although the code requires a 10-foot setback. The applicant stated that due to the church being set so far back from the road, visitors have a difficult time finding the site. They also noted that The White Rabbit sign on the property to the north impedes their sign. Staff did conduct a site visit and does not agree that the White Rabbit sign impedes the visibility. Staff concurs that the current monument sign is low to the ground, but the new proposed sign will increase the height and the visibility of the sign; staff does not support the setback waiver request.

As part of the MSP, the applicant submitted renderings with changes to the exterior of the building which staff supports and has instructed the applicant to submit a formal building application so that the Commission can review and approve their proposed exterior building changes. The application was not received in time for this meeting but the changes are minor so staff has included a condition, if the Commission agrees, that the changes be reviewed and approved at staff level.

In conclusion, staff recommends approval of the master sign plan subject to the conditions in the report.

The applicant, Pastor Wiley from the Alliance Bible Church stated that they host many different groups throughout the week with constantly changing visitors. Due the property being 5 acres with an oddly shaped "L" parking lot and 4 entrances to their building there is often confusion about where to enter for those visiting the site. They are requesting the wall signs to better identify and distinguish the appropriate entrance that should be used for the various visitors. He is requesting signage for all 4 entrances.

There was discussion about using directional signs instead of wall signs and the challenges of the site. Other institutions in town were noted as examples that have used directional signs to direct visitors to their site.

Action
Commissioner Jim Schaefer made a motion to approve per the conditions in the staff report.
Commissioner Becky Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	James Schaefer, Commissioner
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Wirth, Parrish, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Gentges

b) Berengaria Development for BMSL Mequon Invest LLC. The applicant is seeking certified survey map approval to allow for a 4-lot land division which reconfigures the existing four parcels (7.4-acres) and ultimately creates 5 lots out of the four lots located immediately south of 11104 N. Oriole Lane.

Planner Vang stated that the CSM would normally be on the Consent Agenda, but staff wanted to be able to explain the request. There are currently four lots, which meet and exceed the R-3 zoning code requirements. The applicant wants to create five lots out of the total 7.4 acres so that the water main cost can be spread out amongst five parcels as opposed to the four parcels that currently exist. Through a boundary lot line adjustment and the proposed CSM, five lots will be created. These lots all meet the R-3 zoning district requirements, and the site does have wetlands and specimen trees. They do not plan to disrupt any of the wetlands and the City Forester did review the tree survey that was submitted, and he agrees that the survey accurately conveys the conditions of the trees on site, and he supports the house placements as indicated on the proposed plans. Staff supports the land division subject to the conditions in the staff report.

There was a comment from the Commission that the proposed layout does not impact the existing specimen trees or the wetlands and there is the hope that none of the future owners of these parcels will ask for approval for specimen tree removal.

Action
Commissioner Stoker made a motion to approve per staff recommendations.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Wirth, Parrish, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Gentges

c) The Residence at Foxtown. The applicant is seeking development agreement amendment approval for a proposed 23 single-family home development for the property located immediately east of 11050 N. Weston Drive. (REMOVE FROM TABLE).

Action
Ald. Parrish made a motion to remove this item from the table.
Commissioner Stoker seconded the motion.
A voice vote was taken, vote passed (8-0)

Eng. Dir. Lundeen stated that staff has worked with the applicant to address several of the requested amendments. Staff is recommending approval of some modified language to allow for an interim grading plan because of the layout of the parcel; it makes sense not to request the final grading at the time of final plat. This has been allowed for other subdivisions as well.

The applicant requested some amendments to the timeline of the installation of trees and sidewalk. Staff has provided some modified language and agree to allow for a delayed installation of these items.

The only request by the applicant that is not recommend by staff is the modifications to the asphalt installation requirements. This was previously requested at 75% and was denied and it is now being requested at 100% of occupancy and staff again recommends denial.

It was noted that the timeline allowed for re-requesting an item that has been previously denied is 3 months, which has passed.

The applicant, Tom Zabjek, stated that the streets are private, and he requests the flexibility regarding the timing of the final asphalt. He is willing to put up 150% of the final binder course expense as collateral but he believes the road is going to be trashed if it is installed prior to final occupancy.

Mr. Zabjek explained the reason for his request is due to the uniqueness of this project, which includes very small parcels along with his intention of providing a pristine development.

Action
Ald. Parrish made a motion to approve per staff recommendations.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Brian Parrish, Alternate Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Parrish, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Gentges

5) Policy

1) Amendment to Chapter 58 of the Zoning Code as it relates to Conditional Uses in the B-5 Zoning District.

Mayor Wirth stated that he is sponsoring this text amendment due to an interest from the property owner of Mequon Lawn and Garden. They have sold their location on Port Washington Road and are looking for a new location. They have a contract for the Fox Welding building but a text amendment is needed to be rezoned in order to be in compliance with their type of use. This alone is not justification for a text amendment, but he believes it is consistent with some of the other uses that already are allowed in the B-5 zoning district (for example Grubes Towing).

Action
Commissioner Stoker made a motion to recommend this to the Common Council.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

6) Announcements

The next meeting will be Monday, April 26th at 6:00 p.m.

7) Adjourn

Action
Commissioner Stoker made a motion to adjourn the meeting.
Commissioner Choren seconded the motion.
A voice vote was taken, vote passed (8-0)

The meeting was adjourned at 7:31 p.m.

Respectfully Submitted,

Jac Zader