City of Mequon

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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, April 8, 2019
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chairman Dan Abendroth
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Rick Lemke
Commissioner Brian Parrish
Commissioner Rebecca Schaefer
Commissioner James Schaefer – arrived at 6:05 p.m.
Alternate Stephanie Hawley
Alternate James Baka
Commissioner John Stoker - **Absent**

a) Approval of Minutes from March 11, 2019

Action
Ald. Strzelczyk made a motion to approve the March 11, 2019 meeting minutes.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED BY VOICE ACCLAMATION [7 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Baka, Abendroth, Choren, Hawley, Lemke, Parrish, R. Schaefer, Strzelczyk,
ABSENT:	J. Schaefer, Stoker

2) Consent

a) Newcomer. The applicant is seeking certified survey map approval for a two-lot land division for the property located at 11361 W. Freistadt Road.

Action
Ald. Strzelczyk made a motion to approve the two consent items.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Baka, Abendroth, Choren, Hawley, Lemke, Parrish, R. Schaefer, Strzelczyk
ABSENT:	J. Schaefer, Stoker

b) Gabor Design for Kelly & Mike Grebe. The applicant is seeking setback waiver approval for a proposed 210 sq. ft. portico addition at the front of the existing house for the property located at 11417 N. Spring Avenue.

Action
Ald. Strzelczyk made a motion to approve the two consent items.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Rick Lemke, Robert Strzelczyk
AYES:	Baka, Abendroth, Choren, Hawley, Lemke, Parrish, Schaefer, Strzelczyk
ABSENT:	Schaefer, Stoker

3) Public Hearing

a) MSI General for Quality Auto Body. The applicant is seeking expansion of non-conforming use, building and site plan amendment and sign waiver approval for renovations to the interior and exterior of the building for the property located at 11065 N. Cedarburg Road.

Action
Commissioner Parrish made a motion to open a public hearing.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0).

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

Asst. Dir. Zader stated that this auto body shop received approval for a conditional use grant (CUG) back in 1970 and the property was rezoned in 2008 to Town Center (TC) zoning and the business was deemed legal non-conforming. The applicant is proposing extensive renovations that exceed beyond 50% of the building value which triggered Planning Commission approval. Staff is supportive of the improvements proposed for the building. Improvements include the addition of metal wall panels, lap siding and aluminum storefront windows to brighten up the front of the building. There is also a request for a sign waiver for two wall signs; one on the north and east elevations as well as one on the smoke stack. One of the site improvements will include new landscape islands; which staff supports but recommends the front island be moved back so it is not as close to the road. The lighting plan includes new wall packs which are full cut off but some of the dispersion readings are currently too high per the code and the applicant will need to reduce the light level to comply with the code requirements. The landscape plan includes a street tree to be placed along the north property line which will need to be a minimum of 3" per the code. There is a dumpster at the rear of the site which will need to be enclosed.

The applicant explained the sign waiver request for two wall signs is an effort for to achieve visibility from all directions due to the orientation of the building. Staff does not support the waiver for two wall signs. The TC zoning allows for the applicant to have a projecting sign. The applicant would also need a sign waiver for the size of the signs. Staff supports the proposed 27 sq. ft. signs as an appropriate size and scale when compared to the overall building size. If the building was multi-tenant, the code would allow the signs to be up to 30 sq. ft. Staff recommends the same ghost painting on the smoke stack as the St. Paul's Fish Company across the street. Staff recommends the approval of the requests based on the conditions in the staff report.

The applicant, Eric Neuman from MSI General, stated that they have reviewed all the conditions of approval and they are in agreement with all of the conditions except for the wall signs. They feel strongly that two wall signs are warranted based on the improvements being made and the desire to be visible from all directions.

The Commission provided feedback that overall they like the design and materials proposed. They support the improvements made to this site. They are not supportive of two wall signs. They prefer a projecting sign which is allowed in the code. There was mixed opinions regarding the smoke stack. One Commissioner expressed concern that a non-conforming use is continuing to operate at this site. There was some discussion regarding the definition of "junk vehicles" and the desire to have the cars parked in the rear of the building. There was also discussion regarding the amount of time vehicles could be parked in the front of the building.

Asst. Dir. Zader defined junk vehicles as "non-licensed, non-registered or inoperable" and stated that this is included as a condition of approval. He also commented that this is one of the rare auto repair sites that have not received complaints.

Action

Ald. Strzelczyk made a motion to approve the item with the conditions that only one wall sign be allowed; either a blade sign (size to be determined by staff) or a wall sign up to 27 sq. ft. and all

vehicles shall be parked in the rear of the building out of public view as well as be subject to all staff conditions.
Mayor Abendroth seconded the motion.
A roll call vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Dan Abendroth, Chairman
AYES:	Abendroth, Choren, Hawley, Lemke, Parrish, R. Schaefer, Strzelczyk, J. Schaefer
ABSENT:	Stoker
EXCUSED:	Baka

4) Regular Business

a) Scott Jackman for Marathon Bank. The applicant is seeking minor request for window area obstructions for the east side of the building for Marathon Bank located at 11315 N. Cedarburg Road (MTC1).

Asst. Dir. Zader stated that the request is for window coverings at Marathon Bank to be installed on the east elevation. The request is due to privacy issues regarding personal financials as well as sunlight exposure into the site. Staff requested that a sun study be done on the east side of the building but the applicant did not wish to do this and stated that federal law privacy is the main reason for the request. The City Attorney stated in a memo included in the board packet, that shades are not a requirement and other options could be done if privacy is a concern. There are awnings on the east elevation which appear to do a decent job of shading the site. Staff recommends denial of the request for blinds to be installed.

There was discussion amongst the Commission regarding tenants in Town Center and window coverings. It was noted that the code was in place restricting window coverings before Marathon Bank moved into their space. There was a suggestion to table the item instead of denying it and give the applicant the opportunity to do a solar study but there was also acknowledgement that the applicant did have the opportunity to do so and chose not to.

Action
Ald. Strzelczyk made a motion to deny the request for window coverings.
Mayor Abendroth seconded the motion.
A voice vote was taken; vote passed (8-0).

RESULT:	**DENIAL [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Dan Abendroth, Chairman
AYES:	Abendroth, Choren, Hawley, Lemke, Parrish, R. Schaefer, J. Schaefer, Strzelczyk
ABSENT:	Stoker
EXCUSED:	Baka

b) Jim Hoffman for Pine Reserve, LLC. The applicant is seeking rezoning recommendation to rezone from R-6 (Duplex Condominium/Planned Unit Development) to R-5 (Residential Detached/Planned Unit Development) to create four single lots for vacant land between 6710 and 6926 W. River Birch Drive.

Asst. Dir. Zader stated that this development along with Concord Creek subdivision were approved as part of a PUD ordinance in 2004. This section of the ordinance was approved for 18 condominiums on roughly 18 acres. Five of the side-by-sides have been built and there is the ability for 8 more to be built. The request is to convert the side-by-sides into 4-single family homes which would reduce the overall density by 4 units on the property. This is similar to a conversion that was done at the connecting River Birch subdivision. Staff is supportive of this request and recommends approval. The rezoning will need Common Council approval and a future certified survey map will need to be done to split the lots.

The applicant, Jim Hoffman, stated that this request is due to the lending community which has not been favorable to condominiums and the market demand has not supported condominiums. He has tried to sell it to another developer over the years unsuccessfully and he has communicated with the homeowners over the years about the idea of converting the lots to single family homes.

Asst. Eng. Henk stated that there are a few concerns with converting to single family homes including new wetland delineation will be required and as well the storm water management needs to be updated to ensure current requirements are met. MMSD is looking to make changes in the next few years, so that condition is written so that the applicant is aware that there may be additional storm water management requirements. The pond currently meets all of the MMSD requirements. There will most likely be an impervious surface requirement change that they would also need to met. The pond is the responsibility of the HOA which includes the side-by-side homes as well as the single family homes. It was requested that very clear language regarding the responsibility of care for the ponds is communicated to all future home owners of this subdivision.

Mr. Hoffman stated that they are currently creating language that is to be included in the purchase contract paperwork to all the single family owners as to the responsibility of the storm water pond.

Action

Ald. Strzelczyk made a motion to approve the request subject to staff conditions and language regarding the pond be included to the single family home owners.

Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (8-0).

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Choren, Hawley, Lemke, Parrish, R. Schaefer, J. Schaefer, Strzelczyk
ABSENT:	Stoker
EXCUSED:	Baka

c) David Hoff for Dave Schenker. The applicant is seeking preliminary condo plat, development agreement, fill permit and specimen tree removal to allow for 6 condominiums for the properties located at 10950 & 10922 N. Cedarburg Road (Riverway Condominium).

Asst. Dir. Zader stated that this item has been in front of the Commission several times throughout the approval process. The development agreement will allow for one model plex building to be built prior to final plat and there is one specimen tree that will need to be removed. The City Forester's memo is included in the board packet which recommends removal and the applicant will need to either replace the tree or donate to the Mequon Tree Fund. Staff does recommend approval contingent upon Common Council approval tomorrow night.

The applicant, David Hoff, had no comments.

Action
Ald. Strzelczyk made a motion to approve the requests subject to staff conditions.
Commissioner Parrish seconded the motion.
A voice vote was taken; vote passed (8-0).

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Brian Parrish, Commissioner
AYES:	Abendroth, Choren, Hawley, Lemke, Parrish, R. Schaefer, J. Schaefer, Strzelczyk
ABSENT:	Stoker
EXCUSED:	Baka

d) Plunkett Raysich Architects, LLP for Lumen Chrisiti Catholic Parish. The application is seeking landscape plan amendment and lighting plan approval, including waivers, for the proposed addition for the property located at 2750 W. Mequon Road.

Commissioner Parrish recused himself from this item.

City Planner Vang stated that this request for approval is for a proposed addition to the existing church building, which was approved at the February 11, 2019 meeting, for the lighting and landscape plans. The lighting waivers include the maximum illumination of the building surface, maximum height waiver to the fixtures on the façade and the hours of operation of the lighting. Staff does not support the waiver to exceed the illumination of the façade and tower. The two fixtures that exceed the illumination code standard are the ones that flank the entrance, all other areas comply with the code requirement. The code requirement is a maximum of 10 foot candles for illumination of building surface. Staff believes that for the purpose of illuminating for decorative purposes that the 10 foot candle requirement is practical and that other solutions are available to comply with the code requirement.

The code height requirement is a maximum of 16 feet for fixtures attached to buildings and the applicant is requesting a height waiver for four fixtures that will flank the corner of the bell tower as well as the fixtures illuminating the cross. Staff does support the height waiver request because the illumination adds to the quality and the richness of the architecture.

The code requires all luminaries to be turned off from the close of business to sunrise unless the building remains open after 11 p.m. The applicant provided hours of operation to include office hours until 4:30 p.m. and occasional meetings until 9:30 p.m. Staff believes that the illumination of the building and cross are a symbol of refugee for the community. Although the building and church are not open 24 hours, the features offer symbology of the church's mission. If the Planning Commission agrees with staff, the Commission can approve the waiver for the illumination until 11:00 p.m. with the condition that all the illumination meets the 10 foot candle code requirement.

The amended landscape plan is for the new addition and area adjacent to Mequon Road. The proposed plan includes the removal of several trees along Mequon Road which is supported by the City Forester. Staff does request as a condition of approval that street trees along Mequon Road be replanted. Staff recommends the approval requests subject to the conditions in the staff report.

The applicant, Matt Iwanski, from Berghammer Construction and Mike Walton, stated that there is an adoration chapel that is open 24 hours that is isolated to the south on the front of the church but they are agreeable to the lights turning off at 11:00 p.m. The foot candle level problem is that the wall mount fixture is attempting to give some height and the light catches the part of the wall when thrown vertically. They worked with an engineer to try to find a fixture that would work and they were unable to find a better solution. Their desire is to keep the lights as proposed as only a few areas exceed the 10 foot maximum.

The Commission discussed that safety lighting as opposed to decorative lighting allows for higher illumination levels. Feedback from the Commission was that the safety issue at the entrance way and the fact that there is no light spillage that reaches Mequon Road justifies the higher illumination requested. It was also noted by staff that these are extremely bright lights for this area.

Mayor Abendroth referenced the parking lots at Concordia University and that those lights were too bright when first installed but the issue was revisited and the lights were changed. He recommended revisiting this project in a year to assess the brightness of the lights and the opportunity to make changes at the time if needed.

Commissioner feedback also preferred to have less light than more due to surrounding residential homes. Commissioners requested some flexibility on the foot candles and the ability to change them if needed.

Action
Commissioner Becky Schaefer made a motion to approve the requests subject to staff conditions.
Commissioner Parrish seconded the motion.
A voice vote was taken; vote passed (8-0).

Mr. Iwanski asked about the location of the required street trees. It was explained by staff that this project is permitted to place the trees in the area between the sidewalk and the parking lot as it does not cause an obstruction of the street or the tower. The goal is a concentration of trees with no gap in the landscaping. The applicant will work with staff regarding the placement of the trees.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Baka, Abendroth, Hawley, Lemke, Parrish, R. Schaefer, J. Schaefer, Strzelczyk
ABSENT:	Stoker
RECUSED:	Choren

e) Boulder Venture for Associated Bank. The applicant is seeking sign waiver approval for a second wall sign, sign waiver approval for a wall sign that exceeds the height requirement, and building and site plan amendment to amend a condition of approval that prohibited signage in the glass tower for a proposed two-story, 7,6000 sq. ft. financial institution building located at 11223 N. Port Washington Road.

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

Planner Vang stated that the applicant is proposing a tower sign for approval; however a tower sign approval requires building and site plan amendment approval. The applicant is also requesting illumination of the green band. The illumination was not part of any previous approval and would require an amendment to the building and site plan approval. Staff does not support the proposed tower sign. After reviewing the previous meeting minutes, it was noted that there were many concerns and issues raised by the Commission regarding the height of the tower without an element in it as well as a tower sign. Staff does not support the proposed sign request for approval as it does not address any of the feedback provided by the Commission and city staff from previous meetings. At the time of the original building and site plan approval there was a tower sign shown on the proposed plans but the Commission prohibited the tower sign as a condition as part of the approval. At last month's meeting the sign waiver approval was tabled. Staff recommends denial of the building and site plan amendment to allow for a tower sign and staff does not support the illumination of the green band.

The applicant was represented by Rob Schmidt and Curt Smith from Boulder Venture, Andrew Kerr from Rinka Architects and David Knight, Director of Real Estate for Associated Bank. Mr. Schmidt stated that based on previous feedback they have removed the north wall sign and the ground sign. He stated that the green band was part of the original approval but it was not identified as illuminated. He explained that the illumination would be on a dimmer and a timer so that it would be controllable.

Mr. Kerr stated they have spent a great deal of time discussing and reviewing the height of the tower. He stated that the building has been pushed to the front of the site. Their typical building is 43 feet wide and the proposed building is 65 feet wide. Due to this size, the structure needs to be nearly three feet deep to span across the lobby of the bank and this span applies to both floors. Efforts to reduce the height of the tower involve many building modules as well as lowering the overall height of the building and they found that there is not the capacity to do so. Regarding the illuminated green sign, the element has been re-rendered to be a downlight for the tower. They feel that the new materials proposed (custom acrylic panel and LED sheet) reduces the brashness of the illuminated green cube.

He commented they have tried to adhere to all of staff's recommendations throughout the process; they have removed the north wall sign, removed the monument sign and they have pushed the building to the front of the site, which has significantly increased the overall project cost, given up a curb cut, removed all of the external branding on the building except for the green band at the top and they feel that they have worked to be accommodating. This will be the largest building they have built in over a decade and they are excited to invest as part of the Mequon community. It is important to them to have some features that differentiate them from other buildings.

The majority of the Commission provided feedback that they still feel that the tower is too high, they do not like the illuminated band (especially at that height) and they do not like the cube. There is very little support for signage in the tower. They do not feel that the applicant has listened to their previous feedback and has not made significant enough changes. The Commission expressed their sentiment that they appreciate that Associated Bank wants to invest in the community. Two of the Commissioners feel that the proposed building plans are acceptable. It was noted that any additional approvals requested would require a new Planning Commission application and any associated fees.

There was discussion about other possibilities of what could be allowed and approved. It was also stated that at the original approval, the tower was approved at the proposed height

Dir. Tollefson stated that anything that represents signage (logo, signage, artwork) is considered a sign and must comply with the sign code. The sign code is very specific about logos; which are defined as a sign, and are subject to all of the technical standards. Any feature that has any element of signage would require a waiver and a hardship must be specified to approval a requested waiver.

Mr. Schmidt stated that the hardship is that the driveway to the north is being closed as part of the site plan approval, so southbound traffic will not see the signage identifying the building until after passing the driveway.

Commissioner Choren and Commissioner Jim Schaefer offered to be part of the meetings between the applicant and staff going forward in an effort to find a plan that will be agreeable to both the applicant and the Commission.

Action
Ald. Strzelczyk made a motion to deny the request for the illuminated green band and signage in the tower due to a hardship not being demonstrated.
Commissioner Becky Schaefer seconded the motion.
A roll call vote was taken; vote passed (6-2; No: Lemke, Hawley).

RESULT:	**DENIAL [6 TO 2]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Abendroth, Choren, Parrish, R. Schaefer, J. Schaefer, Strzelczyk
NAYS:	Hawley, Lemke
ABSENT:	Stoker
EXCUSED:	Baka

5) Announcements

Asst. Eng. Henk stated the civic campus parking lot project is slated to begin next week. The spaces on Cedarburg Road will be available as well as parking at the library. The work should be completed by Labor Day. Parking plans will be made available on the city webpage.

This is the last meeting for Dan Abendroth as mayor. He thanked everyone for all their hard work. Staff and the Commissioners thanked Dan for his tenure and service to the community.

The next meeting will be May 13, 2019 at 6:00 p.m.

6) Adjourn

Action
Mayor Abendroth made a motion to adjourn.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0).

Respectfully Submitted,

Jac Zader