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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, February 24, 2025
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Andrew Nerbun
Alternate Alderman Brian Parrish
Commissioner Stephanie Hawley
Commissioner Rebecca Schaefer
Commissioner Nancy Urbani
Commissioner Bruce Barnes - **Absent**
Commissioner Martin Choren - **Absent**
Commissioner John Stoker - **Absent**

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

a) Approval of Meeting Minutes from January 27, 2025.

Action

Commissioner Hawley made a motion to approve January 27, 2025, meeting minutes.
Commissioner Schaefer seconded the motion.
A voice vote was taken; vote passed (5-0)

2) Policy

1) **RESOLUTION 4183** - A Resolution Adopting the 2025 City of Mequon's Comprehensive Park, Recreation and Open Space Plan.

Director of Public Works/City Engineer Kristen Lundeen confirmed that the Park and Open Space Committee unanimously approved the recommendation to approve the Comprehensive Recreation and Open Space Plan.

Ald. Parrish commented that this was a huge undertaking as the plan is quite comprehensive and expressed the gratitude from the Common Council for the work put into this Plan.

Action

Ald. Parrish made a motion to recommend the Park, Recreation and Open Space Plan to the Common Council.

Commissioner Hawley seconded the motion.

A voice vote was taken, vote passed (5-0)

RESULT: Referred to Committee [Unanimous]
MOVED BY: Alderman Parrish
SECONDED BY: Commissioner Hawley

AYES: Nerbun, Parrish, Hawley, Schaefer, Urbani
ABSENT: Barnes, Choren, Stoker

3) Regular Business

- a) Hiller Realty for Aster Woods LLC. The applicant is seeking plat amendment approval to allow for an expanded building envelope for the property located at 1511-1596 Aster Woods Court and 11620-11693 Aster Woods Circle (Aster Woods Condominiums).

City Planner Natalie Redding stated that this condominium plat amendment approval is due to private market interest in larger customized apartment units. The building envelope is slightly larger than previously proposed for the last four units to be built; units 25 & 26, 31 & 32. The condominium development was originally approved in 2000 and amended in 2017; with expansion to the building footprint for 6 units. The packet contains a letter with the neighbors approval of the proposed amendment. The increase in size will still comply with the 25-foot setback requirement. It is noted in the staff report that the lot coverage percentage needs to be confirmed due to the increased unit size, and since the time of publication of the packet the applicant has confirmed that it will be a roughly 1% increase in the lot coverage which does comply with the R-6 and PUD requirements. She noted there is a memo from the City Attorney included in the packet as well. Staff recommends approval.

Action

Commissioner Hawley made a motion to approve the amended condominium plat.

Commissioner Urbani seconded the motion.

A roll call vote was taken, vote passed (5-0)

RESULT: APPROVED [5 TO 0]
MOVER: Stephanie Hawley, Commissioner
SECONDER: Nancy Urbani, Commissioner
AYES: Nerbun, Parrish, Hawley, Schaefer, Urbani
ABSENT: Barnes, Choren, Stoker

- b) Eastbrook Drive, LLC. The applicant is seeking building and site plan amendment approval to allow for five, two-unit condominiums for the property located immediately west of 11649 N. Port Washington Road.

Public Comment

Pat Marchese - 1625 W. Eastbrook Court - stated he is supportive of the proposed amendment. He complimented the staff, the applicant and Commission for working together to allow for drastic positive changes to the proposed development to be possible.

Planner Redding stated this building and site plan amendment is for building and elevation changes to the 5 two-unit condominiums that were previously approved in March of 2023. She explained that the design and elevation modifications will show gables added that mimic designs in neighboring condominiums. Staff recommend that no one material be used on more than 5 units and she noted that the building materials are included in the packet. There will be a minor elevation change that increases the square footage of the first and second floors. The additional second floor footage will allow for an additional bedroom as well as a bonus room. The first floor footage increase will add about 68 square feet to each unit’s footprint. The setback and offset requirements are still being met per the R-6 zoning code and previously approved PUD requirements. Staff support the design changes as they present a more aesthetically appealing architectural design and better matches the neighboring developments. Staff recommend approval subject to the conditions in the staff report.

There was a brief discussion and more staff explanation regarding the requirement regarding the variation of building materials required to be used. Staff also helped define the term “residential plex” as inquired by the Commission.

The applicant confirmed that the units will be ownership condominiums.

Action

Commissioner Schaefer made a motion to approve the building and site plan amendment per the recommendations in the staff report.

Commissioner Hawley seconded the motion.

A roll call vote was taken, vote passed (5-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Parrish, Hawley, Schaefer, Urbani
ABSENT:	Barnes, Choren, Stoker

- c) Birch Point Real Estate, LLC. The applicant is seeking text amendment approval to allow for a showroom sales facility for the B-4 zoning district.

Planner Redding stated the text amendment for a new proposed permitted use within the B-4 zoning district. Specifically, it would allow for a showroom sales facility that would have different designer showrooms displaying building products, furnishing, hardware, etc. for selection and purchase. Currently, the permitted use section is limited to 3 uses (offices and services). A design showroom is more aligned with the existing conditional uses allowed within the B-4 district where there is an element of business that brings customers to the site. Within this context, staff support the proposed amendment as a conditional use instead of a permitted use. She commented that there is a map included in the packet that shows the areas where this conditional use would be allowed in the city.

The applicant explained that this proposal is for a collection of design showrooms that will benefit designers, developers and residents/end users by having several vendors in one place for those making building selections. He commented that will help elevate the design business, promote more local business, provide convenience and is a way to bring new brands to the area. He further explained that the showrooms are primarily for product selection and the majority of purchases are wholesale from contractors or designers. While the vendors do not wish to be located in a retail space, as they mainly operate from scheduled appointments, they would like to accommodate walk-ins as well, if staff capacity allows for it. Most of the vendors mainly operate from scheduled appointments, they but would like to accommodate walk ins if staff capacity allows for it and they do not wish to be located in a retail space. Due to this aspect, he requests the text wording by modified to eliminate “by appointment only” and he gave a few examples of wording that could be used instead. He requests that the language be modified to specify that the showrooms are for selection only and that customers do not walk out with actual products. He concluded by stating that it is small change to the wording but the modification will have a large impact on the proposed vendors. Per this context, the applicant requests the text wording to be modified to eliminate “by appointment only”. He requests the language be modified to specify that the showrooms are for selection purposes only and that customers do not walk out with purchased products. He concluded by stating that this is a small change but has a large impact on the proposed vendors.

There was discussion among the Commission and staff regarding this modification request. Staff explained the balance between limiting the operations and also having the ability to enforce the conditions. As a conditional use, each vendor will be individually reviewed for specific conditions. It was commented that the lack of on-site purchasing helps in eliminating the retail component. Mayor Nerbun stated that he is comfortable eliminating the wording as requested by the applicant as this can be reviewed in a year to assess if requirements are being met.

Action

Commissioner Schaefer made a motion to approve the text amendment with the change to exclude “by appointment only” and that the conditional use will be reviewed individually once submitted.

Commissioner Hawley seconded the motion.

A roll call vote was taken; vote passed (5-0)

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Action

~~Commissioner Schaefer made a motion to approve the text amendment with the change to exclude "by appointment only" and that the CUG will be reviewed individually once submitted. Commissioner Hawley seconded the motion.
A voice roll call vote was taken, vote passed (5-0)~~

RESULT:	APPROVED AS AMENDED [5 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Parrish, Hawley, Schaefer, Urbani
ABSENT:	Barnes, Choren, Stoker

4) Policy

- 1) An Ordinance to Amend Section 58-41(g) of the Mequon Municipal Code related to the Issuing of Decisions by the Board of Appeals.

City Attorney, Brian Sajdak, stated that the text amendment relates to the decision making process by the Board of Appeals and the decisions that come from that Board. He commented that a recent case highlighted the difficulty in completing the process in the 10 days allotted based on meeting dates and staff work time. The proposed amendment changes the preliminary allowed time from 10 days to 15 days, which he believes is sufficient time in 90% of the cases. The amendment authorizes flexibility by the Mayor and/or the full Common Council if it is beyond 30 days to allow for an additional extension.

Action

Commissioner Schaefer made a motion to recommend the text amendment change to the Common Council.

Commissioner Urbani seconded the motion.

A voice vote was taken, vote passed (5-0)

RESULT:	APPROVED AS AMENDED [5 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Nerbun, Parrish, Hawley, Schaefer, Urbani
ABSENT:	Barnes, Choren, Stoker

- 2) An Ordinance to Amend Chapter 58 of the Mequon Municipal Code to implement the provisions of 2023 WIS. ACT 16 related to the process and procedures of certain zoning-related applications.

City Attorney Sajdak stated the proposed ordinance is to clean up the existing ordinance as there have been some changes in the state law that need to be reflected in the city's ordinances. The most significant changes relates to protest petitions and the ability to file a petition that requires a higher moat by the Council in order to get approved. He further explained that in 2017 the Legislature removed the protest petition provision and assumed municipalities would follow suit, most communities did not. At that time, the City of Mequon proposed to have it removed but instead made modifications that made it more difficult to meet the standard of protest petition. The Legislation decided to officially change the language so that all decisions related to zoning must be made by a standing majority vote by the Council, which effectively removes the ability to use a protest petition. The proposed amended ordinance eliminates the couple references to that.

He commented that additionally there are a few other clean up provisions that deal mostly with judicial review of zoning decisions that are being made. Specifically, an expedited version of certiorari review will be incorporated. He explained that basically the process will remain the same. The changes to the code will keep the city current with state statute.

There was brief discussion regarding the proposed changes.

Action

Commissioner Hawley made a motion to recommend to the Common Council.

Commissioner Urbani seconded the motion.

A voice vote was taken, vote passed (5-0)

RESULT:	APPROVED [5 TO 0]
MOVER:	Stephanie Hawley, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Nerbun, Parrish, Hawley, Schaefer, Urbani
ABSENT:	Barnes, Choren, Stoker

5) Announcements

The next meeting will be on Monday, March 17th at 6:00 p.m.

6) Adjourn

Action

Commissioner Hawley made a motion to adjourn the meeting.

Commissioner Urbani seconded the motion.

A voice vote was taken, vote passed (5-0)

The meeting was adjourned at 6:50 p.m.

Respectfully Submitted,

Jac Zader