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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, April 24, 2023
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chair Andrew Nerbun
Alderman Brian Parrish
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Stephanie Hawley
Commissioner Rick Lemke
Commissioner Rebecca Schaefer
Commissioner John Stoker
Alternate Commissioner Nancy Urbani
Commissioner Dan Gentges - **Absent**

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

a) Approval of Minutes from March 20, 2023

Action
Commissioner Stoker made a motion to approve the March 20, 2023, meeting minutes.
Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Barnes, Choren, Hawley, Lemke, Parrish, Schaefer, Stoker
ABSENT:	Gentges

2) **Public Hearing**

a) GABO Investments, LLC for Paul Reilly Company. The applicant is seeking conditional use grant approval to allow for warehousing for the property located at 1100 W. Glen Oaks Lane.

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

No Public Comment

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

Action
Commissioner Stoker made a motion to approve the conditional use grant per conditions in the staff report.
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:	Nerbun, Barnes, Choren, Hawley, Lemke, Parrish, Schaefer, Stoker
ABSENT:	Gentges

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 at 11155 N. Wauwatosa Road (Mobil). REMOVE FROM TABLE

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

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

No Public Comment

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

Planner Laurie Miller stated that this request is for an expansion of a non-conforming use and was before the Commission at the March 20, 2023, meeting. She discussed many items included in the updated proposal outlining many of the staff's concerns which are detailed in the staff report.

The applicant stated glass block windows are standard for car washes and are most efficient to allow for light. He discussed the trash collection schedule as a concerning issue as well as the location for the trash dumpster. He explained the vacuum location options and he offered that they could be located next to the building. The curbing was discussed as the applicant is only offering to provide curbing for a portion of the site. The applicant agrees to provide new asphalt for a portion of the site and to do repairs on some of the site, but not to replace the entire site. They do agree with the recommended operating hours and to the decibel volume.

Director Kim Tollefson stated that it has been a long-standing policy that service-oriented features are not located along public streets; especially as this is a high-volume trafficway and gateway corner to the city.

The Planning Commission provided feedback that they are supportive of the glass block windows and believe there will not be high visibility from the street due to the existing landscaping. There was some discussion regarding trash collection and potential issues with how it would affect the queue for the car wash. There was feedback that ground level vacuums are preferred (instead of overhead vacuums) and some support that repair and resealing of the asphalt in certain areas would be acceptable.

The items discussed were summarized as following:

- A revised plan/operating plan that addresses the trash collection issue be submitted.
- Final location of the vacuums to be agreed upon.
- Consistent landscaping along the west property line is required (no gap).
- Asphalt repair and resealing is acceptable in certain areas.
- Glass block window is acceptable.
- The limited curbing proposal needs to be addressed and agreed upon.

Action
Commissioner Schaefer made a motion to table the item.
Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed (7-1) (No: Stoker)

RESULT:	**TABLED [7 TO 1]**
SECONDER:	Stephanie Hawley, Rebecca Schaefer
AYES:	Nerbun, Barnes, Choren, Hawley, Lemke, Parrish, Schaefer
NAYS:	Stoker
ABSENT:	Gentges

3) Consent

Commissioner R. Schaefer requested that item 3c be removed from the Consent Agenda

a) Charles Wood. The applicant is seeking specimen tree removal approval to allow for three (3) specimen trees to be removed for the property located at 13480 N. Lakewood Drive.

b) David Smulyan. The applicant is seeking specimen tree removal approval to allow for one specimen tree to be removed for the property located at 13205 N. Shoreland Drive.

d) JP Morgan Chase Bank NA. The applicant is seeking building and site plan amendment to allow for roof-top solar panels for the property located at 5909 W. Mequon Road.

e) East Mequon IVb, LLC. The applicant is seeking master sign plan amendment for the property located at 12100 - 12200 N. Corporate Parwkay.

Action
Commissioner Stoker made a motion to approve the 4 items on the Consent Agenda (a, b, d, e)
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:	Nerbun, Barnes, Choren, Hawley, Lemke, Parrish, Schaefer, Stoker
ABSENT:	Gentges

c) Michael Sullivan. The applicant is seeking wetland setback waiver and specimen tree removal approval to allow for one specimen tree to be removed for the property located at 229 W. Hemlock Lane.

There was a question from the Commission regarding the wetland setback on this item.

Assistant Director Jac Zader explained that when the original approval for this parcel was made there was a 10-foot wetland setback and a previous staff member determined that it should have been a larger setback. The final approval showed a 50- foot setback which significantly impacted the buildable area. He commented that this is a somewhat unique situation in that the city has setback requirements that are not always consistent with the DNR's definition of a setback (size and quality are evaluated).

Action
Commissioner Hawley made a motion to approve the item.
Commissioner Barnes seconded the motion.
A roll call vote was taken; vote passed (8-0)

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

4) Regular Business

a) Hannah Boyd. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the property located at 3800 W. Grace Avenue.

Mayor Nerbun recused himself from this item.
Ald. Parrish was acting Chairman.

Asst. Dir. Zader stated there is a letter from the River Ridge subdivision on the dais for all the Commissioners that was received late this afternoon. He explained that this approval is for a 2-lot land division zoned R-3 (1 acre). He explained that the squiggly line on the proposed CSM is due to an existing home on one of the lots as well as trying to meet the 150-foot width requirement. He commented that there is floodplain, environmental corridor, and a number of specimen trees (none will be affected) on these parcels.

There is a neighboring subdivision with an outlot which provides access to this property. The letter submitted from River Ridge addresses access and utility use of that easement. The City Attorney reviewed the easement, and he believes that the applicant has the legal right to use that easement for utilities and access. The applicant is requesting one modification to the width of the driveway. Staff does recommend approval per the conditions in the staff report.

The applicant, Hannah Boyd, stated that she is requesting that condition #9 in the staff report be excluded as there is existing landscaping that both her and the neighbor would like to kept in tact and would negatively impacted by widening the existing driveway. She believes that there is space for cars to pass and the driveway is very long and would be a huge expense to widen it.

Action
Commissioner Stoker made a motion and accepted the friendly amendment to approve the item excluding condition #9 in the staff report.
Commissioner Urbani seconded the motion and accepted the amendment.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Urbani, Barnes, Choren, Hawley, Lemke, Parrish, Schaefer, Stoker
ABSENT:	Gentges

b) Christ Alone Church. The applicant is seeking minor request approval to allow for a tent for temporary use for the property located at 10001 N. Cedarburg Road.

Planner Miller explained that this special temporary use was approved in 2020 and 2021 per the Covid proclamation and once it was expired the church requested to continue the practice of having a tent up on the parking lot on the west side of the property as well as using the grass for overflow parking. The proposed tent is 30' x 60' and will remain up from May 29th through August 31st. The green space proposed for parking is located near the corner of Elmdale and Cedarburg Road for 10 events over the summer.

The applicant is requesting the same conditions approved last year for this use. Staff does have concerns as this is the fourth year this temporary use has been requested and can no longer be considered temporary. The applicant has indicated they are working on plans for next year for an outdoor pavilion and expanded parking lot.

Staff have communicated concerns about parking spaces used for the tent but the applicant expressed that this is for the safety of their attendees. Staff noted that the area of payment requested for the tent placement is in poor condition. The code requires that parking spaces should be arranged and marked and kept free of pollutants.

Other overflow parking options were suggested at River Barn Park, the cemetery or on street parking with coordinate with the police.

Planner Miller noted two corrections to the staff report; that the recommended time period will only extend from May 29, 2023, to August 31, 2023, and condition #5 should be excluded as the tent is unable to be erected and disassembled more than once.

The applicant agrees with conditions 3, 4, 6 and 7 in the staff report. They stated that their plan is to rotate the overflow parking as they did last year. They explained that the events take place mainly on Sundays and not all of the events will require overflow parking. They believe that the recommendation of the tent to be placed on the grass is dangerous for their attendees as many are elderly and require walkers and wheelchairs. Additionally, the grass under the tent would not receive any sunlight or rain for the entire summer. They are requesting the same conditions as last summer.

The applicant stated this will be the last year they are requested the temporary use approval as they are working on designing and building a permanent structure.

<u>Action</u>
Commissioner Stoker made a motion to approve the item per the same conditions as 2022.

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

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Brian Parrish, Alternate Alderman
AYES:	Nerbun, Barnes, Choren, Hawley, Lemke, Parrish, Schaefer, Stoker
ABSENT:	Gentges

c) CS Mechanical for MPP Group. The applicant is seeking minor request approval to allow for a fence to screen mechanical equipment for the property located at 12250 N. Corporate Parkway.

Planner Miller stated that the request is for 6 parking spaces to be removed adjacent to the south side of the building. A 21’ x 49 ‘ fenced area to screen ground mounted mechanicals is proposed in this area. The material proposed for the fence is chain link with wooden slats and the south fence will be lined with 7’ tall Emerald Arborvitaes. No landscaping has been proposed in front of the east or west facing fence. She explained that there are some contradictions in the proposal, but staff is not concerned as the conditions address these issues (length of the fence and the number of Arborvitae).

There will be 49 parking spaces remaining. This building is occupied by two separate businesses. The highest number of employees per shift for both businesses is 22 employees, therefore the remaining parking should be adequate for their needs.

The applicant proposed fence material to allow for airflow to the mechanicals, although staff does not support the materials proposed and believes they are inadequate for this location. Chain link fencing has not been commonly accepted in applications in commercial districts. In addition, the corporate parkway business park includes high-quality development features. Staff recommends a composite wood fence for longevity and ease of maintenance, in a color compatible with the building.

The proposal also includes 4-8 arborvitaes that will grow to three feet in diameter and 15 feet tall, which would only provide screening of 12 to 24 feet of the 50-foot fence. Staff recommends a mix of species with year-round capacity be planted for shielding of the entire fence line. Staff also recommend adequate low-level plantings along the east and west side of the fence to be compatible with the remaining landscaping located along the periphery of the building.

Staff has identified one site compliance issue while reviewing this site; there is a significant amount of debris piling up around the garbage enclosure and staff recommends the debris be removed from the site by May 19, 2023. Staff recommends approval per the conditions in the staff report.

Action
Commissioner Choren made a motion to approve the item per the conditions in the staff report.

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

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Barnes, Choren, Hawley, Lemke, Parrish, Schaefer, Stoker
ABSENT:	Gentges

d) O'Malley Family LLC. The applicant is seeking certified survey map approval to allow for a 3-lot land division for the property located immediately north of 11550 N. Wasaukee Road.

Asst. Dir. Zader stated that this is a request for a 3-lot land division of lots that are approximately 10-acres each in size. The only issue is that there is a significant area of primary corridor located mostly on Lot 3, so a condition has been added that whatever development occurs on Lot 3 does not incur inside the primary corridor. There are also several specimen trees in that area and no specimen trees shall be removed as part of future home construction. The bigger issue pertains to access to the site. There is a driveway off Wasaukee Road and there is also a road reservation that connects to Ashbury Woods Drive.

Assistant City Engineer Cole McCraw stated that both the fire department and EMS communicated that it is preferred to access from Ashbury Woods Drive for quicker response time and the subdivision has fire cisterns. There is not city water in this area, and it would need to be hauled in for an emergency fire. Staff will need to work with the applicant for a potential waiver to increase the shared private driveway to 18 feet wide, paved with shoulders.

The applicant, Sam O'Malley, stated the plan is to build a home on Lot 2 and there is currently no plan to build on Lot 1 or Lot 3. He is open to whichever access is preferred by staff and emergency services

Action
Commissioner Barnes made a motion that the lots shall be accessed from Ashbury Woods subdivision and to include a waiver for the length of the private shared driveway per the Standard Specification of 500 feet.
Commissioner Stoker seconded the motion.
A roll call vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Bruce Barnes, John Stoker
AYES:	Nerbun, Barnes, Choren, Hawley, Lemke, Parrish, Schaefer, Stoker
ABSENT:	Gentges

e) Trinity Lutheran School and Church. The applicant is seeking building and site plan amendment and landscape plan approval to allow for expansion for the property located 10729 W. Freistadt Road.

Planner Miller stated that the applicant received approval for a similar proposal in October of 2022 but due to raising costs they are reducing the size of their project. The applicant is requesting building and site plan amendment and landscape plan approval for an approximately 2,200 sq. ft. addition to the school and church as well as construction of a standalone 200 sq. ft. maintenance building and a reduction to the parking lot. The single-family home adjacent to the church will be razed as part of this project.

The details of the staff report were reviewed, and the following items need to be modified per staff recommendations:

- Plans to be updated to show the decorative railing along the retaining wall will continue for the entire length of the wall.
- Any signage will need to need to be reviewed and will need to comply with the sign code.
- The maintenance building shall include 4 additional windows along the west elevation.
- Maintenance building siding and doors color shall match the principal structure.
- The landscape plan shall be updated to meet the code requirements of 1 tree per 30-feet of street frontage as there is a shortage of street trees proposed along Granville Road and Church Place.
- Should the area west of the existing southern parking lot be developed, the southern parking lot shall be updated to meet code requirements.

There was a complaint received regarding the exterior lighting for the Trinity Lutheran Church monument sign located along Granville Road. The resident has been working with church staff to resolve this issue but requested this be addressed and be included in the proposed plan. Staff recommends approval per the conditions in the staff report.

The applicant stated that they disagree with condition #5 pertaining to the color of the siding of the maintenance building. There is a building and an unattached garage between the two residences that is brown in color that they would like to match the proposed building to as these buildings are in closer proximity.

The Commission architect agreed with the applicant due to the proximity of the buildings.

<u>Action</u>
Commissioner Choren made a motion to approve this item and that the color of the maintenance building can match the adjacent buildings to the east and the west per the request of the applicant.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Martin Choren, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Nerbun, Barnes, Choren, Hawley, Lemke, Parrish, Schaefer, Stoker
ABSENT:	Gentges

5) Policy

1) Chapter 58 Zoning Code Text Amendment Related to the storage of Recreational Vehicles

Asst. Dir. Zader stated that this issue was in front of the Public Welfare Committee ("PW") in March and April due to a complaint in district 3. The only change recommended by PW was that RVs should be stored on an impervious surface or a paved surface. He explained that he did present zoning codes from 5 other communities for review. The biggest complaint staff receives is regarding the length, which is a 20-foot for all vehicles. Another issue is regarding where the vehicles are allowed to be parked. He discussed some other options that can be considered regarding these issues.

There was feedback from the Commission that vehicles have gotten bigger, and the length allowance should be reviewed and possibly increased. Other issues discussed include:

- The number of recreational vehicles allowed per property.
- Location allowed on properties (setbacks, property lines).
- Whether a screening component should be required.
- Different restrictions seasonally (date based).
- Different allowances based on location in the city (near a waterway, rural).

It was decided that staff will craft a draft for review by the Commission the following month.

6) Announcements

The next meeting is Monday, May 22, 2023, at 6:00 p.m.

7) Adjourn

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

The meeting concluded at 8:15 p.m.

Respectfully Submitted,

Jac Zader