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Department of Community Development
Taped and Televised

**PLANNING COMMISSION
Regular Meeting
Monday, April 25, 2022
6:00 PM
Christine Nuernberg Hall**

Minutes

1) Call to Order, Roll Call

Present:

Chair Mayor Andrew Nerbun
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Stephanie Hawley
Commissioner Rick Lemke
Commissioner Rebecca Schaefer
Commissioner John Stoker
Commissioner Dan Gentges - **Absent**
Commissioner James Schaefer - **Absent**
Alternate Greg Bach - **Excused**
Alternate Joe Goldberger – **Excused**

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

2) Approval of Meeting Minutes from March 21, 2022

Action

Ald. Strzelczyk made a motion to approve the meeting minutes from March 21, 2022.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Nerbun, Strzelczyk, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT:	Gentges, J. Schaefer

3) Consent/Public Hearing

- a) Milwaukee Flower Company. The applicant is seeking conditional use grant approval to allow for a florist for the property located at 6100 W. Executive Drive, Suite A.
- b) La Terre. The applicant is seeking conditional use grant approval to allow for a florist for the property located at 10650 N. Baehr Road, Suite C

Action

Commissioner Stoker made a motion to open a public hearing.

Commissioner Becky Schaefer seconded the motion.

A voice vote was taken; vote passed (7-0)

No public comment.

Action

Commissioner Stoker made a motion to close the public hearing.

Commissioner Choren seconded the motion.

A voice vote was taken; vote passed (7-0)

Action

Commissioner Stoker made a motion to open a second public hearing.

Commissioner Choren seconded the motion.

A voice vote was taken; vote passed (7-0)

No public comment.

Action

Commissioner Stoker made a motion to close the public hearing.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (7-0)

Action

Commissioner Stoker made a motion to approve both consent items.

Commissioner Lemke seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT:	Gentges, J. Schaefer

4) Public Hearing

- a) Trees for Less. The applicant is seeking conditional use grant approval to allow for a landscape contractor business for the property located at 11550 N. Wausaukee Road.

Action

Commissioner Stoker made a motion to open a public hearing.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (7-0)

No public comment.

Action

Commissioner Stoker made a motion to close the public hearing.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (7-0)

Asst. Dir. Zader stated that this request is for a conditional use grant (CUG) for a landscape contractor business. This was previously approved in 2016 and at the time there was a lengthy debate and several site compliant issues. Most of the issues have been addressed and cleaned up. The current request is required because the applicant did not go forward, and the previous approval had lapsed.

Asst. Dir. Zader showed a diagram of the site and discussed the issue of the placement of the mulch and the requirement to meet the 30-foot setback. One of the conditions is a more formalized storage area for the mulch. Staff is recommending that a condition of the CUG be that the mulch may only be sold to customers with deliveries to their homes, no allowance for retail, no allowance for pick up from customers and no allowance for the applicant to sell to other wholesalers or other landscape contractors.

Staff recommends approval of the CUG for the landscape contractor business including the storage plan as part of the condition of approval as well as the hours between 8:00 a.m.– 4:30 p.m. for all functions of the business. He reminded the Commission that there is a permitted nursery business on the site which is separate from the requested approval. Grinding of mulch is not permitted on site.

The applicant, Sam O'Malley, stated that he recently purchased the nursery from his father at the end of 2021. He hopes to build a house on the land as it has been part of his family since the 1940s. He explained that he has spoken to many of the neighbors, and he has most of their support for growing the business.

When questioned by the Commission, he explained that a large berm has been constructed as a noise deafening measure.

Public Feedback

Peg O'Malley - 11710 W. Mequon stated that in the past there was a misunderstanding about the

operations of the mulch business. She appreciates that the berm has been built and she stated that there is no noise. She believes that is a wonderful community business and she is supportive of the requested approval. She believes that they should be able to sell Christmas trees as it would be a benefit to the community.

Staff explained that the Christmas tree business is typically approved as a temporary use. Ald. Strzelczyk stated he would like to include this as a permitted use as part of the approval.

Bill Grueber – 11702 W. Mequon Road stated they are neighbors, and they are completely supportive of the operations proposed at Trees for Less.

George Mladenov – 11500 N. Wasaukee Road stated they are the closest neighbor, and they have no issues with noise issues, and they are supportive of the requested approval.

Action

Commissioner Stoker made a motion to approve the CUG per staff recommended conditions and with the amendment that Christmas tree sales be allowed

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Nerbun, Strzelczyk, Choren, Hawley, Lemke, R. Schaefer, Stoker
ABSENT:	Gentges, J. Schaefer

5) Regular Business

- a) Ascension Medical Office. The applicant is seeking PUD Amendment approval to allow for amended hours of operation for the medical office for an existing PUD for the property located at 12831 N. Port Washington Road.

Asst. Dir. Zader stated that the original approval for the medical office required a PUD. The Common Council added an additional requirement to limit the hours of operation. The applicant is requesting the hours of operation be extended to 7:00 a.m. to 7:00 p.m., versus the currently approved 8:00 a.m. to 6:00 p.m. Staff does not have any objections to the requested hours of operation. He explained that most of the medical facilities are permitted uses with no time frames noted. This site is surrounded by other businesses with longer hours of operation (Highland House, St. Mary's Hospital). The request requires a rezoning PUD amendment approval from Planning Commission as well as the Common Council.

There was a short discussion about potential impact of the surrounding neighbors, specifically the back portion of the parcel which is zoned residential. Staff stated that they do not believe there will be any negative impact from the requested changes.

The applicant stated that they are committed to being good neighbors as well as being receptive

to their patient needs. The requested operating hours will be the same as the clinic across the street.

Action

Commissioner Lemke made a motion to approve the PUD amendment.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (7-0)

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

- b) Lemel Homes for Gregory Devorkin. The applicant is seeking specimen tree approval to allow for the removal of 5 specimen trees for the property located at 13106 N. West Shoreland Drive.

Asst. Dir. Zader stated that the City Forester, Mike Gies, has been working with the applicant for quite some time to preserve as many specimen trees as possible on this site and the proposed house will not have a basement so there is no over dig.

Public Feedback

Dan Abendroth – 12960 NW Shoreland Drive stated that he does not oppose a structure being built on the site but believes that it can be built without sacrificing the specimen trees. He suggested that the footprint be reduced, or the structure be moved to the southwest corner so that no specimen trees would be affected. He encouraged the Commission to apply the Tree Preservation Policy as it is intended.

William Dredge – 13136 NW Shoreland Drive stated that plat map and the legend supplied are missing trees that he would like to see noted. He is concerned that the proposed house does not qualify to be on city water or city sewer. He believes a well and holding tank will possibly affect the tree roots.

Asst. Dir. Zader answered a question from the Commission that the size of the lot is .58 acres, and it is zoned 2-acre, which make the property non-conforming. The closest lot coverage to the size of the lot of an equitable zoning district would be the R-4 zoning district, which allows up to 20% lot coverage. The proposed plan shows about 12.9%, and 1,800 sq. ft. is the zoning code minimum.

The setback to the south is unique because the property to the south did a restriction amongst themselves that implemented a smaller setback for the south parcel and a larger setback for the proposed parcel (35 ft.).

City Forester, Mike Gies, stated the tree inventory noted 32 specimen trees. The original request

from the builder was to remove 18 trees and they have agreed on 5 for requested removal. Staff has worked with the applicant to modify the house plan, including eliminating the basement, and the house placement to mitigate the impact on the specimen trees on site. He explained the effort is to preserve the two white oak legacy trees (both 36”) on the south side of the house.

Although he has some concerns, he believes that with the correct modifications, and no basement dig, those trees should be able to be preserved. Additionally, tree protection for these trees is a required condition of approval. He stated that staff will keep an eye on this project to ensure the fencing is maintained during construction.

The Commission discussed the possibility of shifting the house building pad. It was explained that moving the house to the west would affect another area of trees. It could be moved slightly to the east. The sewer issue was also addressed and the impact from connecting to city sewer service versus a holding tank. The applicant stated that there is room on the site for the holding tank.

City Forester Gies stated he is supportive of the requested specimen tree removal based on the amount of time put in working with the applicant to save as many of the trees as possible. He believes the proposed plan is the best plan that this site will allow.

The applicant suggested moving the garage 10 feet closer to the road and it would provide another 10-foot buffer from one of the 36” trees. A modification to the front setback waiver would be required.

Action

Ald. Strzelczyk made a motion to table the item in order to review the revised plan before approval.

There was not a second motion made. Motion failed.

Action

Commissioner Stoker made a motion to approve with the amendment that the southern single portion of the garage will be moved 10-feet forward to the west. The intent is to remove only 4 trees instead of 5. A setback waiver will be required.

Commissioner Hawley seconded the motion.

A roll call vote was taken; vote passed (5-2) (No: Becky Schaefer, Ald. Strzelczyk)

RESULT:	APPROVED WITH CONDITIONS [5 TO 2]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Choren, Hawley, Lemke, Stoker
NAYS:	Strzelczyk, R. Schaefer
ABSENT:	Gentges, J. Schaefer

6) Announcements

The next meeting is Monday, May 23, 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 (7-0)

The meeting concluded at 7:00 p.m.

Respectfully Submitted,

Jac Zader