



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2904
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, April 29, 2024
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Andrew Nerbun
Alderman Robert Strzelczyk
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Stephanie Hawley
Commissioner Rebecca Schaefer
Commissioner Nancy Urbani
Commissioner Dan Gentges - **Absent**
Commissioner John Stoker - **Absent**

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

a) Approval of Minutes from March 18, 2024

Action

Ald. Strzelczyk made a motion to approve the March 18, 2024, meeting minutes.

Commissioner Choren seconded the motion.

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

RESULT:	APPROVED [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

2) Public Hearing/Consent

- a) St. John Properties, Inc. for NA Creative, LLC. The applicant is seeking conditional use grant approval to allow for a photography studio for the property located at 10650 N. Baehr Road.

Ald. Strzelczyk suggested that the zoning and conditional uses be reviewed for this area as there have been several similar conditional use grant requests.

Action

Commissioner Choren made a motion to open a public hearing.

Ald. Strzelczyk seconded the motion.

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

No public comment.

Action

Ald. Strzelczyk made a motion to close the public hearing.

Commissioner Hawley seconded the motion.

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

Action

Ald. Strzelczyk made a motion to approve the conditional use grant.

Commissioner Choren seconded the motion.

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

RESULT:	APPROVED [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

3) Consent

- 1) Coldwell Banker Realty for Bernita and Henry Hile. The applicant is seeking certified survey map approval for a 2-lot land division for the property located at 7777 W. Bonniwell Road.

Action

Ald. Strzelczyk made a motion to open a public hearing.

Commissioner Hawley seconded the motion.

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

No public comment.

Action

Ald. Strzelczyk made a motion to close the public hearing.

Commissioner Hawley seconded the motion.
A voice vote was taken; voted passed (7-0)

Action

Ald. Strzelczyk made a motion to approve the conditional use grant.
Commissioner Choren seconded the motion.
A voice vote was taken; voted passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

4) Public Hearing

- a) Logic Design & Architecture, Inc. for The TJX Companies, Inc. The applicant is seeking conditional use grant and building and site plan amendment approval for a general merchandise tenant for the property located at 11110 N. Port Washington Road (Sierra)

Action

Commissioner Choren made a motion to open a public hearing.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; voted passed (7-0)

No public comment.

Action

Ald. Strzelczyk made a motion to close the public hearing.
Commissioner Hawley seconded the motion.
A voice vote was taken; voted passed (7-0)

Assistant Director, Jac Zader, stated that this request is for conditional use grant and building and site plan amendment for the tenant space of the former Bed, Bath and Beyond located in the Mequon Pavilions. The new tenant is Sierra, categorized as a general merchandise store. In 2013 language was added to the text to allow this type of use as a conditional use.

He commented that staff supports the use but there are some concerns regarding the architecture. The applicant submitted four different proposals for the front façade and signage with different levels of customization. Their preferred proposal includes a white façade, with a higher sign face with some architectural banding to match their brand colors. He showed all the proposals submitted. Staff prefers a hybrid approach incorporating a higher façade but not as high as shown, closer to 3-feet instead of the 6-foot submittal. Staff prefers to see the awnings with a little bit of the corporate branding (orange and brown) to better complement the existing shopping center.

He stated that there was a condition of approval added related to site compliance. Although it is beyond the scope of this specific tenant, staff wanted the Commission to be aware. There is some fading of the roof near First Watch. A letter has been sent to the property owner, Brixor, to ensure follow through of the building maintenance. Staff recommends approval subject to the conditions in the report.

There was discussion among the Commission regarding the various elevation proposals. The awnings with gray paint on the sides and the accent materials are preferred (as shown on packet page 34). There was consensus that the façade should be a bit shorter but there is flexibility on the exact height, as long as there is a return, and the exact location of the sign.

Action

Commissioner Schaefer made a motion to approve the item with an amendment that staff, the applicant and the Commission architect, Marty Choren, work together to agree on the location and the size of the sign.

Commissioner Urbani seconded the motion.

A roll call vote was taken; voted passed (7-0)

RESULT:	APPROVED WITH CONDITIONS [7 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

5) Regular Business

- a) Hahn ACE Hardware. The applicant is seeking building and site plan amendment approval to allow for outdoor display and storage for the property located at 11300 N. Port Washington Road.

Asst. Dir. Zader stated that Hahn Ace Hardware recently opened at the former Pick-n-Save building and this space has been converted into a multi-tenant space. The use is permitted under the code, but they are requesting approval for outdoor storage. The proposed outdoor plan is a temporary solution. He showed an orthophoto of the site and the location of the proposed outdoor storage area. There are a few parking spaces owned by the other property owner on the parcel, and staff is requesting that Hahn Ace work with that owner to prohibit parking in the 3 stalls affected by the outdoor storage area. The applicant has until April 2025 to complete a finalized outdoor storage plan.

As conditions of approval there are some site compliance issues for the building owner to address that have been added with completion dates. Staff is supportive of the approval request.

The applicant communicated that they will work with the adjacent property owner regarding the parking spaces and they are not worried about any issues.

Action

Ald. Strzelczyk made a motion to approve the item.
Commissioner Choren seconded the motion.
A voice vote was taken; voted passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

- b) RDCycle LLC for BP. The applicant is seeking building and site plan amendment to allow for an accessory structure (textile recycling container) for the property located at 11147 N. Port Washington Road (BP gas station)

Associate Planner Evan Hoier stated this was brought to the attention of staff by the City Code Enforcement Officer who noticed these containers on the three sites, he issued an order to correct and notified the owner of the collection containers to apply for Planning Commission approval.

He explained that the containers are not incidental to the operation of a gas station, they are an accessory use that has not been approved, they do not conform to setback and is considered a non-essential structure on site.

Public Comment

Mikelle Flanner, owner Fifth & Main stated that she is opposed to the request as she feels that it is a competing business to hers, the operation of the proposed business is contrary to what is allowed for her business operation, the containers are visually offensive and they violate ordinance requirements.

Asst. Dir. Zader explained that property owners are supposed to get Planning Commission approval for their outside site plans (ice chest, propane tank areas, etc).

The applicant, Darrin Lehsten from RDCycle, stated that he submitted Supreme Court cases that require that he be provided with reasons for denial.

Mayor Nerbun replied that the denial is based on the structures not having been previously approved prior to being placed in the existing locations (3 gas stations), they are considered to be non-conforming structures, and the color was not approved.

Action

Ald. Strzelczyk made a motion to deny the request based on the reasons stated by Mayor Nerbun as well as fact that the structures are not compliant with the principal business use and the setbacks are not compliant.

Commissioner Hawley seconded the motion.
A roll call vote was taken; voted passed (7-0)

RESULT:	DENIAL [7 TO 0]
MOVER:	Andrew Nerbun, Chair
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

- c) RDCycle, LLC for Clark gas station. The applicant is seeking building and site plan amendment approval to allow for an accessory structure (textile recycling container) for the property located at 10355 N. Port Washington Road.

Mayor Nerbun replied that the denial is based on the structures not having been previously approved prior to being placed in the existing locations (3 gas stations), they are considered to be non-conforming structures, and the color was not approved.

Action

Ald. Strzelczyk made a motion deny the request based on the reasons stated by Mayor Nerbun as well as fact that the structures are not compliant with the principal business use and the setbacks are not compliant.

Commissioner Hawley seconded the motion.

A roll call vote was taken; voted passed (7-0)

RESULT:	DENIAL [7 TO 0]
MOVER:	Andrew Nerbun, Chair
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Urbani, Schaefer
ABSENT:	Gentges, Stoker

- d) RDCycle, LLC for Mobile gas station. The applicant is seeking building and site plan amendment approval to allow for an accessory structure (textile recycling container) for the property located at 11210 N. Port Washington Road (Mobil gas station).

Mayor Nerbun replied that the denial is based on the structures not having been previously approved prior to being placed in the existing locations (3 gas stations), they are considered to be non-conforming structures, and the color was not approved.

Action

Ald. Strzelczyk made a motion deny the request based on the reasons stated by Mayor Nerbun as well as fact that the structures are not compliant with the principal business use and the setbacks are not compliant.

Commissioner Hawley seconded the motion.

A roll call vote was taken; voted passed (7-0)

RESULT:	DENIAL [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Strzelczyk, Hawley, Urbani, Barnes, Choren, Schaefer
ABSENT:	Gentges, Stoker

- e) HJ Martin and Son, Inc. The applicant is seeking minor request approval to allow for vinyl window coverings for the property located at 10948 N. Port Washington Road (Marshalls).

Associate Planner Hoier stated this is a request to install blue vinyl in the windows behind the cash registers to provide more privacy. There has been a precedent not to block windows and staff recommends denial of this request.

The Commission stated that they are not supportive of the blue color going in the window. It was suggested that the applicant use frosted vinyl as it provides privacy, opacity (but not opaque) and has a higher end appearance.

The applicant commented that they are open to using a different color than blue being used. They are requesting coverage that would be cabinet height for the entire length of the cash register area.

There was conversation between staff and the Commission that every business in the city is faced with the same issue of a floorplan that allows for tasteful window displays and for not setting precedent to allow windows to be blocked.

Action

Commissioner Choren made a motion to table the item.

Commissioner Barnes seconded the motion.

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

RESULT:	TABLED [7 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Bruce Barnes, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Urbani
ABSENT:	Gentges, Stoker

6) Policy

1) Port Washington Road Design Guidelines for Commercial Structures

Asst. Dir. Zader stated that staff put together some visuals of recent projects and developments to compare how closely the existing design guidelines are being followed and enforced. In 2018, there was an architectural survey of projects in the city and only 8 of the 50 invited responded. The 8 responses were included in the report, although there was not much consensus.

He showed a power point of recently approved developments and projects in the city, highlighting the design guidelines from each development that are preferred. He emphasized the following trends/inconsistencies:

- Entrances - preferred along the main street.
- Higher percentage of glass than typically permitted.
- Roof articulation issues, especially important on flat roofs.
- Roof forms; depths of parapets, lack of variation roof height and roof accents.
- Over reliance on national/corporate building designs.

Overall, there are minor improvements to the design guidelines to be modified to assist in providing direction of the desired architecture for the city.

The Commission appreciated the visuals and conversation around the varying architectural elements. They support staff modifying the guidelines with the intent to provide better clarification for staff, the Commission and the developers as to what is expected.

Mayor Nerbun stated that there is a city survey that will address some of these issues. Asst. Dir. Zader commented that staff will continue to work on adjusting the design guidelines.

2) Chapter 58-303; Specific Design Guidelines for the Arrival Corridor Zoning District

Director Kim Tollefson stated that the Arrival Corridor (“AC”) text amendment was modified at the meeting last month. One issue that was raised by a member of the public is the requirement for commercial uses at ground level if the site fronts Mequon Road. Staff was asked to return with some analysis.

The Town Center (“TC”) requires 75% ground level commercial use, and the pending issue is whether that requirement should be alleviated or modified for the AC zoning district. She commented that there are many more sites in TC than AC affected by this zoning requirement.

In the staff report, there are two broad categories listed:

1. *Design Considerations:* define the public realm, the private realm and the middle transition between the two.
2. *Market Considerations:* the market can still incorporate commercial uses.

The intent when creating these zoning districts was for AC to feel like TC but less pedestrian oriented traffic and less commercial use was expected.

Staff recommends the TC district continue to require 75% ground floor commercial use; but to alleviate the requirement in the AC district for sites fronting Mequon Road with the additional design features; should the structure be purely residential.

Dir. Tollefson explained that if the Commission wants to continue to push the market and require

ground floor commercial use in the AC, that staff recommend at least 1,200 sq. ft. of commercial use and not be based on a percentage.

There was some lingering interest from the Commission for some commercial use in the AC district, while also support for the concentrating of the commercial uses in the TC district due to higher population and synergy of other commercial users there. Commissioners support the modification from staff to no longer require ground level commercial use in the AC for sites fronting Mequon Road and did not want to require a minimum 1,200 sq. ft.

Mayor Nerbun reminded the Commission that the current plan for the TC and AC districts has changed from the original strategy which allowed several multi-story buildings. The Council no longer allow this type of residential dwelling and has mandated that buildings have no more than 16 units per building. Consequently, this affects the absorption of the retail spaces and causes the need for some more flexibility for interested developers.

Action

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

Ald. Strzelczyk seconded the motion.

A roll call vote was taken; voted passed (7-0)

7) Announcements

The next meeting is Monday, May 20, 2024, at 6:00 p.m.

8) Adjourn

Action

Commissioner Urbani made a motion to adjourn.

Ald. Strzelczyk seconded the motion.

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

The meeting was adjourned at 7:59 p.m.

Respectfully Submitted,

Jac Zader