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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, May 8, 2017
7:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chairman Dan Abendroth
Commissioner Martin Choren
Commissioner John Mason
Commissioner Brian Parrish
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Alderman John Wirth
Commissioner Rick Lemke

a) Approval of Minutes

Action

Commissioner Mason made a motion to approve the minutes as written
Commissioner Choren seconded the motion.
Voice vote called, vote passed (8-0)

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	John Mason, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Choren, Mason, Parrish, Becky Schaefer, Jim Schaefer, Wirth, Lemke
EXCUSED:	Stoker, Hawley

b) PLANNING COMMISSION MEETING MINUTES from April 10, 2017

2) Consent

- a) Plunkett Raysich Architects, LLP. The applicant is seeking sign waiver approval for a wall sign on the Community Pavilion at Homestead High School located at 5000 W. Mequon Road.

Commissioner Choren recused himself from item #2 - Plunkett Raysich Architects, LLP - Homestead Community Pavilion

Commissioner Parrish recused himself from item #2 -Lakeside Development Company/Aster Woods Condominiums

Action

Ald. Wirth Made a motion to approve the two consent items.

Commissioner Jim Schaefer seconded the motion.

Voice vote called, vote passed (6-0)

RESULT:	RECOMMENDED [6 TO 0]
MOVER:	John Wirth, Alderman
SECONDER:	James Schaefer, Commissioner
AYES:	Abendroth, Mason, Becky Schaefer, Jim Schaefer, Wirth, Lemke
EXCUSED:	Stoker, Hawley
RECUSED:	Choren, Parrish

b) Lakeside Development Company for Aster Woods Condominiums

Commissioner Choren recused himself from item #2 - Plunkett Raysich Architects, LLP - Homestead Community Pavilion

Commissioner Parrish recused himself from item #2 -Lakeside Development Company/Aster Woods Condominiums

Action

Ald. Wirth Made a motion to approve the two consent items.

Commissioner Jim Schaefer seconded the motion.

Voice vote called, vote passed (6-0)

RESULT:	APPROVED [6 TO 0]
AYES:	Abendroth, Mason, Becky Schaefer, Jim Schaefer, Wirth, Lemke
EXCUSED:	Stoker, Hawley
RECUSED:	Choren, Parrish

3) Regular Business

a) Bonnilake Real Estate for Spirit Lake International, LLC. The applicant is seeking grading plan approval for a 4-lot land division

Ald. Wirth recused himself from item #3

Asst. Dir. Zader stated that staff was notified late Friday afternoon that the applicant has some concerns about some of the conditions in the staff report from the City Engineer. The applicant wanted to make some modifications to the plan but staff explained that it was too

late for changes for the May meeting. He has agreed to make the modifications and be back in front of the Commission at the June 12th meeting.

Asst. Dir. Zader stated that the courtesy cards did go out and there were some interested neighbors, so the Commission can have a discussion if there are specific questions or take a motion to table the item and to bring it back in June.

Mayor Abendroth stated that a resident, Debbie Scott, is supportive of the project. He stated that if no action is to be taken at this meeting, it is best to table the discussion until it is back before the Commission.

Action

Commissioner Parrish made a motion to table the item.

Commissioner Choren seconded the motion.

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

RESULT:	TABLED [7 TO 0]
MOVER:	Brian Parrish, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Choren, Mason, Parrish, Becky Schaefer, Jim Schaefer, Lemke
EXCUSED:	Stoker, Hawley
RECUSED:	Wirth

- b) The City of Mequon is seeking a text amendment to Chapter 2 of the City of Mequon Code of Ordinances related to the establishment and operation of the Planning Commission.

Asst. Dir. Zader stated that the Public Welfare Committee is in the process of making all the different boards and commissions consistent with regard to language. There is only one substantive change is to Sec. IV.03 (c). It was not intended as a substantive change, but when Ald. Wirth and the committee interpreted the current language, it appeared that the Planning Commission is not currently compliant. Alternate language was supplied to the Commissioners on the dais. It states that two districts can have more than one member if one of the members is the registered architect. Currently, there are two members in two separate districts and under the current language that would not be allowed. The modification will allow the Commission to remain in conformance with its current body. All other changes are perfunctory and there is no substance to any of them.

Mayor Abendroth stated that he appreciates the proposed language because having the architect count as the resident in a specific district makes it more difficult when appointing people to serve on the Commission. He also stated that the Planning Commission represents the entire community and not a specific geographic area. The requirement that no more than two members can reside in one district spreads out the representation but occasionally impedes the appointment process. The Mayor stated that he would like to strike the section that restricts that “no more than one aldermanic district may have two (2) citizen members”; as he finds this requirement restrictive. He says he is fine with the way it is today as that is

how the Commission has been operating.

Commissioner Becky Schaefer asked the Mayor if he finds it difficult to appoint people given the district restrictions.

Mayor Abendroth answered that sometimes he has qualified candidates from the same district. He followed up to say that it is maybe a good safeguard to have the restrictions.

Ald. Wirth stated that in 2010 there was a change made to the ordinance to allow for the architect to reside in any district as there are not many architects as the exception should be made.

Mayor Abendroth followed up stating that he can accept the language change as it is written. Ald. Wirth questioned how many ordinances are in front of the Commission to discuss.

Asst. Dir. Zader stated that he is planning to bring back the full text once all the other boards and commissions have had a chance to weigh in. The Chapter 58 ordinance changes will be brought back before the Planning Commission for formal adoption to Public Welfare and then Common Council.

Action

Ald. Wirth made a motion to approve the proposed language with the revised paragraph (c). Commissioner Mason seconded the motion.

A voice vote was called, vote passed (8-0)

Motion to read as the following:

(c) No more than two citizen members may reside in any one aldermanic district, and no more than one aldermanic district may have two citizen members unless the registered architect resides in the same district as another citizen member, in which case no more than two aldermanic districts may have two citizen members.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Wirth, Alderman
SECONDER:	John Mason, Commissioner
AYES:	Abendroth, Choren, Mason, Parrish, Becky Schaefer, Jim Schaefer, Wirth, Lemke
EXCUSED:	Stoker, Hawley

- c) The City of Mequon is seeking a text amendment to Chapter 58 of the City of Mequon Zoning Code as it relates to residential gardens.

Asst. Dir. Zader stated that Ald. Nerburn asked that this be looked into as he had an issue in his former district, District #7, regarding a garden in the front yard and he received many complaints about it. Staff let Ald. Nerburn know that there is not an ordinance regarding gardens in the front yard, so he asked that staff look into some language to address the issue. Staff went through a few revisions of the language and the language in front of the

Commission is what staff feels is restrictive enough to provide some guidance.

Stipulations were included if the garden is going to be located in the front yard:

- It must be closer to the dwelling than to the right of way, but in no case could it be closer than 30 feet to the ultimate right of way.
- It must be farther away from the side property line as the existing house.
- Enclosures, construction of chicken wire or welded and woven wire are prohibited.

Commissioner Choren asked for clarification that this setback is for the front yard only.

Asst. Dir. Zader confirmed that it is for the front yard only and that there are not regulations on side yards or gardens in backyards.

Commissioner Parrish asked about grown out front yards; a more natural look.

Asst. Dir. Zader stated that a number of years ago an ordinance regarding turf grass was passed related to the height of the grass, but not related to natural grasses. This was a big issue when the foreclosure crisis hit and a condition that the grass could not be higher than 8 inches. There was language included that addressed natural vegetation; a plan is required to be submitted.

Commissioner Mason asked about flowers being planted in the front.

Asst. Dir. Zader stated that flowers were purposefully left out.

Commissioner Lemke asked about where the backyard limitations are mentioned.

Asst. Dir. Zader stated that if the property is not an OA property with Agricultural Overlay; 10 acres, than commercial sales are prohibited. He explained that by definition; a residential garden does not allow for the products to be sold and a profit to be made from what is grown in the garden. The restriction is the location of where it can be grown; it cannot be located in the front yard setback unless you meet the criteria. If it is located outside the front yard setback, than there is no limitation to where it be located. It is intended to keep it away from the public front right of way and adjacent to other properties in the front where there is a manicured lawn or driveway and do not want encroachment.

Commissioner Lemke stated that he agrees with the restrictions to the front yard but the language appears to also apply to the backyard and he does not feel that there should be restrictions to the backyard.

Commissioner Wirth agrees with Commissioner Lemke and he feels that (a) is not needed at all.

Asst. Dir. Zader stated that the original complaint was from product being grown in the front yard and a claim that it was being sold to restaurants. It was never proven, but the issue prompted the language to be included.

Mayor Abendroth asked if this is judgment is what a garden versus what a yard should look like (vegetables versus grass). He feels this is unnecessary.

Commissioner Lemke stated that as long as there are not restrictions on the backyard, that he feels it is fine to restrict the front yard.

Ald. Wirth stated that, along with the Mayor, also has mixed feelings about this issue.

Action

Ald. Wirth made a motion to move this along to the Common Council to have a public hearing and opportunity for further debate. *He moved to approve this without (a).*

Commissioner Jim Schaefer seconded the motion.

Voice vote was called, vote passed (7-1) (no vote: Mayor Abendroth)

Commissioner Becky Schaefer stated that she would like the Common Council to be made aware that the Planning Commission is conflicted about this issue.

RESULT:	APPROVED [7 TO 1]
MOVER:	John Wirth, Alderman
SECONDER:	James Schaefer, Commissioner
AYES:	Choren, Mason, Parrish, Becky Schaefer, Jim Schaefer, Wirth, Lemke
NAYS:	Abendroth
EXCUSED:	Stoker, Hawley

4) Announcements

The next meeting is June 12th

5) Adjourn

Action

Commissioner Parrish made a motion to adjourn

Commissioner Choren seconded the motion.

A voice vote was called, vote passed (8-0)

Respectfully Submitted,
Robin Buzzell

Respectfully Submitted,
Jac Zader