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Department of Community Development
Taped and Televised

**PLANNING COMMISSION
Regular Meeting
Monday, May 14, 2018
6:00 PM
Christine Nuernberg Hall**

Minutes

1) Call to Order, Roll Call

Present:

Chairman Dan Abendroth
Alderman Robert Strzelczyk
Commissioner Brian Parrish
Commissioner John Stoker
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner Rick Lemke
Alternate James Baka

a) Approval of Minutes from April 9, 2018

Action

Commissioner Parrish made a motion to approve the April 9, 2018 minutes.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed 8-0

b) PLANNING COMMISSION MEETING MINUTES

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Parrish, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Abendroth, Strzelczyk, Parrish, Stoker, R. Schaefer, J. Schaefer, Lemke
ABSENT:	Choren, Hawley
EXCUSED:	Wirth

2) Consent/Public Hearing

Action

Commissioner Parrish made a motion to open a public hearing.
Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed 8-0

Action

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

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed 8-0

- a) Brain and Carly Borchert. The applicant is seeking conditional use grant approval for a guest house for the property located at 8110 W. Bonniwell Road.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Abendroth, Strzelczyk, Parrish, Stoker, R. Schaefer, J. Schaefer, Lemke
ABSENT:	Choren, Hawley
EXCUSED:	Wirth

3) Consent/Regular Business

- a) Ranch Court, LLC. The applicant is seeking landscape plan approval for the approved single-family residential development located at 2100 W. Ranch Court.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Abendroth, Strzelczyk, Parrish, Stoker, R. Schaefer, J. Schaefer, Lemke
ABSENT:	Choren, Hawley
EXCUSED:	Wirth

- b) Edge Consulting Engineers, Inc. for Ozaukee County. The applicant is seeking building and site plan amendment to allow for construction of a 160' tall communications tower to replace an existing 152' tall tower for the property located at 6333 W. Bonniwell Road (Mee-Kwon Park).

Action

Ald. Strzelczyk made a motion to approve the consent items.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed 8-0

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Abendroth, Strzelczyk, Parrish, Stoker, R. Schaefer, J. Schaefer, Lemke
ABSENT:	Choren, Hawley
EXCUSED:	Wirth

4) Regular Business

- a) Shawn Kison for Kapco Park. The applicant is seeking site plan amendment approval to allow for extended hours for the baseball park located on Concordia University campus.

Chuck Reymolds – 13340 N. Northwood Lane is opposed to the proposed changes at Kapco Park. He stated that at the June 8, 2016 Common Council meeting the neighbors left disappointed but they were consoled by the seven conditions placed on the baseball facility.

Condition #7 states that there are to be lights and sound level checks at least once a year per Planning Commission's approval. He explained that the results from three years were included in the packet for tonight's meeting but he questions why there were only three years' worth of results, where the formal testing document is and why there is not a formal report. He requested formal copies of test results from all of the years of operations. He was in communication with city staff regarding these issues.

He is opposed to any changes to the hours of use as he feels that the applicant does not adhere to the current conditions.

He is concerned about the 'No Right Hand Turn' sign on Lakeshore Drive as he feels that it is ignored and not monitored and that it should be enforced. He would like a 'No Left Hand Turn' sign installed onto Highland Road.

Asst. Dir. Zader stated the request is from the Lakeshore Chinooks for a change to eliminate the condition that no new 9th innings can start after 9 pm and no extra innings after 11 pm. They would like the opportunity to start 9th innings after 9 pm if necessary which sometimes occurs due to a rain delay. They would also like to add the wording; "that no new 9th inning can start after midnight and all lights to be off by 12:15 am." This would be allowed for up to 5 events per year. The applicant supplied light detail from the past six years which shows that 75% of the time the lights are off prior to 11 pm. The request stems from rain delays and the difficulty in rescheduling games as their schedule does not allow for much change or added games.

Asst. Dir. Zader explained monitoring was done for the first three years of operations but after 2014 staff felt that due to everything remaining in compliance and no complaints received that the code enforcement office check for compliance only. Asst. Dir. Zader explained that the Public Announcement system is required not to exceed 65 decibels but there is no regulation regarding crowd noise. He stated that there is no lighting trespass onto the neighboring properties and he does not expect any change as the lights are static.

Staff will take readings prior to the Common Council meeting in June. Staff added a condition to the report that after 11 pm the PA system is only allowed to be used for player introductions and that no music or other announcements are to be made. Staff does recommend approval based on the conditions in the report.

The applicant, Shawn Kison, explained that it is a rare occurrence, 1 or 2 times a year, in which a game needs to go late and that it is almost impossible to reschedule games based on the team's schedule (they play 72 games in 76 days). He stated that most times only another inning or two is needed to be played to complete the game. They agree with the PA system being limited to player introductions only after 11 pm. He stated that there are sound checks done by Concordia.

Commissioner Stoker asked if the PA system is adjusted based on the crowd.

Mr. Kison answered no that it remains at a consistent level.

Ald. Strzelczyk asked if the crowd noise is monitored.

Asst. Dir. Zader answered that crowd noise cannot be controlled and only the PA system is checked.

Ald. Strzelczyk stated that he is conflicted on this issue as he loves Kapco Park and feels that it is a great asset to the community but feels that the IPS use in a residential neighborhood causes concern. He would like to find a balance and is interested in the feedback from the Commission. He does agree that the traffic is an issue and would like to include a condition that the Chinooks have someone directing traffic after a certain point in the game each night. He would also like to encourage an independent 3rd party inspector to conduct sound testing every year with the cost covered by the Chinooks. He supports staff and the effort put forth but feels that continued testing be handled independently and wants to ensure that the appropriate checks are being conducted.

Commissioner Becky Schaefer stated that every time Concordia is on the agenda there is negative feedback from the residents even though she does feel that Concordia is a great asset to the community. She feels that a broader issue needs to be addressed going forward regarding residential neighborhoods abutting other zoning districts which allow other uses that impact residential neighborhoods. She feels that what was approved in 2009 should stand and that the conditional use grant is harming the general welfare of the neighbors as the noise is distributive. She will deny this request in its entirety.

Commissioner Lemke stated he would like to find a way to allow the Chinooks to finish the few games that are in question and that the main issue is the noise. He proposes a stricter condition that the PA system is limited to player introductions after 10 pm and that the PA is turned off completely at 11 pm.

Commissioner Parrish seconds Commission Lemke's suggestion. He feels that Concordia is one of the best assets in the community. He would like to find a compromise that

works. He asked the applicant about letters from residents that music is blasting at non-game times. He suggests that Concordia do some good will work with the neighbors as there are always complaints when Concordia is on the agenda.

Mr. Kison answered that there may be music before games during batting practice but he is unaware of other times. He stated that do offer neighboring residents tickets on fireworks night.

Commissioner Stoker asked the applicant about his feelings regarding the PA system being turned off at 10 pm.

Mr. Kison answered that there announcements that need to be made regarding pitching but has no issue with no PA after 11 pm. He stated that the games typically last about 3 hours.

Action

Commissioner Stoker made a motion based on staff recommendations and the condition that there is no PA system at all after 11 pm.

Commissioner Parrish seconded the motion.

Mayor Abendroth added that this is a very minor request and only affects 1-2 games a year. There is feedback that residents are grieved by the sound and that allows the Commission the opportunity to make a condition regarding the sound issue. He stated that monitoring the sound is staff's responsibility but agrees that a 3rd party sound engineer should be hired to monitor the sound twice a season. He asked that this be added to the motion. Regarding the traffic, the no turn sign is a city sign and should be enforced by the city. A request to place a no turn sign onto Highland Road can be made. He stated that this is a city enforcement issue but it does not need to be part of this approval.

Ald. Strzelczyk disagrees with the Mayor and feels that the applicant should use volunteer event staff to help control the traffic if they feel it is an issue. He does not feel that city resources of police staff be used for this issue.

He would like to add an amendment to the motion that parking direction by the 7th inning be in place until the majority of vehicles have exited. Additionally, no game should last until midnight and no extra inning can begin after 10:30 pm unless it is a weather delay.

Commissioner Stoker stated that he accepts the friendly amendment made by the Mayor of the condition of the 3rd party sound engineering twice a year, but he does not accept the amendment made by Ald. Strzelczyk regarding the traffic condition or the "only weather delay" condition. He does not feel comfortable putting restraints on late games especially if the sound is going to be off.

Commissioner Baka asked if the city tested sound beyond the confines of Concordia.

Asst. Dir. Zader answered yes as the conditions are to the property line.

Mayor Abendroth stated that this traffic issue is not limited just to the baseball games but traffic turning there all the time. He suggested that if the police can have more of a presence there on going that it will help.

Commissioner Lemke stated that he feels strongly about controlling the noise per resident complaints and would like to make a friendly amendment that after 10 pm only player introductions be made and no sound at all after 11 pm.

Commissioner Parrish seconded the friendly amendment made by Mayor Abendroth and accepted by Commissioner Stoker.

Commissioner Becky Schaefer made a motion to request that the lights also be checked for zero impact on the neighbors.

Asst. Dir. Zader stated that there should be no issue but the lights will be checked, it is a straight forward test to conduct.

Mayor Abendroth supports the friendly amendment from Commissioner Lemke for only player introductions after 10 pm and no sound after 11 pm for regular season games.

Commissioner Stoker stated that he accepts this amendment except for during the playoff season.

Action (amendment to the main motion)

Commissioner Lemke made a friendly amendment that only player introductions can be made after 10 pm and no sound at all after 11 pm.

Commissioner Becky Schaefer seconded the motion.

A voice vote was taken; vote passed 7-1 (No: Parrish)

Ald. Strzelczyk asked who would pay for the 3rd party sound engineer.

Action (main motion with amendment)

Commissioner Stoker made an amendment to his motion: based on staff recommendations and the condition that there are only player introductions after 10 pm, no PA system at all after 11 pm during the regular season and that the applicant pay for the 3rd party sound engineer twice a year. There can be entertainment until 11 pm during playoff games.

Commissioner Parrish seconded the motion.

A voice vote was taken; vote passed 7-1 (No: J. Schaefer)

RESULT:	APPROVED WITH CONDITIONS [7 TO 1]
MOVER:	John Stoker, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Abendroth, Strzelczyk, Parrish, Stoker, R. Schaefer, Lemke, Baka
NAYS:	J. Schaefer
ABSENT:	Choren, Hawley
EXCUSED:	Wirth

- b) John Mikkelson for Granville Estates. The applicant is seeking preliminary plat and development agreement approval for a proposed 7-lot development for 40 acre property located immediately south of 14013 N. Granville Road (Granville Estates).

Ed Soleski – 13616 N. Granville Road is opposed to this proposed development. He has concerns regarding how this will affect the water table as he has a swallow well. He wants to know who is responsible if the water table is affected. He did speak to the applicant, Mr. Mikkelson, who stated that the water table should not be affected. He also wants to know how the power is being brought to the subdivision as he wants to make sure it is not directly located in his backyard. He is also worried about the drainage. He asked about the proposed widen road and is concerned it will impact specimen trees on his property.

Asst. Dir. Zader stated that this proposal is for a 7-lot subdivision immediately south of 14013 N. Granville Road. The lot sizes will range from 5 – 8 acres. Access will be gained from Granville Road which is a public road. Lots 3 and 5 do not have direct access onto the court; access will be gained from a private easement on lots 2 and 6; respectively. It does comply with the 5- acre code zoning district as well as the 300 foot average lot width in the code. There are storm water ponds shown on lots 6 and 7 which will need to have easements with the city in case the ponds are not being maintained. The southeast corner shows a wetland complex and the delineation for that complex is beyond 5 years old and will require updated wetland delineation prior to signing off on the preliminary plat. The plan shows 100 foot landscape preservation along Granville Road. The applicant wants to show a more rural landscape along that road and wants to ensure that the owners of lots 1 and 7 do not do anything that would be inconsistent with the rural character of the subdivision. The City Forester has walked the site and there are no specimen trees impacted by the development. The applicant does not wish to connect to the large 70 acre parcel to the west.

Asst. Eng. Bridget Henk stated that all wells are under the entire jurisdiction of the DNR and the city is not involved with any part of the well approval process. The power to the subdivision is done entirely by We Energies and is done through easements. The poles will be placed either in the right of way or through an easement on a property, which the owner has control over allowing on their property or not. Regarding the culvert, the pre settlement conditions of run off must be matched in the post development condition. The applicant does need to do storm water management and it will ensure that there is no additional runoff from this property after development and no increase volume to the culvert. The widening of the road will include acceleration and deceleration lane and bike

bypass lane which will all be within the city right of way. The lanes do not extent past lot 1 or lot 7. She stated that staff is requesting that the driveway locations be shown on the plat.

Asst. Dir. Zader stated that the development agreement will go on to the Common Council which dictates all the design and construction requirements as well as the permission to build one spec home prior to getting final plat approval. Staff does recommend approval based on the conditions in the report.

The applicant, John Mikkelson, stated that the proposed development is located in a high ground water area and he believes that he will be on a different aquaphor than Mr. Soleski and his development should not affect him. Their plans purposefully show easements on the cul du sac so that there will only be two driveways there. He stated that they agreed to add the island and acceleration/deceleration lanes but he does not feel that there is a need for a bypass lane. He would like to discuss this as he does not feel that the traffic there indicates it is not needed.

Mayor Abendroth stated that he Mr. Mikkelson does a great job on his developments and they should not be any issues for Mr. Soleski. He feels that there is no need for the bypass lane.

Commissioner Stoker asked staff about the reason for requiring the bypass lane.

Asst. Eng. Henk answered that staff is in favor of the applicant supplying some traffic counts. The last traffic study done is from 2010 and is not valid. She stated that in the morning and evening rush there are significant cars in that area. When the City Forester removes brush and trees from that area they need to provide traffic control along that area. Staff is supportive of evaluating this on a traffic count basis so that there is consistency throughout all developments.

Commissioner Parrish is supportive of amending the report conditions to not include the bypass lane.

Action

Commissioner Stoker made a motion to approve based on staff conditions except to exclude the requirement for a bypass lane.

Commissioner Jim Schaefer seconded the motion.

Ald. Strzelczyk agreed that the bypass does not seem necessary there. He asked that staff share any information that may come forward relating to the wells from the DNR. He feels that storm water ponds often times yield better results than the previous development state. He stated that he does not feel that the new development will affect Mr. Soleski's water table but his concerns have been documented. He feels comfortable voting in favor of this development.

Mr. Robert Gierach – 10232 W. Bonniwell Road is opposed and read the letter that he

wrote to the Commissioners. He is concerned about the runoff affecting the soil type, utilities and road requirements.

Mr. Mikkelson stated that North Shore Engineering did a report on site and off site and confirmed the storm water ponds are in the correct locations to capture the water and drawings will be supplied to Bridget for review.

A voice vote was taken; vote passed 8-0

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	James Schaefer, Commissioner
AYES:	Abendroth, Strzelczyk, Parrish, Stoker, R. Schaefer, J. Schaefer, Lemke, Baka
ABSENT:	Choren, Hawley
EXCUSED:	Wirth

5) Policy

- a) **ORDINANCE 2018-1520** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code as it Relates to Filling, Excavating and Berms.

Action

Mayor Abendroth made a motion to remove this item from table.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed 8-0

Asst. Eng. Henk stated that this is the same policy that was before the Commission last month and the main item of discussion is whether 1,000 C.Y of fill is the appropriate amount to bring to the Commission for review of grading, filling and excavation plans. Between last month's meeting and this month were whether other municipalities require Planning Commission approval at those levels and what the benefits of bringing a fill permit to the Commission for a 1,000 C.Y. The primary benefit is the notification to the neighbors that a development is happening. For example, when Highlander Estates was before the Commission for fill and excavating approval and then did not need to come back for another approval. When a single family home comes forward with a 1,000 C.Y. of fill there is no other mechanism to notify to the neighbors that there will be a project nearby. This covered anytime there is movement from the project development.

Commissioner Parrish stated that he favors the simplified process except when there is a subdivision with a preapproved grading plan as he is concerned that neighbors would change the grading.

Asst. Eng. Henk stated that when plans that deviate from the master grading plan must get a letter from all of the adjacent lots as well as the HOA and developer approving that additional elevation change for any level of deviation to the master plan.

Commissioner Stoker stated that he does feel that there is any need for this for a subdivision with an approved master grading plan unless there is a change to the masterplan. He feels that as long as the master grading plan is met, he feels it is not necessary.

Asst. Eng. Henk clarified that as long as the approved master grading plan is being matched, the fill permit does not need to come to Planning Commission no matter how much fill. She explained that single family lots that do not have an approved grading plan will still need to come to Planning Commission.

Commissioner Stoker stated he is very pleased with the change regarding the developments but still feels that the process for approval is a deterrent for potential buyers for some lots and that 1,000 C.Y. is a very small amount for some lots.

Commissioner Becky Schaefer asked for clarification of what exactly needs to be approved. She stated that she would like to be notified as a single family home owner.

Asst. Eng. Henk explained that language from the ordinance is being put into the Standard Specifications; it is the detailed language of what the contractors are required to do. The enforcement language is remaining in the ordinance. She stated that the notification cards will continue to be sent for all new developments for their master grading plan but not specifically for a fill permit.

Commissioner Stoker confirmed that all new subdivisions will require a master grading plan going forward so this applies mostly to the remaining lots that exist. He will support this change even though he does feel that 1,000 C.Y. is a very small amount to require this process and the fees associated with it.

Asst. Eng. Henk stated that there are closeout procedures for after the fill is placed and engineering staff is doing site visits to ensure what is being said is being done is in fact being done. Most of the closeout procedures are visual but higher amounts do require some spot survey that shows that the drainage is not impeded and that the plan was generally followed. Most developments are already doing something similar to this, especially on the commercial side; it just allows staff to have the enforcement and to close the fill permits.

Action

Mayor Abendroth made a motion to approve this item..

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed 8-0

RESULT:	Approved [Unanimous]
MOVED BY:	Mayor Abendroth
SECONDED BY:	Alderman Strzelczyk

AYES:	Abendroth, Strzelczyk, Parrish, R. Schaefer, J. Schaefer, Lemke, Baka
ABSENT:	Choren, Hawley
EXCUSED:	Wirth
RECUSED:	Stoker

6) Announcements

The next meeting is June 11, 2018 at 6:00 pm.

7) Adjourn

Action

Ald. Strzelczyk made a motion to adjourn.

Commissioner Baka seconded the motion.

A voice vote was taken; vote passed 8-0

Respectfully Submitted,

Jac Zader