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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, May 20, 2024
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chair Mayor Andrew Nerbun
Alderman Robert Strzelczyk
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Dan Gentges
Commissioner Stephanie Hawley
Commissioner Rebecca Schaefer
Commissioner John Stoker
Commissioner Nancy Urbani

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

a) Approval of Minutes from April 29, 2024.

Action
Commissioner Schaefer made a motion to approve the meeting minutes from April 29. 2024. Commissioner Hawley seconded the motion.
A *voice vote was taken; vote passed (8-0)*

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Gentges, Hawley, Schaefer, Stoker

2) Public Hearing

a) Keller, Inc. for G-H Partnership, LLP. The applicant is seeking conditional use grant and building and site plan amendment approval to allow for a veterinary clinic for the property located at 12800 N. Port Washington Road (Ethos-Veterinary Referral Center).

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

Public Comment
Katrina Ghee - 12800 N. Port Washington Road - she is representing G-H Partnership (the property owner) and stated they are supportive of the proposal, and they are looking to close on the deal.

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

Planner Evan Hoier stated the proposed business will be located at the corner of Port Washington Road and Highland Road and the new facility will be approximately 11,000 sq. ft. He explained that the largest shift would have 32 staff and they will offer 24-hour emergency veterinary care services. They proposed 62 parking spaces, but the code only requires 49 and staff recommends decreasing the proposal by 10 parking stalls to 52 to avoid overparking the site.

He stated that the Engineering staff communicated that the access needs to be moved further to the north. Eng. staff offered two options:

1. The building entrance would front on Highland Road.
2. The building would front on Port Washington Road (90 degree flip of the building, staff recommend site plan #3 as shown in the packet).

The Ulao Creek design guidelines emphasize that the building front entrance should front the public street for public access, and access from Port Washington Road would highlight that area. With the building being flipped to accommodate the Port Washington Road front access, the parking lot would become "L' shaped and causes the dumpster to need to be moved and the open space requirement becomes more difficult to achieve. There is a fenced yard requirement for animals that also needs to be achieved. Staff prefer the option that has the front entrance on Port Washington Road and recommends approval for this site layout. The front and side setbacks may need to be slightly adjusted. Staff commends the applicant for following the Ulao Creek design guidelines and believe that the building will be a nice addition to the neighborhood and that the architecture will compliment the neighboring buildings.

The applicant clarified that the parking requirements proposed are based on their needs for staff and potential customers. They explained that their customers arrive in a rush and need easy, clear and fast access to the facility. They estimate 1,300 customer visits a month and they want to ensure the entrance is easily accessed and they want to ensure that there is adequate parking.

City Assistant Engineering Cole McCraw stated that the county will review the proposed staff conditions of the potential acceleration/deceleration/bypass lanes as part of the access permit submittal review.

The Commission suggested more overhang on the entrance so that it is more prominent. It was mentioned that this is the first building that would be seen coming from the highway.

It was commneted that a dog walking area is noted on the southeast portion of the site on packet page 29.

Action
Ald. Strzelczyk made a motion to approve site plan option #3 per staff recommendations and to strike condition #7.
Commissioner Stoker seconded the motion.

There was a short conversation about the requirement regarding the cross access easement. The applicant is not supportive of this recommendation and requested it not be a requirement of approval. Staff also stated that the driveway access should line up with the access of the site across the street on Port Washington Road.

A friendly amendment was made that the applicant, Commission architect and staff work together to finalize minor points of the site and building plan including the sidewalk, the entrance from Port Washington Road and the setbacks.
The friendly amendment was accepted by Commission Stoker.

A *roll call vote was taken; vote passed (8-0)*

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Gentges, Hawley, Schaefer, Stoker

3) Consent

a) Dan Kahn. The applicant is seeking minor request approval for the removal of one specimen tree located at 3600 W. Candlewick Court.

Mayor Nerbun separated the consent agenda items.

Action
Ald. Strzelczyk made a motion to approve the Consent Agenda item 3(a).
Commissioner Urbani seconded the motion.
A *voice vote was taken; vote passed (8-0)*

RESULT:	**APPROVED [8 TO 1]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Nancy Urbani, Commissioner
AYES:	Nerbun, Strzelczyk, Choren, Gentges, Hawley, Schaefer, Stoker, Urbani

b) Neumann Development, Inc. for Highland Road, LLC. The applicant is seeking concept plan and preliminary plat approval to allow for a 37-lot subdivision for the property located at 1310 W. Highland Road (Highland Meadows subdivision).

Commissioner Stoker recused himself from this item.

Mayor Nerbun stated that this was approved a year ago and 4 months ago but has come back with very minor changes to the preliminary plat to accommodate side access garages which are required.

Assistant Director Jac Zader stated that they are required to connect to the sanitary sewer service. He also commented that the applicant must match the existing light fixtures in the neighborhood. He further commented that there is a new version of the light fixture that may alleviate some of the current glaring issues.

Action
Ald. Strzelczyk made a motion to approve the item.
Commissioner Hawley seconded the motion.

Asst. Eng. McCraw added that if the applicant plans to phase the development, that an amendment to condition #13 (packet page 62) should be made as part of the approval motion, so that it could be superseded later with a development agreement amendment approval.

The applicant, Brian Lindgrin, explained that there is no change to the 37 proposed lots. He explained that the eastern part of the site needs some fill dirt. If they are able to phase the development, they can use some of the dirt from basement digs as well as bring in additional clean fill. The phasing also spreads out the expenditures for the developer.

An amendment was added to the motion to add clarifying language to condition #13 or as amended with DA approval.
This was accepted by both Commissioners that made the motion.

A *roll call vote was taken; vote passed (8-0)*

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Gentges, Hawley, Schaefer, Urbani
RECUSED:	Stoker

4) Regular Business

a) Ralph and Judith Morello. The applicant is seeking land division consultation for the properties located at 10050 N. Range Line Road, the parcel immediately to the south and 2516 Range Line Terrace.

Public Comment

Laura Rees - 2425 W. Range Line Terrace - does not support this proposal.

Lynn Rix - 2516 W Range Line Terrace - owner of the property to be purchased.

Craig Swan - 2413 W. Range Line Terrace - he represents his street and is opposed to Option B. He believes the proposal conflicts with established Range Line covenants. He is concerned about the existing wetlands and soils. He is worried about the integrity of the neighborhood.

Jan Spero - 2507 W. Range Line Terrace - opposes the proposal. She believes that if a road is put in place that the cul du sac no longer remain in its current state.

Mary Fran Cahill - 2504 W. Range Line Terrace - opposes this proposal as the driveway will be very close to her home.

Michael Rees - 2425 Range Line Terrace - opposes both options.

Robert Madritsch - 2519 W. Range Line Terrace - opposes and stated that this is burdensome to the surrounding neighbors as it was not known that a road could be put in this area. He believes a road would upset the existing wetlands.

John Bonnell - 10056 N. Range Line Road - is opposed and does not wish to speak.

Susie Bratz - 11054 N. Range Line Road - represents herself and surrounding neighbors. She does not want the uniqueness of the neighborhood, the beautiful green spaces, nature, tranquility and privacy, to change by a road being installed. She also has concerns about flooding and drainage.

Pippa Mackett - 10052 N. Range Line Road - opposes but does not wish to speak.

Planner Hoier stated this is a consultation and no formal action will be taken this evening. He explained that the proposed lots are compliant for the zoning. Proposed lot #4 is 2 feet too narrow for the average lot width and an adjustment will need to be made.

Asst. Eng. McCraw explained that there are currently 5 lots (4 homes) accessed from the private driveway. The existing driveway is too narrow and does not meet the required widths. The applicant did request waivers to both sections of the specifications that dictate the required width for a shared driveway and the one that indicates it would need to meet private roadway standards, which do require a cul du sac. The two options presented and reviewed by staff:

Option A.	Access from Range Line Terrace using the existing private driveway (no width increase) and no waivers.
Option B.	Access through vacant lot to create a private driveway off of Range Line Terrace, waiver needed.

Staff recommends Option B as it does meet the technical specifications and there are no issues with providing additional access to the existing driveway (which is non-compliant with the specifications) but there are some wetland issues on the other Range Line Terrace property, and it would add a connection to an established subdivision. There are stormwater conditions added and grading plans are required to be reviewed as part of the city building permit approval process.

The decision regarding access is a waiver related to the specifications stated in condition #8, on packet page 82. It states that the applicant needs to either serve the created lots through the access point, as in Option B; or the Planning Commission needs to grant a waiver to those sections of the specifications. He also noted that staff wants the Commission to clarify whether they want the additional width added to the existing driveway should a waiver be granted for Option A to the access point.

Asst. Dir. Zader stated the property owner has certain rights and the applicant is looking for feedback from the Commission on the proposed options.

There was discussion among the Commission regarding the various options. There was consensus that Option B is not favorable and there is not current information whether that option is legal.

Once the two additional parcels are added, this would trigger the existing private driveway to become a private road and need to be widened. Mayor Nerbun stated that road would only need to be widened west of the 4 individual homes.

The applicant, Ralph Morello, stated that there was previous approvals from the Planning Commission that 6 lots could be accessed by the private driveway and easements were filed for 7 lots. He stated that he has recorded documents for all these previous approvals.

Mayor Nerbun stated he feels that the widening of the driveway should be minimized to the area in front of the 4 houses only. There was support from the Commission regarding the minimized widening.

b) Norr for Brixor SPE 1 LLC. The applicant is seeking building and site plan amendment approval to allow for exterior improvements for the property located at 10930 N. Port Washington Road (Sendik's Food Market).

Asst. Dir. Zader stated there are two issues for the Commission to provide feedback:

1. Staff requests the shopping center section south of Sendik's to be included in the renovations.

2. Most of the proposed materials do match the rest of the shopping development except the introduction of proposed aluminum plank material which is not used anywhere else in the development and staff does not support the use of it behind the Sendik's façade. It is ok to use it underneath the overhang of the windows. Staff recommends the Sendik's façade use a painted efface to match the rest of the development.

He commented that the awnings are included as well as painting of the roof. Staff is supportive of the proposal subject to the two mentioned recommendations.

The Planning Commission discussed the materials previously used, and the materials proposed.

The applicant stated that Sendik's is the anchor of the shopping development and believe that they should be able to be a little distinct than the rest of the shopping center. They believe they should be able to have a few accents that set them apart.

Commissioners provided feedback that they like the proposed materials and agree that Sendik's deserve to be highlighted and to look a little different from the remainder of the shopping center as they are the anchor tenant.

Action
Ald. Strzelczyk made a motion to approve the item removing condition #1.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (7-1) (Mayor Nerbun abstained)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Strzelczyk, Barnes, Choren, Gentges, Hawley, Schaefer, Stoker
ABSTAIN:	Nerbun, Urbani

5) Announcements

The next meeting is Monday, June 24, 2024, at 6:00 p.m.

6) Adjourn

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

The meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Jac Zader