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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, May 23, 2022
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

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

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

2) Approval of the Meeting Minutes from April 25, 2022

Action

Ald. Strzelczyk made a motion to approve the meeting minutes from April 25, 2022.

Commissioner R. Schaefer seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R. Schaefer
ABSENT:	J. Schaefer, Stoker

3) Public Hearing / Consent

- a) Arc Central LLC for Omri Ben Yaich. The applicant is seeking conditional use grant approval to allow for an accessory dwelling unit for the property located at 10564 W. Sunset Woods Lane.

Action

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

Commissioner Bach seconded the motion.

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

No public comment.

Action

Commissioner Choren made a motion to close the public hearing.

Commissioner Hawley seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R. Schaefer
ABSENT:	J. Schaefer, Stoker

- b) Mequon Storage. The applicant is seeking conditional use grant amendment and building and site plan amendment approval to allow for two storage buildings for the property located at 6829-7033 W. Donges Bay Road.

Action

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

Commissioner Bach seconded the motion.

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

No public comment.

Action

Commissioner Choren made a motion to close the public hearing.

Commissioner Hawley seconded the motion.

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

4) Consent

- a) James Schneider for Lewenauer. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the properties located at 2015 & 2049 W. Martin Way and 13804 N. Martin Way.

Mayor Nerbun stated that a late entry Public Comment card was submitted by Cassi and Andy Corey – 10508 W. Sunset Woods Lane in support of item 3a but they do not wish to speak.

Action

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

Commissioner Lemke seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R. Schaefer
ABSENT:	J. Schaefer, Stoker

5) Public Hearing

- 1) Jeremy Wilmot for Cheddarhead Holdings-6, LLC. The applicant is seeking conditional use grant approval to allow for fast-food restaurant for the property located at 10990 N. Port Washington Road (Jersey Mike's Subs).

Action

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

Commissioner R. Schaefer seconded the motion.

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

No public comment.

Action

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

Commissioner R. Schaefer seconded the motion.

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

Asst. Dir. Zader stated that this request is for Jersey Mikes Subs to go into half of the former Hong Anh space in The Pavilions. There is an expansion of the outdoor patio which staff has

included a condition that the patio area does not exceed further out than the edge of the building (inside the light pole). There is an additional doorway being added in place of an existing window which is required to match the existing building. Staff recommends approval.

The applicant stated that all the conditions in the staff report are acceptable.

Ald. Strzelczyk stated he believes this is a great addition to the community and the location is ideal for this type of business.

Action

Ald. Strzelczyk made a motion to approve the CUG subject to all the conditions in the staff report.

Commissioner Bach seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Greg Bach, Alternate
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R. Schaefer
ABSENT:	J.Schaefer, Stoker

- 2) Jilly's Car Wash. The applicant is seeking conditional use grant and building and site plan approval to allow for car a wash facility for the property located at 10829 N. Port Washington Road.

Action

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

Commissioner R. Schaefer seconded the motion.

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

Public Comment

Michael DiSteton – 1431 W. Winding Hollow Lane – he is a board member of the Winding Hollow Condominiums, and he is opposed to this business. He is concerned about public safety as it is a heavily populated area. The neighbors are concerned about the noise from this use and they do not believe that 70 dBA is acceptable and it should be a lower decibel. They also believe the hours of operation are too lengthy. The noise from the mechanicals, vacuums and the garage doors are of concern.

Gary Balcerzak – 1451 W. Winding Hollow Lane – he is the President of the Winding Hollow Condominiums, and he is opposed to this proposed use. He stated that a petition included in the board packet was signed by 100% of the owners located in the state. His concerns include:

- Endangerment of Public Welfare – the public walk in this area and there is not a sidewalk available.

- Not harmonious to neighborhood – concerns that the equipment will cause constant noise and that the allowable decibel level is too high.
- Landscape Plan is inadequate and does not supply adequate buffering to mitigate year-round noise.
- Hours of Operation are excessive.
- Injury to property values due to the proximity of the residences to this business.
- There are two carwashes less than 1 mile away. They oppose the location of this business.

He urges the Commission to deny this request for approval.

Howard Myers – 1521 W. Winding Hollow Lane – he stated that Ordinance 58-303 contains specific language regarding design standards and development guidelines regarding carwashes. He does not believe the use is permissive or harmonious to the surrounding area.

Jerad Protasky -he is the owner of 10911 N. Port Washington Road and represents I Mequon 1 LLC and I Mequon II LLC. He explained that this site was rezoned to B-2/PUD with the intent of attracting uses just like Jilly's Car Wash. He stated that the business is owned by consciousness local residents. They have proposed an extremely attractive building design and are committed to being good neighbors.

Action

Commissioner R. Schaefer made a motion to close the public hearing.

Ald. Strzelczyk seconded the motion.

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

Asst. Dir. Zader clarified that the reference about the Ordinance 58-303 applies to the Town Center and Arrival Corridor zoning districts only. He added that when these parcels were rezoned, the back portion of this parcel was designated with limited uses due to the proximity of Winding Hollow (no restaurants allowed, or high volume uses). Any uses of the B-2 zoning district, permitted or conditional, would be allowed in the front portion. Typical land use patterns of buffering are in place.

He showed the site plan and explained that staff worked with the applicant on several iterations and the proposed plan is the best one for this difficult small parcel. The building is moved as close to Port Washington Road as possible, and the equipment is shielded from public view. The proposal does comply with all the district regulations except for the open space ratio. This parcel is at 36.6% ratio, but the vacant parcel will well exceed the required 40% ratio and the entire development will be compliant.

The Code Enforcement Officer took several sound readings over the past several days. The ambient noise is between 62-100 dBA due to the varying levels of traffic on Port Washington Road. Asst. Dir. Zader stated that anything lower than 65 dBA will be difficult to maintain due to the ambient noise being louder than the car wash.

He explained that the window treatment information was excluded from the board packet; the windows will be translucent except for the windows adjacent to the mechanical room and the

upper transoms which will be spandrel glass. Staff has made recommendations to address the southern property line with some landscaping and some lighting recommendations have already been addressed. Staff believes the hours of operation are acceptable and are consistent with neighboring businesses.

The applicant, Jon Zimmerman, President of Jilly's Car Wash stated they are residents of the north shore and know the community. They have received numerous emails from Mequon residents requesting they open a business here. This location will be their fifth location and they have never had a noise issue. The other locations are located closer to residential housing. They have received support from the JCC who owns the Gan Ami preschool next door. The vacuums only run when they are in use. He stated that they are completely agreeable to not play any music. The doors can be opened and closed after every car except in the summertime. They have no problem meeting the 70 dBA limitation from the property line. They choose to exceed the building standard designs because they want to provide an attractive building and business in this community.

The architect clarified that the windows will be a satin finish which is translucent and obscures the view from the interior mechanicals.

Many of the Commissioners agree that the proposed hours should be allowed for the business to be successful. Additional landscape buffering (evergreens) is recommended to help mitigate the noise. There is agreement that music not played at the location. There is appreciation for the architecture design as it exceeds the standard requirements.

Action

Commissioner Lemke made a motion to approve the item with added requirements for additional landscape buffering (evergreens) on the west and south property lines and that no music shall be piped in at this location.

Commissioner Hawley seconded the motion.

A roll call vote was taken, vote passed (7-1)(No: Bach)

RESULT:	APPROVED WITH CONDITIONS [7 TO 1]
MOVER:	Rick Lemke, Commissioner
SECONDER:	Stephanie Hawley, Alternate
AYES:	Nerbun, Strzelczyk, Choren, Gentges, Hawley, Lemke, R. Schaefer
NAYS:	Bach
ABSENT:	J. Schaefer, Stoker

6) Regular Business

- a) Christ Alone Ev. Lutheran Church. The applicant is seeking minor request approval to allow for a temporary tent for the property located at 10001 N. Cedarburg Road.

Dir. Tollefson stated that Christ Alone Church is located on Cedarburg Road and has had previous approvals in the summers for temporary use permits for tent events to allow for various outdoor activities on site; Vacation Bible Camp, soccer camp, 1 time a month outdoor Sunday

service and an annual picnic. The Sunday morning service and the annual picnic are the events that may require some overflow parking. Upon review, staff is supportive of the tent events but does not support overflow parking in the open space. The police department historically has not allowed week in and week out street parking, but for a one-time event it is something that the applicant can pursue.

The applicant is appealing the one condition regarding the overflow parking. Staff recommended that the tent be moved into the open space area which would free up about 16 parking stalls. Staff also recommended that the applicant work with staff to create a more efficient parking lot configuration in an effort to provide more parking stalls year-round.

Dir. Tollefson explained that the soil in the open space area, if used too often, can be negatively impacted, and could become compacted and act as impervious space which could trigger stormwater management requirements. Pollutants from the cars can also be detrimental to the open space.

The applicant stated that they are requesting a tent due to Covid concerns so that congregants can worship outside. There are 7 outdoor worship events planned for the season as well as various additional events. They believe only two events will require overflow parking.

He stated that they notify their neighbors of the events taking place ahead of time. They do not believe that moving the tent is doable as elderly congregants would need to navigate uneven terrain and that area can accumulate ankle deep water. He offered that they could rotate the cars around for each event so that they would not be parked in the same area for each event.

He stated that they have been good neighbors and have accommodated the city when parking was needed as well as for Taste of Mequon each year.

Action

Ald. Strzelczyk made a motion to approve the request with the additional requirements that the applicant submit the 10 dates in which the overflow parking shall be allowed, rotate the location of the overflow cars to maintain the grass and keep the tent located in the same location as the previous year.

Commissioner Lemke seconded the motion.

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

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R. Schaefer
ABSENT:	J. Schaefer, Stoker

- b) Christian Pressley for Ilan Hang. The applicant is seeking building and site plan amendment approval to allow for a new building for the property located at 10328 N. Wauwatosa Road (Big Shots Sports).

Asst. Dir. Zader stated this is for the driving range facility located on Wauwatosa Road. There is an existing club house which the applicant plans to tear down and to build a new one about 60 feet to the east. The tee line will also need to be shifted about the same distance to accommodate the new building. The new location of the building will be further away from the road and will be more compliant with the setback. The tee boxes will be about 300 feet to the property line to the east where there is a tree line so there should not be any issues with balls going to the property line.

There is also an existing red barn on the site. The proposed renderings are different colors and style, and condition that the existing barn be painted within 1 year of occupancy to match the proposed building colors.

The proposed building will have LP Smartside siding, with brick around the entrance ways. The rear elevation, east elevation, is a blank wall because the five simulators are located along that wall. Staff has recommended some additional treatments to that elevation to break up the solid blank wall. Some vines or greenery or yardage markers were suggested as the building will be constructed with ICF. Staff recommends approval.

The applicant explained they are proposing seating along the east elevation wall in the shade. They are agreeable to working with staff to make it more aesthetic appealing. The existing red barn will be next to a mini golf course and the applicant believes that the red color will add to the aesthetic appeal in that area.

There was some feedback from the Commission that the red barn is desirable and that it does not need to match the coloring of the proposed new club house building. The design of the building is not well received, and some additional features are needed to be more aesthetically pleasing. It is thought to be too plain with too many straight lines. It was discussed that the applicant will work with the Commission architects to tweak the building.

Action

Ald. Strzelczyk made a motion to allow the existing barn to remain red in color and that the Commission architects work with the applicant to make modifications to the proposed building design.

Commissioner Bach seconded the motion.

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

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Greg Bach
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R. Schaefer
ABSENT:	J. Schaefer, Stoker

- c) Point Real Estate for Orchards of Mukwonago LLC. The applicant is seeking rezoning recommendation from R-3/C-2 (single-family) to R-3/C-2 with TDR-PUD (transfer of development rights-planned unit development) and concept plan approval to allow for a 17-lot, single-family residential cluster development for the property located on the north side of Donges Bay Road, approx. 800' west of Wauwatosa Road (Burr Oak Estates).

Asst. Dir. Zader stated that this item was in front of the Commission for a consultation in February. There was discussion about using the TDR credits and working to comply with the requirements of the CGO. The applicant has submitted an updated plan that addresses most of the critiques from staff and feedback from the Commission.

The connection to the Enclave was adjusted to save the Burr Oak. The open space was also increased. The density is higher due to it being a TDR site. Staff supports the changes made and recommends approval.

The applicant, Joe Bukavich from Point Real Estate, stated that the area behind Lots 2 & 3 is at 20 feet of open space because they abut a property owned by Wisconsin Gas that is used as a metering location for their high-pressure gas main. He explained that the water main from the southeast property line to Wauwatosa Road will be constructed by the applicant and the Water Utility will reimburse them.

The Commission discussed that a TDR policy discussion should take place.

Asst. Dir. Zader stated that the property could be sold at some point and staff recommends the additional 10 feet be included.

Action

Ald. Strzelczyk made a motion to approve the item.

Commissioner Gentges seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Dan Gentges, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R. Schaefer
ABSENT:	J. Schaefer, Stoker

7) Announcements

The next meeting is Monday, June 27, 2022, at 6:00 p.m.

8) Adjourn

Action

Commissioner Lemke made a motion to adjourn the meeting.

Commissioner R. Schaefer seconded the motion.

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

The meeting concluded at 7:40 p.m.

Respectfully Submitted,

Jac Zader