City of Mequon

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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, June 10, 2019
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Mayor Wirth called the meeting to order at 6:00 pm.

Present:
Chairman John Wirth
Alderman/Vice Chair Robert Strzelczyk
Commissioner Martin Choren
Commissioner Rick Lemke
Commissioner Brian Parrish
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Alternate Stephanie Hawley
Alternate Gregg Bach
Commissioner John Stoker - **Absent**

a) Approval of Minutes from May 13, 2019.

Action
Ald. Strzelczyk made a motion to approve the May 13, 2019 minutes.
Commissioner Lemke seconded the motion.
Voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Hawley, Lemke, Parrish, J. Schaefer, R. Schaefer
ABSENT:	Stoker

2) Public Hearing

a) Boulder Venture for Associated Bank and Panera Bread. The applicant is seeking conditional use grant for a restaurant and for modifications to one or more standard district regulations of the B-2 zoning district for a vacant parcel which is non-conforming to the district standards for minimum lot size and building and site plan approval for a 4,500 sq. ft. restaurant (Panera Bread) for the property located at 11249 N. Port Washington Road.

Action
Ald. Strzelczyk made a motion to go into public hearing.
Commissioner Becky Schaefer seconded the motion.
Voice vote was taken; vote passed (8-0)

Scott Nyholm, 1222 W. Venture Court – stated that he is located at the end of Venture Court and he is concerned about the traffic on Port Washington Road. He feels that the proposed site is a dangerous area given the businesses across the street and the proximity to the intersection at Mequon Road. He also stated that the parking at the current Panera Bread location is limited and he feels that they should not be granted a waiver for reduced parking. He also stated that he does not feel that the setback waiver should be approved as he feels that the building should be set as far back from the road as possible.

Action
Ald. Strzelczyk made a motion to close the public hearing.
Commissioner Becky Schaefer seconded the motion.
Voice vote was taken; vote passed (8-0)

Planner Vang stated that the applicant is seeking building and site plan and conditional use grant (CUG) approvals for a 4,500 sq. ft. restaurant for Panera Bread. The CUG is required for the restaurant use as well as because the applicant is seeking waivers to the B-2 zoning district standards. Staff is recommending the item be tabled but would like to present the project to the Commission in order to receive feedback regarding the project.

Staff has several concerns with the building design proposed. Commissioner architect Jim Schaefer and staff have overall issues with the design including the lack of fenestration on the front of the building facing Port Washington Road; the north elevation which is visible from southbound traffic and feel that there are opportunities to improve the design. The concerns were communicated to the architect and the applicant. The applicant did submit revised plans but there was not sufficient time for the plans be fully reviewed. Staff feedback is that the revised plans are a step in the right direction but there are still issues to be addressed and the design needs to be looked at more closely; and this is the reason for recommending the item be tabled.

Another area of concern is the proposed parking is deficient by 19 stalls. The code requires 68 stalls for the proposed use. Staff did ask for a parking analysis to support the requested waiver but one has not yet been submitted; and without any support documentation staff is unable to make a determination regarding the parking waiver request.

There has been discussion with the applicant regarding the setback waiver requested and the positioning of the building; especially in relation to the PNC Bank on the corner and Starbucks to the north. This building is proposed to sit back further than the Starbucks and staff feels that this does not create a consistent building line from the Mequon Road corner. Additionally, staff is concerned that if the parking is required to be increased on site that it may affect other factors such as site layout and open space requirements. Due to these concerns and unsolved issues; staff recommends the item be tabled and recommends that Commission provide feedback to the applicant.

The applicant was represented by Curt Smith from Boulder Venture, Brian Barnard from Panera Bread, Bryan Slonski from NORR Architects and Ryan Birschbach from Kapur & Associates.

Mr. Smith stated that after a phone call with staff they revised the building plans to address concerns about the massing of the building. Additionally, more articulation was added to the roofline and the articulation of the façade; particularly the north elevation. On the east elevation, a gabled roofline was added to emphasize the entrance along with glazing and awnings. The south elevation; which is visible from traffic heading northbound, has the patio and some articulation was added there as well. They have considered the materials and brick colors used on nearby structures to be more in line and similar to these adjacent structures.

Mr. Barnard stated that they want their business to be accessible and that the parking is important to them. He discussed the changes the business has gone through over the past several years and the importance of the drive-thru to their operations. They do a lot of online ordering pickup and delivery and they will have specific parking stalls assigned for these types of orders; which reduces general parking stall needs. They have done an internal parking analysis and they have determined that they need 48 stalls; 32 stalls needed plus a 50% contingency, as well as a potential cross-parking agreement with Associated Bank next door. They feel very comfortable with the parking proposed for this site. They will provide their analysis to city staff.

Mr. Smith explained that the initial plan included parking stalls on the east side of the site but after meeting with staff it was determined that this was not a good plan as it was a traffic and safety issue. The parking was shifted away from there and the patio was moved to that face of the building. The reason for the building proposed to be positioned further back on the site is due to the 62 foot trailer that delivers to Panera Bread needing to be able to make a left-hand turn into the site and a right-hand turn into the back of the project for their deliveries. The larger driveway also allows the Associated Bank customers to maneuver smoothly.

Commission feedback is that the revised plan is better but they recommend more articulation of the roofline to differentiate the massing. More windows were recommended on the north elevation. It was also noted that the color of the building appears very dark compared to the Associated Bank building. It was suggested that the west elevation also be addressed as it is visible to the shopping strip behind them. Overall, more architectural details are recommended. It was communicated that the parking will be an important issue and most likely it will be difficult for the Commission to approval a waiver to deviate from the code requirement. Feedback regarding the drive-thru is that there is not a residential neighborhood behind this location and would most likely not be adversarial to the community. There was also a sense of concern about the congestion and safety in that area and the traffic that may be generated due to the drive-thru.

Mr. Smith offered to provide analysis of peak hours of business for both Panera Bread and Associated Bank in regards to the shared parking. He also commented that they are willing to reduce the green space in order to accommodate more parking stalls.

Asst. Dir. Zader stated that he feels that the peak use times; most likely lunch time would be the same for both businesses. He reminded the Commission that they had strongly recommended that this site not be allowed to reduce the green space requirement at the time of the Associated Bank approval.

Action
Ald. Strzelczyk made a motion to table the item.
Commissioner Hawley seconded the motion.
Voice vote was taken; vote passed (8-0)

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	Stephanie Hawley, Alternate
AYES:	Wirth, Strzelczyk, Choren, Hawley, Lemke, Parrish, J. Schaefer, R. Schaefer
ABSENT:	Stoker

3) Consent Agenda

a) Richard Weyker. The applicant is seeking certified survey map approval for a 2-lot land division for the property located at 11063 Oriole Lane.

This item was removed from the Consent Agenda because someone registered to speak.

Planner Vang stated that this is a request for a 2-lot land division. One lot will be 1.4 acres and the second lot will be 1.6 acres. These are consistent and meet the R-3 zoning district standards which require 1 acre minimum. Lot 1 and Lot 2 are both currently vacant and access to the lot is currently shown through a private easement off Oriole Lane. As a condition of approval, staff will require that a shared access agreement be approved by the City Attorney to allow access to Lot 2 from Oriole Lane. The City Forester walked the site and noted that specimen trees are present; but they are concentrated on the perimeter of the lots. Staff added a conditional of approval that any trees that may be requested to be removed will need to be presented to the Commission for approval.

Asst. Eng. Henk stated that there are wetlands on the site and they are noted on the CSM. They are missing the setbacks for that particular wetland and a wetland delineation report will be required. This site is located within the City's sewer service area. There is sanitary sewer to the northeast corner of Lot 1. There is not water access to that lot so a water deferral agreement will need to be created.

Adam Gerol – 11067 N. Oriole Lane – he is the neighbor to the east of the property. He has a shared driveway with this property. His concerns are based on historical issues with past projects related to this site. He does not want to be an impediment to the applicant but he is requesting that legal concerns are addressed such as work done only within allowed hours and bonding for driveway repair. He stated there are 4 different documents that relate to this easement. He explained the history of the easement and road agreement. He stated that he feels that if this is approved it creates a land-locked parcel that cannot be developed. He is willing to amendment the easement as long as he is guaranteed that the roadway will be repaired.

The applicant, Richard Weyker, stated the dwelling was removed three years ago. He feels that the road damage mention by Mr. Gerol is from garbage trucks.

Asst. Eng. Henk stated that staff did review the easements and the parcel would be land-locked except for condition #5 in the staff report which states that there must be a shared access agreement. It can be an amendment to the existing easement or a new easement to the new parcel; but it must show access to the newly created parcel before the CSM can be recorded.

Asst. Dir. Zader stated that in a complicated situation such as this, the City Attorney will review the shared access agreement to ensure that a new parcel can be legally added to the road.

Action
Commissioner Parrish made a motion to approve the item subject to the conditions in the staff report.
Commissioner Lemke seconded the motion.
Voice vote was taken; vote passed (8-0)

b) Pinnacle Engineering Group, LLC for Jim Forester. The applicant is seeking fill permit approval for 6.800 C.Y. of fill to construct a storm water pond for a future residential development for the property located at 11649 N. Port Washington Road.

Asst. Eng. Henk stated that the applicant has proposed a condominium development at Lexington Square. The fill permit application was not included in the initial submittal to the Commission. They have gotten all other required approvals including the MMSD review of their stormwater plans. Due to more than 1,000 C.Y. of fill being excavated from the site, they will need a haul bond. This is a technicality and staff recommends approval.

Bernie Berson, President of Eastbrook HOA – they did not know about this issue until notified by the courtesy cards. They are concerned about the water and a new pond in this location. The concerns are related to where the water will drain in the event of a large storm. They would like a little time to have an expert look at the situation.

The applicant, Jim Forester, stated that he did not inform Mr. Benson or the Eastbrook HOA about this item as he was surprised that a permit was required.

Asst. Eng. Henk explained that there are emergency overflow plans in place and a full analysis was done on this site. There are safe routes for water from heavy storms.

Action
Commission Choren made a motion to approve the item.
Commissioner Hawley seconded the motion.
Voice vote was taken; vote passed (8-0)

4) Regular Business

a) John Graham for Oldenburg Farm, LLC. The applicant is seeking preliminary plat and development agreement approval for a six-lot single-family subdivision, 5 acres per lot on 36 acres, for the property located at the northwest corner of Mequon Road and Farmdale Road.

Planner Vang stated that the request is for a proposed 6-lot subdivision located on the northwest corner of Farmdale and Mequon Roads. The plot shows lots ranging from 5-6 acres. When reviewing new subdivisions, staff looks for opportunities for connectivity. There are no opportunities to the north and although there is an opportunity to the west, they are proposing a private road ending in a cul du sac. The proposed lots meet the R-1 zoning district requirements of 5-acre minimum and 300 minimum average lot width and depth. There is also a cross access easement around the perimeter of the site and this is for the purpose of a pedestrian walking path. Staff added as a condition of approval that a cross access easement is required for the walking path as well as for the private road. The applicant has indicated that the trees along Farmdale and Mequon Roads will remain. They are proposing additional landscaping for the site and the applicant will need to submit a landscape plan for approval from the Commission at a future date. The City Forester walked the site and has no concerns with the proposed development.

Asst. Eng. Henk stated that deceleration and acceleration lanes are required as well as a bypass lane. She stated that similar to the last few approved subdivisions; the Commission has the authority to eliminate the requirement for the bypass lane.

The applicant was represented by John Graham, acting as the agent developer on behalf of Mr. Oldenburg. Mr. Graham stated that he is partnering with The Victory Companies, LLC who will be the sole developer of the homes. Their intent is to be in compliance with all of the zoning requirements while developing a high-value 6-lot subdivision including the intent to install a private road. The only waiver they are requesting is for the elimination of the bypass lane on Farmdale Road. He feels that the bypass lane encourages drivers to speed on the 2-lane road and he would like that to be avoided. He explained that it is a very nice country road and their development will add very little traffic. He stated that everyone in that area is on individual wells and septic mound systems.

Asst. Dir. Zader explained that the private road will have the same standards required for a public road. The benefit of a private road is that the property lines can extend to the center of the road and the lots do not lose the area as being dedicated to the lot size. Additionally, the issue of connectivity is not forced on a private road. He stated that staff will ask for the 60 feet needed between Lots 3 & 4 for possible connectivity in the future.

A few of the Commissioners gave feedback that they feel that the bypass lane is not necessary in that area.

Action
Commissioner Becky Schaefer made a motion to approve with the exception of staff report condition #13 (bypass lane) and the condition that 60 feet be required between Lot 3 & Lot 4 for future connectivity.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)
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RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Choren, Hawley, Lemke, Parrish, J. Schaefer, R. Schaefer
ABSENT:	Stoker

b) NORR LLC for Brixmor SPE I LLC. The applicant is seeking building and site plan and landscape plan approval for facade and site upgrades for the property located at 10906-11116 N. Port Washington Road (The Pavilions).

Planner Vang stated the request is back before the Commission for building and site plan amendment and landscape plan which were tabled at the previous meeting as well as master sign plan amendment (MSP). The proposed elevations are similar to what was shown at the last meeting except there is now a reduction in height for some of the parapet walls. This was a concern voiced by the Commission regarding the massing. Most of the parapet walls and tower elements have been reduced with the exception of three which are shown at the 30’-2” height, which is the height of the existing roof ridge. The proposed height does meet the requirement of the B-2 zoning district.

During a meeting with the applicant, which included Commissioner Jim Schaefer and Commissioner Marty Choren, there were concerns about the massing proposed for the Chancery. Since that meeting the applicant has reduced that height by 2 feet which is more in line with the massing with that corner of the property and this height is supported by staff for that location.

The revised plan also shows the north and east elevations are to be painted beige to match the paint on the street frontage elevations as well as awnings added to match as well.

Based on Commission comments and concerns from the last meeting, staff did meet with the applicant regarding the configuration of the site to discuss possible improvements. The applicant communicated that at this time they are unable to commit to changes due to limited funding and existing lease agreements, so no changes to the configuration are part of the site amendment tonight.

The site plan amendment does show sidewalks to be replaced and as previously discussed; landscape beds adjacent to the buildings will be removed and paved. Staff added a condition that the removal of these landscape beds should be approved as part of the landscape plan amendment and is not considered approved tonight as part of the site amendment.

The site plan also shows new trash receptacles and new benches for the site as well as improvements to the trash enclosures. Staff added a condition of approval that the southern-most dumpster be addressed as well due to the concerns raised by the property owner to the south. That is not shown as updated to the site at this time as it is not part of Phase I but the added condition of approval will ensure that that enclosure is included as well.

The property owner to the south also expressed concerns regarding the south entrance and since the last meeting, stop signs and pavement markings have been installed. In addition to the condition of approval requiring the trash dumpster and enclosure to be updated, staff also recommends Do Not Enter/Wrong Way signs be installed at the south entrance as well. Staff was pleased to see the applicant address the concerns of their neighbor.

The lighting plan is the same as last time and shows updates to the fixtures and light poles on site. Staff added a condition that all fixtures be full cutoff to meet the lighting code requirement. There are no improvements proposed for the parking lot lights.

The MSP amendment does not request the allowable size be changed but it does amend the language so that the proposed façade changes to the building are reflected. It also will allow for a sign to be placed above 20 feet in three areas; the three tower elements previously discussed. It will also amend the allowable logo size to up to 20% of the allowable square footage of the sign or 12 square feet, whichever is less. Staff will work with the applicant to clarify the language and to revise Exhibit A of the Master Sign Plan.

The landscape plan amendment was tabled last month and staff is again recommending that it be tabled tonight due to changes that were recently submitted but unable to be reviewed by staff due to limited time. Along with the landscape beds proposed to be removed from the buildings, the plan shows increased landscape beds in the parking lots and other areas of the site. In an effort to ensure that a portion of the allocated funds awarded for this project go towards the landscaping improvements, staff is requesting a Letter of Credit equal to the amount of the landscaping installation be required as a condition of approval.

The applicant was represented by Mike Pallella from Brixmor and Brad Smith from NORR Architects. Mr. Pallella thanked staff for the time spent on this project as he feels they have been able to make significant strides to advance this project. He stated they have made changes in regards to safety issues at the south entrance. They listened to the feedback from the last meeting and they have made necessary changes to the plans. They are hoping to be able to move forward after tonight.

In regards to phasing, the applicant stated they do want to continue making improvements to the entire development and their tenants will also be pushing them to finish the bookends on the site. Commissioners thanked the applicant for working with staff and for listening to previous feedback and adjusting the plans accordingly. There was support for continued phasing and completion of improvements for the entire site.

Action
Ald. Strzelczyk made a motion to table the landscape plan.
Commissioner Becky Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

Action
Ald. Strzelczyk made a motion to approve the building and site plan amendment and the master sign plan amendment subject to the conditions in the staff report.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	James Schaefer, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer
ABSENT:	Stoker
RECUSED:	Parrish

c) Lakeside Development for Residence at Foxtown. The applicant is seeking rezoning recommendation, preliminary plat and development agreement approval for 23 single-family homes for the property located at 11050 N. Industrial Drive (Foxtown Venture).

Asst. Dir. Zader stated that this request is for the pocket homes for the Foxtown development. The proposed plan is for 23-single family lots and is consistent with the PUD approved for Foxtown. There are three items for approval; preliminary plat, development agreement and rezoning recommendation.

The applicant was previously approved for setbacks of 0 feet on the west and 8.5 feet on the east, the applicant is requesting a change to 3 feet on the west and 3.5 feet on the east. Another request is to reduce the rear setback from 5 feet to 3 feet for the detached garages as it gives a little more space for a yard. Staff recommends approval and if approved by the Commission, this item will go to Common Council for final approval.

The applicant was represented by Brian Sheive and Ryan Zabjek from Lakeside Development. Mr. Sheive stated that after reviewing the development agreement he learned that the number of dwellings allowed to be started before the final plat is limited to 2. They are requesting that number be increased to 4-8 due to timing of site development as well as the nature of the design of the homes all lined in a row; as it relates to efficiency of construction.

Asst. Eng. Henk stated that the phasing of Industrial Drive, the E buildings and D building at the same time as this parcel will be very crowded and can be complicated on such a small construction area.

Mr. Zader stated that Mequon has always been conservative in the process of building houses and only allows construction, except for the 2 spec homes, until the final plat is approved. This is a very tight development and he does not feel the timing is a compelling argument and he recommends no more than 4 homes be approved.

Action
Ald. Strzelczyk made a motion to approve the item.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	James Schaefer, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Hawley, Lemke, Parrish, J. Schaefer, R. Schaefer
ABSENT:	Stoker

d) ICAP Development for Jewish Home and Care Center, Inc. The applicant is seeking concept plan, specimen tree removal and rezoning recommendation approval from IPS (Institutional and Public Service) to B-2/PUD (Commercial Business/Planned Unit Development) to redevelop the site for multiple commercial uses for the property located at 10865-10911 N. Port Washington Road and parcel to the south. REMOVE FROM TABLE.

Action
Mayor Wirth made a motion to remove the item from the table.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)

Asst. Dir. Zader stated that a letter from a neighbor was left on the dais for the Commissioners regarding the driveway access. This is the third time this item has been in front of the Commission for a request for rezoning from IPS to B-2/PUD. Much of the past discussions have been centered around the specimen trees on site. The applicant has been working with the City Forester, Mike Gies, as well as they have hired their own arborist and there seems to be an agreement of the scope of the removal. The applicant is now requesting to remove only 7 trees, which are all located in the front of the site. They have decided which trees are less desirable due to the quality as well as the impact they have had over the years from when the previous development was on site. The buildings have been slightly shifted to accommodate additional trees on site. Staff is supportive of the request and has some added conditions that should be noted:

- All facades along Port Washington Road are to be the primary front entrance of the development.
- Use of rear of site has a restriction with a PUD that only allows certain uses past the 300 foot line (no restaurants or retail).
- Sidewalk connection is required from Building A to the rear parking lot and is important throughout the site.

There is a stand-alone Swamp Oak that the application is requesting to have removed and the City Forester does not approve and he is requesting that the site plan be modified and the tree preserved.

Staff recommends the rezoning which will go to Council for a first reading in July and then public hearing and final decision in August.

Rob Irwin-1501W. Winding Hollow Lane – He is Board Chairman of the current owner of the property and a resident for 44 years. He urges the Commission to approve the item as it has been vacant for many years and the addition of neighbor uses are desirable to residents nearby. He appreciates that the applicant modified the plan to preserve as many trees as possible and to incorporate them into the site.

The applicant was represented by Jerod Protaskey from ICAP. He stated that they are in agreement with the City Forester regarding preserving the stand-alone Swamp Oak. The concept plan was developed in January and it has been modified to accommodate the trees as well as the needs of potential users. The site plan continues to be influx as specific users are secured.

Action
Commissioner Choren made a motion to approve the item.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0) (Bach voted in place of Parrish)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer, Bach
ABSENT:	Stoker
RECUSED:	Parrish

5) Policy

a) Renaming of Industrial Drive.

Asst. Dir. Zader stated that handouts were provided to the Commissioners and included in the packet from Dir. Tollefson who submitted a memo and a map showing the portion of Industrial

Drive that will be renamed along with some suggested names. He stated that the Commission should provide feedback on their preferences for a new name. He explained that some of the suggested names came from historical references connected to the city.

Mayor Wirth also submitted a memo as part of the board packet and stated he also likes the historic connection or the recognition of someone that may not have recognition in the city. He feels that it would be nice if there is a story behind the name chosen.

Feedback is that most Commissioners like the idea of a historic connection or story. There is agreement that the name should not be connected to a current development.

6) Announcements

The next meeting is Monday, July 22nd at 6:00 pm

7) Adjourn

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

Meeting concluded at 8:08 pm.

Respectfully Submitted,

Jac Zader