City of Mequon

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Department of Community Development
Taped and Televised

**PLANNING COMMISSION**
**Regular Meeting**
**Monday, June 11, 2018**
**6:00 PM**
**Christine Nuernberg Hall**

**Minutes**

## 1) Call to Order, Roll Call

**Present:**
Chairman Dan Abendroth
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner John Stoker
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner Rick Lemke
Alternate Stephanie Hawley

a) Approval of Minutes from May 14, 2018

**Action**
Ald. Strzelczyk made a motion to approve the May 14, 2018 minutes.
Commissioner Stoker seconded the motion.
*A voice vote was called, vote passed (8-0)*

It was discussed that the Alderman alternate will show as “excused” as opposed to “absent”. These are the only options available in the software program.

Ald. Strzelczyk stated that it should better reflect that the alternate alderman is not required to be at the meeting.

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| **RESULT:** | **APPROVED BY ROLL CALL VOTE [UNANIMOUS]** |
| **MOVER:** | Robert Strzelczyk, Alderman |
| **SECONDER:** | John Stoker, Commissioner |
| **AYES:** | Abendroth, Strzelczyk, Choren, Stoker, J. Schaefer, R. Schaefer, Lemke, Hawley |
| **ABSENT:** | Parrish |

**2) Consent/Public Hearing**

a) North Shore Dance Studio. The applicant is seeking conditional use grant approval for a dance studio for the property located at 10433 N. Baehr Road.

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

**Action**
Commissioner Stoker made a motion to close the public hearing.
Ald. Strzelczyk seconded the motion.
*A voice vote was called, vote passed (8-0).*

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **AYES:** | Abendroth, Strzelczyk, Choren, Stoker, J. Schaefer, R. Schaefer, Lemke, Hawley |
| **ABSENT:** | Parrish |

**3) Consent/Regular Business**

a) Crossroads Presbyterian Church. The applicant is seeking rezoning recommendation approval to rezone from IPS (Institutional and Public Service Zoning) to R-3 (Residential Detached Zoning) for the property located at 6125 W. Chapel Hill Road.

**Action**
Ald. Strzelczyk made a motion to approve the two consent items.
Commissioner Becky Schaefer seconded the motion.
*A voice vote was called, vote passed (8-0).*

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

**4) Public Hearing**

a) Lumen Christi Church. The applicant is seeking conditional use grant and rezoning recommendation approval to rezone from R-3 (Residential Single Family Detached Zoning) to IPS (Institutional and Public Service Zoning) to allow for expansion of the current cemetery for the property located at 2723 W. Mequon Road.

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

John Welke – 2737 W. Mequon Road lives in the house adjoining this property. He stated that he first heard about this project six months ago and that he has not heard anything else until he received the courtesy card in the mail last Friday. He stated that on that same Friday he arrived home to find that all the bushes had been cleared from 2723 W. Mequon Road. He is concerned about his well which is currently located 102 feet from the cemetery. If the proposed project is approved, the well will only be 21 ft. from the lot line. He is concerned about the shared driveway and where all the equipment will go once they house gets torn down. He is very interested to know what is happening with the property next door as it directly affects them.

Beverly Welke – 2737 W. Mequon Road also lives next door and she shares the same concerns as John Welke mentioned but she is very concerned about the danger of turning into her driveway from Mequon Road as cars often think they are turning at Range Line Road. She is worried she will need to turn into her driveway and that there will be other trucks and vehicles there. She stated that the property had not been taken care of, the lawn had not been mowed, and nothing had been done all winter and spring until last Friday. She explained that it is not a shared driveway, it is a shared access. She is very interested in the access to the cemetery and is disappointed that they have not received communication from the church.

John Clark, Lumen Christi trustee stated that he talked to the Mrs. Welke six months ago and he was made aware of their concerns; they do not wish to live next door to a graveyard and they were concerned about the gravesite being at least 50 feet from their well. He stated that there will be tree and berm buffering to address the issue of living next door to a graveyard and that they will work with the Welkes and the Planning Commission to make it as attractive as possible. He also explained that it is state regulation that a well must be 50 feet from a gravesite and they will absolutely honor that legal requirement. He stated there will be a turnaround area located there. He stated that he feels badly that the Welkes feel that they were not contacted but the applicant understands their concerns and is working to make certain they are addressed.

He stated that the timing of the brush removal and clean up was strictly coincidental to the timing of the courtesy cards arriving as the Parrish has a spring clean-up every year and the main project this year was to clear the brush between the existing cemetery and the property purchased. He stated they will be getting an official survey done of the driveway to understand exactly where the divide is, but he would very much like to work on a joint access agreement with the Welkes. He understands this is not a joint driveway situation and intends for each property owner to stay on and use their respective sides of the driveway.

**Action**
Ald. Strzelczyk made a motion to close the public hearing.
Commissioner Stoker seconded the motion.
*A voice vote was called, vote passed (8-0).*

Planner Vang gave an overall briefing of the staff report regarding the request for a rezoning recommendation from R-3 (Suburban Residential Detached) to IPS (Institutional and Public Service) which also requires a Land Use Plan Amendment from residential to institutional as well as a conditional use grant (CUG) because a cemetery is a conditional use in the IPS zoning. The CUG is contingent upon the approval of the rezoning by the Common Council. She stated that staff does recommend the applicant submit a shared access agreement, extensive buffering and certified survey map to combine the two parcels which would also dedicate right-of-way on Mequon Road and Range Line Road.

Asst. Eng. Henk stated that there are possible wetlands on the south side of the parcel which dictates that wetland delineation be done.

Staff does recommend approval of the rezoning, the land use plan map and the conditional use grant based upon the conditions in the report.

It was discussed that if a shared access agreement is not able to be agreed upon, a shared access with separate driveways is possible.

It was discussed that the parking for the cemetery is located across the street at the church. The applicant stated that a hearse will access the driveway and use the turnaround area but that the driveway is not to be used for public parking.

The applicant explained that there will not be access for the new cemetery area from Range Line Road as there is no room to walk through because it is filled with gravesites.

Ald. Strzelczyk stated that he feels that this is a good opportunity for the church and an appropriate use to expand the cemetery but his concern is for the abutting neighbor that shares the driveway. He feels that the Welkes home is immediately devalued by sharing the driveway with the cemetery.

The applicant reiterated that it is not a shared driveway situation and that each owner will use their side of the driveway only. They will get a formal survey to determine exact division of the driveway.

Ald. Strzelczyk stated that he feels strongly that a shared driveway agreement must be mandatory because he does not feel that it is fair for one resident to share an access and a driveway with a cemetery. Unless there is uniformity between the neighbors he does not feel comfortable approving this item.

It was suggested that the rezoning portion of the request be approved so that it can move on to Common Council for approval and that the conditional use grant could be tabled until the September meeting which would allow time for due diligence to be done regarding the driveway.

**Action**
Mayor Abendroth made a motion to approve the rezoning request and to table the conditional use grant request to allow for driveway due diligence to be done.
Ald. Strzelczyk seconded the motion.
*A voice vote was called, vote passed (8-0).*

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| **RESULT:** | **APPROVED WITH CONDITIONS [UNANIMOUS]** |
| **MOVER:** | Dan Abendroth, Chairman |
| **SECONDER:** | Robert Strzelczyk, Alderman |
| **AYES:** | Abendroth, Strzelczyk, Choren, Stoker, J. Schaefer, R. Schaefer, Lemke, Hawley |
| **ABSENT:** | Parrish |

b) P2 Development Co., LLC for Foxtown Commons. The applicant is seeking conditional use grant and building and site plan approval for a proposed 96 unit apartment building for the property located at 11127 N. Industrial Drive.

**Action**
Ald. Strzelczyk made a motion to open a public hearing.
Commissioner Becky Schaefer seconded the motion.
*A voice vote was called, vote passed (8-0).*

Tom Zabjek – 11845 Sandhill Circle and President of Lakeside Development stated that he has a vested interest in this project as he plans to do some development in that area. He stated that he has worked with Bob Bach for many years and is supportive of the product he produces. He also feels that the market and the economics should be allowed to dictate the number of apartments approved.

Lora Reinholz-11264 N. Riverbirch Drive, HOA President of Riverbirch Condos stated that she has attended that many of the Foxtown and Spur 16 meetings to understand the impact to the neighborhood. She feels that the buildings are attractive but she has concerns about the traffic and safety for pedestrians and for the neighborhood. She would like to know about the parking that will be available. She feels the crossing at the inner urban trail is a concern. She would like to know about the timing of the projects being completed and she is worried about over building.

Mayor Abendroth stated that the infrastructure planning and a future traffic signal at Industrial Drive is an issue that the city is aware of and is working on.

**Action**
Commissioner Stoker made a motion to close the public hearing.
Ald. Strzelczyk seconded the motion.
*A voice vote was called, vote passed (8-0).*

Asst. Dir. Zader gave a summary of the staff report regarding the request for building and site plan as well as conditional use grant approval for the proposed 96-unit residential apartment building. He stated that need for the conditional use grant is due to the buildings exceeding 2 and ½ stories. He also reminded the Commission that as part of the PUD, the applicant is only allowed to get the first 48 units approved once the Brewery receives occupancy. The second 48 units can only receive occupancy upon approval of the Argentos restaurant. There will be a delay and a phasing of these units over the next two years. Staff does recommend approval subject to the conditions in the report.

Mayor Abendroth requested that the landscaping plan come back before the Commission to be approved as opposed to approval at staff level.

The applicant, Robert Bach, handed out colored renderings to the Commission and displayed a large coloring rendering as well. He stated that the all the units on the first floor will have steps up to the unit as well as a front porch along Industrial Drive. Their goal is for the buildings to be harmonious. He stated that 50% of the front façade will be brick and stone with hardiplank sides. There are three different colors used: blue, green with beige and tan trim.

There was discussion that the colors are too busy and should be changed and that blue and green are not desirable.

Ald. Strzelczyk suggested that the TADI report should have been included in the packet as a review tool. It was explained by city staff that the TADI report was submitted along with a full analysis to the Common Council but there was no discussion of the subject and it was approved. As a whole it shows there is ample parking to handle all phases of the development.

**Action**
Commissioner Stoker made a motion to approve the item per staff conditions including the Mayor's request to have the landscape plan approved by the Commission and to include Commission Jim Schaefer as part of the staff approval of colors for the buildings.
Ald. Strzelczyk seconded the motion.
*A voice vote was called, vote passed (8-0).*

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

**5) Regular Business**

a) Concord Development Company for Hold Holdings, LLC. The applicant is seeking building plan and master sign plan approval to allow for exterior improvements and additional signage to the adjoining buildings located at 10500 & 10520 N. Port Washington Road.

Planner Vang gave a summary from the staff report regarding the request for building and site plan amendment and the master sign plan approval. Staff does recommend approval of the requests subject to the conditions in the report.

The applicant, Andrew Petzold, stated they do not agree with conditions #3, #7, #9 & #10:

- #3 - Request for removal as this condition was not requested 2 years ago.
- #7 - Request for removal of this item as it creates a hardship due to the building being older (1960's) and would be very costly.
- #9 & #10 - Request that these conditions be replaced with the requirement that the new glass match the color and tint of the existing glass. The panels will be repaired and will match the existing colors.

The plan previously showed that only the south and west elevation improvements but this submittal also included the east elevations. They are requesting the ability to work with staff and receive staff level approval if the budget allows them to also make improvements to the north elevation.

The master sign plan was discussed and it was suggested that some specifics should be included and not just a general approval. The applicant should know what is allowed. The applicant will need to apply for a sign permit for each sign requested. It was advised that staff pay attention to the colors of the signs.

The screening of the rooftop mechanics were discussed and it was requested that because they are not going to be replaced that they are to be painted.

**Action**
Mayor Abendroth made a motion to approve the item with the removal of condition #3, the requirement to paint the rooftop mechanicals, conditions #9 & #10 be changed to specify that the glass and panels match the colors and existing materials, the north elevation will match and that all signage is to be reviewed and approved by staff.
Ald. Strzelczyk seconded the motion.
*A voice vote was called, vote passed (8-0).*

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| **RESULT:** | **APPROVED WITH CONDITIONS [7 TO 0]** |
| **MOVER:** | Dan Abendroth, Chairman |
| **SECONDER:** | Robert Strzelczyk, Alderman |
| **AYES:** | Abendroth, Strzelczyk, Choren, Stoker, J. Schaefer, R. Schaefer, Lemke, Hawley |
| **ABSENT:** | Parrish |

b) Lakeside Development. The applicant is seeking rezoning recommendation approval to add a 2.58 acre parcel located at 6907 W. Mequon Road to the Mequon Reserve PUD located at 6929-6941 W. Mequon Road.

Asst. Dir. Zader gave a summary of the staff report regarding the request for the rezoning recommendation. Staff recommends approval of the PUD Amendment which will go to the Common Council for final approval and then will return to the Commission for building and site plan approval for the commercial development in the front of the site.

The applicant, Ton Zabjek, stated that he is not looking for approval of the buildings tonight; he simply included a rendering for perspective. He stated that there is also the option to create 20 units of housing in the rear portion of the site. It is undecided at this time what will be done there.

**Action**

Ald. Strzelczyk made a motion to approve the item.

There was discussion regarding the parking due to the applicant proposing only slightly more than half (138 spaces) of what the zoning code dictates (250 spaces). There is a buffer area on the site that can be used for parking that meets the required spaces per code. This issue will continue to be looked at as there are many variables involved. The Commission has the ability to be flexible with parking and there is the space on this site to be used if needed.

Mayor Abendroth seconded the motion.
*A voice vote was called, vote passed (8-0).*

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Robert Strzelczyk, Alderman |
| **SECONDER:** | Dan Abendroth, Chairman |
| **AYES:** | Abendroth, Strzelczyk, Choren, Stoker, J. Schaefer, R. Schaefer, Lemke, Hawley |
| **ABSENT:** | Parrish |

c) Ascension Columbia St. Mary's Hospital Ozaukee. The applicant is seeking master sign plan amendment approval to update the hospital campus signage for the property located at 13111 N. Port Washington Road.

Planner Vang gave a review of the staff report regarding the master sign plan amendment request. Staff recommends approval of the parking lot signs, the way finding signs and the wall signs. Staff recommends that the monument signs meet the 10 feet height and the 52 sq. ft. area requirement previously approved. Staff recommends that the gray base of the monument signs match the colors and materials of the building (per the sign code) or match some colors of the text. Staff also recommends that the main gray entrance sign should match the other signs on the campus and incorporate the colors proposed for all the other signage.

The applicants, Brian Randall and Scott Chadwell, stated that this is a large submittal and they appreciate the commitment of the staff to work through this together. The main focus is to incorporate the new Ascension name into the signage and to upgrade the current signs. They have worked through many of the staff recommendations and they are able to accommodate most of the requirements. They have two outstanding items:

1. The entryway monument sign font purposely does not match the font of the rest of the sign and that the writing is centered on the sign.

2. The gray monument signs are by design and are meant to draw attention to the emergency entrance. Their intent is to have a standardized look and to keep the gray colors but they would concede to the blue and white if the Commission decides that is desired.

   The gray base color is also part of their standardized look that they hope will be approved. They feel that the gray is complimentary and cohesive and that it is an upgrade to the existing signs.

**Action**
Ald. Strzelczyk made a motion to approve the item with the requirement regarding the entranceway monument sign that the applicant communicate with staff, the illuminated sign can be slightly larger if the applicant desires and that the font on the entry sign can be different.
Commissioner Choren seconded the motion.
*A voice vote was called, vote passed (8-0).*

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| **RESULT:** | **APPROVED WITH CONDITIONS [UNANIMOUS]** |
| **MOVER:** | Robert Strzelczyk, Alderman |
| **SECONDER:** | Martin Choren, Commissioner |
| **AYES:** | Abendroth, Strzelczyk, Choren, Stoker, J. Schaefer, R. Schaefer, Lemke, Hawley |
| **ABSENT:** | Parrish |

d) Stephen Perry Smith Architects for Foxtale Brewing Company, Inc. The applicant is seeking building and site plan approval for a proposed restaurant for the property located immediately east of 6411 W. Mequon Road (Argentos).

<u>Cindy Shaffer – owner of Shaffer Development and Mequon resident</u> supports the proposed Argentos restaurant. She encourages the Commission to review the parking for the remaining Foxtown projects and to hold off on more residential projects until the necessary parking is

confirmed.

Asst. Dir. Zader gave an overview of the staff report regarding the request for the building and site plan and sign waiver approvals. He explained that the code does require 110 parking stalls and that 83 stalls are proposed. It was revealed during the PUD process that the applicant is entering a shared parking agreement with Spectrum Advisors which will provide 36 additional stalls, as the business operation times are not competing. The TADI report also showed that during peak restaurant times there would be a demand for 85 stalls, which the shared parking agreement will provide (119 stalls). He stated that the building permit will not be approved until the shared parking agreement with Spectrum is finalized and the development agreement is approved. Staff recommends approval subject to the conditions in the report.

Asst. Eng. Henk stated that a revised list of conditions was shared with the Commissioners as there were some repeated conditions (#25-#34) listed in the staff report posted on the website. There are a total of 24 conditions.

The applicant, Stephen Smith and Gregg Thompson, stated that they agree with 22 of the 24 conditions. They would like to have two conditions removed:

- #2 regarding no building permit issued until the development agreement is approved.
- #9 Planning Commission and Common Council approval of development agreement all improvements in the right of way

They are requesting a building permit be issued to start construction by July 1st so that they can meet the parking requirements and access road requirements for the Foxtown Commons apartments and to provide the required additional parking spaces for the Brewery to open by the end of the year. They are encourage by the TIF moving forward and that they can work in good faith moving forward to complete the projects as scheduled.

Asst. Dir. Zader explained that there is a process and a method which involves the development agreement (DA) being approved prior to building permits being issued is twofold. First, the DA is a document that incorporates not only the physical improvements to the site but also whatever comes out of the TIF discussion in regards to incentive and types of improvements based on what is currently on the sites (how the financial agreement works is part of the DA). Secondly, the physical components of the right of way; the access point on Industrial Drive is part of the overall design of the Industrial Drive project and staff wants to ensure that the design is complete and that the agreement is in place prior to allowing the applicant to move forward on their project.

There was discussion as to what can be done to continue to have the applicant and staff continue to work together and move forward and to allow the applicant to begin construction while protecting the city from any exposure. It was discussed whether a footing and foundation permit could be issued.

Asst. Eng. Henk stated that she is supportive of a footing and foundation permit with site improvements being approved as it works nicely with Site A and the brewery. Site B is used as part of the storm water management and there will already be significant disturbance of Site B in order to accommodate the Site A construction. She emphasized that there will need to be an understanding that footings and foundation and site design is as far as they would be permitted.

Parking was discussed and what benchmark was used to determine the required stalls. It was discussed that MTC1 never was intended to be able to accommodate their own parking and that the civic campus was to be used for overflow. It was stated that the TADI requirements look at peak demand at peak times which are different than how the city parking code is calculated. All the parking at the Foxtown project is based on the shared parking agreement with Spectrum being included. Staff feels that the 100 spaces compensate for both office and restaurant as the times of use are not competing.

Ald. Strzelczyk stated that he feels strongly about ensuring the parking is adequate to ensure that the applicant can be successful.

The applicant stated that they also want to ensure they have parking available to their customers so that they can be successful and they feel confident about the parking arrangement.

**Action**

Mayor Abendroth made a motion to approve the item allowing for a footing, foundation and site improvements permit to be issued prior to the development agreement or shared parking agreement are approved.
Ald. Strzelczyk seconded the motion.
*A voice vote was called, vote passed (8-0).*

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| **RESULT:** | **APPROVED WITH CONDITIONS [UNANIMOUS]** |
| **MOVER:** | Dan Abendroth, Chairman |
| **SECONDER:** | Robert Strzelczyk, Alderman |
| **AYES:** | Abendroth, Strzelczyk, Choren, Stoker, J. Schaefer, R. Schaefer, Lemke, Hawley |
| **ABSENT:** | Parrish |

e) Spur 16. The applicant is seeking building and site plan approval to allow for a mixed use development located at 6300 W. Mequon Road.

Asst. Dir. Zader reviewed staff report regarding the request for building and site plan and landscape plan approvals. Staff recommends approval according to the nine conditions in the report.

Alan Siggelkow – 204 Division Street, Thiensville stated that he is concerned about pedestrian safety. He stated that many people walk on Division Street and he would like to have the sidewalk continue on Division Street.

The applicant, Cindy Shaffer, stated that the project is moving along and the relationship with staff is going well.

The Commissioners gave feedback that they are very supportive of the architecture of the buildings and they are really like the painted sign on the smoke stack.

Ms. Shaffer stated that they doubled the parking that is required per the code and this was very important to the tenants they have secured as they were concerned about enough parking being available.

**Action**
Ald. Strzelczyk made a motion to approve the item.
Commissioner Stoker seconded the motion.
*A voice vote was called, vote passed (8-0).*

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

## 6) Announcements

Asst. Dir. Zader announced to the Commissioners that Concordia University withdrew their application for the extended hours prior to the Common Council taking action so all the existing conditions remain in place.

The next meeting is July 23, 2018 at 6:00 pm.

## 7) Adjourn

Respectfully Submitted,

*Jac Zader*