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Department of Community Development
Taped and Televised

**PLANNING COMMISSION
Regular Meeting
Monday, June 24, 2024
6:00 PM
Christine Nuernberg Hall**

Minutes

1) Call to Order, Roll Call

Present:

Chair Mayor Andrew Nerbun
Commissioner Bruce Barnes
Commissioner Dan Gentges
Commissioner Stephanie Hawley
Commissioner Rebecca Schaefer
Commissioner John Stoker
Commissioner Nancy Urbani
Commissioner Martin Choren - **Absent**

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

a) Approval of Minutes from May 20, 2024.

Action

Commissioner Hawley made a motion to approve the May 20, 2024, meeting minutes.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED [6 TO 0]
MOVER:	Stephanie Hawley, John Stoker
AYES:	Nerbun, Barnes, Gentges, Hawley, Stoker, Urbani, Schaefer
ABSENT:	Choren

2) Policy

Design Guidelines for Commercial Structures

Mayor Nerbun explained that the Port Washington Road design guidelines portfolio packet and scorecards are on the dais for the Commissioners to take home and the scorecards are due back on Monday, July 8th. It was mentioned that if anyone is unable to return them to City Hall, staff is available to pick them up on July 9th.

1) Distillery Text Amendments

City Attorney, Brian Sadjak, joined the meeting virtually and stated that the text amendment focused on distilleries within the Town Center (“TC”) district. He commented that a slightly corrected version from what was included in the packet was left on the dais for the Commissioners.

He briefly explained the following modifications to the text amendment:

1. An add to the Use Table regarding the limitation of 4,000 gross square feet of floor area. The change is to clarify that the limited space is for production only and not the total overall uses. The intent of the district is walkability and activity.
2. The Section 2 changes apply to any uses in the TC district. In the first paragraph it describes that 1st floor facades shall continue to maintain an open and transparent storefront and windows. This again applies to the intent of the district focus on activity, people and interest.

The Window Area paragraph was incorrectly struck out on the version included in the packet and has been corrected to be included on the revised version.

3. Section 3 - The issue with the distilleries is related to inconsistencies with federal regulations compared to local code regulations. Local code regulations include:
 - Manufacturing and production of the distilled spirits
 - Retail sales
 - Tasting room
 - Ability to consume products
 - Indoor and outdoor event space

There were some concerns that federal regulations would not allow for all of these activities on the same footprint of a building.

The solution created is to continue to require micro distilleries to include all these activities (60% total floor area allotted for these elements) to be satisfied either on site as they are able to do so or at an offsite location within the TC zoning district. This is the main issue addressed in the text amendment modifications.

He mentioned that the remainder of the changes were clarified technical terms and some clean-up of the verbiage to be more consistent with the code.

Action

Commissioner Stoker made a motion to approve the modified text amendment.

Commissioner Gentges seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED AS AMENDED [7 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Nerbun, Barnes, Gentges, Hawley, Schaefer, Stoker, Urbani
ABSENT:	Choren

3) Public Hearing

- a) Mawicke & Goisman, S.C. for FT 1, LLC. The applicant is seeking conditional use grant approval to allow for a nightclub for the property located at 11120 N. Weston Drive.

Action

Commissioner Stoker made a motion to open a public hearing.

Commissioner Schaefer seconded the motion.

A voice vote was taken; vote passed (7-0)

Public Comment

Bill Seifelt, Suite 310 - 11090 N. Weston Drive - he asked for clarification about the location of the distillery and expressed his concern about noise generated from the distillery and nightclub.

Action

Commissioner Hawley made a motion to close the public hearing.

Commissioner Urbani seconded the motion.

A voice vote was taken; vote passed (7-0)

Asst. Dir. Zader stated that the nightclub will be located in the northern building in the most southern tenant space. This is referred to as a nightclub due to the code language, but the operations are consistent with a bar. The majority of the retail sales will be located here, there will be a bar and some outdoor seating. Staff requests a plan of the outdoor seating, and a condition has been placed to limit the outdoor activity to 11 p.m.

There was a discussion about the closing hours of other establishments in the city and what would be allowed in the outdoor space.

Action

Commissioner Stoker made a motion to approve the conditional use grant per staff recommendations.

Commissioner Gentges seconded the motion.

A roll call vote was taken; vote passed (7-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Nerbun, Barnes, Gentges, Hawley, Schaefer, Stoker, Urbani
ABSENT:	Choren

- b) Mawicke & Gosiman, S.C. for FT 1, LLC. The applicant is seeking conditional grant use approval to allow for a distillery for the property located at 10090 N. Weston Drive.

Action

Commissioner Stoker made a motion to open a public hearing.

Commissioner Hawley seconded the motion.

A voice vote was taken; vote passed (7-0)

Public Comment

No public comment.

Action

Commissioner Stoker made a motion to close the public hearing.

Commissioner Urbani seconded the motion.

A voice vote was taken; vote passed (7-0)

Asst. Dir. Zader stated this conditional use grant needs the approval of the previously discussed text amendment. The proposed distillery will encompass all micro distillery functions listed in the text amendment discussion except for possibly the retail sales. Staff requested an outdoor seating plan for this location as well and it will also have the same hours allowed for the distillery.

Staff recommends approval.

Action

Commissioner Stoker made a motion to approve the conditional use grant contingent on final approval of the text amendment.

Commissioner Hawley seconded the motion.

A roll call vote was taken; vote passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Barnes, Gentges, Hawley, Schaefer, Stoker, Urbani
ABSENT:	Parrish, Choren

4) Regular Business

- a) Trinity Lutheran Church. The applicant is seeking building and site plan amendment to allow for a new storage facility for the property located at 10729 W. Freistadt Road.

Planner Evan Hoier stated that this request is for a 40 x 60 storage barn to store lawn mowers, trailers and other equipment to maintain the historical society. It meets all the zoning requirements. The architecture proposed has a rural aesthetic and matches the neighboring area. He mentioned that the bridge will need to be removed as it is an unpermitted structure.

Action

Commissioner Schaefer made a motion to approve the item.

Commissioner Gentges seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Nerbun, Barnes, Gentges, Hawley, Schaefer, Stoker, Urbani
ABSENT:	Choren

- b) Point Real Estate for Orchards of Mukwonago, LLC. The applicant is seeking preliminary plat, development agreement and fill permit approval to allow for a 17-lot subdivision for the property located on the north side of Donges Bay Road approximately 800' west of Wauwatosa Road. (Burr Oak Reserve).

Planner Hoier stated this proposed development was before the Commission for concept plan approval in May 2022. The preliminary plat complies with all the concept plan conditions. There was a very slight change to the size of the lots by no more than 100 feet in width.

Mayor Nerbun reminded the Commission that this development is using 5 of the remaining 7 TDR credits and that he is pleased to see they are being used finally.

Engineering Director Kristen Lundeen answered questions from the Commission. She also confirmed that a crosswalk will be provided on Donges Bay Road. She explained that there will not be a turn left lane traveling east, but it does trigger the requirement for accel, decel and bypass lanes.

Commissioner Barnes expressed his concern for safety aimed at traffic heading east when cars are turning left into the proposed development. He suggests the applicant have a traffic impact analysis done to ensure that there is not a visibility or safety concern at this location. Mayor Nerbun stated the city will fix the road if there is an issue with the road and not expect the developer to be taxed with this road improvement.

Action

Commissioner Gentges made a motion to approve this item.

Commissioner Stoker seconded the motion.

A roll call vote was taken; vote passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Dan Gentges, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Nerbun, Barnes, Gentges, Hawley, Schaefer, Stoker, Urbani
ABSENT:	Choren

5) Policy

1) 2025 City of Mequon Community Survey Topics

Director Kim Tollefson stated that the Public Welfare Committee is requesting ideas from every board and Commission to begin to discuss topics to be included on the 2025 community survey. They have just begun to vet vendors to manage the survey, so it is still early in the process.

She asked for there to be an open dialogue amongst the Commission about ideas for possible topics. She offered that she could share questions from previous surveys as well as the comprehensive plan and what common themes are present that may help generate ideas.

The Commission had a discussion about possible topics to present to the Public Welfare Committee including the following suggested topics:

- Public infrastructure and how to expand and utilize existing amenities such as the city pool, civic center, connections between different neighborhoods, the riverwalk area and city parks.
- Prioritization of capital improvement projects over the next 10 years.
- Identify ideal locations for active senior living housing.
- Preservation of agriculture land through TDR, agrihoods and alternative densities.
- Confirmation of total population while striving to maintain rural character, density and future development.

Mayor Nerbun commented there is time to continue to generate ideas through the summer months.

6) Announcements

The next meeting is Monday, July 22, 2024, at 6:00 p.m.

7) Adjourn

Action

Commissioner Stoker made a motion to adjourn the meeting.

Commissioner Gentges seconded the motion.

A voice vote was taken; vote passed (7-0)

The meeting adjourned at 7:17 p.m.

Respectfully Submitted,
Jac Zader