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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, June 26, 2023
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

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

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

a) Approval of Minutes from May 22, 2023.

Action
Ald. Strzelczyk made a motion to approve the May 22, 2023, meeting minutes.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

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

2) Consent Agenda

a) Ozaukee Washington Land Trust. The applicant is seeking minor request approval for a sign waiver to allow for an additional freestanding sign for the property located at 10370 N. Wildwood Court.
b) Foxtown. The applicant is seeking master sign plan amendment approval for the properties located at 11090 and 11120 N. Weston Drive.
c) Concordia University. The applicant is seeking building and site plan amendment approval to allow for a 2-story, 7,448 sq. ft. addition for an academic music hall on the existing campus for the property located at 12800 N. Lake Shore Drive.
d) Alliance Bible Church. The applicant is seeking building and site plan amendment approval to allow for the expansion of the parking lot for the property located at 13939 N. Cedarburg Road.

Action
Alderman Strzelczyk made a motion to approve the consent agenda.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

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

3) Public Hearing/Consent Agenda

a) Greg Adams. The applicant is seeking conditional use grant approval to allow for a guest suite for the property located at 10906 N. Lakeview Road.

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

Public Feedback

William Yakubovich - 10928 N. Lake View - has concerns about the size of the proposed building and the location as it will be seen from his property. He believes the large structure will negatively impact his property value and is wondering if there is any landscaping planned for behind the proposed structure.

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

Director Tollefson stated that the size of the proposed structure and location are both compliant. The existing shed located towards the front of the property will be demolished so there will only be one accessory structure. The detached 2-stall garage with a small open floor space, by definition of the code, is the guest suite and requires the conditional use grant approval. The structure is just over the 15' height limitation (15' 3") but there is an increased setback on that north property line to accommodate for the height. She explained that the structure complies with all the technical and dimensional standards of the district.

The applicant, Greg Adams, answered that there is no landscaping currently planned for behind the building, but he is open to moving the building a little further west to alleviate the concerns of his neighbor.

Action
Commissioner Schaefer made a motion to approve the conditional use grant and for the applicant to consider moving the location of the building further west.
Commissioner Stoker seconded the motion.
A roll call vote was taken; vote passed (8-0)

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

b) Concord 22, LLC. The applicant is seeking conditional use grant approval to allow for modifications of the operating hours and the addition of outdoor seating for the property located at 11511 N. Port Washington Road (Dunkin Donuts).

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

Public Hearing

Steve Richman – 1611 W. Eastbrook Court **–** stated that there is an agreement with the owner regarding the hours of operations allowed. He also questioned the plans for parking and outdoor seating.

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

Dir. Tollefson stated that there is an outdoor plaza at the front end of the tenant space, which is the furthest south of the multi-tenant building, and the proposed outdoor seating is similar to what was at the site previously and will accommodate about 22 spaces.

The current conditions will still be in place, such as drive-thru volume restrictions, delivery times, garbage pick-up hours, and surveillance video is required during business hours.

Action
Ald. Strzelczyk a motion to approve the conditional use grant.
Commissioner Schaefer seconded the motion.
A roll call vote was taken; vote passed (8-0)

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

c) The Annex at Foxtown. The applicant is seeking conditional use grant approval to allow for a distillery for the property locate at 6375 W. Mequon Road.

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

No public comment

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

The applicant expressed the interest to have the item tabled.

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

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

d) FT 1, LLC. The applicant is seeking conditional use grant approval to allow for a distillery for the property located at 11090 N. Weston Drive.

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

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

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

4) Public Hearing

1) Lifespace Communities. The applicant is seeking conditional use grant amendment and building and site plan amendment approval to allow for 13 carriage homes for the property located at 1070-1220 W. New Castle Place.

Commissioner Stoker recused himself from this item.

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

Assistant Director Jac Zadar stated that there will be a new road with a cul de sac for the proposed carriage homes. Staff added a condition that there be a sidewalk, preferably on the west side of the street, as every other cul de sac in the development has sidewalks and this development is geared towards senior housing, and it is safer to have at least one sidewalk to get to the main building on site. Other conditions include a request for a variety of species for the street trees. There is also a request for Evergreens to provide some screening along the retaining wall for the neighboring property. The same lighting will be added to this portion of the site that exists in the rest of the development.

Asst. Dir. Zader explained that there are four different building types with four different options for each type (16 different options). Staff believes this will provide a nice variety of the 1 and 2 family homes. The City Forester will provide conditions for protection of the 45" Oak Tree during construction of the new development. He mentioned there is a wetland setback concern which the Asst. City Engineer can address. Staff recommends approval based on the conditions in the report.

Asst. City Engineer Cole McCraw stated that there is a different setback on all three of the wetland areas. Based on his conversation with the developer those areas will be avoided, and no modifications will need to be made to the conditions of approval.

The applicant, Fred Bersch, stated that they prefer the sidewalk be located on the east side as the tree is located on the west side.

It was questioned why the sidewalk will only be on one side and was explained that this is what has been required in the city and the cross sections sometimes get too tight. A suggestion from the Commission is to have a crosswalk included.

Action
Ald. Strzelczyk made a motion to approve the item and the sidewalk should be added on the east side of the development to protect the existing tree.
Commissioner Gentges seconded the motion.
A roll call vote was taken; vote passed (8-0)

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

2) North Shore Country Club. The applicant is seeking conditional use grant and building and site plan amendment approval to allow for an outdoor pavilion with beverage and food service for the property located at 3100 W. Country Club Lane.

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

Public Comment

Kerry Meskin – 10402 N. Greenside Court - she has concerns about speeding through the surrounding neighborhood as well as the encroachment into the neighborhood with added outside social space added. She mentioned that there is often parking along Country Club Drive which may increase with the added amenities.

Jeff Tunney – 3220 W. Valleyview Court - his main concern is the speeding from members leaving the club. He does support this proposal.

Robert Heinrich – 3118 W. Ridgeline Court – he has concern about the added noise filtering into the neighborhood.

Alderwoman Kathleen Schneider shared some feedback from her constituents:

- The speedy and erratic driving is concerning.
- The noise is an issue and has increased due to the removal of the pines along Country Club Drive as well as the addition of pickle ball courts and the table and chairs outside the tennis courts towards the east end.
- The parking on Country Club Drive is an ongoing issue that the club has been working on with their members but is still prevalent.
- The lighting from the 40' feet poles emit light further out than the standard 25' foot poles and different bulbs are possible in use. The light pollution is a nuisance for surrounding homes.

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

The applicant answered that there is acoustic music planned on Friday and Saturday nights as it has been on the outside deck all season.

There was discussion that the proposed bar will be facing the golf course and the noise should not spill towards the front of the property.

String lighting is requested by the applicant and must be approved by the Commission with the conditions of only 70 lumens and no flashing lights. These lights should not be seen from the public streets due to their location at the back of the property.

Mayor Nerbun suggested that the lights at the tennis courts be evaluated by staff to ensure that are compliant with city code as well as the on-street parking needs to continue to be addressed by club staff to their members.

The Commission communicated concerns about the on street parking issues and not wanting the police to be burdened by this issue. Residents are encouraged to notify the police and tickets issued by the police may curb the issue. The proposed string lighting seems acceptable as it will not be seen from the public streets as it faces inward to the property. Support of the music being allowed is due to the same reasoning. The Commission commended the North Shore staff for taking measures to alleviate issues to the surrounding neighbors while providing a vital club experience for their members.

Asst. Dir. Zader stated that the former pine trees that were on site pre-dated the tennis courts and were not required screening. Staff has worked with the club staff to create a plan that is adequate, but the Commission can require additional screening if desired.

Action
Ald. Strzelczyk made a motion to approve the item with the condition that the lighting be reviewed to ensure compliance in the pickle ball and tennis court areas, the applicant should work with staff regarding landscape screening as a noise buffer to the east of the courts specifically by the table and chairs (2–3-foot berm with plantings on top suggested).
Commissioner Stoker seconded the motion.
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

5) **Regular Business**

a) Enclave. The applicant is seeking final plat and open space plan amendment approval for 12 lots for the property located at 7901 W. Preserve Parkway (Phase VI).

Asst. Dir. Zader explained that there is one outstanding issue regarding the open space plan that was originally approved that had the path crossing a wetland with the boardwalk crossing the wetland back. The applicant is requesting to modify the plan to keep the boardwalk out of crossing the wetland. The applicant is amenable to have one crossing of the boardwalk and then a natural path that will connect to the south (Burr Oaks Estates subdivision). There is a condition that the other open space amenities need to be installed on site by the time the final plat gets recorded. The applicant worked with the City Forester to create a plan to plant the street trees in the fall. Staff recommends approval based on the conditions in the report.

Action
Commissioner Choren made a motion to approve the item.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

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

b) The Tile Shop. The applicant is seeking building and site plan amendment approval for the property located at 11048 N. Port Washington Road.

Asst. Dir. Zader stated this is a request for the old DSW location (north Pavilions) for a loading dock in the rear of the building as well as some modifications to allow semis in this back area. Staff requested some improvements to the front of the property in the parking lot due to poor circulation and to meet green space requirements. Staff is working with the applicant on a phasing plan. The façade improvements and the parking lot will be done at the same time as The Tile Shop. The Martinizing and The Cycle Bar will be completed no later that 2024 and Bed, Bath and Beyond space will be done once there is a signed lease. Staff is recommended a time frame of August 2024 for all improvements to be completed. The landscape plan is required to be reviewed by staff again for some additional recommendations required. Staff recommends approval based on the conditions in the report.

The Commission agrees that the parking lot needs improvements both aesthetically and to the function of the layout. There was some conversation about the area in front of Culvers and what can be done there to make it safer for traffic and semis entering the sites.

<u>Action</u>
Ald. Strzelczyk made a motion to approve the item per the staff recommendations.
Commissioner Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

6) Announcements

The next meeting is Monday, July 24, 2023, at 6:00 p.m.

7) Adjourn

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

Respectfully Submitted,

Jac Zader