City of Mequon

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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, June 28, 2021
6:00 PM
Virtual Meeting

Minutes

1) Call to Order, Roll Call

Present:
Chair John Wirth
Commissioner Gregg Bach
Commissioner Martin Choren
Commissioner Dan Gentges
Commissioner Rick Lemke
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner John Stoker
Alternate Joe Goldberger
Alderman Robert Strzelczyk – **Absent**

Mayor Wirth stated the protocols for the hybrid meeting.

a) Approval of Meeting Minutes from May 24, 2021

Action
Commissioner Stoker made a motion to approve the May 24, 2021, meeting minutes.
Commission Becky Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Wirth, Bach, Choren, Gentges, Lemke, Schaefer, Schaefer, Stoker
ABSTAIN:	Goldberger

2) Consent Agenda

a) Veridian Homes. The applicant is seeking final plat approval to allow for a 12-lot subdivision for the properties located at 7711 and 7801 W. Preserve Parkway.

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

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Gregg Bach, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Bach, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

3) Public Hearing/Regular Business

a) TRK Tavern LLC for The White Rabbit Bar & Grill. The applicant is seeking conditional use grant ratification and amendment approval to allow for an addition of an outdoor deck for the property located at 14015 N. Cedarburg Road (Public Hearing).

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

There was no public comment.

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

Planner Vang stated the applicant is seeking approval for an outdoor patio to provide additional seating. The site has been used as a restaurant for a few years although there is not a conditional use grant (CUG) recorded for the site. This patio proposal does include a CUG amendment which will be recorded, thus a CUG will also be recorded for the site. Staff has received some feedback regarding loud music at the property recently. Through the CUG, reasonable conditions such as noise, traffic and other issues that may threaten the peace of the surrounding neighborhood can be controlled. A condition is included in the CUG to only allow a maximum of 65 dba at the property line. Similar to other restaurants in the community, staff recommends loud music be prohibited past 10:00 pm.

Staff also informed the applicant that a Special Event permit approved by staff is required for all outdoor special events taking place at the propery.

Staff recommends hours of operation be 11:00 a.m. – 10:00 p.m. Planner Vang stated that there are a few conditions on the site that need to be addressed and staff recommends them as part of the Planning Commission approval. Staff believes if the conditions of approval listed in the staff report are complied with than the outdoor patio should be harmonious with the surrounding neighborhood and recommends approval based on the recommended conditions.

The applicant, Rick Kosidowski, stated that he is agreeable to all the conditions in the staff report.

There was a short discussion about other restaurants in the community and if the conditions recommended for this location are similar. Staff commented that the conditions are similar and explained that the Special Event permit helps staff monitor and control activity at the site.

Action
Commissioner Stoker made a motion to approve the CUG amendment.
Commissioner Lemke seconded the motion.
A roll call vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Bach, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker
ABSTAIN:	Goldberger

b) Julia Klimkovich for Aleska Learning Center. The applicant is seeking conditional use grant approval to allow for a daycare for the property located at 1415 W. Donges Bay Road (Public Hearing).

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

There was no public comment.

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

Planner Vang stated that in 2013 the Commission approved a daycare for this site, but it has been vacant for over a year and the previous conditional use grant (CUG) is now void and approval of a new one is required. The applicant is seeking approval for a CUG for a daycare for 52 students. The site is surrounded by residential condominiums to the south and to the west. She commented that other than the outdoor playground, all activities will be conducted indoors. There were some noise complaints in the past from the previous daycare, but now there is additional landscaping buffering and a 6-foot-tall fence was installed on the west side of the property. Staff believes the property is well screened and the daycare use is a nice transition between the residential properties and the commercial uses on Port Washington Road.

Planner Vang stated the hours of operation are 7:00 a.m. – 6:00 p.m. Monday -Friday and 9:00 a.m. – 6:00 p.m. on Saturdays. The applicant is requesting additional extended evening hours and staff is supportive of extended hours for 3 days out of the month with a sunset clause of 18 months at which time the applicant would need Commission approval for extended evening hours. This is in place to monitor noise issues as well as provide the applicant some flexibility as she builds her business.

There are added conditions requesting a revised site plan to accurately depict the playground area as well as the removal of the non-conforming monument sign. Based on all the conditions listed in the staff report, staff recommends approval of the requested CUG.

The applicant, Julia Klimkovich, stated that she is the owner and operator of the daycare; Aleska Learning Center. She described this as a high-quality daycare for 52 children. She explained that the requested extended hours will be used for the parents to form relationships with other parents at the daycare. One day may also be used for additional daycare time in the evening for pizza and a movie for parents to have a date night.

There was a question about the number of requested students, which is fewer than previously approved. The hours of operation were discussed, and there was agreement that the operating hours should be clarified that those are the hours when the children are allowed to be present but that staff may be in the building outside of those specific hours.

Action

Commissioner Becky Schaefer made a motion to approve the CUG with the amendment that the hours of operation be clarified to specify those hours are for clientele on site.
Commissioner Bach seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Gregg Bach, Commissioner
AYES:	Wirth, Bach, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

c) Matter X, LLC for Artis Senior Living of Mequon, LLC. The applicant is seeking conditional use grant, building and site plan and fill permit approval for a proposed 68-unit senior assisted living and memory care development for the property located at 11900 N. Port Washington Road (Public Hearing).

Commissioner Choren recused himself from this item.

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

There was no public comment.

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

Asst. Dir. Zader stated that this is a request for conditional use grant (CUG) and building and site plan approval for an assisted living facility and memory care. The request includes 26 memory care beds and 42 assisted living units. He explained that staff has been working with the applicant on this proposal over the past several months and that most of the issues have been worked out. Overall, the site plan does comply with the zoning requirements, the parking meets the code requirements but there are some issues with the wetlands and the floodplain; they will need to fill some of these areas which will require approvals from the DNR and FEMA. The only outstanding issue not settled is regarding a proposed 8-foot fence in the rear of the building; the code requirement limits the height to 6-feet. The applicant has modified the landscaping plan per the recommendations of the landscape consultant. The lighting plan has mostly been signed off on except for one question about a lumen amount on a partially shielded fixture which will be addressed.

Asst. Dir. Zader showed the building elevations and some of the proposed renderings. Overall staff is supportive of the design and believes it fits in well with the surrounding area. It is 2-stories on one side and 1-story on the other side and staff believes this low-profile design is desirable to the community.

He explained that there is a retaining wall on the south elevation as there is a 10-foot drop off. Staff recommends some greenery there, but the applicant communicated that the area is not visible from any public view, and they do not want to provide additional landscaping there. Based on this feedback, the recommendation from staff is modified to require landscaping there only if it is visible from public view. Staff is supportive of the project and recommends approval based on the conditions in the report.

The applicant, John Ford, President of Catalyst Partners, stated that they are excited about the proposed project. and although this vacant parcel has multiple site challenges, they believe it will be an asset to the community.

Action
Commissioner Stoker made a motion to approve the CUG and building and site plan per staff recommendations.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	James Schaefer, Commissioner
AYES:	Wirth, Bach, Gentges, Goldberger, Lemke, J. Schaefer, R. Schaefer, Stoker
RECUSED:	Choren

4) Regular Business

a) Blue Ribbon Management for Life Storage. The applicant is seeking master sign plan approval for the property located at 10448 N. Port Washington Road.

Asst. Dir. Zader stated that this request is for a master sign plan approval for Life Storage, and they are requesting some deviations from the sign code. They are requesting 4 wall signs and 1 freestanding monument sign. The freestanding sign is compliant with the code.

Overview of the 4 proposed wall signs:

1. **West Side of the Building sign:** applicant proposed a 159 sq. ft. wall sign which is above the 60 sq. ft. sign code maximum. They are requesting this size due to the massing of the building. Staff recommends placing the sign in the brown band above the windows. They would need a height waiver, but staff believes it would fit in that area well.

2. **South elevation signs**: applicant is proposing a drive-in sign and an office sign. The reasoning is that it is directional signage; per the code it does not apply to this type of application, it would be considered an additional wall sign. They are also requesting the size of the signs be larger and staff does support the drive-in sign use but does not support the proposed size. Staff recommends a sign larger than the office sign but not as large as the proposed drive-in sign. Staff recommends both signs be 15 square feet.

3. **East Side/I-43 Signage**: applicant is proposing a sign larger than code allowance due to poor visibility from I-43 due to foliage there. Staff does not support this request.

Overall, staff does not support the larger signs for I-43 or the west elevation but does support slightly larger sized signs for the two wayfinding signs.

The applicant, Michael Kelly from Blue Ribbon Management, stated that they understand the proposed signs are not code compliant, but the sign sizes are typical of what the brand has previously done at other locations, and they believe that due to the size of the building and the large facades, the proposed signs are a more appropriate size. He also stated that there are a few larger signs located nearby at The Pavilions (Bed, Bath & Beyond and Sendiks).

Mr. Kelly agreed to the 15-foot allowance of the two wayfinding signs. He stated that the monument sign is only being resurfaced.

The Commission questioned the reasoning for wall signs in addition to the monument sign, as some believe it is redundant, although this is allowed per the sign code. There was some discussion regarding the I-43 sign and the applicant stressed the importance of brand recognition, and that they specifically wanted a site on the interstate for this reason. Staff commented that over the past several years waivers have not been granted for signage on I-43.

Mayor Wirth made a motion that supports staff recommendations and explained that although he understands branding, he does not feel that a hardship is incurred in this situation or a reason for the community to deviate from the sign code requirements.

Action
Mayor Wirth made a motion to approve per staff recommendations.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Wirth, Chair
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Bach, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

5) Policy

a) **ORDINANCE 2021-1594** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to the Minimum Lot Size and Setback of Producing Animals, Specifically Chickens.

Asst Dir. Zader stated that this policy issue was brough by Alderwoman Schneider to the Public Welfare Committee (PW), they discussed the size of the lot requirement for permitting chickens be lowered from 1.5-acres to ¾ -acres. She has received feedback from some of her constituents requesting this change. PW reviewed the ordinance and recommended approval of the lot size requirement change to the Planning Commission, and then it will be presented to the Common Council. Staff did add some language to include the 50-foot setback requirement for the coops but acknowledged this would not work on a ¾-acre lot, so language was added to stipulate that the adjacent neighbor can approve the 50-foot setback be waived and the property would be grandfathered in at that time.

Some Commissioners do not support the lot size change as they believe the proposed lot size is too small and would have a negative impact on neighbors or new homeowners moving in next to properties with existing chickens. Mayor Wirth stated that anyone residing in a subdivision would not be allowed to have chickens per their HOA guidelines; this ordinance mostly applies to older homes not located in subdivisions.

Action
Commissioner Becky Schaefer made a motion to approve the lot size change to ¾-acres.
No second.

Action
Commissioner Stoker made a motion to deny the lot size requirement to ¾-acre lots and forward to the Council not to approve the proposed lot size change.
Commissioner Lemke seconded the motion.
A roll vote call was taken; vote passed (7-1) (No: Becky Schaefer)

RESULT:	**APPROVED [7 to 1]**
MOVED BY:	Mayor Wirth
SECONDEDER:	Rick Lemke, Commissioner
AYES:	Wirth, Bach, Choren, Gentges, Lemke, J. Schaefer, Stoker
NAYS:	R. Schaefer

6) Announcements

The next meeting is Monday, July 26, 2021, at 6:00 p.m.

7) Adjourn

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

Respectfully Submitted,

Jac Zader