City of Mequon

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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, July 22, 2019
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

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

a) Approval of Minutes May 28, 2019

Action
Commissioner Stoker made a motion to approve the May 28, 2019 and June 10, 2019 minutes.
Commissioner Parrish seconded the motion
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker, Baka
ABSENT:	Strzelczyk

c) PLANNING COMMISSION MEETING MINUTES from June 10, 2019

Action
Commissioner Stoker made a motion to approve the May 28, 2019 and June 10, 2019 minutes.
Commissioner Parrish seconded the motion
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker, Baka
ABSENT:	Strzelczyk

2) Consent

a) Ryan Companies US, Inc. The applicant is seeking fill permit for 2,600 C.Y. of fill for a commercial development site for building foundation, storm water detention, site utilities and site balancing for the property located at 11409-11421 N. Port Washington Road (Neighborhood Hospital).

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

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker, Baka
ABSENT:	Strzelczyk

3) Public Hearing/Consent

a) Interior Architects for D1 Sports. The applicant is seeking conditional use grant approval for a sports training facility for the property located at 11020 N. Port Washington Road (Pavilions).

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

b) Lumen Christi Church. The applicant is seeking conditional use grant approval to allow for expansion of the cemetery for the property located at 2723 W. Mequon Road.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	R, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker, Baka
ABSENT:	Strzelczyk

4) Public Hearing

a) Boulder Venture for Panera Bread. The applicant is seeking conditional use grant for a single-story, 4,393 sq. ft restaurant (Panera Bread) and for modifications to one or more standard distinct 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 the property located at 11249 N. Port Washington Road. REMOVE FROM TABLE

Action
Commissioner Stoker made a motion to remove from table.
Commissioner R. Schaefer seconded the motion
A voice vote was taken; vote passed (8-0)

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

Scott Nyholm, 1222 W. Venture Court - stated that he is very concerned about the traffic in this location and he believes there are safety issues and that it is already too congested.

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

Planner Vang stated that there is a detailed report for the proposed building and site plan and the conditional use grant. There are two updates since the last meeting. One is that the parking onsite has been increased to 62 stalls; the code requires 66 stalls. Staff reached out to other communities in the state that have a Panera in their community and six communities reported that there were no waivers granted as all the parking requirements were met; the requirements were for fewer stalls than required in Mequon. The communities reported that there were no known issues regarding parking for their locations and many of the sites are part of a PUD or

have shared parking agreements with adjacent tenants.

The applicant is requesting a building set back wavier; the building is proposed at 63.5 feet instead of 65 feet as required by the code. They are also asking for parking offset and set back waivers in order to match the adjacent development to the south.

There were improvements made to the building plan such as fenestration added on all the elevations, which staff supports. Staff is asking for feedback from the Commission regarding the proposed roof as there are two proposed options. The first option is a flat roof with a height of 24 feet or a gabled roof with a proposed height of 28 feet.

The applicant thanked staff for the help through the process. They explained the drive thru flow as requested by the Commission.

The Commission provided feedback that they like the revised building plan and the majority prefer the flat roof. There was feedback regarding adding some needed features to the west side of the building; as it is seen from the multi-tenant building to the west. There was also a suggestion to add an exit access to the north of the site to help with the traffic flow in this area. It was also commented that the roof line is lacking detail; especially compared to other buildings recently approved.

Mayor Wirth stated he would like to require two spandrel windows with awnings on the west elevation and one on the south elevation. He stated that this is a high profile location and that all four sides of the building need to be appealing; especially because this building faces the retail center to the west that will be able to see this building.

Asst. Eng. Henk stated that there have been conversations regarding traffic mitigation focused on the alignment of the access drive. Currently, the median and the driveway do not line up which creates an awkward turn into the site and an awkward turn out. The applicant's proposal is to align the medium and access drive.

Planner Vang stated that the proposed landscape plan shows screening along the west elevation. There is some existing mature landscaping where the drainage easement and the wetlands are located. Based on the landscape consultant's review, the landscape plan is sufficient based on what has previously been required in the city; but the Commission can increase the requirement for landscaping on the west elevation if desired.

The applicant stated that they can match the size of the window on the north elevation on the west elevation.

Action

Mayor Wirth made a motion to approve the item with the added requirement of two spandrel windows with awnings on the west elevation.
Commissioner J. Schaefer seconded the motion
A voice vote was taken; vote passed (8-0)

Action
Commissioner Parrish made a motion to approve the item as amended with a flat roof and subject to all 23 of the conditions in the report.
Commissioner Lemke seconded the motion
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	John Wirth, Chairman
SECONDER:	James Schaefer, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker, Baka
ABSENT:	Strzelczyk

5) Regular Business

a) NORR LLC for Brixmor SPE 1 LLC. The applicant is seeking landscape plan approval for landscape upgrades for the property located at 10906-11116 N. Port Washington Road (The Pavilions). REMOVE FROM TABLE.

Action
Commissioner J. Schaefer made a motion to remove from table.
Commissioner Lemke seconded the motion
A voice vote was taken; vote passed (8-0)

Planner Vang stated that the landscape plan for the Pavilions is back before the Commission. The landscape consultant and staff have reviewed the plan which shows the removal of the landscape beds adjacent to the building. They will be removed and paved over. The applicant is accommodating for the removal by providing landscape and parking islands on the north side of the site; around DSW and around the Chancery patio. These are all new landscape areas. The applicant is proposing 11 new trees and staff has added a condition recommending 5 additional trees. The landscape consultant indicated some concerns about the parking islands being too narrow and that they should be widened. He also recommended additional interior islands be installed. The proposed plan will not meet the 30% shading requirement, staff has expressed these concerns throughout this process. The applicant stated they are unable to make the changes at this time. Although there is not a previously approved plan on file, based on the existing conditions, it is evident that the existing site is currently non-conforming to the required standards. Although the proposed plan maintains the non-conforming status; staff believes that in addition to the building exterior improvements, this will enhance the development. The entrances will be heavily landscaped which does not currently exist. The applicant is willing to work with staff and has agreed to plant the additional requested 5 trees. Landscape plans do require a 3-year escrow so anything that dies within the first three years will need to be replaced by the applicant. Another recommendation from the landscape consultant, that staff has added as a condition of approval, is that two damaged trees on site be removed and replaced. Additionally, the landscape plan should include existing tree details. Staff does recommend approval.

The applicant is agreeable to the 10 conditions listed in the report.

Commission feedback questioned some of the landscaping decisions regarding the narrow parking lot islands and the longevity of trees planted there. There is also a feeling that there could have been more done within this project. It was mentioned that the back of the building facing the freeway needs attention.

The applicant responded that the entire back of the building will be painted and awnings will be added there. He also stated there will be repair work done to the fence on that elevation.

Action
Commissioner Choren made a motion to approve based on the 10 conditions in the staff report.
Commissioner Lemke seconded the motion
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker, Baka
ABSENT:	Strzelczyk

6) Policy

a) The City of Mequon is seeking a text amendment to Chapter 58 of the Zoning Code as it relates to Animal Uses

Asst. Dir. Zader reminded the Commission that this item was before them in April. There have been some issues that have come up since that time. There was a lot of feedback from the community regarding bees being allowed starting at 1.5 acres. The Nature Preserve staff met with city staff and explained the benefit of bees and of having them on smaller lots. The minimum requirement was changed to allow on any size lot and the amount of hives was staggered accordingly to acreage size. There were also changes to the setback due to allowing for the smaller lots.

There was a change to the leash ordinance. The ordinance was changed to allow for a dog on a leash to be 20 feet (current requirement is 10 feet) and to allow for a pedestrian to request that a leash be put on an animal if they felt uncomfortable.

Agricultural buildings that are not intended to be used for housing of animals are being added into the Agricultural Overlay District. This was inadvertently omitted when changes were made in the previous amendment.

The full ordinance with all the changes is included in the packet.

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

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker, Baka
ABSENT:	Strzelczyk

b) Establishment of a Planning Commission Subcommittee to address public policy matters

Mayor Wirth stated that this incentive is to create a subcommittee of the Planning Commission to review and discuss policy issues and ordinances that support the decisions made by the Commission. There have been a number of state laws and stature changes that need to be reviewed to ensure the city is operating in compliance. Recommendations from the subcommittee will be presented to the Commission and Council for feedback and for final approvals.

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

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker, Baka
ABSENT:	Strzelczyk

7) Regular Business

a) Prominence Hospitality Group. The applicant is seeking consultation feedback for a proposed 4-story hotel for the property located at 11900 N. Port Washington Road.

Mayor Wirth reminded the audience that this is a consultation only; and while there is not a vote tonight, the feedback to the applicant is important in helping them proceed forward.

The applicant was represented by Attorney Brian Randall, Paul Bussing and Rehan Zaid with Prominence Hospitality Group.

Asst. Dir. Zader stated the proposed site is on the east side of Port Washington Road. This parcel was rezoned in 2014 from B-3 (Office) to IPS (Institutional and Public Service) for a 70-bed

memory care facility that was approved for this site. The project never went forward and the site is actively for sale. The request for a hotel would require a change to the B-2 zoning district. One of the main concerns is the height limit for this proposed project. The current IPS zoning allows for 42 feet in height as well as the B-2 zoning, if it were to be rezoned. The height could be increased by up to 10 feet to 52 feet in height if the setback is increased; per the ordinance.

This is a consultation so the plans are only and full elevations and building plans are not required to be submitted. The site plan shows the hotel perpendicular to Port Washington Road. The plan shows a potential second building which has not yet been identified by a specific user; possibly a restaurant or office. If the project goes forward with the rezone, a PUD would be placed so that a number of uses would be limited at this site based on the B-2 Zoning (Community Commercial). Staff has concerns about the height of this building as there are very few other tall buildings or massive buildings in this area. Most of the other large structures; Elite, Marcus Theatre and Metro Market, are all set back from the road. Staff understands the advantages of this site as it is located close to the freeway interchange, Concordia and Ascension Hospital; although there are many sites along Port Washington Road that could also be considered.

The applicant, Mr. Randall gave an overview of the Prominence Hospitality Group:

- Core business is hospitality and focused on brands that want to operate in upscale markets/communities.
- Home to Suite model plan.
- Invests back into the community
- 19 properties currently under management (2,100 room keys and 700 employees)
- Currently in development or construction of 6 properties in Wisconsin; in growth mode.
- Vertically integrated

Reasons for this specific site:

- Upscale market – looking to bring a Hilton Hotel
- Raise the shortage of hotel room stock
- Market numbers show demand in this region for hotel business
- Hospital and Concordia demand for hotel rooms
- All the rooms are suites and are family friendly, business friendly, pet friendly

He stated that the tallest height of the building is 47'- 9"feet; including the tower element. The majority of the building is 43'-9'feet. He explained there is excess land on that site and they are proposing a possible office or restaurant, understanding the PUD limitations. They are open to working with neighbors and staff regarding concerns addressed. They are looking forward to hearing the feedback from the Commission.

Mayor Wirth stated that there were feedback letters from residents included in the packet and about a dozen letters on the dais for the Commissioners to review.

Winston Ojeda – 1348 W. Stillwater Circle - he is opposed and does not think this is the correct project for Mequon.

John Manning – 11940 N. Sandhill Circle – he is opposed and feels that many residents do not want this hotel so close to their neighborhood and that it will adversely affect the value of the homes in his neighborhood (Preserve at Glen Oaks). He believes that it is an eye sore, that hotels are places that attract crime, the light pollution to the surrounding sites, environmentally issues, congested traffic issues, additional signage on Port Washington Road and that the entire character of that area will be negatively affected

Robert Ashmore – 1635 W. Edward Drive - President of Riverland HOA; he stated that many members of the HOA are very concerned about this development. He stated that he and his neighbors share many of Mr. Manning's concerns. He stated that there is concern in the community that the Council does not listen to the residents' concerns (he was an alderman for 6 years). He stated that the legitimate concerns of the residents are; the 4-story building, the massing, the traffic, the lights, the aesthetics, the setback and possible runoff. He asked that the Commission be sensitive to what the residents want in the community.

Jan Effinger – 12257 N. River Glenn Lane – she is opposed and feels that this is the wrong decision as it negatively affects home values. She lives in the River Glen subdivision. A concern she mentioned is the proximity of the fire station and concern for traffic in this area. She also feels that a local architect is better suited to know what the community wants.

David Charney – 1440 W. Windpointe Court – he is the President of the Hidden River Condominium Association. He is opposed and stated that he has heard from about 40% of the residents in his neighborhood that are opposed to this project; no one is supportive. He does not feel this is the appropriate location for a hotel.

Alex Krakovich – 11985 N. Sandhill Circle – he is opposed and feels that this changes the character of the city. He thinks there will be flooding there and worries about potential crime.

Some of the feedback provided by the Commission is that this site is not ideal and that possibly a little further north with less impact on resident neighborhoods would be a more appropriate location. There was some feedback that a high end hotel is needed and would not necessarily bring crime. There was a comment that no matter where the hotel is located there will be opposition from nearby residents. This site is located in a business park and it will have a commercial use on it; which has always been known. The primary issues are the height and whether the location is the correct one for this project.

The applicant stated that their main question they would like to have answered is whether the community is agreeable to another hotel.

Commission feedback was that there is support for an upscale hotel in a different location. There is an emphasis on a high-end hotel product in the hope of not attracting problems or crime to the location.

8) Policy

a) The City of Mequon is seeking approval for the renaming of Industrial Drive.

Dir. Tollefson stated that this was discussed in June and there was some feedback from the Planning Commission for suggested names. There was consensus for a name that has some local history to provide some character and some uniqueness. The Code of Ordinances gives the Planning Commission the authority of naming streets. The long list has been narrowed to the following five names:

- *Cannery Row*
- *Opitz Drive*
- *Weston Drive*
- *Red Ocher Road*
- *Beaver Tail Road*

Dir. Tollefson did reach out to the Foxtown and Spur 16 teams, as the majority of the roadway serves those two developments. Foxtown prefers Weston Drive and Spur 16 prefers Cannery Row.

Mayor Wirth stated he likes the name Weston Drive as John Weston could probably be considered the founder of Mequon; he cut through the original road through the town, he was one of the original land owners in town, he sold the land that Thein ultimately bought and Mayor Wirth likes the name Weston because it is easy to pronounce and spell. It is also not associated with either of the developments and it also represents the west side of town.

Action
Commissioner Stoker made a motion to rename the road to Weston Drive.
Commissioner Lemke seconded the motion
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker, Baka
ABSENT:	Strzelczyk

9) Announcements

Updated 2019 Planning Commission Meeting Calendar (07/19-12/19) which included the Policy Subcommittee meeting dates was included in the packet.

10) Adjourn

Action
Commissioner Baka made a motion to adjourn.
Commissioner Parrish seconded the motion

A voice vote was taken; vote passed (8-0)

Respectfully Submitted,

Jac Zader