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Department of Community Development
Taped and Televised

**PLANNING COMMISSION**
**Regular Meeting**
**Monday, July 22, 2024**
**6:00 PM**
**Christine Nuernberg Hall**

**Minutes**

## 1) Call to Order, Roll Call

**Present:**
Chair Andrew Nerbun
Alderman Brian Parrish
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Dan Gentges
Commissioner Rebecca Schaefer
Commissioner Nancy Urbani
Commissioner Stephanie Hawley - **Absent**
Commissioner John Stoker - **Absent**

a) Approval of Minutes from June 24, 2024

Commissioner Barnes commented that the minutes did not correctly state the point he made at the previous meeting and he clarified what he intended to convey.

**Action**
Commissioner Urbani made a motion to approve the minutes subject to the amendment made by Commissioner Barnes.
Commissioner Gentes seconded the motion.
*A voice vote was taken; vote passed (7-0)*

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| **RESULT:** | **APPROVED WITH AMENDMENTS [7 TO 0]** |
| **MOVER:** | Nancy Urbani, Commissioner |
| **SECONDER:** | Dan Gentges, Commissioner |
| **AYES:** | Nerbun, Parrish, Barnes, Choren, Gentges, Schaefer, Urbani |
| **ABSENT:** | Hawley, Stoker |

**2) Consent / Public Hearing**

a) Mohammad Imseitef. The applicant is seeking conditional use grant approval for an automotive service facility for the property located at 10650 N. Baehr Road, Suite A-B

**Action**
Commissioner Schaefer made a motion to open a public hearing.
Commissioner Urbani seconded the motion.
*A voice vote was taken; vote passed (7-0)*

No public comment.

**Action**
Commissioner Schaefer made a motion to close the public hearing.
Commissioner Urbani seconded the motion.
*A voice vote was taken; vote passed (7-0)*

**Action**
Commissioner Choren made a motion to approve the conditional use grant.
Commissioner Schaefer seconded the motion.
*A voice vote was taken; vote passed (7-0)*

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

**3) Consent**

a) Ralph Morello and Judith A. Morella Revocable Trust. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the property located at 10050 N. Range Line Road.

Mayor Nerbun stated agenda item 3(a) is taken off the consent agenda for discussion.

Planner Evan Hoier stated that this is a 2-lot land division. There was a consultation in May discussing access and private driveway options. Lot 1 will be 2.2 acres and Lot 2 will be 3.275 acres; both are compliant with the requirements of the zoning district. Staff approves per the conditions in the staff report.

The applicant, Ralph Morello, read a prepared statement requesting approval for both waivers he is requesting. He is contesting staff report condition #12 regarding the requirement to widen the roadway. He believes that at the previous meeting Ald. Strzelczyk stated that the land division would be grandfathered in.

**Public Comment**

<u>Gary Quirk - 10052 N. Range Line Road</u> - opposed and represents the 3 neighboring property owners. He stated that all the property owners collectively pay for the maintenance of the shared driveway and it is the only access to their properties. He asked the Commission to consider the impact on the surrounding properties and not just the applicants' property.

<u>Susie Brotz - 10054 N. Range Line Road</u> - clarified there is not a cul-du-sac located in their neighborhood.

There was feedback from the Commission that the item be tabled as there seems to be several legal questions that the neighbors need to work out. The video tape from the previous meeting can be reviewed per the request of the applicant to clarify what Ald. Strzelczyk said regarding this item as the Commission does not remember the statement about being grandfathered in being made.

**<u>Action</u>**
Commissioner Schaefer made a motion to approve per staff conditions with the amendment that Lot 2 would have a deed restriction shown on the plat to indicate the road shall be widened at the time development occurs, per city standards.
Commissioner Barnes seconded the motion.
*A roll call vote was taken; vote passed (7-0)*

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| **RESULT:** | **APPROVED WITH CONDITIONS [7 TO 0]** |
| **MOVER:** | Rebecca Schaefer, Commissioner |
| **SECONDER:** | Bruce Barnes, Commissioner |
| **AYES:** | Nerbun, Parrish, Barnes, Choren, Gentges, Schaefer, Urbani |
| **ABSENT:** | Hawley, Stoker |

b) Stantec for Minahan Children, LLC. The applicant is seeking minor request approval to allow for fill or excavation exceeding 1,000 C.Y. for the property located at 5700 W. Bonniwell Road.

**<u>Action</u>**
Commissioner Schaefer made a motion to approve consent agenda item 3(b).
Commissioner Choren seconded the motion.
*A voice vote was taken; vote passed (7-0)*

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

**4) Regular Business**

a) Paul Reilly Company. The applicant is seeking minor request approval to allow for I-43 signage for the property located at 1100 W. Glen Oaks Lane.

Planner Hoier stated that this submittal is for a sign permit waiver and the applicant originally applied for a larger sign in which staff requested that it to be modified to a smaller sign in accordance with regulations for signs facing I-43. The area of the sign can only be 65% of the linear width of the wall. The smaller version that was approved on June 24, 2024, is complaint with that regulation. The proposed larger version is equal to 155% of the building width for the area of the sign.

He explained that upon site compliance review, staff indicated that there was a semi-truck parked in the loading bay obstructing the view of the wall as well as some high grass plantings and equipment parked in this location obstructing the view from I-43 to this wall. Based on these findings, staff recommends denial of the sign waiver request.

The applicant, Jamie Demon from Innovative Signs, stated that they request that the entire façade facing I-43 be used when calculating the size of the sign allowed as the architecture of the building causes a disadvantage for desired signage size allowed. She stated the full frontage façade facing east is 78 feet. They feel that the suggested 20 sq. ft. size sign staff proposed is way too small to be seen from the optimal viewing from I-43 at 170 feet. This is the only elevation that faces a main roadway. She stated that the owner was denied a pylon sign, so they are attempting to get more visibility and allowing the full frontage facing I-43 would provide that.

Mayor Nerbun stated he is in favor of granting a waiver as this is a unique situation due to the angle of the building and the fact that this is a single tenant building. He commented that if the sign is sized based on the requirements in the code, it would be too small to see from the freeway. He also commented that the DOT has obliterated all the vegetation along the east sign of I-43, and he believes that more businesses will be asking for I-43 signage. He would like this section of the code to be reviewed by staff.

Alderman Parrish supports the mayor in granting a waiver and does not feel it sets precedent as the entire eastern façade should be used as one whole elevation and the size of the sign is appropriate.

**Action**

Commissioner Choren made a motion to approve the sign waiver and the sign size as submitted as it closely conforms to the code sign requirements when considering the entire eastern façade

as one elevation.
Alderman Parrish seconded the motion.
*A roll call vote was taken; vote passed (6-0)(No vote: Schaefer)*

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| **RESULT:** | **APPROVED [7 TO 0]** |
| **MOVER:** | Martin Choren, Commissioner |
| **SECONDER:** | Brian Parrish, Alternate Alderman |
| **AYES:** | Nerbun, Parrish, Barnes, Choren, Gentges, Urbani, |
| **NO:** | Schaefer |
| **ABSENT:** | Stoker, Hawley |

b) Sergio Rodriguez for Guzman Properties, LLC. The applicant is seeking building and site plan amendment approval to allow for improvements to the existing restaurant for the property located at 10352 N. Port Washington Road.

Planner Hoier stated that this building and site plan amendment is due to site and building maintenance and code enforcement issues. He discussed the proposed building materials and building colors. He commented that there has been replacement of some of the doors and windows. A landscape plan has not be submitted but there is overgrowth around the building and parking lot that needs to be addressed as part of the code enforcement issues. Upon a site visit it was noted that the parking lot needs to be resealed, repaired and restriped. He commented that the dumpster enclosure has damage to it and the junk around the site needs to be cleaned up. Staff recommends that this be tabled until the site is cleaned up and staff, the Commission architect and the applicant can meet to agree upon architecture that better matches neighboring buildings.

Brian Ruwell represented the applicant. He explained that this will be a Mexican restaurant, and the applicant plans to completely renovate both the interior and exterior. He commented that the restaurant group currently has 8 restaurants throughout Wisconsin and is extremely successful. The hours will include lunch and dinner with 15-18 employees. The living quarters may include an employee to live on site. They plan to remove the existing porch so that the building will be flush from the southwest corner to the northwest corner. He commented that the satellite garage has been removed.

Commissioner Choren stated there is much work that needs to be done on site and supports tabling this item so that issues about the architectural and color schemes can be discussed with the applicant.

Mayor Nerbun stated that there are plans for improvements for that corridor and that there is probably some TIF monies that may be available for some modifications along Port Washington Road.

Overall, the Commission is supportive of the applicant moving forward with this project and supports the item being tabled so that the applicant can continue the clean up efforts on site and work with staff regarding the architecture and building colors.

**Action**
Commissioner Schaefer made a motion to table the item.
Commissioner Gentges seconded the motion.
*A voice vote was taken; vote passed (7-0)*

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

c) Dan Beyer Architects for Commerce Street Holdings, Inc. The applicant is seeking building and site plan amendment approval to allow for improvements to the existing restaurant and recreational building for the property located at 5616 W. Donges Bay Road (Libby Montana's).

Commissioner Choren recused himself.

Asst. Dir. Zader stated that this request is to modify the existing restaurant including changing the sand volleyball court to a mini ice hockey rink. He showed the proposed site plans and discussed the proposed changes. Staff requested that some landscape islands be added to the parking lot as the current site does not meet the 10% interior lot landscaping or the green space requirements. The applicant has added some islands and although they do not meet the code requirements, staff does not want them to lose too many parking spaces. He explained that the entrance in the vestibule will be changed and located closer to the center of the building. There will be a connection between the existing two buildings.

He explained that per the zoning code, they would need a PUD if the connection is made, due to the building being over 20,000 square feet. The applicant chose to proceed with the proposed approvals and to come back for PUD approval for the connection. They want Commission feedback regarding the connection before they move forward. Staff does support the building connection.

The parking lot has been modified and a few stalls were lost (139 to 116) due to the added landscape islands. The use requires 120 stalls, so they are a little short, but they have agreed not to host the adult hockey leagues on Friday and Saturday nights. Staff is comfortable with the parking tally.

There is a nice outdoor seating area and bar area proposed to be added on the west elevation. There is also a section on the southwest side near the road that is on WE Energies property that could be a nice facility for seating or bike trail amenities.

The main elevation changes are the windows on the ice rink will be closed off and the addition on the back end will match the existing metal paneling. The building will be repainted white. Staff recommends all shingles be replaced with a dimensional type of shingle. Staff also requested some sprucing up of the landscaping in the front of the building along with the trees being added in the parking lot and that all mechanicals be screened.

The applicant, Dan Beyer, stated the existing entrance will not be the primary entrance and will mostly be utilized as an egress door. He also stated that the ice rink will primarily be used for youth practices. He commented that there is a possibility for shared parking across the street if that need arises.

The Commission gave feedback supporting the proposed connection between the two buildings, which will trigger the need for the PUD.

**Action**
Commissioner Urbani made a motion to approve according to staff recommendation with the flexibility of the parking lot to include two additional parking stalls.
Commissioner Barnes seconded the motion.
*A voice vote was taken; vote passed (6-0)*

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| **RESULT:** | **APPROVED WITH CONDITIONS [6 TO 0]** |
| **MOVER:** | Nancy Urbani, Commissioner |
| **SECONDER:** | Bruce Barnes, Commissioner |
| **AYES:** | Nerbun, Parrish, Barnes, Gentges, Schaefer, Urbani |
| **ABSENT:** | Hawley, Stoker |
| **RECUSED:** | Choren |

**5) Policy**

1) **ORDINANCE 2024-1667** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code Relating to WDNR MS4 Stormwater Permit Conditions.

Assistant City Engineer Cole McCraw stated this is related to conforming with the new DNR MS4 permit and to modify the city ordinance to include current requirements. An overview of the changes can be categorized into three groups:

1. Required changes by DNR MS4 permit.
2. Remove barriers to green infrastructure; required by MS4 permit.
3. Issues the city wants to clean up and improve.

He commented that staff proposes requirements to aid in the enforcement of the timelessness of completion; within 18 months of building permit issuance and prior to occupancy of the building. A mechanism was added that if the city receives a violation for someone not adhering to the timelines that the fee would be billed to the property owner/developer.

He noted the city attorney still needs to review the format and technical language so there may be slight changes after Commission approval.

**Action**
Commissioner Schaefer made a motion to recommend approval of the ordinance to the Common Council.
Commissioner Gentges seconded the motion.
*A voice vote was taken; voice passed (7-0)*

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| **RESULT:** | **Approved by Voice Acclamation [Unanimous]** |
| **MOVED BY:** | Commissioner Schaefer |
| **SECONDED BY:** | Commissioner Gentges |
| **AYES:** | Nerbun, Parrish, Barnes, Choren, Gentges, Schaefer, Urbani |
| **ABSENT:** | Hawley, Stoker |

**6) Announcements**

The next meeting is Monday, September 23, 2024, at 6:00 p.m.

**7) Adjourn**

**Action**
Commissioner Choren made a motion to adjourn the meeting.
Commissioner Urbani seconded the motion.
*A voice vote was taken; vote passed (7-0)*

The meeting was adjourned at 7:53 p.m.

Respectfully Submitted,

*Jac Zader*