City of Mequon

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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, July 23, 2018
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chairman Dan Abendroth
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Brian Parrish
Commissioner John Stoker
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner Rick Lemke

a) Approval of Minutes

b) PLANNING COMMISSION MEETING MINUTES from June 11, 2018

Action
Commissioner Stoker made a motion to approve the June 11, 2018 minutes.
Commissioner J. Schaefer seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	James Schaefer, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, J. Schaefer, R. Schaefer, Lemke

2) Public Hearing

a) City of Mequon Town Center No. 3 Tax Increment District Project Plan Amendment

Action
Commissioner Stoker made a motion to go into public hearing.
Ald. Strzelczyk seconded the motion.

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

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

Director Tollefson introduced Dawn Gunderson from Ehlers and Associates, the City's financial consultant, which has assisted the city with all of the tax increment districts. Ms. Tollefson explained that the item for action is a proposed amendment to the Town Center ("TC") TIF Project Plan which was created in 2008. In 2013 an amendment to the plan was made to not only allow for development incentives but to do a modest extension of the district boundaries (specifically for the lands around OutPost Natural Foods). In 2009, the city borrowed dollars for all of the original 2008 project expenditures that the city had hoped to make but all of those dollars have been used and there are no additional expenditures that can be made from the district and no further incentives can be made or projects completed that were originally intended. On June 4, 2018 the Common Council ("CC") discussed this issue in response to a request for an incentive from Foxtown. The Foxtown Commons project is estimated at about $50M in value. Under the incentive formula used for all TIF districts, the project would be eligible for about a $4.5M incentive and would operate under the "pay as you go" formula.

Ms. Tollefson stated that the Commission is being requested to hold the state mandated public hearing for the TIF Amendment Project Plan as well as to take action on the required Resolution that would then be forwarded to the CC to take action at their August meeting. If approved, the item will go back to the Joint Review Board for finalization. She stated that the TC TIF has had much success and the amendment would allow for funds to be available to complete some of the projects identified at the time the original TIF district was created.

It was discussed that there is misunderstanding in the public of the incentives programs and how they work. It was suggested that a one-page summary put placed on the city website that explains the incentive programs and the success that the city has had thus far.

Action
Ald. Strzelczyk made a motion to approve the item to recommend the amendment TIF project.
Commissioner R. Schaefer seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, J. Schaefer, R. Schaefer, Lemke

b) raSmith National for Mark and Lynn Leonard. The applicant is seeking rezoning recommendation from B-3 (Office and Service Business District) to IPS (Institutional and Public Service District), conditional use grant, building and site plan and certified survey map approval to allow for a single story hospital approx. 18,000 sq. ft. to be located at 11409 & 11421 N. Port Washington Road.

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

Jack Mikkelson – 13025 N. Birch Creek Road –is the owner of the office building adjacent to the proposed project. He stated that the easement agreement is not in satisfactory form at the present time and that he has not yet agreed to the easement agreement for the combined driveway.

Scott Nyholm – owner of the properties just to the east of the Froedert Medical Center – he does not feel that this project is needed as there are plenty of medical buildings in that vicinity. He feels that there are too many empty buildings sitting vacant on Port Washington Road and he does not want to add more buildings. He would like the Commission to consider the future long term planning for the east side of town.

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

Asst. Dir. Zader stated that this request is for a rezoning recommendation that will go to the CC in September as well as building and site plan, conditional use grant and certified survey map approvals which will be contingent upon the rezoning approval. He gave an overview of the staff report. He stated that staff is not supportive of the two waivers requested but in subsequent conversations, the applicant feels that they will be able to comply with the requirements. It is hoped that a shared easement can be obtained, but if not, a single access point will need to be approved before to moving forward. Staff would like to continue to work with the applicant regarding the building materials and colors. Mr. Zader stated that there have been some concerns from neighbors regarding noise from emergency vehicles. Staff does recommend approval according to the conditions in the report.

The applicant, Ryan Marks, stated that Froedert is aiming to meet needs locally 24/7. This project would house a 7-bed urgent care facility with full scan services available with 8 beds for overnight stays up to five nights. Mr. Marks explained that this would be a small scale, user-friendly comfortable facility. He explained that there will not be emergency vehicles directed to this facility. This will be the first one in the state; they have been successful in other states. He feels that the easement can be agreed upon with the neighbor. The applicant held a neighborhood meeting to inform the surrounding properties of their intentions. The intent of the design is to match the materials and colors of the building to those across the street at the Froedert Medical Center.

Mary Ellen Doll – 11348 N. Linnwood Lane – is opposed to the project but does not wish to speak.

Asst. Dir. Zader showed a map of the area of the residential properties located west of the proposed development. There was discussion about the trash area and the noise created and the hours of trash collection. He stated that a condition can be added that specifies allowed hours of trash collection.

Action

Commissioner Stoker made a motion to approve per the conditions in the staff report; trash collection only allowed from 7:00 am to 5:00 pm, a shared easement agreement must be in place, and must be required to enter into a PILOT agreement if not a taxable entity.
Commissioner Lemke seconded the motion.
A roll call vote was called; vote passed (6-2; NO votes R. Schaefer, Ald. Strzelczyk)

RESULT:	**APPROVED WITH CONDITIONS [6 TO 2]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Abendroth, Choren, Parrish, Stoker, J. Schaefer, Lemke
NAYS:	Strzelczyk, R. Schaefer

3) Consent

a) Gary Mueller. The applicant is seeking certified survey map approval for a 2 lot land division for the property located at 11711 N. Church Place.

Action

Commissioner Stoker made a motion to approve the three consent items
Commissioner J. Schaefer seconded the motion.
A voice vote was called; vote passed (8-0)

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

b) St. Francis Borgia Church. The applicant is seeking fill permit to allow for 8,900 C.Y. to fill in a low area of the cemetery for the property located at 7963 Pioneer Road.

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

c) John and Susan Bieberitz. The applicant is seeking fill permit to allow for 2,450 C.Y. of fill for construction of a new single family residence for the property located at 13822 N. Hawks Landing.

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

4) Regular Business

a) David Joyce. The applicant is seeking certified survey map approval for a 2 lot land division for the property located at 12037 W. Bonniwell Road.

Planner Vang stated this approval is for a 2- lot certified survey map. She explained that a previous 3-lot CSM had been approved. An access agreement by all three parties involved is required prior to approval as well as a soil report. Staff recommends approval subject to the conditions in the staff report.

The applicant, Lyle Joyce, stated that there are should not be easements to Lots 2 and 3. He explained that there are 60 acres between these two lots and Highland Road and there is access to these lands from Highland Road. The present access used is from Wausaukee Road. He feels there is no reason to have an easement across this land. He requested that the easement be dropped from the new land map.

Asst. Engineer, Bridget Henk, explained that there was a full search done and no recorded documents were found. The applicant did provide the title document that he referenced and those have been submitted to the City Attorney for his input and consideration whether or not that legally dissolved this access. Attorney Sajdak determined that it did not dissolve it. Staff offered that in order to dissolve that access the applicant would need to record another access easement for Lots 2 & 3. This would ensure all of the parcels have a legal access point.

There was discussion among the Commission on different options for finding a solution and ensuring protection of the city as well as helping to guide the applicant towards a favorable outcome for all.

Action

Ald. Strzelczyk made a motion to approve subject to staff conditions and with the condition that the shared access and maintenance agreement which includes proposed Lots 1 & 2 and the existing Lots 2 and 3 shown on CSM 3307. In the event the owners of Lots 2 & 3 (CSM 3307) abandon their rights to the easement, the agreement shall document and formally recognize such abandonment.
Commissioner Stoker seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, J. Schaefer, R. Schaefer, Lemke

b) City of Mequon. The applicant is seeking site plan amendment to allow for the reconstruction of the civic campus parking lot for the property located at 11333 N. Cedarburg Road.

Asst. Dir. Zader stated that the proposed new design was included in the staff report. He stated that 43 parking spaces will be added for a total of 181 parking stalls. He talked about a few of the features that are included in the new design: many pedestrian-friendly devices will be added (sidewalks, paving markings, etc.), the orientation of the stalls will be changed to east-west, pervious pavers will be added, landscaping will be added and the lighting will be changed. Staff recommends approval per the conditions in the staff report.

The benefits and maintenance of the pavers were discussed by Asst. Eng. Henk. She explained that the city is utilizing a MMSD Green Solutions Grant which provides a portion of the funding to incorporate green solutions into the parking lot. Ms. Henk explained that the pavers act as a storm water management quality and quantity device. The pavers are treated differently than asphalt and how they are laid when being installed is important and they need to be plowed with a rubber blade. She also explained that in terms of maintenance that chips are periodically added to the pavers and they need to be cleared out regularly.

Action

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

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, J. Schaefer, R. Schaefer, Lemke

c) Irgens Partners, LLC. The applicant is seeking building and site plan and certified survey map approval for the construction of two 38,000 sq. ft. single-story multi-tenant office buildings to be located at 12100 N. Corporate Parkway (East Mequon Corporate Center).

This item was cancelled, the applicant withdrew their application.

d) Lakeside Development Company for I.S. Corp. The applicant is seeking building and site plan amendment approval to add a 13 foot tall, 37' x 10' sized industrial generator for the property located at 10235 N. Port Washington Road.

Ald. Strzelczky recused himself from this item.

Asst. Dir. Zader stated that there is a request to add a 2,000 KW generator in the existing parking area. Staff was not comfortable approving this at a staff level based on the size and possible sound concerns. He reviewed the staff report and stated that due to nearby residential properties there is a condition of no more than 65 decimals at the property line. This is will be checked at the time of installation and if it does exceed that amount, additional sound dampening or landscaping will be required to get in compliance. There will be regularly testing which will be conducted between 10:00 a.m. - 2:00 p.m. Staff does recommend approve subject to the conditions in the staff report.

The applicant, agent Brain Scheive from Lakeside Development Company and Mike Weber, owner of IS Corp, stated that the generator will be receded two feet into the ground and that they are taking measures to help screen the generator; it will be located behind a fence and there will be added landscaping (Arborvitae).

Action

Commissioner Parrish made a motion to approve the item.
Commissioner Stoker seconded the motion.
A voice vote was called; vote passed (7-0) (Ald. Strzelczyk rescued himself)

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Brian Parrish, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Abendroth, Choren, Parrish, Stoker, J. Schaefer, R. Schaefer, Lemke
RECUSED:	Strzelczyk

e) Fahim Beg for Clark Gas Station. The applicant is seeking building and site plan amendment to allow for a building expansion to the C-store for the property located at 10355 N. Port Washington Road.

Planner Vang reviewed the staff report and stated that the request is for final building and site plan amendment approval to add onto the C-store at the Clark Gas Station. They are requesting an off-set waiver from the west property line which staff does approve with the condition that the landscaping be maintained and brought into compliance with the previously approved landscape plan. Staff also supports the open space ratio waiver due to the small size of the lot and the addition of the landscape plan.

Ms. Vang stated there was some discrepancy regarding the building plans. New plans were submitted this evening. Staff recommends that the pillars be the same height as the top of the windows and that the brick be extended around the building onto the west elevation as well. A few on site compliance issues need to be addressed. Staff does recommend approval based on the conditions in the staff report.

The applicant, Fahim Beg, is in agreement to comply with the recommendations and requirements by staff.

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

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Schaefer, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, J. Schaefer, R. Schaefer, Lemke

f) Kieffer Signs Inc., for Shopko Optical. The applicant is seeking approval for a proposed sign for Shopko Optical for the property located at 10930 N. Port Washington Road (Mequon Pavilions).

Planner Vang stated that the applicant is seeking a sign waiver for the design of a sign that does not meet the master sign plan ("MSP") for a tenant located in the Mequon Pavilions. Staff does not support the design of the channel letters on top of a proposed green aluminum backer panel. Staff does approve the white channel letters which match many of the other tenant signs and is compliant with the MSP. This wall faces Port Washington Road with high visibility.

The applicant, Julie Lohrstorfer with Keiffer Signs and Donna Capichano with Shopko, stated that Shopko is currently rebranding and the green and white colors are very important to them. They stated that Mequon is the first free standing optical store. Their understanding is that as long as the colors are part of a national brand they would be acceptable. Brixmor signed a lease with Shopko Optical which included their signage so they were under the understanding that their signs were approved.

Feedback from the Commission was supportive of staff and they feel that the sign is too large and does not fit with the intent of the shopping center. They are worried about setting a precedent for other tenants if this is approved. They feel that the applicant did not prove why their brand should be given a waiver to the MSP.

There was discussion regarding options that would be acceptable to the Commission such as a smaller sign with white channel letters. The current MSP does allow different colored channel signs and a raceway is allowed.

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

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, J. Schaefer, R. Schaefer, Lemke

g) David Hoff. The applicant is seeking rezoning recommendation from R-3/OA and R-6/PUD and R-3 (Suburban Residential Attached District) to R-6/PUD (Plex Residential District), preliminary plat, certified survey map and development agreement approval to allow for a 28-unit (14 building) plex development located at 12431 N. Green Bay Road, the parcel immediately to the west, 12424 N. Green Bay Road and 5555 W. Highland Drive (the Woods at Highland Park).

Asst. Dir. Zader highlighted some items from the staff report and he stated that this item was in front of the Commission in September of 2017 and that after the approval there were some issues with compliance involving the storm water management plan. Mr. Hoff has secured some additional land and his new plan shows four less units than the original plan for a total of 28 units. The total density is 2.1units/acre. The newly acquired land area is part of the MATC campus and that area will be used as part of for the storm water management plan. The increased land area is the cause of the PUD amendment. There will be a wavier to the Green Bay Road set back as well as to the south; but it is more compliant than original plan. They still do not meet the side-loading garage 50% requirement but there is discussion about adding some additional features to the garages. There is one access point from Green Bay Road. The applicant will need to return for approval of three different models of the architecture as well as landscaping and lighting. The applicant would like to have the Development Agreement be tabled as there are some items to continue to work through. Mr. Zader stated that the attorney for the neighbor, Jim Wilke, is requesting language be added to the staff report condition #7 and be entered into the record (submitted handout with language). Mr. Zader read the statement:

> "Prior to the submission to the Common Council, Applicant shall be required to have a written agreement with neighbor to the west (Wilke Trust) confirming and approving of installing substantial landscaping along the West boundary and

provisions for aerating the water at southwest corner of site with applicant paying all costs, in any way, relating to the landscaping and aeration”.

Mr. Zader stated that staff is supportive of the request for approval per the conditions in the staff report.

Alan Deutch representing Jim Wilke (neighbor to the west) stated that they have had numerous conversations with David Hoff regarding their concerns that the proposed project is not a compatible use as well as the issue of the storm water. They have reached some agreements and requested the language be added into condition #7.

Action
Mayor Abendroth made a motion to table the development agreement.
Commissioner Stoker seconded the motion.
A voice vote was called; vote passed (8-0)

Action
Mayor Abendroth made a motion add the requested language to condition #7 and approval of the other requests per the conditions in the staff report.
Ald. Strzelczyk seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Dan Abendroth, Chairman
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, J. Schaefer, R. Schaefer, Lemke

5) Announcements

a) Moratorium Study Update

Staff provided update in the packet.

The next meeting is on Wednesday, September 5th at 6:00 p.m.

6) Adjourn

Action
Mayor Abendroth made a motion to adjourn.
Ald. Strzelczyk seconded the motion.
A voice vote was called; vote passed (8-0)

Respectfully Submitted,

Jac Zader