



11333 N. Cedarburg Road  
Mequon, WI 53092  
Phone: 262-236-2904  
Fax: 262-242-9655

[www.ci.mequon.wi.us](http://www.ci.mequon.wi.us)

Department of Community Development  
Taped and Televised

**PLANNING COMMISSION**  
**Regular Meeting**  
**Monday, September 11, 2017**  
**7:00 PM**  
**Christine Nuernberg Hall**

**Minutes**

**1) Call to Order, Roll Call**

**Present:**

Chairman Dan Abendroth  
Commissioner Martin Choren  
Commissioner John Mason  
Commissioner Brian Parrish  
Commissioner Rebecca Schaefer  
Alderman John Wirth  
Commissioner Rick Lemke  
Alternate Stephanie Hawley

**a) Approval of Minutes from July 24, 2017**

**Action**

Ald. Wirth made a motion to approve the minutes from July 24, 2017  
Commissioner Mason seconded the motion.  
*A voice vote was called, voted passed (8-0)*

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                          |
| <b>MOVER:</b>    | John Wirth, Alderman                                                 |
| <b>SECONDER:</b> | John Mason, Commissioner                                             |
| <b>AYES:</b>     | Abendroth, Choren, Mason, Parrish, B. Schaefer, Wirth, Lemke, Hawley |
| <b>EXCUSED:</b>  | Stoker, J. Schaefer                                                  |

**2) Consent/Public Hearing**

**a) Ryan Companies Us, Inc.** The applicant is seeking conditional use grant approval to allow for a fitness center operated by NX Level within the Froedtert Mequon Health Center located at 11430 N. Port Washington Road.

**Action**

Ald. Wirth made a motion to go into a public hearing.

Commissioner Mason seconded the motion.  
*A voice vote was called, voted passed (8-0)*

**Action**

Ald. Wirth made a motion to close the public hearing.  
Commissioner Mason seconded the motion.  
*A voice vote was called, voted passed (8-0)*

**Action**

Commissioner Mason made a motion to approve the four consent items.  
Commissioner Parrish seconded the motion.  
*A voice vote was called, voted passed (8-0)*

Asst. Dir. Zader explained that regarding Ryan Companies item #2, that nothing new has changed from the original approval except there will be a third party operating the NX Level facility and will allow for other individuals or groups to use the facility that are not associated with Froedert. This is the reason for the conditional use grant as it is operating similar to a fitness center.

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                          |
| <b>MOVER:</b>    | John Mason, Commissioner                                             |
| <b>SECONDER:</b> | Brian Parrish, Commissioner                                          |
| <b>AYES:</b>     | Abendroth, Choren, Mason, Parrish, B. Schaefer, Wirth, Lemke, Hawley |
| <b>EXCUSED:</b>  | Stoker, J. Schaefer                                                  |

**3) Regular Business/Consent**

- a) Poblocki Sign Company for Ryan Companies Us, Inc. The applicant is seeking master sign plan approval for the property located at 11430 N. Port Washington Road (Froedtert Medical College of Wisconsin).

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                          |
| <b>MOVER:</b>    | John Mason, Commissioner                                             |
| <b>SECONDER:</b> | Brian Parrish, Commissioner                                          |
| <b>AYES:</b>     | Abendroth, Choren, Mason, Parrish, R. Schaefer, Wirth, Lemke, Hawley |
| <b>EXCUSED:</b>  | Stoker, J. Schaefer                                                  |

- b) Charles Burczyk. The applicant is seeking certified survey map approval to allow for 2 lots (5.03 acres includes farmhouse and buildings and 11.19 acres of vacant land) for the property located at 11623 W. Donges Bay Road.

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                          |
| <b>MOVER:</b>    | John Mason, Commissioner                                             |
| <b>SECONDER:</b> | Brian Parrish, Commissioner                                          |
| <b>AYES:</b>     | Abendroth, Choren, Mason, Parrish, B. Schaefer, Wirth, Lemke, Hawley |
| <b>EXCUSED:</b>  | Stoker, J. Schaefer                                                  |

- c) Artesa LLC. The applicant is seeking landscape review approval for the north border for the property located at 11130 N. Buntrock Avenue (Dermond Property Investment),

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                          |
| <b>MOVER:</b>    | John Mason, Commissioner                                             |
| <b>SECONDER:</b> | Brian Parrish, Commissioner                                          |
| <b>AYES:</b>     | Abendroth, Choren, Mason, Parrish, B. Schaefer, Wirth, Lemke, Hawley |
| <b>EXCUSED:</b>  | Stoker, J. Schaefer                                                  |

#### 4) Regular Business

- a) Innovative Signs for 11201 LLC. The applicant is seeking a sign waiver approval to allow for a building wall sign to be larger than the required 30 sq. ft. allowed by the sign code for the property located at 11201 N. Port Washington Road (Ziegler Wealth Management).

City Planner Pa Phouala Vang stated that the applicant is proposing to replace the two existing wall signs. They currently have two signs as allowed per code and they were previously approved for a waiver to the height requirement which allows for their current placement of their signs. They are requesting a waiver for a larger sign than what is allowed by code. They are located in a multi-tenant building that allows them up to 30 sq. ft. per sign. The proposed signs are approximately 61 sq. ft. This is in an effort to ensure that their signs are adequately visible from the road to current clients as well as prospective customers. Their current signs meet the code requirements and staff does not feel that the applicant faces hardships and recommends denial of the requested sign waiver.

Commissioner Choren stated that he cannot read what is currently there or what is proposed. He feels that the proposed signs seem too big.

The applicant, Chad Schultz owner of Innovative Signs, stated that when the logo was originally designed it was designed for letterhead and it is a very thin font that does not transfer well to a wall sign. The proposal is to increase the word Ziegler and make the sign twice as thick in order to be well seen. The approved “wealth management” portion letters are 8 ¾ inches tall and are not big enough to be lit. They want to make them a cabinet sign to get more lighting inside of there. The issue is that you cannot see them from very far away. He said that at 8” tall it can be seen from about 165 feet away; about in the middle of the intersection. He would like to increase it by about 1 ¼ inches, to 10 inches total height, which can be seen from across the intersection. The goal is to be seen from across the intersection.

Ald. Wirth stated that he will cast a hard vote against it as many businesses would like bigger signs. He feels that there needs to be a consistent policy. He doesn't feel that it is a way-finding issue as Ziegler is not open at night and most of their business is based on referrals and the quality of services given. He does not feel there is a basis for granting a waiver.

Commissioner Parrish stated that everyone is well aware that the bank is located on that corner as it is a very prominent building in the city. He will support staff's recommendation to deny this request.

**Action**

Ald. Wirth made a motion to deny the request.

Commissioner Mason seconded the motion.

*A voice vote was called, voted passed (8-0)*

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>DENIAL [UNANIMOUS]</b>                                            |
| <b>MOVER:</b>    | John Wirth, Alderman                                                 |
| <b>SECONDER:</b> | John Mason, Commissioner                                             |
| <b>AYES:</b>     | Abendroth, Choren, Mason, Parrish, B. Schaefer, Wirth, Lemke, Hawley |
| <b>EXCUSED:</b>  | Stoker, J.Schaefer                                                   |

- b) Roettgers Company, Inc. for Mequon LLC. The applicant is seeking a sign waiver and lighting approval to allow for the replacement of stripping and signage on the canopy and illumination of the canopy for the property located at 11155 N. Wauwatosa Road.

City Planner Pa Phouala stated that the BP service station is rebranding to a Mobile service station and they are requesting new signage and canopy changes. The applicant is requesting two internally illuminated signage. The Commission has approved non-illuminated canopy signage for service stations in the past. Staff recommends approval of the signs provided they are not illuminated. The applicant is also requesting a waiver to the lighting code. As part of the changes, the canopies will receive new blue stripping on the faces and includes a thin cap extending from the face of the canopy above the blue stripping which will feature LED down lighting to light the blue stripping on the façade. Per the zoning code, lighting is not allowed on the façade or on the roof of the service station canopies. The applicant has indicated that the lighting in part is for safety measures for their site. Staff recommends denial of the illumination of the canopy.

The applicant stated that the lighting under the canopy is for safety and the perimeter lighting is to illuminate the blue banding a little more at night.

Ald. Wirth confirmed with staff that the lighting underneath is allowed. He stated that he will keep his vote consistent.

**Action**

Ald. Wirth made a motion to approval the waiver without illumination of the canopy or sign and subject to sign approval.

Commissioner Mason seconded the motion.  
*A voice vote was called, voted passed (8-0)*

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED WITH CONDITIONS [UNANIMOUS]</b>                          |
| <b>MOVER:</b>    | John Wirth, Alderman                                                 |
| <b>SECONDER:</b> | John Mason, Commissioner                                             |
| <b>AYES:</b>     | Abendroth, Choren, Mason, Parrish, B. Schaefer, Wirth, Lemke, Hawley |
| <b>EXCUSED:</b>  | Stoker, J. Schaefer                                                  |

- c) David Hoff. The applicant is seeking a text amendment related to the minimum lot size required for a Planned Unit Development per Section 58-331 of the City of Mequon Zoning Code.

Asst. Dir. Zader stated that David Hoff had a consultation in June for side by side units along the river, off Cedarburg Road. At the time, the Commission was supportive of the overall plan but due to the odd shape of the lot and the existing office building there, Mr. Hoff could not create a plan that was feasible under the current R-6 standards (plex development). Staff analyzed ways to make this project possible without impacting the entire city. Staff feels the easiest way is to change the PUD minimum threshold to a 2 acre minimum to be consistent across the board; the exception is Town Center.

| <u>Principal Uses</u> | <u>Minimum Area of PUD</u> |
|-----------------------|----------------------------|
| Residential PUD*      | <del>10</del> 2 acres      |
| Commercial PUD*       | 2 acres                    |
| Industrial PUD        | <del>10</del> 2 acres      |

\* For residential or commercial developments in the TC Zoning District see section 58-301(h) (2)

Staff feels that in order to meet the intent of PUD, some mass acreage is necessary. Staff does not want the PUD to be used as an excuse to get around the technical requirements. Staff is recommending the PUD requirement change to 2 acres except for Town Center.

Mayor Abendroth asked staff if they foresee any problems with this change.

Asst. Dir. Zader answered that the Commission and the Council have the authority to deny a PUD request for any reason.

Commissioner Parrish stated that as a broker he struggles with this issue because in the past it has been difficult to assemble 10 acres for projects and the proposed 2 acre minimum is a much easier requirement to have to meet. He does feel that the minimum should be less but he is not sure about the 2 acres.

Asst. Dir. Zader stated he feels that it is more flexible but not necessarily easier. It is still up to the discretion of the Commission and Council. He stated that any number used would be considered arbitrary but the commercial requirements were at 2 acres and the decision was to make it all consistent. At 2 acres there could be a master plan that has different uses that could still be creative.

Ald. Wirth stated that he doubts that there are many uses for residential for less than 10 acres. He said that when the right project comes along, like the proposed one, the needed flexibility enables the project to be approved. He added that in general the Commission should be skeptical of projects less than 10 acres.

**Action**

Ald. Wirth made a motion to approve.

Commissioner Becky Schaefer seconded the motion.

*A voice vote was called, voted passed (8-0)*

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                          |
| <b>MOVER:</b>    | John Wirth, Alderman                                                 |
| <b>SECONDER:</b> | Rebecca Schaefer, Commissioner                                       |
| <b>AYES:</b>     | Abendroth, Choren, Mason, Parrish, B. Schaefer, Wirth, Lemke, Hawley |
| <b>EXCUSED:</b>  | Stoker, J. Schaefer                                                  |

- d) City of Mequon. The City of Mequon is seeking rezoning recommendation from B-6 (Rural Industrial)/OA (Agricultural Overlay) to R-3 (Single Family 1 AC) and Land Use Plan Map amendment from Rural Industrial to Residential 1-1.5 AC for the four properties located at 9757, 9749, 9731 and 9715 N. Granville Road.

Asst. Dir. Zader stated that this is a request from Ald. Wirth. There are four properties along Granville Road that are currently zoned B-6 and they are single family homes. Some of the residents that live in these homes have communicated that when trying to get financing either to refinance or for the sale of the property, the banks are more difficult to work with when there are non-conforming properties. Staff looked at the properties and agreed that it makes more sense to rezone to a residential zoning of R-3 zoning. The original intent was that the properties would eventually turn over to industrial to match the surrounding area but the way that the properties are situated makes it unlikely that they would all be purchased and torn down. There is a lot of vacant land in the B-5 and B-6 areas that is available. Staff does recommend changing the four lots to the zoning to R-3.

**Action**

Ald. Wirth made a motion to approval the rezoning recommendation.

Commissioner Choren seconded the motion.

*A voice vote was called, voted passed (8-0)*

Commissioner Parrish asked if all the neighbors are aware of the rezoning recommendation. He also asked about a land use plan change.

Asst. Dir. Zader answered that there is a letter from all four residents in the packet supporting the zoning change. He also stated that there will be a land use plan change to residential. The Common Council will take up the zoning in October. Due to the notice requirements for the land use plan, that will happen in November (simply a procedural issue).

|                  |                                                                   |
|------------------|-------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                       |
| <b>MOVER:</b>    | John Wirth, Alderman                                              |
| <b>SECONDER:</b> | Martin Choren, Commissioner                                       |
| <b>AYES:</b>     | Abendroth, Choren, Mason, Parrish, Schaefer, Wirth, Lemke, Hawley |
| <b>EXCUSED:</b>  | Stoker, Schaefer                                                  |

- e) City of Mequon. The City of Mequon is seeking a text amendment related to residential uses in the Town Center and Arrival Corridor Zoning Districts related to single family and multi-family dwellings.

Director Kim Tollefson stated that this policy analysis is two-fold. One is trying to address a recent request as part of the Foxtown master plan and a particular land use plan interest they have as part of their 17 acre project. Their concept plan shows 23 detached single family homes as part of the overall development. Due to perspective development in the Town Center and some recent construction related to multi-family, there has been question in the community as well as at a policy level about the extent of multiple family in the Town Center neighborhood as well as the absorption rate of that and concerns about maintaining long term value related to that particular development use.

Dir. Tollefson explained that the zoning district was created in 2007. The original intent and the intent here is to accommodate a little more creation of control and to allow for some flexibility of other types of residential uses in the Town Center district. Originally, in both the Town Center (TC) and Arrival Corridor (AC) zoning districts and still today, single family residential development in a detached building form is prohibited. This was based on wanting to encourage more compact development, slightly higher density development than what has been allowed in the other zoning districts in an effort to create more residential mass in order to attract new commercial development that was desired.

Planning studies and consultants were brought in and reports indicated that if only the existing residential was in place it would be detrimental to the success of the retailers. Given the new zoning district, higher density residential developments were desired. The best guess at the time of the impact of the new zoning districts is that the mixed use projects would be a 50-50 split of residential and commercial use.

- Single family residential dwellings that are attached are allowed.
- Owner occupied dwellings allowed.

Proposed Town Center Residential Uses:

Limit total units of multiple family in AC to a maximum of 16.

Currently any project that is more than 16 units is required to get a PUD. This process was put into place to allow for zoning discretion approval by the Council. If the multiple family is part of a mixed-use development and less than 8 dwellings, it was automatically permitted. This was to streamline the process and public policy objectives were established that mixed-use with some additional residential was desired.

Projects with 9-16 dwellings that were part of a mixed use development required a conditional use grant.

Multiple family that is *not* part of a mixed-use and had 4-16 dwelling units as part of the overall project required a conditional use grant. A form in which those units had to take was mandated. The zoning required a minimum of 2 units per building with a maximum of 6 units per building.

The change in the AC zoning district is that it no longer would allow for a PUD of more than 16 units as part of the project. The legal right to request this would be taken away. It would still exist in the TC zoning district which allows for greater massing and higher density.

In terms of a straight multiple family residential project, not part of a mixed-use, a development of 4-16 dwelling units is allowed with a form allowing 2 to 16 units per building. The scale of the amount of residential in the AC zoning district will be reduced and more than 16 units in any given project could not be requested.

Dir. Tollefson stated that there are other technical standards to be mindful of as the minimum lot size is 1 acre and street frontage of 100 feet is required. As part of the text amendment, residential units would not be allowed to front on Mequon Road.

Ald. Wirth stated that he feels that it makes more sense to look at the acreage that is available for residential, even on a mixed-use project, and have a maximum units per acre or other threshold rather than 16 units.

Dir. Tollefson answered that a developer can still ask for a PUD as long as it has a mixed-use component to it. Under the proposed text amendment, an all residential PUD exceeding 16 units per acre would not be allowed. In a mixed-use development, there would be control over building mass square footage and ultimately the density of the development.

Ald. Wirth does not want to send the message to the market that as long as a commercial component is added in the front of a mixed-use project, than what has been approved previously will continue to be approved. He wants to see smaller scale projects and that will likely to be condominiums. He does not want to see any more big apartment buildings being built.

Dir. Tollefson answered that the technical standards already send that message and give the city control over limited lot size, street frontage, required to be part of mixed-use and cannot have a building that is greater than 25,000 s.q ft.

Commissioner Becky Schaefer stated that she has been a nay-sayer regarding the amount of apartments being approved all along. She doesn't feel that just because something has been approved before that it means that it will be approved again. She feels that the line needs to be drawn and not continue. She feels comfortable not approving similar projects going forward.

Ald. Wirth feels that it needs to be made clear to the market about what the standards are and the message needs to be given on the front end before the developers spend time and money working on proposals they feel will be approved. He says it is the codes that dictate what is allowed.

Dir. Tollefson stated that it is not just the code but an understanding of the baseline technical standards as well as communication with staff, who spend countless hours working with potential applicants to get them in a better position to understand not only what the code allows, in term of baseline, but also above the base line obstacles or questions that they would face. Staff spends a lot of the time talking about the community context, any sensitivity, past actions and if there has been a change in philosophy.

Commissioner Parrish stated that there are large parcels available and staff will be approached about them. He feels it will be multi-family and direction upfront is needed. He does agree with making the AC area a less dense apartment area.

Dir. Tollefson explained that the intent of the zoning districts as established in 2007 was based on the minimum lot size in districts in TC (1/2 acre) and AC (1 acre). Staff felt that 16 units per acre was a lot for the Commission and Council to talk about at the time in regards to density. Establishing the minimum lot size and street frontage had a lot to do with how the sites would be built in terms of building placement and site planning. At 16 units per acre, any developer that wanted to have a higher density on those minimum lot sizes would need to go through the process get approval from the Commission and the Council. It gave the Council ultimate control from a process and procedure standpoint so that the city could overall control the density of the neighborhood.

Asst. Dir. Zader showed the map of the AC and there are very few areas left to build. The conversation continued about the number of units per acre allowed and the processes for controlling requests.

Commissioner Mason asked if there are any current developers in the process of seeking approvals that would be affected by these changes. He would like to make the text more specific upfront so that it saves time for applicants and staff.

Dir. Tollefson answered that there are not any proposed projects at this time. She stated that policy goals would need to be discussed to determine technical standards. She said that the time to do that can be taken as this is the first time this has been brought before the Commission. She also suggested that an outside consultant could be utilized to better understand the residential market for the next 5-10 years to capture not only apartments but single family residential development and what form does it come in (rental, owner, detached, attached multifamily, etc.). It could also look at the number of rooftops needed to continue to attract and to support the type of TC commercial tenants that the city wants to attract. The consultant could help get a better framework of what the threshold is and then decisions could be made about if it is the best fit for the community interests and other policy goals for TC. The scope of services was not included in the packet, but the Commission

could look for a consultant and manage a consultant and the cost would be around \$17,000 - \$18,000.

Dir. Tollefson asked for feedback from the Commission regarding the issue of limiting the ability of residential development for the remaining AC district parcels.

The Commission unanimously responded yes.

Dir. Tollefson asked if the Commission wanted to further vet through issues to control the massing and building size.

The Commission responded yes.

Dir. Tollefson stated that she will bring back options for the Commission to discuss and review.

Ald. Wirth stated he is opposed to the height of the buildings but not necessarily the amount of units on a parcel.

The conversation continued regarding the height of the buildings and the desirable number of dwelling units per acre.

Ald. Wirth feels that the same conversation should be had for TC. He feels that the apartment threshold has been reached and he thought there would be mostly condominiums, which there are none. He did not expect the apartment buildings and he does not want any more once the Foxtown project is approved. He feels that there should be standards about the interior of the apartments as there are for the exterior.

Commissioner Lemke stated that he would not approve the money to hire a consultant as suggested by Director Tollefson.

Dir. Tollefson stated that at the time of creation the TC zoning district it was not contemplating that the city would sell its 10 acre parcel which added 156 dwelling units, which needs to be considered when discussing the original proposed counts for rooftops that would be added in the TC zoning district (400-500 estimated). She stated that not all of the items that were proposed to be accomplished have been accomplished yet.

Dir. Tollefson stated that to be successful the right balance of how much residential to attract and in what form and establishing the threshold to continue to be successful in attracting the commercial development that is hoped to attract.

She feels that being unsuccessful is to have non-contiguous parcels along Mequon Road develop in the traditional neighborhood design and leave other parcels that are infill to those in the typical suburban context that is similar to Port Washington Road.

Commissioner Mason stated that he agrees with the intent and direction but he questions the 16 units per project development. He does not feel that this is a measurable quantity.

Dir. Tollefson answered that it is measured by the zoning code of ½ acre in the TC zoning district and 1 acre in the AC zoning district. She explained that the amount of density and massing is attached to the hierarchy of the process that staff feels that is desired in order to have control and reduce the risk of the density.

She also stated that the Council has communicated that it does not want to offer any TIF incentives to straight residential projects. This is another policy signal to the market that the city desires to have mixed-use projects proposed for development.

She answered that there are no dollars left in the TC TIF district.

Dir. Tollefson assessed the following feedback from the Commission:

- Support limiting residential development in the AC district
- Consideration of reducing height of the buildings.
- Still discussing density as a measurement versus total number of dwelling units.
- Architecture and form control by the Commission; set the tone for the type and style of residential units allowed.

Ms. Tollefson stated she will bring this item back as she will get feedback from the Council tomorrow night.

#### **Action**

Ald. Wirth made a motion to table the item.

Commissioner Mason seconded the motion.

*A voice vote was called, voted passed (8-0)*

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>TABLED [UNANIMOUS]</b>                                            |
| <b>MOVER:</b>    | John Wirth, Alderman                                                 |
| <b>SECONDER:</b> | John Mason, Commissioner                                             |
| <b>AYES:</b>     | Abendroth, Choren, Mason, Parrish, B. Schaefer, Wirth, Lemke, Hawley |
| <b>EXCUSED:</b>  | Stoker, J. Schaefer                                                  |

#### **5) Announcements**

#### **6) Adjourn**

##### **Action**

Ald. Wirth made a motion to adjourn.

Commissioner Mason seconded the motion.

*A voice vote was called, voted passed (8-0)*

Respectfully Submitted,  
*Jac Zader*