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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, September 18, 2023
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Andrew Nerbun
Alderman Robert Strzelczyk
Commissioner Bruce Barnes
Commissioner Dan Gentges
Commissioner Stephanie Hawley
Commissioner Rebecca Schaefer
Commissioner Nancy Urbani
Commissioner John Stoker
Commissioner Martin Choren - **Absent**

Chairman Mayor Nerbun called the meeting to order at 6:00 p.m.

a) Approval of Minutes from July 24, 2023

Action

Commissioner Stoker made a motion to approve the July 24, 2023, meeting minutes.

Commissioner Hawley seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Urbani, Nerbun, Strzelczyk, Barnes, Gentges, Hawley, Schaefer, Stoker
ABSENT:	Choren

2) Public Hearing

- a) NM Massage & Wellness LLC. The applicant is seeking conditional use grant approval for therapeutic massage for the property located at 10624 N. Port Washington Road #21 (Mend Studio).

Action

Ald, Strzelczyk made a motion to open a public hearing.

Commissioner Schaefer seconded the motion.

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

No public comment.

Action

Commissioner Schaefer made a motion to close the public hearing.

Ald, Strzelczyk seconded the motion.

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

Asst. Dir. Jac Zader stated that there was remodeling done to these buildings and the requested approval is for 1,400 square feet space with ample parking at the site. Staff recommends approval of the conditional use grant.

Action

Commissioner Stoker made a motion to approve the conditional use grant.

Commissioner Hawley seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Urbani, Nerbun, Strzelczyk, Barnes, Gentges, Hawley, Schaefer, Stoker
ABSENT:	Choren

- b) Mayer Helminiak Architectural Design for Concordia University. The applicant is seeking conditional use grant and building and site plan approval to allow for a 15,000 sq. ft. commercial hatchery located at the parcel north of 12800 & 13206 N. Lake Shore Drive.

Action

Commissioner Stoker made a motion to open a public hearing.

Commissioner Schaefer seconded the motion.

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

Public Comment

Chuck Reynolds – 13340 N. Northwood Lane - he is opposed as his property abuts the proposed parcel. He believes that a commercial facility should not be located on residentially zoned property. He has concerns about the impact on the neighborhood. He would like answers

regarding the source of the water, the amount of water that will be used and the discharge plan. He feels that the requested use is not harmonious with the neighborhood.

Dan Bradley – 344 W. Bonniwell Road – he is opposed due to concerns including the proximity of neighboring homes, the impact on the aquifer, the chemicals used, the impact on wildlife, possible light pollution from the building, potential odor pollution, traffic to the facility and the tax status. He asked the Commission to deny this request.

Partick Rochford – 1407 W. River Forest Drive – he is opposed as he believes this use is not cohesive with the city land use plan and it should not be allowed at this location.

Matt Czerniak – 13451 N. Lakewood Drive – he is opposed due to his concern about a potential water table drop. He has concerns about potential smell and waste produced due to the proposed use. He does not believe this is an appropriate location for this use.

Raquel Lehman – 13551 N. Lakewood Drive – opposes the proposal due to concerns about the water table as well as the detention pond being a hazard for young children.

Nikki Paterson – 13827 N. Lake Shore Drive – is opposed due to concerns about the possible impact on the quality of drinking water. She also commented that the surrounding ground area is already saturated and does not feel this use is compatible with the neighborhood.

Frank Sandberg – 524 W. Shady Lane – is opposed due to concerns about the capacity of the holding tanks in the areas.

Community members opposed that did not wish to speak:

Corley Davis – 13633 N. Lake Shore Drive
James Schaefer – 13446 N. Lakewood Drive
Diane Huebner - 13212 N. Lake Shore Drive
Jason Pokorny – 13314 N. Lakewood Drive
Gene & Pam Necikalski – 13206 N. Lake Shore Drive
Dick & Kathy Todd – 13450 N. Lakewood
Phil Kuepke – 12700 N. Lakewood
Bob - 12502 N. Lake Shore Drive
Jim Johnson – 13518 N. Lakewood Drive
John Thiel – 13300 N. Lakewood Drive
Summara Qaisar – 13232 N. Lakewood Drive
Barb Sandberg – 524 W. Shady Lane
Gerald & Joan Barrett – 13551 N. Lakewood Drive

Action

Commissioner Stoker made a motion to close the public hearing.

Ald. Strzelczyk seconded the motion.

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

Mayor Nerbun stated the proposal is for an agricultural facility. He explained that this is an agricultural overlay district which allows certain types of agricultural uses, the proposed use is listed as a conditional use for the zoning district in which it would be located. Rezoning is not a consideration as part of this proposal. The owner, Concordia University, has property rights to operate within the allowed zoning allowances.

Assistant Director Jac Zader clarified that the reason staff requested that the City Attorney provide a legal memo was to verify and provide guidance for the Commission as staff thought this would be a contentious issue.

Asst. Dir. Zader showed the site map of the parcel and talked about the surrounding neighborhood and about a few of the items outlined in the staff report. He explained that any rural parcel of 10 acres or larger is zoned with the agricultural overlay. He stated that staff review the proposal in relation to what could be there from the agricultural standpoint as well as what conditional use grants have been previously approved and what conditions have been included as part of those approvals.

He addressed the concern about the lighting by explaining that there are proposed lights on the front and sides of the building and in the parking lot, but all of the lights will be full cut off fixtures and there should not be any glare impact. A formal landscape plan is not required as the intent is to keep the agricultural feel of this parcel and the goal is to keep the natural state as much as possible.

The original proposed building was too industrial looking, so staff provided recommendations, and the applicant did add some windows and shed dormers to the sides, which was an improvement, but staff is not yet fully supportive of the design. The applicant communicated they are willing to continue to work with staff on the design of the building but wanted to wait to confirm that the use was approved before moving forward on design. A few different color schemes were submitted, and staff recommend Scheme D, as shown in the packet, which has lighter colors. Staff recommend approval of the conditional use and that the building and site request be tabled so there can be collaborative work on the design to incorporate a little more architecture appeal.

Assistant City Engineer, Cole McCraw, stated that the applicant did not submit information about the water usage or the water table. The city does not have reviewing jurisdiction outside of the city water district and that is the sole responsibility of the DNR and Ozaukee County reviews all septic systems. He explained that the county will review the soil of where the proposed septic systems will be placed to ensure the system is designed and sized properly. He answered concerns about the pond on the parcel by clarifying that it is a bio-retention basin and remains dry in most cases. Its function is strictly for storm water runoff; it has a sandy bottom which promotes infiltration into the ground but does not typically have a water level.

The applicant stated they have done their research at other fish hatcheries and there is absolutely no smell from these facilities. It was also stated that the tanks require 45,427 gallons of water. The water gets recycled, so it uses 5-10% per day, resulting in 4,500 gallons a day; 3.15 gallons a minute.

The intent of the hatchery was described as a place for research and innovation for students interested in related industries. It will be a commercial building focused on growing Walleye to 5-inch fingerlings which then get shipped to other facilities for growth. They will breed six times a year which triggers a pickup sized truck to visit the facility.

The applicant stated that this initiative is innovation driven and that the water is mostly recycled, there are zero chemicals or antibiotics used, zero smell and minimal discharge from the fish. The discharge gets pumped into the septic field.

There was discussion between the Commissioners and the applicant regarding some of the concerns raised by the public.

Action

Commissioner Schaefer made a motion to table to item.
No second to the motion.

There was more discussion and staff explained some of the other uses that could be allowed on that parcel.

Action

Commissioner Stoker made a motion to approve the CUG per staff recommendations, with the requirement of DNR review, there shall be no external fish holding tanks or ponds allowed, no spread of fish waste or carcass on the remaining property and to **table** the building and site request.

Commissioner Hawley seconded the motion.

A roll call vote was taken; vote passed (6-2) (No: Urbani, Schaefer)

RESULT:	APPROVED WITH CONDITIONS [6 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Gentges, Hawley, Stoker
ABSENT:	Choren
DEEMED NO:	Urbani, Schaefer

- c) Design 2 Construct for Sagrillo. The applicant is seeking conditional use grant, building and site plan and sign waiver approval to allow for a proposed 4,382 sq. ft. 2-story building for the property located at 10404 N. Port Washington Road (Re-Fresh Aesthetic Center).

Action

Commissioner Stoker made a motion to open a public hearing.

Commissioner Hawley seconded the motion.

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

No Public comment

Action

Ald. Strzelczyk made a motion to close the public hearing.

Commissioner Schaefer seconded the motion.

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

Planner Evan Hoier gave an overview of the location and neighboring properties of the proposed building. He stated that the applicant is requesting several waivers. There are 31 parking spaces proposed but the code requires 36 stalls. The applicant has communicated that the number of employees plus the number of customers at any given time is roughly 24 and they believe that the parking is sufficient for their use. He added that due to the small size of the lot, offset and setback waivers are required to accommodate the new building. Staff requested that the dumpster be relocated further east and to be screened with landscaping. The applicant has agreed to dedicate the Right-of-Way ("ROW") to allow for the applicant to install a straightened out sidewalk along Port Washington Road to be reimbursed with TIF funds. The applicant would be responsible for maintaining landscaping within ROW. It was stated that this is a permitted use, but the waivers require conditional use grant approval.

Planner Hoier discussed the building materials proposed as well as the requested sign waiver.

The applicant stated that they believe the proposed style is similar to other buildings in the neighboring area and follows the guidelines in the ordinance. They expressed that they are constricted on a very small lot, with a smaller footprint due to the ROW dedication. He talked through the proposed materials, which they believe are aesthetically pleasing as well as very good quality and long-lasting.

The Commission expressed support for the type of use and redevelopment of the site. There was some discussion about the windows and possible use of window treatments. There was mixed feedback regarding the building materials proposed and the style of the building. Many of the Commissioners do not support the boxy style of the building and the use of so many different materials. The Commission architect, Marty Choren, was not present at the meeting but communicated his availability to work with staff and the applicant on the building design.

Action

Commissioner Schaefer amended her original motion to table the building and site plan, with the condition that staff, the applicant and Commission architect work together on the building design for final approval from the Commission.

Approval of the conditional use grant per staff recommendations.

Commissioner Stoker seconded the motion.

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

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Urbani, Nerbun, Strzelczyk, Barnes, Gentges, Hawley, Schaefer, Stoker
ABSENT:	Choren

3) Announcements

The next meeting is Monday, October 23, 2023, at 6:00 p.m.

4) Adjourn

Action

Commissioner Stoker made a motion to adjourn.

Commissioner Hawley seconded the motion.

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

The meeting concluded at 8:35 p.m.

Respectfully Submitted,

Jac Zader