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

www.ci.mequon.wi.us
Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, September 19, 2022
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chair Andrew Nerbun
Alderman Robert Strzelczyk
Commissioner Gregg Bach
Commissioner Martin Choren
Commissioner Stephanie Hawley
Commissioner Rick Lemke
Commissioner Dan Gentges
Commissioner Rebecca Schaefer
Commissioner James Schaefer - **Absent**
Commissioner John Stoker - **Absent**
Alternate Bruce Barnes

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

2) Approval of Minutes

1) Meeting Minutes from July 26, 2022

Action
Ald. Strzelczyk made a motion to approve the July 25, 2022, meeting minutes.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [9 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Barnes, Choren, Gentges, Hawley, Lemke, R. Schaefer
ABSENT:	J. Schaefer, Stoker

Commissioner R. Schaefer requested that item (d) be removed from the Consent Agenda.

3) Consent

a) Noffke Roofing Company, LLC. The applicant is seeking minor request approval to allow for a driveway gate for the property located at 10341 N. Granville Road.

Action
Ald. Strzelczyk made a motion to approve the 3 consent items (a-c).
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT:	J. Schaefer, Stoker

b) Enclave at Mequon Preserve South Ph. III. The applicant is seeking development agreement approval to allow for a 12-lot subdivision (Phase 3) and fill permit approval for 59,500 C.Y. for the property located at 7901 W. Preserve Parkway.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Gentges, Hawley, Lemke, R. Schaefer, Bach
ABSENT:	J. Schaefer, Stoker

c) The Woods at Highland Park, LLC. The applicant is seeking Phase II final plat approval for 10 condominium units (5 buildings) located at 12431 Green Bay Road and the parcel to the west; a one-acre portion of 12424 N. Green Bay Road and 1.6-acre portion of 5555 W. Highland Drive.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT:	J. Schaefer, Stoker

d) Alex Leykin. The applicant is seeking fill permit approval to allow for 7,370 C.Y. of fill for the property located at 14132 N. Birchwood Lane.

Asst. Eng. McCraw answered a question from the Commission regarding the bluff and that the city has prevue over structures within 75 feet of the bluff. He explained that most of the requested fill will be used for earthwork reducing the slope of the bluff. There was a comment from the Commission that much of the jurisdiction of the bluff is controlled by the DNR and that there is concern for possible unwanted outcomes to the neighbors.

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

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT:	J. Schaefer, Stoker

4) Policy

1) Text Amendment to allow for Vet Clinics as a conditional use in the B-1 (Neighborhood Commercial) Zoning District and to Table 58-517 (c) allowing veterinary clinics as a conditional use to allow for a 3,150 sq. ft. veterinary clinic for the property located at 7625 W. Mequon Road.

Public Feedback
Amy Evans supports this item but does not wish to speak.

Asst, Dir. Zader stated that typically the policy items are at the end of the agenda but there is a follow up item that is related to this item. There is a request for a veterinary clinic on Mequon Road which requires a change to the B-1 zoning district. Staff believes this use fits into the B-2 zoning and a conditional use would be appropriate for this type of use in the zoning district, which provides service and retail services to residents in the nearby areas. Staff does approve this zoning change.

This recommendation from the Commission does need approval from the Common Council including two readings, so any approvals from the follow up regular business item would not be in effect until that process is complete.

Action
Commissioner Choren made a motion to approve the recommendation of this zoning change to the Common Council.
Commissioner R. Schaefer seconded the motion.
A roll call vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT:	J. Schaefer, Stoker

5) Public Hearing

a) RA Smith for Primus Companies. The applicant is seeking conditional use grant and building and site plan approval to allow for a 3,150 sq. ft. veterinary clinic for the property located at 7625 W. Mequon Road.

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

Public Comment
Dwayne Westerhausen -7620 Kings Crossing Way – asked about dog kennels outside or any overnight outdoor boarding.

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

Asst. Dir. Zader stated that this request is for a veterinary clinic on Mequon Road specializing in MRIs for small animals; mainly dogs and cats. There would only be boarding of animals recovering from surgery and it would all be done indoors. There is an outdoor space out back for bathroom breaks for animals visiting the clinic. There will be no kenneling or boarding of animals overnight.

The site plan meets most of the requirements but staff requests that the dumpster enclosure be relocated to the back of the building. A future addition is shown on the plan and some additional landscaping is recommended. Some evergreen buffering to protect the neighbors to the west has been requested and the applicant is supportive of these requests.

Regarding the building. staff is requesting that the brick line on the building in the front extend throughout the remainder of the building. Additional windows on the side and rear elevations are requested. The applicant is willing to work with staff regarding adding windows once they confirm whether windows are allowed in the MRI room.

The Commission architect commented that spandrel glass could be used in rooms where windows may not be allowed due to the MRI machinery.

The applicant, Chris Hitch from Primus Companies, asked for some flexibility within the motion to work with staff on some of the recommendations regarding the building, such as adding windows, exterior brick veneer addition, and the water policy regarding infrastructure.

Asst. Dir. Zader explained that this is a unique situation regarding the infrastructure as water currently runs to the middle of the neighboring condominiums and the policy requires connection to extend it the end of the parcel. At the time, the condominium did not extend it to the end of their parcel so now this applicant is going to need to extend it through the remainder of the condominium parcel and then the full length of the proposed parcel. The Water Utility Commission will make this determination.

Asst. Dir. Zader responded that staff prefers to have the brick extend around the building, staff can work with the applicant regarding the windows and the Water Utility hopefully can show some flexibility.

Feedback from the Commission is that the brick is preferred to extend around the building. It was suggested to table the item until the water infrastructure issue can be vetted out. The applicant does not wish to table the item, understanding that it all hinges on the Water Utility decision. Newly submitted renderings were viewed. Based on the new renderings, the Commission supports the brick tucking into the corners on the sides and not extending fully around the building.

Action
Ald. Strzelczyk made a motion to approve the item subject to staff recommendations with the recommendation that the Water Utility Commission approve to extend water only partially onto the parcel due to the fact that water may not be planned for the corner of Wauwatosa Road and Mequon Road, windows to be discussed and agreed upon with staff, and the brick to be terminated at the inside corner on the sides (per updated rendering A201).
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT:	J. Schaefer, Stoker

b) Living Life AlaMode, LLC. The applicant is seeking conditional use grant approval to allow for a fitness center for the property located at 10000 N. Port Washington Road.

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

No Public Comment

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

Planner Miller stated this request is for a 1,100 sq. ft. workout fitness center which will offer classes, workshops, and retreats. Proposed hours of operation are from 6:00 a.m.– 8:00 p.m. and each class will have a 25-person capacity and will be offered in person and online. There will only be 1 employee on site at a time. Staff finds the use to be compatible with the surrounding area. There were several site complaint issues included in the packet which include signage which does not meet code, deteriorating exterior façade, missing and unkempt landscaping, unpermitted outdoor storage, deteriorating parking conditions and damaged garbage enclosures. Staff has made several recommendations on correcting these issues and deadlines are included in the staff report.

The applicant gave several reasons for the noncompliant conditions on site. He stated he is working to remedy the issues, but he does not want to complete all the issues until the city construction is completed. There was discussion regarding the box signs on site and getting the signage into compliance. Planner Miller stated most of the parking lot damage is located in the rear of the building. All deadlines for site repairs are 6 months to a year.

Action
Al. Strzelczyk made a motion per staff conditions but due to the I-43 construction to allow for flexibility on deadlines to bring site conditions into compliance, not to exceed 2024.
Commissioner Lemke seconded the motion.
A roll call vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT:	J. Schaefer, Stoker

c) Ozaukee Country Club. The applicant is seeking conditional use grant amendment and building and site plan amendment approval to allow for a new 11,400 sq. ft. building and parking area for the property located at 10823 N. River Road.

Action
Commissioner R. Schaefer 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 Choren seconded the motion.
A voice vote was taken; vote passed (8-0)

Planner Miller stated this is an 11,000 sq. ft. building on the northeast corner of the property to be used for greenhouse, maintenance storage and office and staff space. The building design shows a green metal panel roof with beige metal wall panels. This does not match the accessory structure added to the site 3 years ago and staff is recommending that the roof materials be changed to match the other structure. Due to the grade, the building is constructed into the hillside, hence the overall height is only 38 feet. The south elevation shows 10 skylights where the greenhouse will be located. Staff recommends additional windows be added on the east elevation to break up the wall there.

There are several issues with the existing site plan as there are two structures that exceed the setback requirements. The required ultimate ROW is 50 feet followed by a 60-foot setback. The proposed new building is only 20 feet from the ultimate ROW and still exceeds setbacks. Staff offered the applicant other options of locations for the building which the applicant did not agree with due to the proximity of the tee box. They also do not want to expand the northwest building as they feel that it will be too close to the residences there.

The parking lot is currently located in the ultimate ROW and there are no approvals on record to allow this variant from the zoning code. Staff communicated that the encroachment there shall not increase and the current situation could remain as is with a ROW waiver. The proposed plan received immediately prior to the meeting shows the parking lot expanding to 17 spaces (originally 14 spaces). The applicant wishes to modify the plan during the meeting to include 30 spaces along the hillside. The hillside is currently being used for outdoor storage which staff recommends be removed.

Another compliance issue is that the northwest building had a slab poured which was approved but it was poured into the Mequon Road ROW and now unapproved walls are constructed around, and it is being used to for outdoor storage of sand, gravel, etc. There are many deliveries to this area which the neighboring residents are voicing concerns over.

Staff does support the design of the building but request to see many of the compliant issues addressed and no parking approved in the ROW.

There was discussion about how many parking spaces are being proposed as there were different plans proposed (a new plan "Exhibit A" was handed out during the meeting) and the issue of the parking lot being located in the ultimate ROW.

The Commission commented that the goal is that no trees or landscaping be removed to accommodate the new parking spaces. The concern is the screening along River Road remain intact. Some Commissioners want the information about any possible tree removal before they feel comfortable approving the proposed parking but ultimately stated that staff could approve the final plans as long as trees would not be removed.

The applicant asked for 90 days instead of 60 days for staff condition #1. This was approved by staff.

Action
Ald. Strzelczyk made a motion to approve per staff recommendations with the modification to condition #1 to allow for 90 days, to allow for Exhibit A parking with the condition that no trees are removed, applicant to work with staff or to bring issues regarding the parking back to the Commission.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0)

Public Comment
Sarah Severson -4223 Scenic Avenue – she is concerned about the drainage and asked if the DNR has done an analysis due to the additional concrete there.

Asst. Eng. McCraw stated that the additional parking may trigger storm water management review and the applicant will be held accountable.

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT:	J. Schaefer, Stoker

6) Regular Business

a) Mark Hilgendorf. The applicant is seeking minor request for a 2,520 sq. ft. (45' x 56') accessory structure for the property located at 11819 W. Mequon Road. REMOVE FROM TABLE

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

Planner Miller stated that the size of the structure has changed since the July meeting from 2,100 sq. ft. to 2,520 sq. ft. primarily due to the applicant receiving a better deal for a larger size structure for the same cost. The materials remain temporary in nature and staff has learned that this is easily expandable.

At the last Commission meeting it was recommended that the location change to better protect the neighbor and that the color of the structure be changed. Mr. Hilgendorf has changed the canvas color to gray and the location has only changed by 3 feet. Staff believes there are other location options on the property for this structure that protect the neighbor's view while still meeting the concerns of the applicant such as driveway access, being too close to livestock and removal of pastureland and trees.

Public Comment

Kurt Lobesch – 11805 W. Mequon Road – he is the next door neighbor and he opposed as he has reviewed the drawing and the dimensions, and he feels that the location on the sketch does not match the distance dimension of 740 feet from the east property line 11521 Mequon Road. It is closer to the property line of 11805-11623, immediately in the view of his property. He is also concerned about the size of the structure. He feels that it is not architecturally aesthetic. His main concern is the location of where the structure will be located. He prefers it to be on the west side of the property closer to 11805.

There was discussion about the best location for the structure to be located considering challenges on the site and to best shield it from the neighbor. Staff recommends the structure be lined north-south. Staff drew the location that the structure should be located on the screen during the meeting.

The Commission discussed the precedent that could be set by approving this type of structure. The Commission supports some leniency due to this being an existing working farm in the rural area and that this use is appropriate for this setting.

Action
Commissioner Lemke made a motion to approve per staff recommendations due to the current agricultural operations on site, the structure shall be placed at location, lined north-south as

drawn on the screen, if the property is no longer involved in agricultural operations the structure shall be removed.
Commissioner Gentges seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Rick Lemke, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT:	J. Schaefer, Stoker

b) Stephen Perry Smith for Foxtown Brewing. The applicant is seeking master sign plan approval for the property located at 6209 W. Mequon Road.

Asst. Dir. Zader stated the request is for a master sign plan for Building D at Foxtown. The applicant is proposing two arch gateway signs; one called The Fox Yard and one called The Foxtown Station. The Foxtown Station sign would be located in the front of the building and The Fox Yard would be located by the parking lot entrance. These are considered monument signs, but they exceed the zoning code of 6 feet in height. Staff believes these are viable signs for this location but does not support the decorative iron. Updated renderings have been submitted from the applicant. Staff also requests that the sign be located further from the right of way to indicate that it is in the private realm and not the public realm.

There are several building signs requested. The building use is considered multi-tenant because there are three separate functioning areas:

- North end – Opus Hall
- Middle - Ice House
- South end – Zimmerman Hall

All three signs are all a little bit different but are consistent with the architecture of the building. Staff supports the proposed signs for the north and south ends. On the east elevation, staff does not believe that the Zimmerman Hall sign is necessary as it is not over a doorway and recommends it be removed from the proposal.

Updates were submitted today, and the arch gateway sign on Mequon Road has been moved about 6-7 ½ feet back from the road, about 20 feet off the sidewalk as requested by staff. Staff supports the updated signs as they are more in character with the building. The one concern is that the sign is still quite large, and staff recommends the tress being lowered and some of the end pieces be brough in closer on the sides.

The applicant, Stephen Smith, stated that they prefer to keep the dimensions of the signs as is proposed as they are the same size as the brackets on the building and they believe they are proportionate.

He agreed that the east elevation Zimmerman sign be removed.

Feedback from the Commission was supportive of the size of the updated gateway monument proposed sign as it is proportionate to the building and fits in that location.

Action
Commissioner Bach made a motion to approve per staff recommends regarding the east elevation sign removed and the larger size gateway entrance as proposed.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Greg Bach, Alternate
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Nerbun, Strzelczyk, Bach, Choren, Gentges, Hawley, Lemke, R.Schaefer
ABSENT:	J. Schaefer, Stoker

7) Announcements

The next meeting is Monday, October 17, 0222, at 6:00 p.m.

8) Adjourn

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

The meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Jac Zader