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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, September 23, 2024
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Andrew Nerbun
Alderman Robert Strzelczyk
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Stephanie Hawley
Commissioner Rebecca Schaefer
Commissioner John Stoker
Commissioner Nancy Urbani

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

a) Approval of Meeting Minutes from July 22, 2024

Action

Ald. Strzelczyk made a motion to approve the July 22, 2024, meeting minutes.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

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

2) Public Hearing

- a) Black Duck Partners for Planet Fitness. The applicant is seeking conditional use grant approval to allow for a fitness center for the property located at 11300 N. Port Washington Road.

Action

Ald. Strzelczyk made a motion to open a public hearing.
Commissioner Schaefer seconded the motion.
A voice vote was taken; vote passed

No public comment

Action

Commissioner Stoker made a motion to close the public hearing.
Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed

Consent items 2a, 3b and 3e will remain on the consent agenda.

Action

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

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

- b) David Roettgers for Mobil. The applicant is seeking expansion of a non-conforming use and building and site plan amendment approval to allow for a previously approved car wash and ancillary facilities for the property located at 11155 N. Wauwatosa Road.

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

Ald. Strzelczyk stated that the dates in condition #4 need to be corrected (packet page 23).

Director Tollefson stated that the original date of May 2023 was given to get the brush and trim of the existing landscaping removed and she believes that some of the trimming and vegetation cleanup has occurred but an extended completion date, due to the new approval date of June 30, 2025, can be modified.

Action

Ald. Strzelczyk made a motion to approve with the amendment to the date change to June 30, 2025, in condition #4.

Commissioner Schaefer seconded the motion.

The applicant, Mike Roettgers, stated he has some minor changes to the amount of asphalt needed on site.

The mayor stated this issue can be handled at staff level as the impervious surface is the same.

Mr. Roettgers also stated that on the southeast corner of the building that the landscape planter proposed there causes a sight impairment for customers to see around it.

Mayor Nerbun stated that an amendment to the motion to that the pavement plan and the landscape plan modification shall be handled at staff level.

Ald. Strzelczyk accepted this amendment to the motion.

Commissioner Hawley also accepted the amendment.

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

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	Andrew Nerbun, Chair
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Stoker, Urbani

3) Consent

- a) Alex Leykin. The applicant is seeking minor request approval to allow for an accessory structure exceeding 1,000 sq. ft. for the property located at 14207 N. Birchwood Lane

Commissioner Barnes commented that he prefers that the birch trees on site be avoided when constructing the proposed accessory structure.

Asst. Dir. Zader commented that unless there are specimen trees the property owner can do what they want on their property.

The applicant, Alex Leykin, stated that he intends to keep the birch trees. He explained that he is waiting for a report regarding the wetlands in hope that the Army Corp of Engineers can approval a waiver for the 50-ft setback there.

Action

Ald. Strzelczyk made a motion to approve the accessory structure.

Commissioner Choren seconded the motion.

A roll call vote was taken; vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Stoker, Urbani

- b) Sam O'Malley. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the property located at 11550 N. Wasaukee Road.

Consent items 2a, 3b and 3e will remain on the consent agenda.

RESULT:	APPROVED [8 TO 0]
SECONDER:	Robert Strzelczyk, Stephanie Hawley
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Stoker, Urbani

- c) Susan & Thomas Tanner. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the properties located at 2400 W. County Line Road.

Dir. Tollefson answered the question regarding the exact acreage that should be included. She explained that the application included a parcel that fronts on County Line Road but that is not included in the approval request. The application showed this parcel because a shared private driveway goes through it and is impacted but it is not part of the actual requested CSM.

Action

Ald. Strzelczyk made a motion to approve the certified survey map.

Commissioner Stoker seconded the motion.

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

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

- d) Sean O'Driscoll for ODRE 1, LLC. The applicant is seeking certified survey map approval to alter the lot lines for the property located at 14319 N. Port Washington Road (Hospel).

Dir. Tollefson answered that this item also has a 1.5-acre portion that was not included on the zoning map in the packet.

Action

Ald. Strzelczyk made a motion to approve the certified survey map.

Commissioner Barnes seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Bruce Barnes, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Stoker, Urbani

- e) The Enclave at Mequon Preserve Phase VII. The applicant is seeking final plat approval to allow for 12-lots for the parcel located immediately north of 8200 W. Donges Bay Road.

RESULT:	APPROVED [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Stoker, Urbani

4) Regular Business

- a) Ray's Wauwatosa, Inc. The applicant is seeking building and site plan amendment approval to allow for the conversion of a vacant building for the property located at 7555 W. Mequon Road (Ray's Wine & Spirits).

Public Feedback

Laura Strauss - 9715 N. Courtland Drive - supports this proposal.

Community members that support this zoning change but do not wish to speak:

Jana Lee Hitchcock - 11065 N. Pebble Lane
 Peter Masgas - 109 E Monroe Drive, Unit #315, Hartford, WI.
 Nancy Tolocko - 12644 N. Shoreland Parkway
 Dr. Chris Cunningham - 216 W. Alta Loma Circle, Thiensville, WI
 Allison Cunningham - 216 W. Alta Loma Circle, Thiensville, WI

Ashley Anderson - 8460 W. Highlander Drive- supports this proposal as she believes this specific niche is not currently met in the community. She lives nearby and is very excited about this new business opening in the neighborhood.

Andy Tarnoff - 9080 N. Rexleigh Drive - supports this new business and believes they will be excellent neighbors.

Dir. Tollefson stated that this property has been vacant since the Finial closed. The use of beer, wine and liquor retail is a permitted use in the Arrival Corridor zoning district. Rays Wine and Spirits is a full service retail business and staff believes it will be a great fit to the community.

Staff met with the applicant several times to discuss the best ways to achieve consistency in design standards in the Town Center neighborhood. It is a 2-story building with approximately 13,000 SF. There will be new siding, new roofing and some new outdoor dining spaces. They

will offer a deli and food that can be catered or take away. The parking lot will be repaired, and the landscaping will be updated to meet the Town Center streetscaping requirements.

Additionally, staff has asked that the sidewalk wrap around the corner of Wauwatosa Road and Mequon Road and run along the west property line to the south property line to continue the public connection. The open space requirement is met with the additions in the proposal. The two driveways will include the Town Center streetlight and there will be new monument signage. The interior parking lot landscaping will be updated as it is not currently compliant due to non-cutoff lights. Staff also requested some additional landscape screening on the street frontage. Architectural additions of awnings and canopies are encouraged but after exploring its application to the current building, it will not be architecturally appropriate. Outpost Natural Foods currently uses roughly 4-10 parking spaces. Ray's Wine and Spirits owners are supportive of their continued limited use, but an agreement will be addresses after purchasing the property. Staff recommend approval per the conditions in the staff report.

There was some discussion regarding sidewalk access from the intersection and other possible pedestrian access to the site as well as the visibility from the south entrance to the site.

Action

Ald. Strzelczyk made a motion to approve the building and site plan amendment.

Commissioner Stoker seconded the motion.

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

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

- b) ICAP. The applicant is seeking certified survey map and rezoning of PUD amendment approval to allow for a 2-lot land division for the property located at 10921 N. Port Washington Road.

Asst. Dir. Zader stated this proposal is for the back section of the ICAP development. The request is to split the parcel in the back into two parcels which do not meet the 2-acre minimum for the B-2 zoning. This triggers a rezoning for a concept plan amendment. There will be a childcare center on the north parcel, which will be before the Commission next month. Staff reminded the applicant that there should be a looped connection to the center of the development to the access point at the front of the development. He reminded the Commission that they need to meet the open space plan requirement which should not be hard to do. Staff recommends approval.

Action

Commissioner Stoker made a motion to approve the rezoning and certified survey map.

Commissioner Choren seconded the motion.

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

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

- c) Blu's Trucking for Dan Mehail The applicant is seeking minor request approval to allow for an amendment to the waiver for the existing berm for the property located at 12701 N. Farmdale Road.

Assistant City Engineer Cole McCraw stated that the applicant is seeking after the fact Planning Commission approval for a berm that was previously approved in 2020 along Farmdale Road. The approval was for a berm exceeding 1,000 C.Y. of fill as well as a height above 4.5 feet. The applicant was approved for a berm 6ft in height. During construction the berm was built 6-10 ft in height. He commented that there is an overview in the packet of the areas on site that need to be brought into compliance.

He stated that slopes are a 4:1 maximum and the slopes are currently constructed more steeper, and the tops of the berms do not undulate as much as the approved plans.

Although the applicant stated the following reasons for a waiver:

- Additional disturbance to neighbors
- Not financially feasible
- Already invested over \$25,000 in seed, fuel, and labor

Staff recommends denial of the waiver and requests the berm be brought into compliance per the prior approval.

Public Feedback

Matt Merganor - 12750 Farmdale Road - he is concerned about the visibility for the traffic on the corner. He stated there are a substantial number of trucks in and out of the site from between the berms.

The applicant, Dan Mehail, stated that they are requesting the waiver as there is about ¼ mile of dirt that would need to be reduced. He feels it is natural looking and the berm also prevents the snow from going onto the road, it helps corral nature from the road and helps eliminate noise from the road.

Asst. Eng. McCraw answered the Commission's question about other non-complaint issues on site and stated that the applicant is currently working on issues regarding the ponds and wetland areas with the DNR.

The Commission gave feedback that they do not support the waiver as there have been many resident complaints, they do not want to set precedent regarding after the fact waivers, there is concern about the visibility and safety for the public traveling there, the berm will not settle

much more as it has been 4 years since construction and they do not believe the given hardships warrant a waiver.

Action

Commissioner Schaefer made a motion to deny the waiver request.

Commissioner Barnes seconded the motion.

A roll call vote was taken; vote passed (8-0)

RESULT:	DENIAL [8 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Bruce Barnes, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer, Stoker, Urbani

5) Policy

1) Design Guidelines for Commercial Structures

Asst. Dir. Zader showed a slide presentation regarding the architectural design results.

The overall feedback concluded with the following:

- There is not a clear consensus.
- Overall ratings are positive.
- The lowest scoring building is Quintessa and Associated Bank (both have a lot of glass).
- The highest scoring building is the Neighborhood Hospital.

Although there are some minor themes, it does not appear that there is consensus. He commented that he will continue to work through the results

6) Announcements

The next meeting will be on Monday, October 21, 2024, at 6:00 p.m.

7) Adjourn

Action

Ald. Strzelczyk made a motion to adjourn the meeting.

Commissioner Urbani seconded the motion.

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

The meeting adjourned at 7:23 p.m.

Respectfully Submitted,

Jac Zader