City of Mequon

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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, October 7, 2019
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

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

Present:
Chairman John Wirth
Alderman Andrew Nerbun
Commissioner Martin Choren
Commissioner Rick Lemke
Commissioner Brian Parrish
Commissioner John Stoker
Alternate Stephanie Hawley
Alternate Gregg Bach
Alternate James Baka
Commissioner James Schaefer - **Absent**
Commissioner Rebecca Schaefer - **Absent**

a) Approval of Minutes from September 9, 2019

Action
Commissioner Stoker made a motion to approve the minutes from September 9, 2019.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, Stoker, Baka, Hawley, Bach
ABSENT:	Nerbun, J. Schaefer, R. Schaefer

2) Consent

Action
Commissioner Parrish made a motion to remove item (2a) from the table.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

Action
Commissioner Stoker made a motion to approve the five consent agent items.
Commissioner Parrish seconded the motion.
A voice vote was taken; vote passed (8-0)

a) Betsey & Jay Woody. The applicant is seeking approval for a waiver to a Planning Commission imposed ravine setback to allow for an addition to the existing home for the property located at 616 E. Juniper Lane. REMOVE FROM TABLE

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, Stoker, Baka, Hawley, Bach
ABSENT:	Nerbun, J. Schaefer, R. Schaefer

b) Riverland Estates. The applicant is seeking landscape and street tree plan approval for a 13-lot single-family subdivision located at the corner of Bonniwell & Riverland Roads (Riverland Estates).

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, Stoker, Baka, Hawley, Bach
ABSENT:	Nerbun, J. Schaefer, R. Schaefer

c) Boulder Venture for Associated Bank. The applicant is seeking fill permit approval to allow 2,800 cubic yards of fill for construction of a new building as well as new parking lot, sidewalks, utilities and landscaping for the property located at 11223 N. Port Washington Road.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, Stoker, Baka, Hawley, Bach
ABSENT:	Nerbun, J. Schaefer, R. Schaefer

d) General Dynamics Information Technology. The applicant is seeking site plan amendment approval to allow for a backup generator to be installed inside the existing compound for the existing telecommunications tower located at 11300 N. Buntrock Avenue.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, Stoker, Baka, Hawley, Bach
ABSENT:	Nerbun, J. Schaefer, R. Schaefer

e) American Tower. The applicant is seeking building and site plan amendment approval to allow for a new shelter to house Verizon's ground-based telecommunications equipment for the existing telecommunications site for the property located at 11800 N. Port Washington Road.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Wirth, Choren, Lemke, Parrish, Stoker, Baka, Hawley, Bach
ABSENT:	Nerbun, J. Schaefer, R. Schaefer

3) Regular Business

a) Jim Hoffman for Pine Reserve LLC. The applicant is seeking certified survey map approval to create four lots between 6710 and 6926 W. River Birch Drive.

The applicant, Jim Hoffman, introduced himself.

Asst. Dir. Zader stated that this is a certified survey map (CSM) request for 4 lots on River Birch Drive. This item was in front of the Commission earlier this year for the rezoning from R-6 side-by-side units to R-5, single-family zoning. The CSM shows that all the lots are compliant with the R-5 zoning. There is one issue regarding a wetland setback that Asst. Eng. Henk will address.

Asst. Eng. Henk stated that Lot 1 and Lot 2 have significant amount of wetlands on them. Lot 1 not only has setbacks on its northern boundary for wetlands but there is a building setback on the north side as well as the east side, that would not allow buildings to be built in those areas. Both the wetland setbacks and the buildings setbacks overlap; a 30-foot wetland setback is proposed for that area; which would not reduce the buildable area on the north and east sides. On the northeast side there is a triangle of wetlands that juts out into the lot, which does make the lot virtually unbuildable for the developer. The applicant has requested a 10-foot no mow buffer to provide for buildability for that lot. The Concord Creek subdivision had 30-foot setbacks throughout this area, so this request is a change to reduce the setback for the applicant. Staff does not oppose this request.

She stated that Lot 2 does not have the same restrictions as Lot 1 as there is not as much of a setback on the east boundary; a 30-foot wetland setback would encroach into Lot 2. Staff supports keeping a 30-foot wetland setback.

Mr. Hoffman stated that he has worked extensively with the condominium homeowners immediately adjacent to this property and he has increased the architectural restrictions to ensure substantial high-end homes that will not devalue the condominiums around them. One issue of conversation has been side entrance garages instead of front entrance garages. He stated that Lot 2 does not allow for a side entry garage with the 30-foot wetland setback. He has been working to find a balance between a substantial house and maintaining the setback. He offered to have the 10-foot no mow buffer restrictions included and recorded in the closing documents. He is looking to reach an agreement on this issue.

Steve Schaefer – 6944 W. River Birch Drive – stated that he is supportive of Jim Hoffman and the proposed four single-family homes. He stated that most new homes now include a 3 car garage and they would like to stay uniform to Concord Creek subdivision which has all side entrance garages; they do not want these homes to have street facing garages. He hopes that a reasonable compromise can be reached.

Asst. Eng. Henk answered questions from the Commissioners by explaining that the city ordinance requires a 50-foot setback, however, when the Concord Creek subdivision was developed it was a 30-foot setback at that time and staff is comfortable supporting a 30-foot setback. Staff is comfortable with the 10-foot no mow buffer in specific spots (northeast corner of Lot 1 and portions of Lot 2) but does not support a blanket approval across both lots. She stated the wetland setback is intended to protect the wetlands and the greater the setback the greater the protection. She stated that staff and the applicant have discussed amending the last

condition (#6) in the staff report to reflect that approval could be at staff level once plans are submitted.

There was discussion among the Commissioners regarding impervious surface and the possibility of using pavers. Asst. Dir. Zader reminded the Commission that this is still vacant land and lot lines could be moved. Mr. Hoffman stated that there is infrastructure there that interferes with property line flexibility.

Action
Commissioner Stoker made a motion to approve a 10-foot no mow buffer for of Lot 1 and Lot 2, to add a deed restriction and floor plan/building pad plans to be reviewed by staff. Request made to keep the 30-foot buffer whenever possible.
Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed (7-1) (No: Parrish)

RESULT:	**APPROVED WITH CONDITIONS [7 TO 1]**
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Alternate
AYES:	Wirth, Bach, Baka, Choren, Hawley, Lemke, Stoker
NAYS:	Parrish
ABSENT:	Nerbun, J. Schaefer, R. Schaefer

b) Bear Arms. The applicant is seeking sign waiver approval to allow for a 34" x 46" directional sign for the property located at 9653 N. Granville Road.

The applicant withdrew their request prior to the meeting.

Alderman Nerbun arrived at 6:30 p.m.

4) Policy

a) Allowing Resale Shops in the City of Mequon

Asst. Dir. Zader stated that there have been several recent inquiries regarding resale shops. One request is from E-Collectique which buys, sells and trades high end clothing and accessories. They recently moved into the Gigi's building at 1550 W. Mequon Road. The parcel is zoned B-2 (Community Commercial) which allows retail trade as a permitted use. The other request is from Ivana's Trunk which is located at 10448 N. Port Washington Road. They are zoned B-4 (Business Park) and retail trade is not permitted in this zoning district. They have been put on notice that pending on the outcome of this policy discussion, if the outcome is not in their favor, they will need to vacate the premises as they are not a legally approved operation at that site.

The code definition for retail trade requires the sales of new items. The sale of used goods are allowed only as an accessory use. A few distinctions in the city allow for the sale of antiques and collectibles as a permitted use in the Town Center and Arrival Corridor zoning districts. The LTD overlay allows for antique sales as a conditional use.

Asst. Dir. Zader stated that he included information about the process going forward in the packet as well as information regarding how the retail market is changing and how these types of businesses are operating. He stated it is important to address this issue to be proactive instead of reactive as the retail market is trending towards the resale shopping market.

He discussed the information included in the packet about the different uses and the different zoning districts that would be appropriate. He stated that some definitions need to be modified and there are definitions that need to be added. He also stated that licensing can be required for these types of uses. There is information included in the packet from many other communities about what uses they allow.

Mark Gierl – 14108 N. Birchwood Lane – is supportive of resale shops being permitted and he feels that they would be a benefit to the community.

Mikelle Flanner – 1550 W. Mequon Road – she is the owner of E-Collectique and she feels that the staff report is on track for market trends. She feels that there should be a distinction between furniture/household goods and wearable goods; to include clothing, jewelry and accessories. She is looking to create an experience at her building to include a café, plastic surgeon, a place that items can be refurbished and retail sales.

John DeStefanis - he represents Victoria Girard, owner of Ivana's Trunk. He stated that the building she is in is zoned B-4, which is unusual for the location she is in. He drafted language for a B-4 ordinance which was included in the packet. He is supportive of the policy changes to allow for resale.

There was discussion about the different approaches that can be taken for this process (how strict, different zoning, licensing). Overall the Commission is supportive of these types of businesses but feel that there should be restrictions of uses, specific locations and the language should be very clear about what is allowed. Mayor Wirth stated that he feels that requirements regarding the type and quality of building lends to higher-end products being sold in those buildings. He wants the process to be fair and he does not want applicants to have to go through a rezoning every time a resale store wants to open. A hybrid approach of licensing; with annual renewal, and zoning without rezoning was determined to be the most favorable path to take.

b) The City of Mequon is seeking a text amendment to Chapter 2 of the City of Mequon Code of Ordinances related to the establishment and operation of the Planning Commission.

Mayor Wirth stated that the impetus behind the text amendments is to establish a reconsideration process. City ordinances currently allow a motion to reconsider at the Common Council level but not at the Planning Commission. The intent of the text amendment is to make it parallel so that if someone wants to reconsider their vote there is an opportunity for a motion to be reconsidered.
The ordinances are unclear as to whether someone that loses a vote can reapply and come back the following month; the timing needs to be clarified and incorporated into the ordinance. Two other items were found that need to be changed. One is to correct the name of the Parks and Open Space Board which is incorrectly named Natural Resources Board in the ordinance. The third item included is the Public Welfare Committee is working on an ordinance change to allow

citizen volunteers to appear by telephone for board meetings as opposed to in person. Certain Boards would prohibit this and that language will now be included in the correct location.

Action
Commissioner Stoker made a motion to approve the text amendment changes.
Commissioner Parrish seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Wirth, Nerbun, Baka, Choren, Hawley, Lemke, Parrish, Stoker
ABSENT:	J. Schaefer, R. Schaefer

5) Announcements

The next meeting is Monday, November 11, 2019 at 6:00 p.m.

6) Adjourn

Action
Commissioner Lemke made a motion to adjourn.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

Meeting concluded at 7:15 p.m.

Respectfully Submitted,

Jac Zader