City of Mequon

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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, October 8, 2018
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chairman Dan Abendroth
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Brian Parrish
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner Rick Lemke
Alternate Stephanie Hawley
Board Member James Baka

a) Approval of Minutes from September 5, 2018

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, J. Schaefer, R. Schaefer, Lemke, Hawley

2) Public Hearing / Consent

a) Wavy Bones, LLC for HYPE Fitness. The applicant is seeking conditional use grant approval for a fitness center of 2,400 sq. ft. for the property located at 6000 W. Executive Drive.

Action
Commissioner Parrish made a motion to open a public hearing.
Ald. Strzelczyk seconded the motion.
A voice vote was called; vote passed 8-0

Action
Commissioner Parrish made a motion to close the public hearing.

Ald. Strzelczyk seconded the motion.
A voice vote was called; vote passed 8-0

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	James Schaefer, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, J. Schaefer, R. Schaefer, Lemke, Hawley

b) Gregory Thompson for Storage USA. The applicant is seeking final condo plat approval for 8 storage units for a proposed development (Storage USA) for the property located at 10271 Baldev Court.

Action
Ald. Strzelczyk made a motion to approve the two consent items.
Commissioner J. Schaefer seconded the motion.
A voice vote was called; vote passed 8-0

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	James Schaefer, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, J. Schaefer, R. Schaefer, Lemke, Hawley

3) Regular Business

a) Bear Arms, LLC. The applicant is seeking sign waiver approval to allow for an awning sign that exceeds the allowed size for the property located at 9653 N. Granville Road.

Commissioner Parrish abstained from this item.

City Planner Pa Phouala Vang reviewed the staff report in which she explained that the canopy sign over the north entrance was not approved and exceeds the allowable size per the sign code. She explained that an awning sign is allowed for a private exterior entrance up to 4 sq. ft. The existing sign is roughly 7.6 sq. ft. The sign is in question, not the canopy. Awning signs which exceed square feet are subject to review and approval from the Planning Commission.

Waivers can be approved for site specific hardships but staff does not find that an increase in sign size meets the criteria for a waiver in this case. Staff believes that the request is based on the sign installed rather than a site specific hardship. The zoning allows for one wall sign up to 2.5% of the wall or 60 sq.; whichever is less. There is also one free standing sign on the property that does not list the tenant names.

Staff believes there are other opportunities for identification and that there is no particular hardship preventing the sign from meeting the 4 sq. ft. maximum per the sign code. If the Commission does approve the sign, it is recommended that a condition of the approval be that no other wall sign be permitted. Staff recommends denial of the sign waiver.

The applicant, Cheryle Rebholz, stated that a new sign would be a financial hardship as well as a visibility issue in identifying the only entrance. She stated that she was unaware of the size restrictions when creating the sign. The building is set back 150 feet from the road and is difficult to see and the entrance does not face the main road. They are not in a position financially to create a new sign.

There was discussion regarding the materials on the canopy sign and that it is difficult to see from the road. The wall sign facing east was also discussed as it is nonconforming but is not being approved at this time. Although the process was not followed for approval for this sign, given the nature of the business, it is important for signage to direct visitors to this business to the correct entrance.

Action
Ald. Strzelczyk made a motion to approve the requested sign waiver for the canopy sign.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken; vote passed (7-0, Parrish abstained)

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, J. Schaefer, R. Schaefer, Lemke, Hawley, Baka
ABSTAIN:	Parrish

b) Oyvind Solvang & Paul Apfelbach for Fillinger Family. The applicant is seeking rezoning recommendation from R-1 to R-1/PUD and concept plan approval to allow for a 13-lot single-family subdivision on 70 acres located at the corner of Bonniwell and Riverland Roads (Riverland Estates). Remove from table.

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

City Planner Vang stated that this item was tabled and that the applicant has submitted a revised concept plan. She reviewed the staff report details. The revised conservation subdivision plan proposes 55% open space with lots averaging 2.13 to 3 acres in size. The revised plan addresses many recommendations made by staff and feedback from neighbors and Commissioners including an overall decrease in average lot size and it now meets the goals of conservation subdivisions (clustering into 4 groups, open space between the groupings and access from the road to the open space). The woodlands and the existing swale are now located completely in the outlots and not on individual lots. Staff recommends that a trail be included. There is only one access off Riverland Road into the subdivision. Staff recommends approval of the rezoning and the concept plan according to the conditions in the staff report.

Asst. Eng. Bridget Henk stated that one of the recommended conditions of approval requires the installation of a bypass lane. She acknowledged that there are concerns from neighbors regarding the storm water management on the site based on an email received on October 8th, 2018.

Bruce Ross – 14308 N. Highland Drive stated that he is involved in organizing the neighborhood steering committee and that they met with the developer last week which they appreciate. There are three issues still outstanding:

1. **Passing Lane –** would like to have this removed. Hoping for a reduced speed limit there.
2. **Storm Water Management –** the runoff has increased in the past years and this is concerning to the residents.
3. **Number of wells in the area.** They have asked the planners to consider this issue.

The applicant, Paul Apfelbach representing Hillcrest Builders, stated that he took feedback from the Commissioners as well as the neighbors into consideration when revising the concept plan. He stated that the storm water management rules are very stringent and that he is willing to increase the pond capacity. He agrees that the bypass lane should be removed and that in his experience and knowledge about wells that there is no water shortage or aquifer issue.

It was discussed that the note on Lot 1 to fill the wetland is so that the developer will have the option to fill this wetland as it will help with overall drainage. A house can go there without filling the wetland; which is considered a very low quality wetland.

Asst. Eng. Henk stated that the bypass lane is required for all new subdivisions but has previously been eliminated by the Commission. It is not shown on the proposed concept plan.

Action

Ald. Strzelczyk made a motion to approve the rezoning and concept plan with the conditions that the trails be compact gravel, the bypass lane be removed (#30) and up to 10% increased volume of the pond.

Commissioner Parrish seconded the motion.

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

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Brian Parrish, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, J. Schaefer, R. Schaefer, Lemke, Hawley

c) Shaffer Development Company for St. Paul Fish Company. The applicant is seeking sign waiver approval to exceed the allowable number of signs and the size of the signs for the property located at 6200 W. Mequon Road.

Asst. Dir. Jac Zader stated that this was reviewed in June during the building and site plan approval as a conceptual look at the design. The applicant is now requesting sign waivers as the signage exceeds the code in numerous facets. The building is allowed to have two wall signs as it is a stand-alone building on a corner. All five signs exceed the 60 sq. ft. requirement and the signs on the smoke stacks exceed the height requirement. Staff and the Commission were supportive of these signs back in June. Mr. Zader stated that this is a unique circumstance and staff is not worried about setting precedent. The applicant is trying to emulate the ghost-signage that was popular back in the 1890-1960's on old buildings and they are painting it on so that it looks old. Staff believes that it fits in with the architecture of the buildings and staff is supportive. Updated renderings show that an added doorway is being added on the south elevation and there is no longer a pergola there. The code does require a doorway off of Mequon Road and staff approves of this plan change.

The Commission expressed that this is a unique request and they are supportive of these painted signs and requested waivers. It was explained that the paint will be translucent with the brick showing through.

Action
Commissioner J. Schaefer made a motion to approve the sign waivers.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Schaefer, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, J. Schaefer, R. Schaefer, Lemke, Hawley

4) Policy

a) City of Mequon Chapter 58 of the Zoning Code as it relates to Conditional Uses in Residential zones

Asst. Dir. Zader stated that back in May this issue was discussed regarding changes to conditional uses in the R-1 zoning district based on changes in state law. A subcommittee (Commissioners Stoker, Parrish, Ald. Wirth and Jac Zader) was formed to review and discuss the various changes and uses. There are three attachments included in the board packet. The last attachment lists some definitions added to the zoning code. Mr. Zader talked through these definitions and gave some examples of uses. This item will be brought back for a full ordinance change and some properties will need to be rezoned so that they are conforming.

He discussed guest houses as this has not been clearly defined. The committee members differed on their opinions on this issue. Guest houses are not very common in the city. The feedback was that they should be allowed on larger lots and that fewer structures are preferred. It was suggested that the setback be looked at to possibly be increased for these structures.

Some of the names and definitions of the conditional uses have been changed: outdoor recreational facilities, public/school/private school/in-home day care facilities (some of these facilities will need to be rezoned); private lodges and clubs; historical structures; bed & breakfast and country inn facilities and landscape contract businesses. Mr. Zader explained that if the conditions are stated in the zoning code they are more definable and defendable.

The following have been added to the OA zoning as conditional uses: fish hatchery, nurseries and green houses, commercial outdoor recreation facilities and winery. Other conditions can be added. Another condition that needs to be further discussed is CBRF's/housing over 9 people. The City Attorney has been asked to provide feedback on this.

The Commission was appreciative of the thorough work the subcommittee has done on this.

5) Announcements

6) Adjourn

<u>Action</u>
Commissioner Lemke made a motion to adjourn.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)

Respectfully Submitted,

Jac Zader