



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, October 17, 2022
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Andrew Nerbun
Alternate Gregg Bach
Alternate Bruce Barnes
Commissioner Dan Gentges
Alternate Joe Goldberger
Alderman Brian Parrish
Commissioner John Stoker
Commissioner Martin Choren - **Absent**
Commissioner Stephanie Hawley - **Absent**
Commissioner Rick Lemke - **Absent**
Commissioner James Schaefer - **Absent**
Commissioner Rebecca Schaefer - **Absent**

a) Approval of Minutes from September 19, 2022

Motion

Commissioner Bach made a motion to approve the September 19, 2022, meeting minutes.
Commissioner Goldberger seconded the motion,
A voice vote was taken; vote passed (6-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gregg Bach, Commissioner
SECONDER:	Joe Goldberger, Commissioner
AYES:	Nerbun, Bach, Barnes, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

2) Public Hearing

- a) Donges Bay LLC. The applicant is seeking conditional use grant extension approval to allow for a daycare center previously approved on June 28, 2023, for the property located at 1415 W. Donges Bay Road (Aleska Learning Center).

Motion

Commissioner Stoker made a motion to open a public hearing

Commissioner Barnes seconded the motion.

A voice vote was taken; vote passed (6-0)

No Public Comment.

Motion

Commissioner Bach made a motion to close the public hearing.

Commissioner Goldberger seconded the motion.

A voice vote was taken; vote passed (6-0)

Planner Miller stated that this is a request for an extension for a previously approved conditional use grant (“CUG”). CUG’s must commence within 12 months of approval and due to unforeseen circumstances the daycare was unable to do so. She explained that the applicant has addressed several site issues and that there are not any changes to the business operations as previously approved and staff recommends approval of the extension.

Motion

Commissioner Bach made a motion to approve the CUG extension per staff recommendations.

Commissioner Goldberger seconded the motion.

Alderman Parrish made a friendly amendment to modify condition 9(a) in the CUG that public hours of operation begin at 7:00 a.m.

This friendly amendment was accepted.

A roll call vote was taken; vote passed (6-0)

3) Regular Business

- a) Noffke Roofing Company, LLC. The applicant is seeking reconsideration to a previously approved condition from September 19, 2022, to allow for a modification to the driveway gate material for the property located at 10341 N. Granville Road.

Motion

Ald. Parrish made a motion to reconsider this item.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed (7-0)

Planner Miller stated this is for a reconsideration of one of the conditions from the previous approval made on September 19, 2022. The applicant would like a reconsideration of the required gate material due to the fact that the uncoated gate has already been installed. Additionally, there is an increased cost associated with the recommended black vinyl coating.

The gate will be partially obscured from the road when open due to a row of evergreen trees located on the south side of the driveway but will be visible when approaching from the north. The applicants narrative suggested that the galvanized gate is more visible at night when entering the driveway. The applicant communicated that a similar gate is located down the street from his property. The applicant does not object to any of the other conditions of approval.

Mayor Nerbun stated that the gate has already been installed and it is mostly obscured by evergreens.

The Commission provided feedback that although the vinyl finish is usually more desirable, that it is not necessary at this location due to similar fences in the area.

Motion

Commissioner Goldberger made a motion to approve the galvanized gate without any changes. Commissioner Bach seconded the motion.

A roll call vote was taken; vote passed (6-1) (No: Mayor Nerbun)

RESULT:	APPROVED [6 TO 1]
MOVER:	Joe Goldberger, Commissioner
SECONDER:	Gregg Bach, Commissioner
AYES:	Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
NAYS:	Nerbun
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

- b) Wade Weissmann Architect for Alevizos. The applicant is seeking specimen tree removal approval to allow for new home construction for the property located at 606. E. Juniper Court.

Parks and Forestry Superintendent Gies stated that the applicant is razing a home which would impact 2 specimen trees; an 11-inch Burr Oak and a 19-inch White Cedar, both located to the northeast corner of the existing home. Staff approves the requested tree removals based on both the impact of the razing due to proximity as well as the proximity of the new construction.

He did comment that in the staff memo there are some areas of concern on this property:

- In front of the garage to the west of the house, there is a 47-inch Burr Oak. It is about 16-feet from the corner of the garage. The applicant is not requesting that it be removed but staff is very concerned about it being negatively impacted. This is a true legacy Oak, approximately 250 years old.
- There are 4 trees on the north side of the property that are also of concern.

These concerns have been shared with the builder. The main concern is that normal protection processes are not possible in this location (minimal of diameter x 1). The footprint of the proposed house is much larger than the previous house and there is concern for the underground roots and construction impact. There are small margins for movement of construction traffic on

site and there will be a lot more hard surface on the parcel.

The applicant stated they will work with an arborist on some selective pruning and air spading for excavation around the garage and they will make every effort to preserve and protect the trees on the property. The applicant understands that the trees are a significant contribution to the property. They commented that they have a restricted buildable area due to constrictions of the bluff set back and the configuration of the trees. They expressed the desire of the homeowner to maintain all the trees on site besides the two approved for removal.

Per Commission request, Forestry Superintendent Gies pointed out the trees of concern on the site plan. There was some discussion about processes that would aid in the protection of the existing trees on site. It was recommended that the applicant hire an arborist to work with forestry staff.

Motion

Commissioner Bach made a motion to approve removal of the two specimen trees identified and that the applicant shall hire an arborist to work with City Forestry staff to formulate a plan prior to construction to preserve the 5 trees of concern.

Ald. Parrish seconded the motion.

Commissioner Goldberger made a friendly amendment to add “reasonably possible”.
The friendly amendment was accepted.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED WITH CONDITIONS [7 TO 0]
MOVER:	Gregg Bach, Commissioner
SECONDER:	Brian Parrish, Alderman
AYES:	Nerbun, Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

- c) Ideal Property Management for PJJ 11124 LLC. The applicant is seeking minor request approval for a Christmas tree lot for the property located at 11120-11140 N. Cedarburg Road (Riversite).

Planner Miller stated this request is for a temporary use for a Christmas tree lot at the Riversite shopping center. The lot would operate between November 14th to December 31st between the hours of 9:30 a.m. – 8:00 p.m. and 2-3 employees would be on site. The lot would sell trees, wreaths, and other holiday decorations. The applicant is also proposing to have other activities besides sales such as an ice carving demonstration and live reindeer.

This property is located in the Town Center zoning district. The site plan shows that 30 parking stalls would be blocked off as well as a portion of the drive lane. A 4-foot tall plastic fence will contain the sales area and there will be mini florescent lights, wood poles and barrel anchors covered in burlap. Staff concerns include the 8’ x 20’ sq. ft. office trailer that would be parked near the intersection facing Cedarburg Road, the amount of parking spaces blocked and the

blocked drive lane for the existing businesses. Staff reminded the Commission of the tremendous amount of funds and effort to revitalize this area and to hold parcels in the Town Center to a higher standard of design. Staff believes that the plastic fencing and the office trailer will detract from the appearance of this intersection. Staff recommends denial of the temporary use and recommends other locations in the community that are more conducive to this type of use.

The applicant, Richard Gasso, stated that he has been running this business for many years in different communities. He feels that this is a well-received festive community attraction. He understands the high standards of the zoning district and feels that his lot brings a sense of community and an unique and wonderful experience.

There was discussion that the Optimism Club sells trees every year on the corner across the street by the high schoolers. The applicant agreed that the trailer and the space could be reduced as some of the Commissioners believe too much space is requested to be used and it creates driving hazards in that parking lot. Staff believes the traffic flow would be negatively affected and the traffic visibility impacted by the trailer on the corner is a concern.

Staff suggested that there are some locations of vacant properties on Port Washington Road that would be a more suitable location for this use. Typically temporary uses are approved at staff level but staff felt that Planning Commission should be involved given the traffic issues and special events.

Motion

Commissioner Stoker made a motion to table the item and to have the applicant work with staff to overcome the traffic concerns and to ensure all the tenants of the shopping center have been notified about this proposed use. The applicant can resubmit this proposal at a different location without Commission approval.

Commissioner Goldberger seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	TABLED [7 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Joe Goldberger, Commissioner
AYES:	Nerbun, Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

- d) Manuel and Kathryn Rosado. The applicant is seeking certified survey map approval to allow for a redivision of 3 lots for the property located at and adjacent to 1746 W. Eleanor Place.

Planner Miller stated that this is a redivision of four lots, which are all approximately 1/3-acre and are non-conforming to the R-4 district standards. The lots are located to the east and north of W. Eleanor Place in the Riverdale Park subdivision. The redivision will create two lots; one which is currently vacant and proposed to be 1/3 acre and another lot which contains an existing home proposed to be approximately 1/2-acre and is legal non-conforming due to several setback issues. She explained that the combination of lots will improve the non-conformity of the home

and the lots but will not eliminate the non-conforming status. Staff recommends the proposed CSM according to the conditions listed in the staff report.

The applicant, Manuel Rosado, stated that he agrees with all the conditions.

Motion

Commissioner Bach made a motion to approve the CSM.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Gregg Bach, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Nerbun, Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R.Schaefer

- e) GROTH Design Group, Inc. The applicant is seeking building and site plan amendment, landscape plan, specimen tree removal approval and fill permit for 15,174 C.Y. to allow for an expansion of the school and add an accessory structure for the property located at 10729 W. Freistadt Road.

Planner Miller stated that the proposal is due to increased enrollment and the applicant is proposing a 63,000 sq. ft. addition to the school and church, construction of a 5,500 sq. ft. standalone maintenance building, a parking lot expansion and possibly removing an existing single-family home to allow for the expansion. The building is proposed to have an exterior of split-stone masonry and brick veneer with metal paneling and trim that matches the existing structure.

The gymnasium exterior will have cream-colored precast insulated panels that match the existing stone veneer on the church. Metal canopies will be constructed over entryways on the west side of the south elevation and on the east elevation of the addition. The grade on the site slopes down to the west and a retaining wall will be constructed of stone and a decorative metal railing. Rooftop mechanicals were not shown to be screened but are required to be screened from view. The highest peak will be 42-feet tall and is compatible with the existing structure.

The maintenance building is proposed to be clad with traditional vertical siding and will include three overhead garage doors. The façade materials of the building do not match the principal structure. Material for the doors and color of the siding and door was not provided in the plan. As a condition of approval, staff recommends a three-foot wainscot accent of brick veneer be incorporated on all four sides of the structure and that the color of the siding and overhead doors match the principal structure.

The site plan shows the removal of the existing parking lot and the home along Granville Road as well as the creation of pick-up and drop-off areas. Parking calculations have been provided in

the staff report with 130 required stalls and the proposed plan showing 197 parking stalls, including nine ADA compliant stalls. Staff has concerns about the turning radius of the pick-up/drop-off area drive and the potential to create excessive queuing into the main drive lane given the relatively short driveway distance.

Planner Miller explained that a lighting plan was submitted but it is missing several items needed for staff to evaluate but staff will work with the applicant on these items. The landscape plan submitted was reviewed by the landscape consultant and based on his review, staff recommends the listed plant schedule quantities need to be updated to what is shown on the plan and that the plan meet the street tree requirements.

Staff recommends approval subject to the conditions listed in the staff report.

There was discussion from the Commission and the school principal about the car line formation, queuing and number of parents picking up students. The onsite well was discussed and whether a new one would be required.

Motion

Commissioner Goldberger made a motion to approve per staff recommendations.

Commissioner Gentges seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Joe Goldberger, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Nerbun, Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

- f) Gerald Nell, Inc. for Roettgers Company. The applicant is seeking a consultation to allow for a car wash to be added to an existing gas station for the property located at 11155 N. Wauwatosa Road (Mobil).

Asst. Dir. Zader stated that this request is for a consultation for the existing gas station to add a car wash. This is a B-1 zoned property and gas stations are not permitted in the B-1, which makes this property a non-conforming use. There is a section in the code that allows for the expansion of a non-conforming use; under an exempted use. It is similar to a conditional use grant.

The car wash would be located in the back of the property and would be relatively small with only one bay. It is a very tight site and the proposed plan would allow for the queuing of 5 vehicles with a sharp turn to pull out. Some parking from the back of the property would be relocated to the front. The code requires 15 parking stalls for the C-store and the pump aisles are included in the parking count.

The applicant wanted a consultation before submitting a formal plan for feedback from the Commission on whether this proposal would be a desired use for the community. There are many improvements on site that would be required, such as:

- Landscaping
- Additional lighting
- Better striping
- Relocation of the parking in the front.

Asst. Dir. Zader commented that this property has been a gas station for a while and will most likely not change or be redeveloped. The Commission needs to decide if a more intense use with the car wash is acceptable or if it should remain status quo.

The applicant commented that all the equipment will be located inside the building. They also added that there will be one vacuum lane and that a vacuum already exists on site.

The feedback from the Commission was supportive of the car wash being added. There was some concern about queuing and blocking the entranceways, a suggestion of additional signage was made. A decibel reading was also suggested.

g) Lakeside Development of Mequon, LLC. The applicant is seeking development agreement amendment regarding the installation of sidewalks for the property located immediately east of 11050 N. Weston Drive (Residence at Foxtown).

Asst. Eng. McCraw stated that this is a request for development agreement (“DA”) amendment regarding the installation of the sidewalks at the Residence at Foxtown. The language suggested by the applicant was to eliminate the requirement currently in the DA that requires a block-wide basis rather than piece by piece sidewalk installation. This request was made by the applicant back in February and March of 2021 and at that time staff and the Commission agreed to allow sidewalk installation after final plat which is not the normal process. Due to the uniqueness of the proximity of the homes and the manner in which they are being installed, staff and the Commission allowed for the installation of the sidewalks after final plat if it was installed on a block-by-block basis. He explained that this would help avoid hazards as well as different aged concrete with different appearances over time.

Asst. Eng. McCraw stated that the sidewalk has been installed in sections which is a violation of the DA. Additionally the City Water staff has communicated that many of the curb stop water shut offs for each of the buildings have possibly been damaged during construction. Staff is working to determine if all the shut offs need to be replaced or just some of them. This would have a negative impact on the sidewalks that have already been poured. Staff recommends denial of the proposed language from the applicant.

Asst. Dir. Zader showed the site plan and explained what sidewalks have been poured and the current conditions, including some discoloration of different sections of the sidewalk. He explained that the Commission needs to decide whether to amend the DA to allow for the piece-by-piece installation or what should be done with the non-conforming existing pours.

The applicant, Tom Zabjek, stated that he feels that the DA is flawed because this project is unique and never done previously in the city. He talked through some of the different building processes for this development and he explained that there is an issue with the irrigation meter system. He has been working with City Water services regarding this issue.

Asst. Dir. Zader explained that staff has communicated with City Water and there seem to be faulty valves and if the valves need to be replaced the sidewalks will need to be torn out and replaced.

A Commissioner commented that the sidewalks are not aesthetically appealing due to some discoloration.

Asst. Dir. Zader stated that there are different concerns with each row:

- Middle Block (#10-#18): Staff recommends leaving the sidewalk as is until all the units are built and then if there is damage, rip out the entire sidewalk and repour it.
- South Block (#19-#23): Staff recommends waiting as there are only 3 more units to build. The sidewalk, which is already poured, can be torn out in front of #23 because the valve will most likely need to be repaired there.
- North Block (#1 - #9): Staff recommends either keeping it as is, even though there is discoloration or rip it all out and repour. There may be valve issues there which will cause more issues with the sidewalk.

The Commission acknowledges that this is a difficult predicament with many considerations. It is complicated by the issue of a shared sidewalk for multiple residents. It was commented that damaged areas of the sidewalk should be able to be replaced without ripping out the entire sidewalk.

Asst. Dir. Zader reminded the Commission that this issue has been requested by the applicant twice before, vetted by the Commission and the request has been previously denied. Staff believes that having gravel as a temporary use is more appropriate than the sidewalk patching. The Commission has agreed the previous two times this was appealed.

Asst. Eng. McCraw stated that City Water has plans to evaluate all the valves to determine which ones need to be replaced.

Motion

Commissioner Goldberger made a motion to table the item so that more information from City Water regarding the assessment of the valves can be determined to better assist the Commission in making a decision about the sidewalk pours.

Commissioner Stoker seconded the motion.

Asst. Dir. Zader stated that the DA amendment was recommended due to the development being non-compliant which triggered additional building permits from being issued. Now that the applicant has submitted the amendment and appeared before the Commission, staff will not hold up any building permits and no additional sidewalks shall be installed during this time.

Commissioner Goldberger temporarily rescinded his motion and Commissioner Stoker seconded.

Ald. Parrish stated that he does not believe the north block (#1-#9) should not be ripped out as the DA will need to be amended. He commented that going forward the applicant should comply with the DA.

Commissioner Goldberger re-instated his motion to table this item and Commissioner Stoker seconded.

A roll call vote was taken; vote passed (7-0)

RESULT:	TABLED [7 TO 0]
MOVER:	Joe Goldberger, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Nerbun, Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

4) Policy

- 1) Text Amendment to allow for Banquet Facilities and Conference Centers in the B-2 zoning district

Asst. Dir. Zader stated that this was requested by the property owner in the building north of Life Storage on Port Washington Road. The building is currently under construction and the applicant inquired about the ability to have a banquet facility at this location. Staff communicated that the use is not currently allowed in the B-2 zoning district. Subsequently the applicant submitted the text amendment request to allow banquet facilities and conference centers in the B-2 zoning district.

Staff reviewed this for the entire city and determined that those are two distinct and separate uses and they may be appropriate in some zoning districts and not in others. The definition of a banquet facility as opposed to conference center was included in the packet.

A conference center is based on exposition halls and exhibits such as cultural civic events and conferences. A banquet facility hall is an entertainment venue for receptions and similar events. Staff determined that the B-2 zoning district would be beneficial for both types of uses. Additionally, the following changes are recommended:

- | | | |
|--------------------|-------------------|--------------------------------|
| • B-2 | Both Uses | Conditional |
| • B-4 | Conference Center | Conditional |
| • Ulao Creek | Conference Center | Conditional |
| • Town Center | Banquet Facility | Conditional/8, 00 sq. ft. max |
| • Arrival Corridor | Banquet Facility | Conditional/12,000 sq. ft. max |

If recommended by the Commission, this will go to the Common Council for a first reading and a public hearing. Final action would be taken in December.

Motion

Commissioner Stoker made a motion to recommend approval of this text amendment to the Common Council.

Commissioner Goldberger seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Joe Goldberger, Commissioner
AYES:	Nerbun, Bach, Barnes, Gentges, Goldberger, Parrish, Stoker
ABSENT:	Choren, Hawley, Lemke, J. Schaefer, R. Schaefer

5) Announcements

The next meeting is Monday, November 21, 2022, at 6:00 p.m.

6) Adjourn

Motion

Commissioner Stoker made a motion to adjourn the meeting.

Commissioner Bach seconded the motion.

A voice vote was taken; vote passed (7-0)

The meeting concluded at 8:00 p.m.

Respectfully Submitted,

Jac Zader