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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, October 23, 2023
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Andrew Nerbun
Commissioner Nancy Urbani
Alderman Robert Strzelczyk
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Stephanie Hawley
Commissioner Rebecca Schaefer
Commissioner Dan Gentges - **Absent**
Commissioner John Stoker - **Absent**

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

a) Approval of Meeting Minutes from September 18, 2023

Action

Ald. Strzelczyk made a motion to approve the meeting minutes from September 18, 2023.

Commissioner Urbani seconded the motion.

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

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

2) Regular Business

- a) James Hoffman. The applicant is seeking fill permit approval to allow for 89,000 C.Y. for fill and berm construction for the parcel located immediately north of 13062 N. Port Washington Road.

Assistant Director of Engineering, Cole McCraw, explained that he broke down the item into three parts to better understand the requests and vote accordingly (pg.16):

1. 18,000 C.Y. of fill for the entire site, grading will be up 1-2 feet for the entire parcel.
2. East Berm – 20-ft berm along the 1-43 corridor.
3. 25-ft berm along the Port Washington Road corridor.

He explained that the applicant submitted a narrative citing a state statute stating that local zoning ordinances are not applicable regarding fill and its placement along a transportation project for the state. The City Attorney did not provide a letter in response, but staff is proceeding as though the state statute is not applicable.

Staff recommendations of the three items:

1. Approve with the condition of requiring the submittal of a grading plan for staff review of adjacent draining patterns as well as to ensure that the applicant is obtaining NOI from the state.
2. Approve per the 3 conditions listed on page 12 of the packet requiring a final berm design and landscaping plan to be submitted for staff review.
3. Table of the proposed 25-foot berm due to the fact that staff does not believe it is an appropriate fit to scale on that corner.

The applicant, Jim Hoffman, explained some of the time sensitive issues and date constrictions he is facing between approvals from the city and working with the DOT to obtain the fill.

There was discussion, and questions asked, from the Commission regarding water flow and impervious surface. There was discussion regarding the dates in the report and whether the dates need to be amended due to the applicant's request. Mayor Nerbun suggested the fill could be allowed until the end of 2024 and that the landscaping should be completed by the middle of 2025. Ald. Strzelczyk stated his concern about the condition of the roads due to the amount of fill hauls to this site and requested that the road condition be monitored.

Action

Ald. Strzelczyk made a motion to approve items 1 & 2, with the new dates of landscape completion by 6/30/25 and fill completion by 12/31/24.

Commissioner Choren made a friendly amendment to the motion that the average slope does not exceed 3:1.

Ald. Strzelczyk accepted the friendly amendment.

Commissioner Barnes seconded the motion as amended.

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

Asst. Dir. Zader gave some history on berms in the city and commented that without a

development agreement staff do not support the height of the proposed berm.

The Commission expressed hesitation about the height of the proposed berm and are supportive of tabling this portion of the requested approval. The Commission is supportive and appreciative of the applicant's interest in developing this parcel and suggest they would possibly be supportive of a shorter berm.

Action

Ald. Strzelczyk made a motion to table item #3

Commissioner Schaefer seconded the motion.

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

RESULT:	APPROVED WITH CONDITIONS [7 TO 0]
MOVER:	Robert Strzelczyk, Martin Choren
SECONDER:	Bruce Barnes, Commissioner
AYES:	Urbani, Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer
ABSENT:	Gentges, Stoker

- b) Enclave Phase VII. The applicant is seeking development agreement and fill permit approval to allow for 25,000 C.Y. for fill and 12-lots for the parcel located immediately north of 8200 W. Donges Bay Road.

Eng. Asst. Dir. McCraw stated that this request is for development agreement and fill approval for Phase VII of the Enclave subdivision, for 12-lots and will eventually connect the Preserve Parkway street to the older section of the subdivision.

Action

Commissioner Barnes made a motion to approve the development agreement and fill permit request per staff recommendations.

Ald. Strzelczyk seconded the motion.

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

RESULT:	APPROVED [7 TO 0]
MOVER:	Bruce Barnes, Commissioner
SECONDER:	Andrew Nerbun, Chair
AYES:	Urbani, Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer
ABSENT:	Gentges, Stoker

- c) Dennis Bush for Kellaher. The applicant is seeking certified survey map approval to allow for a 2-lot division for the property located at 9832 N. Range Line Road and land immediately to the east.

Asst. Dir. Zader stated that the CSM request is for 2-lot land division. There is an existing home located on Lot 1 and there are two outbuildings on Lot 2 which will be razed. Creation of this CSM includes property purchased from the adjacent neighbor, dedication of about 50-feet for

ultimate ROW to the city, a shared driveway easement and sanitary & water easement. The applicant is requesting a deferral to connect to city water. Staff does recommend approval per the conditions in the report.

The applicant submitted a letter to staff based on the staff report recommendations and Eng. Asst. Dir. McCraw provided answers to the questions:

- Staff approves the waiver request for the driveway width as there are trees close by and has approved this width for other driveways.
- Utility easements – if the lateral is to be shared an easement would be requested.
- Water connection – the applicant has a water deferral request submitted which they do quality for given the distance to the connection. This will be processed at staff level.
- The wetland delineation report has been submitted.

There was a question regarding the existing width of the driveway and the Commission discussed previous waiver approvals.

Action

Ald. Strzelczyk made a motion to approve the CSM including the driveway waiver to remain as existing (approx.14-feet).

Commissioner Barnes seconded the motion.

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

RESULT:	APPROVED WITH CONDITIONS [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Bruce Barnes, Commissioner
AYES:	Urbani, Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer
ABSENT:	Gentges, Stoker

d) Caulfield. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the property located at 12650 N. Wasaukee Road.

City Planner, Evan Hoier, stated that this is a request for a 2-lot land division. Lot 1 contains existing farmstead buildings, and the City Forester confirmed that no specimen trees will be impacted. Lot 1 would retain the agricultural overlay as it would obtain over 10-acres (29.61 acres).

Eng. Asst. Dir. McCraw stated that staff does support the driveway waiver (condition #11 in the staff report). There is currently no driveway on site.

Staff and the Commission discussed the driveway conditions they would like to require.

Action

Commissioner Barnes made a motion to approve the CSM per staff recommendation including the approval of a 14-foot driveway with 2-foot shoulders on each side.

Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED WITH CONDITIONS [7 TO 0]
MOVER:	Bruce Barnes, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Urbani, Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer
ABSENT:	Gentges, Stoker

- e) Walter Buildings for Mark Eskuche. The applicant is seeking building and site plan approval to allow for a 1,920 square foot storage building for the property located at 6728 W. Donges Bay Road.

Planner Hoier stated that the proposed building would replace a deteriorating 30 x 64 sq. ft. building in the same location. The building will be used for the applicant's classic car restoration and racing business. The applicant received CUG approval for this use in 1994. Planner Hoier reviewed the building materials that will be used. He commented that a site visit was conducted, and several tires and materials were piled on the western side of the warehouse near the garbage bins. It was also noted that a recreational vehicle was parked on the property as well as a tractor trail parked in the driveway.

There was feedback from the Commission regarding the truck parked in the ROW on site during load and unloading, as it is believed to impose an impediment for traffic and pose a public safety issue. Discussion ensued and feedback supports the truck only being allowed to unload on site during non-peak traffic hours and for all the trucks to be parked further back on the site. The Commission supports the business use at this site.

Action

Ald. Strzelczyk made a motion to approve this item with an amendment to condition #3 that the tractor trailer may be parked in the rear of the site but the loading and unloading shall not occur during peak traffic hours or be located in the ROW.

Commissioner Barnes seconded the motion.

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

RESULT:	APPROVED WITH CONDITIONS [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Bruce Barnes, Commissioner
AYES:	Urbani, Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer
ABSENT:	Gentges, Stoker

- f) Kathy Burghardt for Delish Delivered. The applicant is seeking building and site plan approval to allow for a 2,300 square foot catering services facility for the property located at 6340 W Industrial Road.

Planner Hoier stated that the applicant is proposing to open and operate a food catering business

and due to it being located in the Town Center zoning district, a building and site review was conducted. The use is permitted but there are some disparities with the existing building as it predates the creation of the Town Center zoning requirements, such as:

- The building is setback more than 50 feet, and the code requires it to be only 10 feet.
- The offset is currently 7 feet, and the code requires it to be at least 10 feet.
- There are not enough parking spaces on site (9 existing, 35 required).
- Parking lots are prohibited between buildings and street frontage.
- Street lighting needs to be installed.
- Landscaping, street trees and screening are lacking on site.

The applicant is not proposing any changes to the building façade or the site at the time of submittal.

Eng. Asst. Dir. McCraw stated that ROW dedication is being requested by the city for future street improvements and potential sidewalk installation.

The applicant, Kathy Burghardt, stated that she does not wish to make improvements to the building or site at this time, but based on staff recommendations, she agreed to the following:

- Landscape 4 shrubs by the parking lot as screening.
- Landscape 3 shrubs on the east elevation to shield the equipment.
- Install awnings on the 2 small windows on the west elevation.

She would like to paint the garage door and garage entry door black instead of replacing it. She does not feel that it is her responsibility to provide the streetlight. She does not feel comfortable with the ROW dedication.

Staff stated that an ordinance was recently adopted that places the onus of public improvements on the owner as the TIF district monies have been spent. Lighting is required for the entire area and there should not be a gap in placement of the streetlamps. Staff is willing to work with the applicant on timing of the recommended improvements.

Commission discussed the ROW and streetlight recommendations. The Commission expressed sympathy for the applicant while also considering the requirements of the zoning district.

Planner Hoier commented that the garage door is not damaged, but it is quite dated and needs improvement. Staff recommend a glass door or black door for both the garage door and the adjacent entry door.

Action

Commissioner Choren made a motion to approve the landscape for #1, install awnings on the west elevation, painting of the garage door and entrance door and deferral of purchasing and installation of the streetlight until the land is divided, the building is expanded or the properties to the north or east create connectivity and lighting to the south.

Commissioner Barnes seconded the motion.

More discussion ensued.

Commissioner Choren amended his motion to exclude the requirement of the dedication of the ROW (condition #4).

Commissioner Barnes seconded the amended motion.

A roll call taken; vote passed (5-2) (No: Schaefer, Urbani).

RESULT:	APPROVED WITH CONDITIONS [5 TO 2]
MOVER:	Martin Choren, Commissioner
SECONDER:	Bruce Barnes, Commissioner
AYES:	Nerbun, Strzelczyk, Barnes, Choren, Hawley
NAYS:	Urbani, Schaefer
ABSENT:	Gentges, Stoker

g) Lemberg Electric for BMO Bank. The applicant is seeking sign design approval for drive-thru vinyl signage for the property located at 1425 W. Mequon Road.

Planner Hoier stated that this request is for signage on the drive-thru at BMO bank. This was originally a decal intended for all 3 drive-thru windows and was included in the sign package but was denied due to its size (exceeded 2 sq. ft). It was redesigned without the vinyl strip, but it was denied by staff based on design size and legibility from all the drive-thru lanes. The existing signage is non-conforming, but it is large in size and legible from all 3 lanes.

Commission feedback is that this is not a bothersome issue and that all signage needs to be a legible size. Some Commissioners support staff recommendations.

The applicant was represented by a Lemberg Electric representative, who commented that BMO wants a reliable process to display their brand colors but can be changed when needed for changing communication.

Action

Commissioner Urbani made a motion to approve this item.

Commissioner Hawley seconded the motion.

A roll call vote was taken; vote passed (4-3) (No: Schaefer, Strzelczyk, Nerbun)

RESULT:	APPROVED [4 TO 3]
MOVER:	Nancy Urbani, Stephanie Hawley
AYES:	Urbani, Barnes, Choren, Hawley
NAYS:	Nerbun, Strzelczyk, Schaefer
ABSENT:	Gentges, Stoker

- h) United Image Group for Story Point Mequon. The applicant is seeking sign waiver approval to allow for a setback waiver for a monument sign for the property located at 6751 W. Mequon Road.

Asst. Dir. Zader stated this request is for a new sign to be place in a new location with a brick base. Two waivers have been requested:

1. Height waiver for a 7' sign which staff does not support as the sign height restriction has been steadfastly observed in the Town Center.
2. Setback waiver – about 2 feet from the ROW.

Staff recommends that the sign base match the brick base of the wall and come off 5 feet from the property line and be more integrated into the existing architecture. Staff recommend denial of the sign waiver.

The Commissioners like the idea of the sign being integrated into the wall, having a 4-5 foot offset and matching the architecture.

Action

Ald. Strzelczyk made a motion to table this item.

Commissioner Choren seconded the motion.

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

RESULT:	TABLED [7 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Urbani, Nerbun, Strzelczyk, Barnes, Choren, Hawley, Schaefer
ABSENT:	Gentges, Stoker

3) Announcements

The next meeting is Monday, December 4, 2023, at 6:00 p.m.

4) Adjourn

Action

Ald. Strzelczyk made a motion to adjourn the meeting.

Commissioner Urbani seconded the motion.

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

The meeting was adjourned at 8:28 p.m.

Respectfully Submitted,

Jac Zader