Virtual Meeting
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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, October 26, 2020
6:00 PM
Virtual Meeting

MINUTES

1) Call to Order, Roll Call

Present:
Chair John Wirth
Commissioner Greg Bach
Commissioner Martin Choren
Commissioner Stephanie Hawley
Commissioner Rick Lemke
Commissioner Rebecca Schaefer
Commissioner James Schaefer
Commissioner John Stoker
Alderman Andrew Nerbun - **Absent**
Alternate Dan Gentges - **Absent**

Mayor Wirth called the meeting to order at 6:00 p.m. and gave reminders about the procedures for the virtual call.

a) Approval of Minutes

Action
Commissioner Stoker made a motion to approve the September 21, 2020 minutes.
Commissioner Becky Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED BY VOICE ACCLAMATION [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Wirth, Bach, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Nerbun, Gentges

2) Public Hearing

a) North Shore Bank. The applicant is seeking conditional use grant and building and site plan approval for a proposed 3,250 sq. ft. bank building with rear drive-through for the property located at 11319 N. Port Washington Road.

Action
Commissioner Stoker made a motion to open a public hearing.
Commissioner Choren 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 Becky Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

Asst. Dir. Zader stated that this request is for conditional use grant (CUG) and building and site plan approvals for a 2,260 sq. ft. financial institutional located at 11319 N. Port Washington Road. The applicant was in front of the Commission last month for a consultation. Financial institutions are a permitted use in the zoning district. A CUG is required because the applicant is requesting a few waivers; which is allowed per the CUG because the lot is substandard to lot size at only .78-acres.

One waiver is for the front yard setback from Port Washington Road and the second waiver is for the parking lot offset to the west. Asst. Dir. Zader showed the site plan and explained that it is similar to what was shown at the consultation with the 40-foot front set back lining up with the building immediately to the south. Staff discussed the suggestion with the applicant to reduce the encroachment on the rear setback by reducing the parking lot stall size to 9 feet instead of 10 feet. The site plan was not updated yet, but the applicant did update the lighting and landscape plans which makes it only about a 1 to 2-foot deduction, which staff supports.

The building plan is similar to what was shown at the consultation with some changes based on the feedback from the Commission. Changes include; the dual roof slope replaced with a single slope towards the back and the facia is also thinner. Staff supports these two changes to design. The south windows are opaque which is not typically allowed; but they are acceptable here due to the limitations of the floorplan and these windows screen the mechanical room and the bathrooms and they do not face Port Washington Road. Examples were shown of how the building will look with shading in the front windows and it is supported by staff. The applicant made some changes after receiving the landscape consultant's report and submitted a revised landscaping plan. Staff has requested a substitution to the Honey Locust along Port Washington Road as there are power lines there and staff is concerned that the trees will get too big. Some shrubs or Evergreens are also requested between the trees along Port Washington Road to help buffer the entrance and the parking lot. Asst. Dir. Zader showed an example of the trees and shrubs in front of Kohler Credit Union and stated that a pattern already exists that can be followed. The lighting plan does not dictate whether the shown parking lot meets the 2-foot

candle standards. There is a little bit of light trespass at the back of the site that will need to be tweaked. Full cut off designation of the lot fixtures will need to be supplied for staff approval. Staff recommends approval of the CUG according to the conditions in the staff report.

It was noted that the west setback waiver was not included in the conditions in the staff report; staff stated that it will it be included.

There was positive feedback from the Commission regarding the architectural changes to the upper story. There was discussion regarding the various materials that will be used.

Action
Commissioner Stoker made a motion to approve the CUG and the site plan subject to staff conditions and with the amendment to include the condition of the 5-foot setback waiver on the west side.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	James Schaefer, John Stoker
AYES:	Wirth, Bach, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Nerbun, Gentges

3) Consent

a) Residence at Foxtown. The applicant is seeking street tree and street lighting approval for a proposed 23 single-family home development for the property located east of 11050 N. Weston Drive. REMOVE FROM TABLE.

Action
Commissioner Hawley made a motion to remove the Residence at Foxtown item (3a) from the table.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0)

Commissioner Stoker stated that he will need to recuse himself from the Farmdale Estates item (3b)

Action
Commissioner Stoker made a motion to approve items 3a and 3c.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Stephanie Hawley, Alternate
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Bach, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Nerbun, Gentges

b) Farmdale Estates. The applicant is seeking final plat approval for a six-lot subdivision for the property located at the northwest corner of Mequon and Farmdale Roads.

Action
Commissioner Choren made a motion to approve item 3b.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (7-0) (Stoker recused)

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Bach, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer
ABSENT:	Nerbun, Gentges
RECUSED:	Stoker

c) Innovative Signs for White Rabbit Bar & Grill. The applicant is seeking sign waiver approval to allow for a monument sign to be located within the right-of-way for the property located at 14015 N. Cedarburg Road.

Action
Commissioner Stoker made a motion to approve items 3a and 3c.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Rebecca Schaefer, John Stoker
SECONDER:	James Schaefer, Commissioner
AYES:	Wirth, Bach, Choren, Hawley, Lemke, Schaefer, Schaefer, Stoker
ABSENT:	Nerbun, Gentges

4) Policy

1) The City of Mequon is seeking a recommendation by the Planning Commission to the Water Utility Commission to allow for the opportunity extend public water main within the Ulao Creek neighborhood (generally the area bound by I-43 to east, Highland Road to south, Oriole Lane /Ulao Creek to west and Pioneer Road to north).

Dir. Lundeen stated that this is part of a recommendation from the Policy Subcommittee. After discussing the potential of public utility extensions, it became clear that land uses being considered could not support the cost of public sanitary sewer. An unfortunate consequence of the Mequon Water Utility is that it is currently restricted from only extending within the sewer service area. This restriction was set at the time of inception. The process to make an amendment is to petition the Public Service Commission to change the boundary to include this neighborhood. If it is recommended tonight, it will be in front of the Water Utility Commission tomorrow night.

Action
Commissioner Stoker made a motion to approve the recommendation to the Water Utility.
Commissioner Lemke seconded the motion.
A roll call vote was taken; vote passed (8-0)

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

2) **ORDINANCE 2020-1583** - An Ordinance Amending Chapters 34 and 50 of the Mequon Municipal Code Related to the Regulation of Holding Tanks.

Dir. Lundeen stated that the changes recommended are due to the Ozaukee County regulating the private wastewater systems permitting. The City had a restriction against the installation of holding tanks except in cases of failed systems when an alternate private system could not be installed. This change is to clean up the language in two sections relating to this issue. While going through this process, staff also wants to declare the failed system in sanitary sewer systems to be declared a health nuisance, so that they city could potentially issue citations as well. Previously the city had to wait for the county as they had jurisdiction over the permitting system.

Dir. Lundeen added that an additional change desired by December 31st is the elimination of the bond requirement for holding tanks that is eliminated as part of the 2020-2021 fee schedule; so the ordinance needs to be changed and through the approval process and adopted by the end of the year to match the fee schedule change that will be effective January 1, 2021. This is much less impactful than the other two language changes.

The Mayor suggested that the items be separated to be voted on as the fee schedule issue and the enforcement issue are more straight forward and the other item may necessitate a more thorough discussion and is not urgent.

There was some discussion among the Commission and agreement to separate the issues.

Dir. Lundeen suggested that sections 1 & 4 could be removed from the ordinance to address the bond and the issue of a public health nuisance. These sections could then be discussed more thoroughly at a future meeting.

Action
Commissioner Stoker made a motion to remove sections 1 and 4 and to recommend the ordinance as such to the Common Council. Items 1 & 4 will be discussed at a later meeting.
Commissioner Bach seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**Approved as Amended by Roll Call Vote {Unanimous}**
MOVED BY;	Commissioner Stoker
SECONDED:	Commissioner Bach
AYES:	Wirth, Parrish, Bach, Choren, Lemke, Schaefer, Schaefer, Stoker
ABSTAIN:	Hawley
ABSENT:	Nerbun, Gentges

5) Announcements

The next meeting is Monday, November 17, 2020 at 6:00 p.m.

6) Adjourn

Action
Commissioner Stoker made a motion to adjourn the meeting.
Commissioner Becky Shaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

The meeting adjourned at 6:40 p.m.

Respectfully Submitted,

Jac Zader