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Department of Community Development
Taped and Televised

**PLANNING COMMISSION
Regular Meeting
Monday, November 21, 2022
6:00 PM
Christine Nuernberg Hall**

Minutes

1) Call to Order, Roll Call

Present:

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

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

a) Approval of Minutes from October 17, 2022

Motion

Ald. Strzelczyk made a motion to approve the meeting minutes from October 17, 2022.

Commissioner Bach seconded the motion.

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

ESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Gregg Bach, Alternate
AYES:	Nerbun, Strzelczyk, Bach, Barnes, Gentges, Hawley, Stoker
ABSENT:	Choren, Lemke, J. Schaefer, R. Schaefer

2) Public Hearing

- a) North Shore Bank. The applicant is seeking conditional use grant extension approval to allow for a 3,250 sq. ft. bank building previously approved on November 22, 2021, for the property located at 11319 - 11333 N. Port Washington Road.

Motion

Ald. Strzelczyk made a motion to approve to open a public hearing.

Commissioner Hawley seconded the motion.

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

No Public Comment

Motion

Commissioner Stoker made a motion to close the public hearing.

Commissioner Hawley seconded the motion.

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

Planner Laurie Miller stated that the request is for a conditional use grant (“CUG”) extension for a 3,250 sq. ft. financial institution with a drive-thru. The original CUG and building and site plan was approved in October 2020 and an extension was approved in November 2021. A CUG requires that building permits are issued or that the use commence within 1 year of the approval. There are no changes to the building plans however Engineering staff noted in the report that the Mequon Water Utility water connection policy has been adopted and the development must adhere to this policy.

Motion

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

Commissioner Hawley seconded the motion.

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

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

3) Regular Business

- a) Walter Buildings for Gierch Farms. The applicant is seeking minor request approval to allow for a 10,800 sq. ft. agricultural storage building for the property located at 10232 W. Bonniwell Road (Gierch Farms).

Planner Miller stated that the proposed structure exceeds 1,000 sq. ft. and requires Commission approval. The proposed pole barn will be 60 feet x 168 ft. and just under 28 feet in height at its peak. The structure will have green steel siding and cream-colored structure panels for roofing. The east elevation is proposed to have a double sliding door and the west elevation will have

four windows. The south elevation is proposed to have an overhead door and double sliding door. In addition to the doors the south elevation will have poly carbonate panels near the roofline to allow natural light through, Two windows are also proposed on the north elevation. The structure is shown to be located behind the existing machine shed.

Eng. Asst. Cole McCraw added that a green infrastructure plan which is required on the addition of 5,000 sq. ft. impervious surface.

Motion

Ald. Strzelczyk made a motion to approve the accessory structure.

Commissioner Barnes seconded the motion.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Bruce Barnes, Alternate
AYES:	Nerbun, Strzelczyk, Bach, Barnes, Gentges, Hawley, Stoker
ABSENT:	Choren, Lemke, J. Schaefer, R. Schaefer

- b) Tim O' Brien Homes. The applicant is seeking setback waiver and specimen tree removal to allow for the removal of specimen trees for the property located at 12333 N. Lake Shore Drive (Gehrett).

Assistant Engineering Director Cole McCraw stated that the request is for specimen tree removal for the construction of a single-family home and a wetland setback waiver. He explained it is a tricky site as there are two wetland strips surrounding the buildable area. Another concern on the site is high ground water in the area causing the applicant to propose a relatively high building elevation. Other constraints are the elevations of neighboring properties as well as the two specimen trees and other strands of trees on the site.

- Ground Water - the soil assessment report provided indicated that the footings of the building were suggested to be almost at grade of the existing property. The proposed plan shows the footings of the basement at grade and then an 8-foot basement and house on top. The soil report highlighted the high ground water and that the basement can be lowered if precautions are taken such as waterproofing exterior wall and adding addition clear stone on the outside of the building foundation.
- Wetland Protection Area Waiver – the wetland delineation report indicated a 50-foot setback on the west wetland. The original proposed plan shows about a 40-foot encroachment which is significant, and staff does not support.

The alternate proposed plan shows the structure outside of the 50-foot setback on the west and outside the 10-foot setback on the east side. It also meets the side yard setback. Staff is in favor of the placement proposed on the alternate plan.

Asst. Eng. Dir. McCraw mentioned the letters submitted from the adjacent neighbors and their concern about the elevations of the proposed structure. He stated that the proposed alternate plan has elevations of about 2-5 feet higher than the adjacent properties. Staff recommends a max yard grade of about 3 feet lower than what is proposed and located at the alternate location. Staff believes the alternate plan will also be easier to accommodate drainage at this elevation and placement and the alternate plan seems more feasible with the wetlands setbacks as great as they are on site.

Mayor Nerbun asked him to explain the difference between the two wetland setbacks. He explained that the wetland delineation report is based on the quality of the wetlands; the different species present, a wide or narrow setback (varies 10 – 75 feet) will be recommended.

For this site:

- The west side has a higher quality wetland, and 50-foot setback is required.
- The east side has a lower quality wetland, and a 10-foot setback is required.

City Forester, Mike Gies, stated that there are two specimen trees on site that are being requested to be removed (#23 and #27 on the tree survey included in the packet). Both proposed plan scenarios would require removal of the trees as they land in the footprint, or very near the footprint, of the proposed house. Staff does recommend approval to remove these two trees.

He added that there are several trees, approximately 23 trees, that are specimen species, but do not meet the size requirement on site. Staff prefers the alternate plan because it preserves trees on the back line of trees, #28 - #47, along the wetland.

Forester Gies commented that he is concerned about the grade change if a full exposure basement is allowed and that it would impede on the back line of trees there. He does not believe that much of a grade change can be made up on this restricted of an area without impacting root zones.

Ald. Strzelczyk stated that he wants to ensure the concerns of the neighbor's letters regarding drainage are addressed.

Asst. Eng. Dir. McCraw answered that a grading plan has not yet been required as the house placement needs to first be determined as well as the maximum elevation of the house.

Two specific items will be reviewed once the grading plan is submitted:

- That no drainage from the south is impeded heading north
- That natural drainage patterns are being maintained.

He commented that staff has required a swale surrounding the site that will help capture water from south to north and discharges the water around to the wetland areas, this will be reviewed on the additional drainage plan.

The applicant stated the two issues to be addressed are the two specimen trees for removal and the placement of the home. The site is quite restrictive due to the wetlands on the west and east sides of the property.

Mr. Lange from Tim O'Brien Homes stated that he believes the first plan is their preferred plan because of the observed ground water level. He explained that there will be significant fill needed at the front of the house for the driveway. The garage elevation has been lowered so the driveway will not be as steep. The grade on the right side of the house has been tampered so that the yard is about 4-feet below the first-floor elevation in the front, to minimize the amount of fill needed. They are very cautious to avoid water getting into the basement.

The homeowner, Lance Gehrett, stated that a finished basement is very important to accommodate his family. They have paid for extra measures to ensure it stays dry. He explained that Tim O'Brien Homes recommended the exposed basement. They have changed contacts at Tim O'Brien Homes and Mr. Lange is not completely caught up. There is an issue of the height of the basement that needs to be finalized. He prefers that it be 10-feet in height.

Asst. Eng. Dir. McCraw answered that staff is not comfortable with the requested change of wetland setback from the ordinance, it is too great. Additionally, a no-mow buffer or other treatment would also be required.

There was discussion about the varying heights of the basement ceiling, placement of the house, what are acceptable wetland setbacks and that a grading plan is needed to be reviewed.

Planning Commission feedback is that there are too many unknowns and that the exact plan needs to be resubmitted including:

- Exact placement of the house.
- Exact basement ceiling height needs to be decided.
- Grading plan needs to be reviewed to address the drainage issues.

Public Comment

Kimberly Pons – 12323 N. Lake Shore Drive - she is the property owner to the south and she is very concerned about the proposed elevations and the potential runoff of water to her property.

Motion

Ald. Strzelczyk made a motion to table the item until an updated plan can be submitted.

Commissioner Barnes seconded the motion.

A roll call vote was taken; vote passed (4-3) (No: Stoker, Gentges, Mayor Nerbun)

RESULT: **TABLED [UNANIMOUS]**
MOVER: Robert Strzelczyk, Alderman
SECONDER: Bruce Barnes, Alternate
AYES: Strzelczyk, Bach, Barnes, Hawley
DEEMED NO: Nerbun, Gentges, Stoker
ABSENT: Choren, Lemke, J. Schaefer, R. Schaefer

- c) Prodigy Lighting & Sign LLC for Exxon Mobil. The applicant is seeking minor request approval to allow for a sign waiver to allow for structures to be constructed around the gas pumps for the property located at 11210 N. Port Washington Road.

Planner Miller stated that this request includes painting the convenient store north and south elevations, existing convenient store canopies and installing decorative structures around the gas pumps. The proposed structures will be used for display of additional signage and there are no changes for the car wash and associated structures.

She explained that there are four types of red decorative structures proposed:

Type of Signage	Quantity of Signs
1. Wave	4 over 6 of the pumps
2. Blade	4
3. Koala Bear (3-sided and go along the canopy post)	6
4. Number Wedge	Attached to each canopy post

Each structure has multiple locations designated for signage. In total there are 62 new signage locations proposed, totaling 137 sq. ft. of new signage. Staff believes that the new signage and changes in canopy color will add visual interest to the site, however staff has concerns about the number of signage associated with the proposal, the color choice of the canopy (proposed as red) and lack of proposed changes to the car wash and associated structures (which are yellow). Staff recommends that the koala bear structure not be approved, and the signage be limited to:

- Wave: Two 1.84 sq. ft. logo areas on the top of each wave
- Blade: Two 1.84 sq. ft. logo area on the largest face of the blade.
- Number Wedge: each wedge may hold three “number” decals to indicate the fuel pump price.

She added that while the proposed color changes to the store canopies will match the proposed structures, staff believes that this may be too much red for the site. Therefore, staff recommends that it match the blue found in the Exxon Mobil logo and that the yellow car wash canopy be painted blue as well. In addition, staff recommends an easement along the west property line and corner of Mequon Road and Port Washington Road to allow for future streetscape improvements.

Planner Miller stated that staff has reviewed the staff conditions with the property owner, and they are in agreement with all the conditions.

It was noted that these changes have been made at the other Mobil in the city.

Motion

Commissioner Stoker made a motion to approve per staff recommendations.

Commissioner Bach seconded the motion.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	Gregg Bach, Alternate
AYES:	Nerbun, Strzelczyk, Bach, Barnes, Gentges, Hawley, Stoker
ABSENT:	Choren, Lemke, J. Schaefer, R. Schaefer

- d) East Brook Drive, LLC. The applicant is seeking rezoning recommendation approval to allow for a modification to the PUD to allow for 10 units instead of 8 units for the property located at Lot 2 behind 11649 N. Port Washington Road.

Asst. Dir. Zader stated that this is a request to rezone an existing PUD. This land was rezoned in 2018 to residential to allow up to 8 units, but that applicant did not go forward with the development. The current request is to increase the total number of units from 8 to 10 and these will be side-by-side units, which is more in keeping of the area. The density meets the code requirement for the district, and they meet all the conditions of the PUD. The applicant is requesting 15 feet between buildings which staff does support.

There are some issues surrounding the two access points and engineering is recommending shifting the driveway further south to keep it away from the median area. The access point at the entrance to Aster Woods may also be modified. Staff does recommend approval of the PUD amendment according to the conditions in the report.

The applicant, Tony Zanon from Pinnacle Engineering Group, stated that a curve was added on the straight away on Eastbrook Drive to help prevent drivers from going straight. The intent was to get south of the median. They will work with staff regarding a modified access point.

Public Comment

Bernie Benson – 1521 Eastbrook Drive – he is concerned about the flow of traffic in that area.

Stephanie Rothstein - 1556 W. Astor Woods Court – she is concerned that this development is not a rental community.

Motion

Commissioner Stoker made a motion to approve per staff recommendations.

Commissioner Gentges seconded the motion.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Barnes, Gentges, Hawley, Stoker
ABSENT:	Choren, Lemke, J. Schaefer, R. Schaefer

4) Announcements

Reminder about the Foxtown tour on Wednesday, December 7th at 5:00 p.m.

The next meeting is Monday, December 12, 2022, at 6:00 p.m.

5) Adjourn

Motion

Commissioner Stoker made a motion to approve per staff recommendations.

Commissioner Gentges seconded the motion.

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

Respectfully Submitted,

Jac Zader