



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, November 22, 2021
6:00 PM
Christine Nuernberg Hall**

Minutes

1) Call to Order, Roll Call

Present:

Alderman Robert Strzelczyk
Alternate Alderman Andrew Nerbun
Alternate Greg Bach
Commissioner Martin Choren
Commissioner Dan Gentges
Alternate Stephanie Hawley
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner John Stoker
Commissioner Rick Lemke - **Absent**

Ald. Strzelczyk called the meeting to order at 6:00 p.m.

a) Approval of Minutes from October 28, 2021.

Action

Commissioner Stoker made a motion to approve the minutes from 10.28.21.

Commissioner Becky Schaefer seconded the motion.

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

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

2) Public Hearing

- a) North Shore Bank. The applicant is seeking conditional use grant extension approval for the previously approved bank building with a rear drive-through for the property located at 11319 N. Port Washington Road. This was previously approved in October 2020.

Action

Commissioner Choren made a motion to open a public hearing.

Commissioner Stoker 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 Hawley seconded the motion.

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

Planner Vang stated that this item was approved for a conditional use grant (CUG) for the project on Port Washington Road on October 26, 2020. CUG's require the project to either obtain building permits or for the use to commence on the site no later than one year of the date of approval. The applicant has made progress and is working on obtaining building permits, they have not yet been obtained and it is past the year deadline. The approval requested is an extension of the CUG along with the requirement to obtain permits within a year or commence use on the site. Staff recommends approval of the extension of the CUG based on all previously approved conditions from last October.

The applicant, David Kane from North Shore Bank, stated that no issues have arisen that would prevent building, the delay is due to the process (labor shortage, construction delays) taking additional time. They plan to demo the existing building in the next few weeks.

Action

Commissioner Choren made a motion to approve the extension of the CUG.

Commissioner Hawley seconded the motion.

A roll call vote was taken; vote passed (8-0)

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

3) Regular Business

- a) Applied Buildings, LLC. The applicant is seeking building and site plan and fill approval for a proposed 36,843 sq. ft. multi-tenant office/warehouse building and certified survey map approval to allow for a 3-lot land division for the property located at 5715 W. Donges Bay Road.

Planner Vang stated this proposal is for a multi-tenant building for a new location for HVA Products, which is currently located on Baehr Road, and Specialty Software Group with shell space for future expansion and/or tenant improvement. The request for the building and site plan approval is for Lot 1 of the CSM. The proposal does meet all the requirements of the B-5 zoning district except for the parking requirement. The applicant has indicated that the two tenants will have a total of 16 employees. Based upon the parking code, staff calculated the parking requirement for an office use of 87 stalls plus additional stalls if an additional user goes into the spec spaces. The two known tenants will occupy Suite B (1st floor and 2nd floor) and Suite A is currently spec.

The parking stall requirement is based on office use which requires 1 stall per 200 sq. ft. of gross leasable space. This space totals approximately 17,000 sq. ft. of office use for these two tenants, which significantly increased the parking count. However, based on the number of employees indicated by the applicant, staff believes this is sufficient parking for the site and there is potential for additional parking lot expansion in the future if required.

Ms. Vang showed plans for the space which were not included in the packet as they are not yet final. The first floor will have offices and a conference room, and the second floor is communal community space. Staff considered the number of 16 total employees when determining the parking count and believes it will be sufficient for this site.

A lighting plan was submitted which meets all the code requirements as well as a landscaping plan which was reviewed by the landscape consultant. Staff included an additional requirement to add additional screening along the south property line. The landscape plan overall is well done, and the stormwater pond is screened from the building. However, staff is recommending additional canopy trees along the south property line. Staff is supportive of the building and site plan, the 3-lot CSM and the fill permit for fill over 1,000 C.Y. Staff believes this is a great project and will be a welcome addition to the industrial park, subject to the conditions in the staff report.

The applicant was represented by the architect, Stephen Smith, and the owner, Kris Mehta. Mr. Smith commented that due to the low number of employees, they prefer the green space to unnecessary parking lot surface. Regarding the additional landscape requirement, their plan is to possibly have back-to-back buildings, one facing the pond. They are agreeable to adding some landscaping, but they do not want to screen the pond from the front of a potential building.

Staff responded that it does not need to be heavily landscaped but are recommending a scattering of trees in that location along the south property land (condition #4).

The Commission provided feedback that the architecture and the details are very well done. The applicant explained that the building will have a white cement with a high-end finish. The intent

is to have a more modern looking building with more glass added and a higher end precast than is typically used.

It was discussed that most of Lot 3 is wetland, but it does have buildable area and the applicant will work with the DNR in the future.

It was requested by the Commission that staff view the building materials prior to final approvals.

The potential additional parking area was discussed. On the southern side of the building there is a large green space that could be reclaimed for parking if needed; it is 60-feet out from the building. A row of cars, either single or double loaded could be added there. There is the capability to add parking if needed.

Staff answered a question from the Commission regarding parking and stated that the Commission has the authority per the code language to approve changes to the parking requirements. This has previously been granted in the industrial park when office uses are proposed instead of manufacturing use.

Action

Commissioner Stoker made a motion to approve per the conditions in the staff report.
Commissioner Hawley seconded the motion.

Commissioner Choren mad a friendly amendment that staff work with the applicant to approval building materials.

The amendment was accepted.

A roll call vote was taken; vote passed (8-0)

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Alternate
AYES:	Strzelczyk, Choren, Gentges, Goldberger, Hawley, J. Schaefer, Nerbun, R. Schaefer, Stoker,
ABSENT:	Lemke, Wirth

- b) The Green at Mequon. The applicant is seeking concept plan approval and rezoning recommendation approval from R-3/OA (Residential 1-acre, Agricultural Overlay) zoning to R-3/PUD (Planned Unit Development) zoning and for a proposed 7-lot subdivision for the property located at the southwest corner of Freistadt Road and Villa Grove Road.

Asst. Dir. Zader stated that staff and the applicant have been working on the concept plan over the past few months. The property is currently zoned R-3 (1-acre zoning) with a substantial portion of the south end being wetland. The request is for a conservation type subdivision based on a yield of 7 lots. There would be a private road access off Villa Grove Road with lots

surrounding the private road.

The City Forester walked the site and found a substantial amount of specimen trees and he had the applicant go back and GPS them. Staff supports the removal of the two white pines on Lot 4 but not the removal of any other specimen trees on the proposed lots. Additionally, a tree preservation easement is recommended for large arborvitaes along the west property line in the setback of Lot 4. The hickories located on Lot 6 near the proposed storm water pond shall remain as is which will require modification of the stormwater management pond. The three black walnut trees may impact the building pad on Lot 1. Any request for removal of a specimen tree will be at the same time as the preliminary plat. Staff wanted to ensure that the Commission knew about the ramifications of approving the concept plan.

Staff recommends Lots 5 & 6 move the wetlands off the private lots which requires an adjustment to the proposed concept plan. Also recommended is a tree preservation agreement to have consistent treatment of the area along Freistadt Road (back of the yards) so that there is a wholistic approach to the landscape buffer.

Staff recommends approval based on the conditions listed in the staff report.

The applicant, Mike Perlewitz, stated he is agreeable to the conditions in the report.

There was a question from the Commission regarding the stormwater management pond being located on private lots. Staff explained this is not typical, although it is allowed, but due to the number of wetlands on the property it is difficult to find a place for the ponds. Staff will continue to work with the applicant regarding placement of the ponds. The outlot is mostly all wetland, floodway and floodplain.

The yield plan shows 7 lots are allowed and can be developed even if the PUD is not approved. It is strongly encouraged that the private driveways do not have Freistadt Road access.

There was a recommendation from the Commission that part of an approval should include the requirement that the property lines do not extend all the way to the floodplain or wetlands.

It was discussed that an association would need to be created that would be responsible for the ponds and the fiscal responsibility of their maintenance. This would be included in the development agreement that would be reviewed for approval by the Commission at the time of the preliminary plat.

Asst. City Eng., Cole McGraw, stated that the two north most ponds are for storm water quantity and will most likely be dry ponds. The south pond shown in the floodplain would most likely be wet pond or bio-retention for water quality.

There was discussion about whether the proposed building pad size is a realistic size due to the presence of specimen trees on some of the lots. Staff explained that setbacks will also be a factor in determining allowable building space. Once a plat is approved setback waivers will not be granted.

Public Feedback

Wendy Porterfield – 3245 Oak Shore Lane – stated that the area where the road is proposed on Villa Grove Road is often flooded. She is also concerned about the fill. She stated there is a lot of boat launching and foot traffic in that area.

Sean Forcien – 3811 W. Freistadt – he has a question regarding the amount of fill requested. He does not agree with the rezoning as there are not properties under 1-acre near this area.

Asst. Dir. Zader stated that Villa de Parc is in the area and has smaller lot sizes; some sewer-lots are as small as ¼ -acre.

Jean Johnson – 3330 W. Freistadt Road – stated that she is the closest neighbor to the east. Villa Grove Road is heavily used for river users and walkers. She feels the density of the 7-lots will negatively impact this road.

Ald. Nerbun stated that it is important to distinguish between lot size and density. It is legally permissible for the developer to build 7 homes on these lots without any changes to the current zoning. The advantage of a conservation subdivision is that the lots will be kept off the floodplain and off the wetland and other conditions can be required.

Action

Ald. Nerbun made a motion to make an amendment to condition #2 to include the floodplain.

Commissioner Stoker seconded the motion.

A roll call vote was taken; vote passed (8-0)

Action

Commissioner Stoker made a motion to approve the item per staff conditions and the amendment.

Commissioner Hawley seconded the motion.

A roll call vote was taken; vote passed (6-2)(No: Becky Schaefer, Ald. Strzelczyk)

RESULT:	APPROVED WITH CONDITIONS [6 TO 2]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Alternate
AYES:	Nerbun, Choren, Gentges, Hawley, J. Schaefer, Stoker
NAYS:	Strzelczyk, R. Schaefer
ABSENT:	Wirth, Lemke

4) Announcements

Staff stated that item 3(c) was cancelled due to a timing restriction, but the Commission can make a motion to bring back the item for a reconsideration in December.

Action

Commissioner Stoker made a motion to put the item on the December agenda for reconsideration.

Commissioner Hawley seconded the motion.

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

The next meeting is Monday, December 13, 2021, at 6:00 p.m.

5) Adjourn

Action

Commissioner Stoker made a motion to adjourn the meeting.

Ald. Nerbun seconded the motion.

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

The meeting concluded at 7:03 p.m.

Respectfully Submitted,

Jac Zader