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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, December 12, 2022
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

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

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

a) Approval of Minutes from November 21, 2022.

Action
Ald. Strzelczyk made a motion to approve the meeting minutes from November 28, 2022.
Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Stephanie Hawley, Alternate
AYES:	Nerbun, Strzelczyk, Bach, Barnes, Choren, Hawley, Lemke, R. Schaefer
ABSENT:	Gentges, J. Schaefer, Stoker

2) Public Hearing

a) Janet Halonen. The applicant is seeking conditional use grant approval to allow for an acupuncture and aesthetics for the property located at 11431 N. Port Washington Road, Suite 106A (AcuEsthetics).

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

Public Comment
John Mikkelson – 4535 W. Donges Bay Road - owner of the Galleria supports this type of 1-room business as they are ideal tenants. He also opposes the CUG fee structure for small businesses.

Action
Ald. Strzelczyk made a motion close the public hearing.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

Planner Miller stated that this is the first of several CUG approvals that will be before the Commission as staff has been made aware of several businesses operating without CUG approval. Staff is working with building owners to bring these businesses into compliance.

This approval request is for an acupuncture business which operates 5 days a week, treating approximately 4 clients a day. The operating hours are 9:00 a.m. - 6:00 p.m. and the business owner is the only employee on site. This business has been operating at this location for about a year.
Staff recommends approval based on the conditions in the report.

Action
Ald. Strzelczyk made a motion to approve the CUG.
Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Stephanie Hawley, Alternate
AYES:	Nerbun, Strzelczyk, Bach, Barnes, Choren, Hawley, Lemke, R. Schaefer
ABSENT:	Gentges, J. Schaefer, Stoker

3) Regular Business

a) Allen J. Schneider for Kellner Highland Property, LLC. The applicant is seeking certified survey map to allow for a 4- lot land division for the property located at 3550 W. Highland Road.

Planner Miller stated that this 4-lot land division was before the Commission in December 2021. A portion of this lot was intended to be donated to the Ozaukee Washington Land Trust. The donation was not able to be achieved so the applicant is reconfiguring the lots to recapture this area back into the 4 lots with minor parcel line modifications. Staff recommends approval subject to the conditions in the report.

Action

Ald. Strzelczyk made a motion to approve the CSM.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Barnes, Choren, Lemke, Hawley, R.Schaefer
ABSENT:	Gentges, J. Schaefer, Stoker

b) Torrey Drive, LLC for Carol Wiensch. The applicant is seeking development agreement, preliminary plat and fill permit for 12,000 C.Y. approval to allow for a 11-lot subdivision for the property located at 10766 Torrey Drive.

Asst. Dir. Zader stated that there are minor changes to the preliminary plat that was first presented to the Commission in July. He explained that the specimen trees to the northwest are contained within the outlot. The biggest change is to Lot 1which was reconfigured due to a wetland that is not allowed to be removed. The bike path connection is shown on the plan to connect to North Shore Estates Subdivision. There is a wetland in the southeast portion of the parcel that the applicant is requesting be filled. If they do not receive fill approval, they will still be able to work within the existing boundaries for the house pad.

Overall staff is pleased with the progress that has been made and recommends approval of the preliminary plat and development agreement. Asst. Dir. Zader stated that the DA allows for 2 spec homes before final plat approval and the DA will go to the Common Council for approval. There is also a fill approval included in the submittal.

Mayor Nerbun clarified that condition #3 in the staff report should be made more specific regarding the small wetland in Lot 8.

Action
Commissioner Choren made a motion to approve this item based on staff recommendations and a modification of the language regarding the wetland on Lot 8 in staff condition #3.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Nerbun, Strzelczyk, Bach, Barnes, Choren, Hawley, Lemke, R. Schaefer
ABSENT:	Gentges, J. Schaefer, Stoker

4) Announcements

The next meeting is Monday, January 23, 2023, at 6:00 p.m.

The 2023 meeting schedule was included for review. The 2023 calendar has a combined meeting for November and December on December 4, 2023, due to the winter holidays at that time of year. This date allows for any items from Planning Commission that need to be forwarded to the Common Council December 12th meeting.

It was mentioned that the M-T school district spring break is the week of March 27th, and that the day may need to be adjusted to secure a quorum.

5) Adjourn

Action
Commissioner R. Schaefer made a motion adjourn the meeting.
Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed (8-0)

Meeting concluded at 6:15 p.m.

Respectfully Submitted,

Jac Zader