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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, June 23, 2025
6:00 PM
Lower Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Andrew Nerbun
Alderman Brian Parrish
Commissioner Bruce Barnes
Commissioner Martin Choren
Commissioner Stephanie Hawley
Commissioner Rebecca Schaefer
Commissioner John Stoker
Commissioner Nancy Urbani

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

a) Approval of Minutes from May 19, 2025

Action

Commissioner Stoker made a motion to approve the meeting minutes from May 19, 2025.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Parrish, Barnes, Choren, Hawley, Schaefer, Stoker, Urbani

Commissioner Barnes asked for agenda item 2(a) to be removed from the Consent Agenda

2) Consent

- a) Carole and Tony Teolis. The applicant is seeking minor request approval for a fill permit to allow for a 1,182 C.Y. for revetment to provide toe protection at the base of the existing steep bluff for the property located at 11506 N. Shorecliff Lane.

Assistant City Engineer Cole McCraw explained that the requested approval is for this property only. The DNR should inspect the work after it is completed.

Action

Commissioner Schaefer made a motion to approve agenda item 2(a) on the Consent Agenda
Commissioner Stoker seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
SECONDER:	Rebecca Schaefer, John Stoker
AYES:	Nerbun, Parrish, Barnes, Choren, Hawley, Schaefer, Stoker, Urbani

- b) Eastbrook Drive, LLC. The applicant is seeking final condo plat approval to allow for 10 condominiums (5 buildings) for the property located immediately west of 11649 N. Port Washington Road.

Action

Commissioner Stoker made a motion to approve item 2(b) on the Consent Agenda.

Commissioner Hawley seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Parrish, Barnes, Choren, Hawley, Schaefer, Stoker, Urbani

3) Public Hearing/Consent

- a) David Abbott. The applicant is seeking conditional use grant approval for an accessory dwelling unit for the property located at 12957 N. Highgate Court.

Action

Commissioner Stoker made a motion to open a public hearing

Commissioner Schaefer seconded the motion.

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

The architect for the applicant stated this is for the single-family residence for an aging mother to live with the family with some independence. The space will function as an in-law suite

Action

Commissioner Stoker made a motion to close the public hearing.

Commissioner Urbani seconded the motion.

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

Action

Commissioner Schaefer made a motion to approve the conditional use grant per staff conditions.

Commissioner Choren seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Parrish, Barnes, Choren, Hawley, Schaefer, Stoker, Urbani

- b) Melinda Francois. The applicant is seeking conditional use grant approval to allow for guest house for the property located at 2790 W. Cassel Lane.

Action

Commissioner Stoker made a motion to open a public hearing

Commissioner Hawley 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 Urbani seconded the motion.

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

Action

Commissioner Choren made a motion to approve the conditional use grant.

Commissioner Barnes seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Bruce Barnes, Commissioner
AYES:	Nerbun, Parrish, Barnes, Choren, Hawley, Schaefer, Stoker, Urbani

Commissioner Stoker recused himself from this item.

4) Public Hearing

- a) Parish Survey & Engineering, LLC for Lifespace Communities. The applicant is seeking conditional use grant amendment and building and site plan amendment approval to allow for 14 carriage homes (12 buildings) for the property located at 12500-12700 N. Port Washington Road.

Action

Commissioner Schaefer made a motion to open a public hearing

Commissioner Urbani seconded the motion.

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

Public Comment

Art Liebau - 1200 W. Liebau - he asked about the discrepancy between the previously requested approval for 13 carriage homes compared to the current approval request for 14 carriage homes.

Action

Commissioner Choren made a motion to close the public hearing

Commissioner Urbani seconded the motion.

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

Assistant Director Jac Zader stated that the applicant did apply for 14 homes last time, but the courtesy cards were incorrect. The approved PUD in 2023 was for 14 carriage homes.

He explained that everything proposed is the same as it was proposed in 2023, except the sidewalk was added on this plan on the east side of the cul du sac to avoid the impact on a large specimen tree on the west side.

The applicant submitted an updated landscaping plan after the packet was generated that staff has not yet had time to fully review. Some of the landscape conditions that have been addressed include:

- Proposed street trees to be made up of mixed species.
- The buffer to the back of the carriage homes should also be a combination of mixed species.
- Additional screening for Liebau's property on the east side.

It was confirmed that staff checked the setbacks as well as the storm water drainage and both are compliant.

It was also confirmed that the PILOT program will be addressed before any permits are granted. Park impact fees will be applied per city code.

Action

Alderman Parrish made a motion to approve the item.

Commissioner Hawley seconded the motion.

A roll call vote was taken; vote passed (7-0) (Stoker recused)

RESULT:	APPROVED [7 TO 0]
MOVER:	Brian Parrish, Alternate Alderman
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Nerbun, Parrish, Barnes, Choren, Hawley, Schaefer, Urbani
RECUSED:	Stoker

5) Regular Business

- 1) TNT Fireworks. The applicant is seeking minor request for temporary use approval for a firework sale tent in the parking lot of the property located at 10906-11116 N. Port Washington Road (Mequon Pavilions).

City Planner Natalie Redding stated that this request is for a temporary use to be located in the northwest section of the parking lot of the Mequon Pavilions shopping center. It will consist of a 20 x 40 tent occupying ten parking spaces and a 20 x 80 storage container occupying two parking spaces for the sale of fireworks, located between Sierra and the Tile Shop. She commented that two public feedback letters were received, which are included in the packet (page 94) as well as two phone calls opposed to the use. The tent will be in use for 10 days from 6/26/25 - 7/6/25 from 9am - 9pm daily and will be staffed by two employees. The applicant received permission from Brixmor to locate anywhere in the parking lot. The applicant also contacted the city fire department and a safety barrier at the entrance to the tent was recommended.

Planner Redding explained that previous temporary uses have been recommended to be located indoors in an empty store front for the safety of the merchandise as well as public safety and this does not disrupt parking. Staff did a site visit to confirm there are a few vacant store fronts at the Mequon Pavilions that could be utilized (map on packet page 96).

She added that there was communication between the City Fire Chief, the City Attorney and the applicant regarding the legality of selling fireworks as there is a section of the city code that restricts the sale and use of fireworks. There is also a section of the city code that references all of the terms not considered fireworks and it was determined by the City Attorney that the products proposed to be sold are legal.

Staff recommend approval based on the condition that it is located in a store front as it is believed to be a safer location for housing the merchandise as well as public access. There is a condition that the applicant contacts the fire department prior to selling any merchandise to confirm that it all qualifies under the referenced section in the city code.

Alternate approval conditions have also been provided should the Commission deem to approval for the use to be located in the outside tent.

The applicant stated that their products are ground based and not deemed “fireworks”. They believe the storage container is a safer location than inside a multi-tenant building. The tent outside provides much better visibility for marketing and sales. He explained all the products are locked up every night in the steel storage container.

There was some discussion amongst the Commission regarding the preferred location of the temporary use. Mayor Nerbun took an informal straw poll vote to determine the preference of the use be located indoors or outdoors. The Commission showed a preference for the outside tent to be used.

Planner Redding commented that the rendering of the tent was not included in the packet and staff recommend that flags and signage not be allowed except for a banner.

Action

Commissioner Schaefer made a motion to approve with the conditions that signage and flags be approved by a staff visit.

Commissioner Stoker seconded the motion.

A roll call vote was taken; vote passed (6-2) (No; Parrish, Barnes)

RESULT:	APPROVED WITH CONDITIONS [6 TO 2]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Nerbun, Choren, Hawley, Schaefer, Stoker, Urbani
NAYS:	Parrish, Barnes

- 2) MT Trails Foundation. The applicant is seeking minor request approval for specimen tree removal of one 14” black walnut tree located in the right-of-way immediately south of 4124 W. Highland Road.

Asst. City Eng. McCraw explained that this request is part of a proposed trail spur from the OIT to Rotary Park. There is a specimen tree to the north that initially was going to be avoided but it was discovered that some private property easements would be required to place the trail north of the tree. The easement is not easily obtained due to some liens on the property, so the path needs to be relocated, and the tree is now in conflict with the path.

There were some questions from the Commission and the applicant explained that the only method to get the path designed and the process moving forward, is for the tree to be removed as it is not an option to work with the property owner to get an easement. Mayor Nerbun commented that there will be several trees planted in exchange for the removal of this one specimen tree. There was feedback supporting the removal of the specimen tree with the perspective that one tree being removed for the good of the public coupled with several new trees planted was deemed reasonable. It was also mentioned that the specific species make a mess.

Action

Commissioner Stoker made a motion to approve the specimen tree removal.

Commissioner Hawley seconded the motion.
A roll call vote was taken; vote passed (7-1)(No: Mayor Nerbun)

RESULT:	APPROVED [7 TO 1]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Commissioner
AYES:	Parrish, Barnes, Choren, Hawley, Schaefer, Stoker, Urbani
NAYS:	Nerbun

- 3) Ware Design Build. The applicant is seeking a consultation for 14 condominiums for the properties located at 5117 W. Donges Bay Road and 10351-10465 N. Cedarburg Road (Donges Cove)

Planner Redding stated the request is for a consultation for a proposed condominium development which will be comprised of three assembled parcels currently zoned Neighborhood Commercial (“NC”), totaling 5.93 acres. The request would require either a rezoning to R-6 zoning or a text amendment to modify the language in the NC zoning district.

She explained that the proposal is for 28 units in total (14 buildings) and meets the setback and offset requirements. There would be a single access point off Donges Bay Road. Per the City Forester, there are three specimen trees on site which staff would like to preserve, if possible, but they may need to be removed to accommodate the current proposed site plan.

Staff recommend the baseline density follow the R-6 standards, allowing no more than 4 units per acre. The current proposed plan is slightly over this standard at 4.7 per acre. In response, the applicant has communicated their flexibility regarding site layout and the number of total units. To comply with the R-6 standards, 5 units would need to be removed from the proposed plan (3 buildings, 6 units total). This would allow the density to be in compliance as well as allow for additional aesthetic and amenity benefits.

Staff recommends the applicant request a text amendment to add language to the existing NC zoning requirements to include two-family residential units as a conditional use. Planner Redding commented that although the proposed building design is more modern than most of the developments in the city, staff is supportive of the proposed design.

There was discussion among the Commissioners and the applicant. The applicant stated they want their development to stand out and to be different than the usual design found in the city. Alderman Parrish expressed his support for this use at the location and that he has received feedback supporting this type of use. Support for a new development at this blighted corner.

Mayor Nerbun commented that there is one TDR credit that could possibly be used for this site which would allow the development to get an extra building.

Overall there was positive support for the proposed development.

6) Announcements

The next meeting is Monday, July 28, 2025, at 6:00 p.m.

7) Adjourn

Action

Commissioner Stoker made a motion to adjourn the meeting.

Commissioner Urbani seconded the motion.

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

The meeting concluded at 7:05 p.m.

Respectfully Submitted,

Jac Zader