

**CITY OF MEQUON
WISCONSIN
PLANNING COMMISSION MINUTES
July 21, 2014**

Commissioners present: John Stoker, James Schaefer, Patrick Marchese, John Mason, David Fuchs,
Brian Parrish, Alt. LeRoy Bessler, Pam Adams, Becky Schaefer

Staff members present: Kim Tollefson, Director of Community Development,
Jac Zader, Asst. Director of Community Development,

Minutes of meeting held on Monday, July 21st, 2014 at 7:00 p.m. in the Common Council Chambers, Mequon City Hall, 11333 N. Cedarburg Road. [Note: Planning Commission meetings are televised and videotaped.]

1. a. Call to Order, Roll Call

b. Approval of the June 9th, 2014 Planning Commission meeting minutes.

Action:

Commissioner Stoker moved to approve the minutes of June 9th, 2014.

Commissioner Fuchs seconded the motion to approve minutes.

A voice vote was called. All voted aye.

Regular Business

Consent Agenda

2. Erik Gierach for Ronald & Carol Ernst

District: # 1 Tax Key: # 14-010-10-001.00 Zoning: R-1 / OA / C-1 / C-2

Request:

Setback Waiver

Briefing:

The applicant is seeking a Setback Waiver to allow for an addition in the front setback of an existing home located at 12920 N Wauwatosa Road.

Staff Conditions of Approval:

1. Staff approval of final site, floor and elevation plans.

3. Brian Schneider & Renee Karas for Greg & Kathy Schneider

District: # 6 Tax Key: # 14-050-04-200.00 Zoning: R-4

Request:

1. Setback Waiver

Briefing:

The applicant is seeking a Setback Waiver to allow for an addition in the front setback of an existing home located at 10923 N Cedarburg Road.

Staff Conditions of Approval:

1. Staff approval of final site, floor and elevation plans.

Discussion:

Action:

Commissioner Stoker moved to approve consent agenda items 2 and 3.

Commissioner Fuchs seconded the motion.

A voice vote was called. All voted aye.

Public Hearing

Started at 7:20pm

4. Deb Binder

District: # 3 Tax Key: # 14-030-08-003.00 Zoning: R-1 / OA

Request:

1. Conditional Use Grant

Briefing:

The applicant is seeking Conditional Use Grant Amendment to allow for a commercial horse stable at 10750 N O'Connell Lane.

Commissioner Pam Adams recused herself. Commissioner Stoker assumed role of Chair.

Staff Conditions of Approval:

1. A maximum of 10 stalls may be leased to the public for the boarding of horses.
2. No other commercial use of the property shall be permitted.
3. Public hours of operation shall be limited to 9 a.m. to 8 p.m.

Action:

Commissioner Marchese moved to open the public hearing for item 4.

Commissioner Mason seconded the motion.

A voice vote was called. All voted aye.

Discussion:

Neighborhood residents spoke about the Conditional Use Grant:

Mary Liniewski – 2 doors away on N. O’Connell Lane is strongly opposed because she questions the integrity of the Applicant. She is concerned with the amount of traffic that will be in and out of the neighborhood and wants keep it a safe place where children are riding bikes in the street without added traffic.

Andy Azinger - 10600 N. O’Connell Lane is opposed because he wants to keep the residential feeling to the neighborhood; quiet, family - friendly, safe for children.

Judith Burant – 10550 N. O’Connell Lane is opposed due to the residential character of the neighborhood and does not want to see that change to a more commercial setting

Rebecca Bishop – 10623 O’Connell supports the applicant as she sees that the use of this land can be positive and give a new sense to the neighborhood

Ann Nimke – 10619 N. O’Connell Lane is opposed because she is worried about the value of the neighborhood dimensioning, increased traffic volume, the hours of operation of the Property, if riding lessons will be given and expansion of the business and how it will be monitored.

Jerry Meyer – 10457 N. O’Connell is not opposed to horses being on the Property. He opposed to the Property being zoned and a conditional use as a commercial property.

Action:

Commissioner Stoker moved to close the public hearing for item 4.

Commissioner Mason seconded the motion.

A voice vote was called. All voted aye.

Discussion:

Assistant Director Zader clarified terms being used regarding land use and zoning. The Property is currently zoned as R-1/OA and has been in place for 20 years and is not being changed. The OA conditional uses include the horse stable that are currently under discussion. The previous approval was for a private stable which falls under the R-1 as an accessory structure and because that structure is over 1,000 square feet it required Planning Commission approval. The approval was strictly for the size and the architecture of the building. The request is for conditional use in the agricultural overlay as a commercial stable. Conditional uses are permitted uses in the zone but the City does have the ability to place conditions on those uses if it sees fit. This approval is specific to the horse stable and is narrowly defined to the 10 stalls for lease. If the Applicant wanted to increase the number of stalls or add a building she would need to apply for an Amendment of the Conditional Use Grant to the Commission.

The Applicant Deb Binder was in attendance. She spoke about the property being in poor condition and her plan to improve the curb appeal and condition of the Property. She said that she has received letters of support and has spoken with many of the neighbors. She did go door to door to attempt to speak to every neighbor. She intends to build a family home and live there with her family. She currently owns 4 horses and intends to buy more. She intends to have a locked gate and that the property is not intended to be open to the public. She will have regulated hours of operation and no signage on the property.

Commissioner Becky Schaefer is familiar with the operation of stables and owning horses and remarked that there would be increased traffic due to feed truck deliveries, ferry visits and medical and vet visits. She also stated that no one can predict the future use of the property but is hopeful that the neighborhood could work together and be harmonious. She concluded that she did not support the Conditional Use Grant change due to potential changes that could occur. Commissioner Bessler stated that all the other properties in the neighborhood are private and expressed concern that it is difficult to predict the effect on the values of those private properties with the implementation of the Conditional Use Grant. Commissioner Fuchs offered that the opportunity to place parameters on traffic volume and the number of stored trailers should be executed to possible reach an amicable agreement for everyone.

Commissioner Fuchs discussed that originally there was permitted to have up to 25 horses at a time. He stated that he believes that there will not be a change to that condition. Commissioner Marchese asked a question regarding the ability to run a riding school and Assistant Director Zader answered that it would be permissible. Commissioner Parrish stated that he did not believe the property values in the

neighborhood would not be negatively affected. Commissioner James Schaefer asked questions concerning the amount of additional traffic in and out of the neighborhood. He wanted to know if there could be conditions placed on the amount of traffic and asked if there is another road to use. Assistant Director Zader said conditions could be placed on the amount of traffic and that there is not another road to use. Commissioner James Schaefer also asked about other possible uses of that Property. Commissioner Marchese expressed frustration that current zoning gets changed from existing residential zoning to commercial zoning and the neighborhood residents have to accept changes. He stated that he would be voting no. Director Kim Tollefson stated that the zoning would not be changed.

Further Action:

Chair Commissioner Stoker moved to approve the Conditional Use Grant with the added stipulation of a maximum of 5 in and out trailer trips per week and no more than 5 trailers stored on the Property at any given time.

Commissioner Mason seconded.

Roll was called on the amended motion and failed 4-4 (No: Parrish, Marchese, Bessler, B. Schaefer)

Commissioner Parrish suggested the Applicant and the neighbors sit down to discuss the use of the Property.

Commissioner Parrish moved to table item 4 so that the Applicant and neighbors could sit down and meet to set parameters.

Commissioner Fuchs seconded the motion.

Roll was called on the amended motion and failed 6-2 (No: Stoker, Marchese, Mason Bessler, J. Schaefer, B. Schaefer)

*** NOTE: Based on legal interpretation By City Attorney citizen alternatives cannot vote in place of Mayor or an Alderman so motion was approved 4-2.**

5. Concord Development for Sommer's Automotive

Address: 7211 W Mequon Road District: # 4 Tax Key: # 14-027-06-014.00 Zoning: B-2

Address: 7373 W Mequon Road District: # 4 Tax Key: # 14-027-06-011.00 Zoning: AC

Request:

1. Rezoning Recommendation
2. Conditional Use Grant Amendment
3. Site Plan Amendment
4. Minor Land Division (CSM)

Briefing:

The applicant is seeking a Rezoning Recommendation for the property 7373 W Mequon Road, as well as a Certified Survey Map approval for 7373 and 7211 W Mequon Road. They are further seeking a Conditional Use Grant Amendment and Site Plan Amendment for 7211 W Mequon Road to allow for the expansion of a car dealership.

Staff Conditions of Approval:

1. Common Council approval of the rezoning recommendation.
2. The rezoning to B-2 shall not apply to the Lot 2 on the proposed CSM.
3. Staff review and approval of site and landscaping plan.
4. Staff technical review and approval of the CSM.
5. The applicant shall provide the final form of the CSM in a format compatible with
 1. AutoCAD 2010 dwg or dxf. State Plane Coordinate System Wisconsin South Zone NAD
 2. 1927.
6. The gravel parking lot shall be paved in a time frame established by the Planning
 3. Commission.
7. All plans shall depict the no mow buffer established with the May 12, 2014 Planning
 4. Commission approval.
8. Engineering Department review and approval of grading, drainage, stormwater
 5. management and erosion control plans.
9. Review and approval of the storm water management plan in conformance to City
 6. ordinances, MMSD Chapter 13 and WDNR 151/NR216.
10. Modification of the proposed pond limits to be outside of the 30' Sanitary Sewer and
 7. Watermain Easement.
11. Submittal of WisDOT approval for the proposed connection to the existing storm sewer
 8. in Mequon Road prior to City approval of the storm water management plan.
12. Submittal of WisDOT right-of-way permit to the City for its files.
13. Submittal of a or an amendment to the existing Storm Water Maintenance Agreement,
 9. including a maintenance schedule for the facilities on site.
14. Generation and submittal of a shared maintenance agreement between the two properties

10. for the storm water facilities.
15. As condition of approval and issuance of the permit, the city engineer will require the
11. applicant to deposit an escrow or letter of credit to guarantee a good faith execution of the
12. approved control plan and any permit conditions. The escrow / letter of credit shall be for
13. a time period of five years and will be computed on the basis of \$4,000.00 for every
14. 3,500 square feet of impervious surface added (58-677(b)).
15. The applicant shall obtain an erosion control permit from the Engineering Department,
16. subject to applicable fees, prior to the issuance of a building permit.
17. The applicant shall provide a copy of the WDNR WRAPP for the property prior to the
18. issuance of a building permit.

Action:

Commissioner Stoker moved to open the public hearing for item 5.

Commissioner Mason seconded the motion.

A voice vote was called. All voted aye.

Discussion: Public n/a

Action:

Commissioner Stoker moved to close the public hearing for item 5.

Commissioner Bessler seconded the motion.

A voice vote was called. All voted aye.

Discussion:, Asst. Director Zader gave an overview of the project. Commissioner Adams clarified the 30% open space requirement applies since it is an existing business.

Further Action:

Commissioner Mason moved to approve item 5 per staff recommendations.

Commissioner Parrish seconded the motion.

A voice vote was called. All voted aye.

6. Chris Hitler for Mequon Storage Joint Venture (Peter Hitler)

Address: 6911/6921 W Donges Bay Road District: # 4 Tax Key: # 14-034-05-013.00 Zoning: B-5

Address: 7031/7033 W Donges Bay Road District: # 4 Tax Key: # 14-034-05-011.00 Zoning: C-2 / B-5

Request:

1. Conditional Use Grant Amendment
2. Building / Site Plan Amendment

Briefing:

The applicant is seeking a Conditional Use Grant Amendment and Building / Site Plan Amendment for 6911/6921 and 7031/7033 W Donges Bay Road to allow for the expansion of an existing storage facility.

Staff Recommendation:

Staff recommends the Planning Commission **table** the conditional use and building and site plan review application.

Action:

Commissioner Stoker moved to open the public hearing for item 6.

Commissioner Mason seconded the motion.

A voice vote was called. All voted aye.

Discussion: N/A

Action:

Commissioner Stoker moved to close the public hearing for item 6.

Commissioner Fuchs seconded the motion.

Discussion:

Asst. Director Zader stated that the staff and the applicant are still working out issues related to the front yard setback and the building Architecture.

Further Action:

Commissioner Bessler moved to Table item 6 per staff recommendations.

Commissioner Fuchs seconded the motion.

A voice vote was called. All voted aye.

7. Ruby Tap (Sarah Smith)

District: # 2 Tax Key: # 14-050-02-050.03 Zoning: B-2

Request:

1. Conditional Use Grant

Briefing:

The applicant is seeking a Conditional Use Grant to allow for a night club at 6000 W Mequon Road.

Staff Conditions of Approval:

1. Staff review and approval of final landscaping and floor plans.
2. The door on the Mequon Road elevation shall be a fully functional entry door accessible at all times.
3. Any outdoor seating shall comply with the following:
 - There shall be no amplified music allowed past 10:00 P.M.
 - The outdoor seating area shall be closed by 11:00 P.M.

Action:

Commissioner Mason moved to open the public hearing for item 7.

Commissioner J. Schaefer seconded the motion.

A voice vote was called. All voted aye.

Discussion: N/A

Action:

Commissioner Mason moved to close the public hearing for item 7.

Commissioner Fuchs seconded the motion.

A voice vote was called. All voted aye.

Discussion:

Assistant Director Zader stated that this is a wine bar located in the South building facing Mequon Road of the new Town Center. He also stated that the hours of operation which would be 3pm – 10pm Monday – Thursday, open until midnight on Friday and Saturday nights. He stated that the front door on Mequon Road shall be an operational door and not an emergency exit as originally designated. This was agreed upon by the Owner.

Further Action:

Commissioner Marchese moved to approve item 7 per staff recommendations.

Commissioner Stoker seconded the motion.

A voice vote was called. All voted aye.

Regular Business

8. Niemann / Fromm

District: # 2 Tax Key: # 14-022-15-003.00 Zoning: R-4/ C-2

Request:

1. Land Use Plan Amendment
2. Rezoning Recommendation
3. Site Plan Amendment

Briefing:

The applicant is seeking Rezoning Recommendation from R-4 to B-3 with a PUD and site plan amendment for the addition of parking facilities for the property located at 11352 N Buntrock Avenue.

Staff Conditions of Approval:

Staff recommends the approval of the rezoning and that the Planning Commission **table** the site plan.

Discussion:

Assistant Director Zader stated that the property is seeking change of use. The Park's are the current owners. The applicant is seeking to purchase the property for office use. Assistant Director Zader stated that a rezoning of B-3 office use is a nice fit due to possible extended Town Center zoning to the East. Assistant Director Zader discussed the additional 18 parking spaces requested in the back for employees. Staff is still working on details due to a specimen tree and possible wetlands that need to be addressed. Staff is asking for rezoning recommendation to be forwarded on to Common Council and in September bring the site plan back for parking lot changes.

Tom Niemann, owner of Fromm Family Foods discussed the history of the family business since 1852 and their long ties to the community. Their business is growing and they are looking forward to continuing to be part of the community.

Action:

Commissioner Bessler moved to approve item 8 per staff conditions.

Commissioner Stoker seconded the motion.

A voice vote was called. All voted aye.

9. TWP Architects for Lakeside Development CO

Address: 1539 W Market St District: # 6 Tax Key: # 15-152-00-020.00 Zoning: B-1

Address: 11015 N Market St District: #6 Tax Key: #15-030-01-018.00 Zoning: R-3

Request:

1. Rezoning Recommendation
2. Land Use Plan Amendment
3. Building / Site Plan
4. Minor Land Division (CSM Approval)

Briefing:

The applicant is seeking a rezoning recommendation, land use plan amendment from R-3 to B-1 as well as a building / site plan and certified survey map approval for the property located at 1539 W Market Street and a portion of the property immediately to the south at 11015 N Market Street to allow for an expansion of an existing office use.

Staff Conditions of Approval: Staff recommends the Rezoning Recommendation but requests to table the Site Plan until September regarding the wetland fill and parking lot offset.

Discussion:

Assistant Director Zader stated that the Applicant is looking to rezone a portion of the JCC office and parking lots. The staff has been working with the applicant on a few issues. There is a wetland fill issue for the parking lot that has not been finalized and issues with the parking lot offset which may change the shape of the land that is being considered to be transferred between properties. Assistant Director Zader stated that if the wetlands issue does not get resolved that the deal will most likely fall through.

Action:

Commissioner Bessler moved to **table** item 9.

Commissioner J. Schaefer seconded the motion.

A voice vote was taken. All voted aye.

10. Johnson Bank

District: # 6 Tax Key: # 15-030-01-012.00 Zoning: B-1

Request:

1. Minor Request (Sign Waiver)

Briefing:

The applicant is seeking Sign Waiver to allow for three additional wall signs at 1555 W Mequon Road.

Staff Conditions of Approval: Staff recommends to not approve additional wall signs.

Discussion:

Assistant Director Zader stated that staff does not recommend the approval of the 3 additional signs being requested. Staff feels that the 2 signs are sufficient and provide ample amount of visibility. There is already an additional sign on Mequon Road.

Matt Kemensky from Polosky Sign representing Johnson Bank stated that their intention is to pare down to 2 signs on the peaks of the South elevation and the North elevation (both on the gables). Johnson Bank is seeking some exposure facing the retail area behind them. Johnson Bank desires signature exposed. Commissioner Adams asked questions regarding other banks and their signage to ensure this decision is consistent throughout the community.

Action:

Commissioner Mason moved to deny item 10 per staff conditions.

Commissioner Fusch seconded the motion.

A voice vote was called. All voted aye.

11. Marcus North Shore Cinema

District: # 5 Tax Key: # 15-020-07-012.00 Zoning: B-4 / FW

Request:

1. Minor Request (Sign Waiver)

Briefing:

The applicant is seeking Sign Waiver for two wall signs at 11700 N Port Washington Road.

Staff Conditions of Approval:

Staff recommends denial of the request for the sign waiver

Discussion:

Assistant Director Zader stated the applicant is seeking large signs roughly 130 square feet in area which is much larger than the standard 30 square foot sign allowance. Assistant Director Zader added that there is a new free standing sign along Port Washington Road that includes the UltraScreen logo.

Action:

Commissioner Bessler moved to deny item 11 per staff conditions.

Commissioner Marchese seconded the motion.

A roll vote was called. All said aye.

12. 1500 W Mequon Road

District: # 5 Tax Key: # 15-019-16-005.00 Zoning: B-2

Request:

1. Building / Site Plan Amendment

Briefing:

The applicant is seeking a Building / Site Plan Amendment to allow for an exterior vertical life platform and elevator brick shaft at 1500 W Mequon Road.

Staff Conditions of Approval: Staff recommends approval with conditions that the brick extend to the top of the brick line and that any trim on the lower portion match the trim on the rest of the building.

Discussion:

Assistant Director Zader stated there was a lengthy discussion last month regarding a chair lift to meet ADA requirements on the North elevation of the building which was found not compatible to building. Applicant has worked with the staff and proposes the chair lift on the West side of the building and clad with brick to match the existing building. Additional discussion regarding the applicants willingness to work well with the staff and Commission.

Action:

Commissioner Bessler moved to approve item 12 per staff conditions.

Commissioner Marchese seconded the motion.

A voice vote was called. All voted aye.

13. Announcements

14. Adjourn

Action:

Commissioner Stoker moved to adjourn the meeting.

Commissioner Fuchs seconded the motion.