1. **Call to Order, Pledge of Allegiance, Moment of Silence and Roll Call**

President Knutson called the meeting to order at approximately 7:00 p.m. The Pledge of Allegiance was recited and a moment of silence followed.

Roll Call was taken with the following Plan Commission members present: Comm. Todd Greenwald, Comm. Eric Rogers, Comm. Craig Roberts, Comm. Jim Grabowski, Trustee Joe Zompa and President Jeff Knutson. Comm. Cheryl Mantz was excused.

Also Present: Mary Censky, Village Planner; Pat Hawley, Village Engineer; Tim Barbeau, Village Engineer; Mark Blum, Village Attorney; Scott Gosse, Village Administrator; and Cassie Smith, Deputy Clerk/Treasurer.

2. **PUBLIC HEARING**

   a. **Conditional Use Grant request to remove an existing detached garage and replace it with an attached 2-story garage plus expanded living space addition to the existing residence on the property, which addition is proposed to be offset approximately 7.89 feet from the west lot line where 10 feet is required by Code and setback approximately 12 feet from the edge of Park Avenue right-of-way where 35 feet is required by Code. Property owner/applicant is Steven and Jennifer Krall. Property is located at 485 Park Avenue. Property is zoned R-5 (LO), Single-family Residential with Lakefront Overlay.**

   Steve Krall @ 485 Park Ave – Mr. Krall stated he is looking to remove the existing garage because it is in disrepair. The current garage is not currently within the lot size and setbacks but he is looking for a variance to make the garage more user friendly, where it will be a better fit for their family.

3. **Citizen Comments**

   Earl Fulcer @ 106 Sunset Dr. – Mr. Fulcer stated he is sad that his comments this evening are negative concerning the CUG application at 321 Riverside. Mr. Fulcer stated he has had communications with President Knutson and the residents are disappointed, the residents keep hearing that the Village can’t go against a protected class but who will protect the residents? Mr. Fulcer stated there is no transparency and Meridian hides behind a shell company that has no concern for the residents. Mr. Fulcer read Section B, basis for approval and asked if the decline for their subdivision starts tonight; he asked the Plan Commission to put themselves in the residents spot tonight.

   Jon Haines @ 921 East Wisconsin Ave – Mr. Haines stated he was not at the last meeting. He stated that when the nursing home was built it was the 60’s; most people only had one car. Many of the people in the nursing home and the workers were from their community. He stated he saw the change where the employees were no longer from the neighborhood. He recalls coming to the Board about the nursing home back quite a while ago when the traffic intensified due to WCTC. The concerns were brought up but nothing has been done about them. This has been an ongoing problem and the new facility will lead to more traffic which will make a big impact and could be worse than the last few years of the nursing home. He is in hopes that if this were to pass no child would get hurt.

   Dr. Sulla @ 10012 W. Capitol Dr. – Mr. Sulla stated he has been treating patients with opioid addiction for over a decade and he sees the effects. Governor Walker just passed an opioid awareness; there is a need for this kind of treatment. People are dying every day from opioids and Meridian has a good program; these people are in need of this treatment, please pass this.
Ralph Abts @ 901 Ridgeway Dr. – Mr. Abts stated throughout these last few weeks it was recommended that Meridian hold a town meeting and nothing happened which shows they do not intend to be good neighbors.

Cindy Hill @ 303 Sunset Dr. – Ms. Hill stated they were here the last few months and the minutes state their concerns and while some were added as recommendations they would like to include the following: an 8’ fence, not to a allow a dumpster in the back yard, switch the administration wing with the women’s wing, place berms along Ridgeway, have it stated that patients are volunteer, and include visitor hours. Ms. Hill stated they would like it stated which kind of facility that will be going in because there are differences between them such as the staff and when they are on site. Ms. Hill would like to know what the course of action will be if the property values go down.

Colleen Clancy @ 1014 Lilac Lane – Ms. Clancy stated she is a mother of a heroin addict and she knows everything there is to know about it. More kids are dying because of heroin but she agrees with Jon, she wants clarity on the questions asked.

Judy Kolplien @ 310 Sunset Dr. – Ms. Koplien stated it is wonderful what they are doing for people but it should be in an industrial neighborhood.

Amanda Schulz @ 202 Riverside – Ms. Schulz stated she is disappointed in the traffic study which did not take into account the visitor traffic which could be a substantial amount. She would like to point out that there was a coyote found inside the building this week and asks what else could be in there? She suggests that it be put into the requirements to inspect the property. Ms. Schulz stated there are pieces in the ordinance that require certain things to be done before they inhabit the building and she asks that be done.

4. Approval of Minutes

a. March 8th, 2018 Minutes

Trustee Zompa moved, seconded by Comm. Grabowski to approve the March 8, 2018 minutes with the following changes; on page 6 & 7 as follows:

Page 6 item 6d approval to read:

“Trustee Zompa moved, seconded by Comm. Mantz to approve Sign Code waiver request to replace the existing freestanding sign with a substantially smaller sign in addition to the building sign as presented at 1292 Capitol Drive with the following conditions: and

Page 7 item 5b, line 3 to read:

“Wauwatosa had unintended consequences when they changed their code which made residents unhappy.”

Motion carried 6-0.

5. OLD BUSINESS


Planner Censky stated the staff report tonight is the same as last month except that the changes to the recommended staff conditions, as were reflected in last month’s motion, (which failed on a tied vote and therefore it is back for reconsideration this month) are now a part of the recommended conditions in the report. The conditions on this month’s report reflect the motion made at the last meeting. Attorney Blum responded to Trustee Zompa stating this is not a motion to reconsider; it is a practice of the Village to have an item brought back for review if the motion fails on a tie vote. Comm. Grabowski stated he understands it is not the law but he asked the applicant why they have not reached out to the residents. Sean at Meridian stated that it is not reluctance; they feel that they have been very open about their facility with the items they have provided for the submittal. Comm. Roberts asked the applicant what license they are applying for. The applicant responded that they will be going for possibly as many as four or more different licenses which DHS would have to approve. They do not anticipate any exterior building or site changes to be necessary from DHS. Comm. Roberts stated
that all the talk has been about in-patient care and asked if that is still correct. Meridian stated that there is a step down program as a part of the treatment, patients do not come and go from this building/site though. He said it’s listed as outpatient care only for insurance billing purposes. Attorney Blum answered yes to Comm. Roberts question stating that it is in their application and if anything from the premise description changes they would have to come back for that to be reconsidered by the Planning Commission. Sean at Meridian answered yes to Comm. Rogers stating they would work with Staff to evaluate the plantings vs fence and berm options on the west side. Together with Village Staff, they will look at what/where the best screening solutions will be for that west side. Meridian responded to Comm. Rogers that they would look at the wing occupancy change as well. Attorney Blum stated that these items would require substantial evidence if you are asking them to require these things. Comm. Greenwald asked if the applicant would be willing to consider these requests as goodwill and implement them if reasonably possible, Sean at Meridian responded, yes. Meridian responded yes to consider planning a neighborhood group meeting. Attorney Blum stated if they are willing to consent to put this into their application they can do that but these can’t be in the recommendations. Planner Censky responded to Comm. Greenwald that the landscaping was approved at a past meeting. Meridian stated that there may not be room for trees and a fence. Planner Censky stated yes to Comm. Grabowski that staff can handle working with the applicant to determine what will work as far as trees, a fence, and/or a berm. Meridian stated that the next step is sitting down with DHS and getting all those necessary items taken care of. Their team has many other locations so they are confident in accomplishing all that needs to be done. They understand the building will need a substantial interior renovation and they will be nearly gutting the inside. Comm. Roberts stated that the visiting hours are not in the recommendations. Planner Censky stated they are in the application which she showed on the screen and are before 8:00pm on weekdays and before 5pm on weekends; these visits need to be pre-scheduled.

Comm. Greenwald moved, seconded by Comm. Rogers to approve a 120-bed in-patient chemical dependency treatment center at 321 Riverside Drive the following conditions:

1) Approval of this Conditional Use Grant will immediately void any previously permitted or approved uses of the property, whether these previous uses may have been implemented on/at the site or not, it being understood that there is presently no approved/permitted use in operation on/at this site;
2) All existing unenclosed storage of any materials, equipment or supplies shall be immediately removed from the property or placed inside of approved buildings or screening devices and none shall be permitted thereafter and for the duration of this use;
3) Applicant shall secure CBRF licensure from the State of Wisconsin prior to the start of occupancy for the use as approved by the Planning Commission, and the terms of the CBRF license shall be incorporated into and made a part of the Conditional Use Permit terms as well. To the extent that the State’s CBRF licensure in any way modifies the approved limits of use, the site plan and/or exterior architectural details as set forth by the Planning Commission, the applicant shall present this information to Village Staff for review, consideration and determination whether the extent of modification is substantial enough to warrant review and consideration by the Planning Commission prior to issuance of the occupancy permit;
4) All existing and any new HVAC and/or utility equipment (rooftop, wall mounted and or on-grade) at this site shall be painted or screened as to blend in with, or to screen it from, the surrounding view, the plans for such to be reviewed and approved by Staff prior to issuance of permits for any remodeling or site work to begin at this site;
5) The applicant agrees that outdoor use of the site/grounds, other than the one volleyball court as depicted on the plan, shall be strictly passive in nature, shall relate exclusively to care/treatment of the inpatients residing at the premises and shall not include the placement of any temporary or permanent structures at the site. To this end, all existing outdoor weatherproof canopies, except the one at the main entrance, shall be removed from the site prior to occupancy under the new use;
6) Trash collection and all business-to-business type product or service deliveries or pick-ups, shall be limited to the hours 8 a.m. – 6 p.m. Monday through Friday only. The applicant is required to place “NO BACKING” signs (and enforce same) at locations upon their property as necessary to prevent trucks/vehicles from backing in on the service drive located along the west side of the property;
7) All exterior finishes upon all of the buildings shall be repaired and repainted to the extent necessary as will ensure
that there is no missing or peeling paint, leaking in the buildings, exterior mortar breakdown,... The existing fencing on the site which may remain, and including the existing dumpster enclosure, shall be restored to good and rust free condition;

8) All trash containers, food waste, ... shall at all times be stored within the fully enclosed dumpster enclosure on the site;

9) The landscape planting/screening plan shall be fully installed in a workmanlike manner not later than 3 months following the start of building occupancy at this site;

10) Signage shall remain as is and no others unless permits are first issued for any new signage;

11) Provision in the Conditional Use Grant document that any substantiated adverse impacts upon the surrounding neighbors or the Village as a whole which arise as a result of this use shall be the responsibility of the owner to correct timely upon notice from the Village and the owner acknowledges that failure to do so may result in action toward modification and/or termination of the Conditional Use approval;

12) No outdoor music, radio or P.A. system is proposed or approved as a part of this Conditional Use;

13) Exterior lighting of the site shall be revised and brought into full compliance with the current regulations as set forth in Section 40.448 of the Village Code. The applicant shall prepare and submit such a lighting plan to Village Staff for review and approval prior to issuance of the Conditional Use Grant and such approved plan shall be incorporated into the CUG as an Exhibit. Construction of the approved lighting plan shall be completed prior to the issuance of use occupancy permit at this site.

14) Exterior landscaping of the site shall be “per existing conditions” except to the extent it is modified by the applicants submittal details;

15) No other uses than those shown or described herein are permitted at this location including for instance, but not necessarily limited to, outdoor special or temporary events of any sort (except events as may be specifically permitted under the Village Code or with prior approval from the Village Planning Commission), kitchen overuse such as for catering or delivery to offsite locations for consumption, no leasable office or work/gathering space for uses/users unrelated to this permitted principal occupant in pursuit of providing care to inpatients;

16) The maximum number of inpatient vehicles that may be parked onsite (and only during the period of time that the vehicles owner is in residence as an inpatient at this facility) shall not exceed 5 vehicles;

17) Resolution satisfactory to the Village Planning Commission, Village Board and Village Attorney of any issues regarding an underlying road right of way on this property associated with a plat recorded back in 1960 (i.e. the River Hills Park subdivision plat);

18) Village Engineer review and approval of any applicable physical site development, utility, grading, drainage, stormwater management, erosion control and construction details prior to site disturbance;

19) Recording of the conditional use permit prior to start of any construction/remodeling as may be permitted thereunder.

20) Applicant must work with Village Staff to (re)evaluate and finalize the plantings, vs possible fence and berm options, for maximum screening on the west side. Together with Village Staff, they will look at what/where the best screening solutions will be for that west side.

Motion Carried 6-0.

6. NEW BUSINESS –

a. Review, discussion and possible recommendation to the Village Board of the Draft Development Agreement in support of the recently approved 9 +/- acre PUD development project at the southeast corner of Meadow Creek Drive and Capitol Drive (now/known/as Meadow Ridge Shops). Property owner/applicant is Meadow Ridge Shops, LLC. Property is zoned B-1 (PUD).

Engineer Barbeau stated this is a standard agreement. Attorney Blum stated that a development agreement is used for all public improvements. Engineer Barbeau stated that the public improvements include a stormwater pond requirement. Some other improvements that are written in are traffic control, street lights that are moved, signs and markings on Meadow Creek Drive, entrance into the development, surfacing the roadway, and erosion control. Engineer Barbeau went through each section of the Development agreement. Engineer Barbeau responded yes to Trustee Zompa asking if there is something written in that requires the development to clean stones off the road. Engineer Barbeau stated that Section 5 requires all costs incurred by staff gets
billed to the developer, they have to pay a utility connect fee and have a one year guarantee period after the Village accepts it. Attorney Blum stated this agreement will run with the land and anyone who would want to come in after would have to follow it too. It gets recorded with the Register of Deeds. Stormwater agreements state they have to maintain the facilities and if they don’t then the Village would maintain it and charge for the work. Engineer Barbeau stated that construction vehicles will have to be parked on site, they can’t park on the roads. Attorney Blum stated that the developer has to put up a certain amount of money for retainage, in the event that they couldn’t or wouldn’t finish the development then the Village would have money to finish the remaining work. The Village is listed as an additionally insured party as well.

Comm. Grabowski moved, seconded by Trustee Zompa to approve the Draft Development Agreement in support of the recently approved 9 +/- acre PUD development project at the southeast corner of Meadow Creek Drive and Capitol Drive with the following conditions:

1) Final plans for Exhibits are subject to final review by Village staff.
Motion Carried 6-0.

b. Review, discussion and possible recommendation to the Village Board of the Draft Improvement and Maintenance Agreement in support of the recently approved 9 +/- acre PUD development project at the southeast corner of Meadow Creek Drive and Capitol Drive (now/known/as Meadow Ridge Shops). Property owner/applicant is Meadow Ridge Shops, LLC. Property is zoned B-1 (PUD).

Attorney Blum stated that this is a maintenance agreement which lists out the Villages rights to deal with any maintenance in event something is not paid. If that were to happen the the Village can issue a special charge per parcel on the tax bill.

Comm. Grabowski moved, seconded by Trustee Zompa to approve the Draft Improvement and Maintenance Agreement in support of the recently approved 9 +/- acre PUD development project at the southeast corner of Meadow Creek Drive and Capitol Drive.
Motion Carried 6-0.

c. Review, discussion and possible recommendation to the Village Board of the Draft Access Easement in support of the recently approved 9 +/- acre PUD development project at the southeast corner of Meadow Creek Drive and Capitol Drive (now/known/as Meadow Ridge Shops). Property owner/applicant is Meadow Ridge Shops, LLC. Property is zoned B-1 (PUD).

Engineer Barbeau stated this is the easement agreement that gives each property cross easements so that each owner can access each other’s property and that no owner can block public access. Trustee Zompa asked if snow removal is included as a block of access. Attorney Blum stated yes it would be an item that blocks access so if that happened the Village could enforce snow removal under this agreement.

d. Review, discussion and possible recommendation to the Village Board of the Draft Sanitary Sewer Easement in support of the recently approved 9 +/- acre PUD development project at the southeast corner of Meadow Creek Drive and Capitol Drive (now/known/as Meadow Ridge Shops). Property owner/applicant is Meadow Ridge Shops, LLC. Property is zoned B-1 (PUD).

Discussion of this item was combined with item 6E below.

Trustee Zompa moved, seconded by Comm. Grabowski to approve the Draft Sanitary Sewer Easement in support of the recently approved 9 +/- acre PUD development project at the southeast corner of Meadow Creek Drive and Capitol Drive.
Motion Carried 6-0.

e. Review, discussion and possible recommendation to the Village Board of the Draft Water Main Easement in support of the recently approved 9 +/- acre PUD development project at the
southeast corner of Meadow Creek Drive and Capitol Drive (now/known/as Meadow Ridge Shops). Property owner/applicant is Meadow Ridge Shops, LLC. Property is zoned B-1 (PUD).

Engineer Barbeau stated that the DPW Engineer Naze recommends a 30’ sewer and water easement together. This would be put in as part of the legal description that will give permanent access for the Village to do repairs and maintenance if needed.

Trustee Zompa moved, seconded by Comm. Grabowski to approve the Draft Water Main Easement in support of the recently approved 9 +/- acre PUD development project at the southeast corner of Meadow Creek Drive and Capitol Drive.

Motion Carried 6-0.

f. Review, discussion and consultative feedback regarding proposed banners to be hung on the interior parking/drive area light poles and placement of 2 electronic/digital messaging signs internally along the campus drives at 800 Main Street. Property is Zoned IPS (Institutional and Public Service District). Applicant is WCTC in c/o Jeff Leverenz.

Planner Censky stated this is for consultation only. WCTC would like feedback on placing banners about 2.5’ x 5’ on various light poles in the parking lots. The banners could be changed from time to time due to wear or desire to update the copy but they are essentially permanent. The signs will be visible but not readable from the road. WCTC would also like feedback on two changeable letter signs. The locations would be essentially interior to the site and not readable from the surrounding public road. If the signs would become a nuisance for brightness or any similar adverse impact, there would be recourse under the terms of approval. Trustee Zompa stated that the banners are a non-issue; he is concerned about the signs; about brightness in particular. Mr. Leveranz from WCTC stated that the first sign would be at the main intersection to direct people were to go and the second sign would be to direct people at the welcome center. Comm. Grabowski stated there is no issue if they are directing internal traffic. Comm. Roberts stated that they can’t dictate what will be on the signs. Planner Censky stated that, as far as precedent goes, this situation is certainly unique for its setback from the road. Comm. Greenwald stated that based on the intent of the banners and signs, he doesn’t see a problem. Comm. Rogers stated he is ok with this.

g. Review, discussion and possible action on Conditional Use Grant request to remove an existing detached garage and replace it with an attached 2-story garage plus expanded living space addition to the existing residence on the property, which addition is proposed to be offset approximately 7.89 feet from the west lot line where 10 feet is required by Code and setback approximately 12 feet from the edge of Park Avenue right-of-way where 35 feet is required by Code. Property owner/applicant is Steven and Jennifer Krall. Property is located at 485 Park Avenue. Property is zoned R-5 (LO), Single-family Residential with Lakefront Overlay.

Planner Censky showed a drawing on the screen and stated the current garage is not within code. The applicant would like to tear down the current garage and incorporate an attached garage with an addition which would have extra living space. The Commission would want a survey to make sure the offsets are correct. The applicant purchased a strip of land that he would need to combine or deed restrict with the CSM or else the offset will be zero. The Planning Staff Recommendations were read. Comm. Grabowski asked what the applicants intentions were for the small strip of land. Mr. Krall stated he will combine this strip with his current property or deed restrict it if this is approved, otherwise he will leave it separate. Engineer Barbeau stated a certified survey will be required to combine the lots and he recommends a certified survey be completed. Trustee Zompa moved, seconded by Comm. Grabowski to approve the Conditional Use Grant request to remove an existing detached garage and replace it with an attached 2-story garage plus expanded living space addition to the existing residence on the property with the following conditions:

1) Applicant to have a certified survey map done of the property which confirms either the consolidation of the two lots and resulting in a proposed west side offset for the proposed addition of not less than 7.89
feet, or confirming common ownership of the 7.89 foot strip and deed restricting it from any use or development unto itself in favor of providing the offset for 485 Park Avenue;

2) Applicant to provide a certified survey map of the property for Village Staff review and approval prior to issuance of a building permit for the proposed addition, which survey must confirm the approved setback of 12 feet from the front lot line (i.e. edge of Park Avenue right-of-way) and West side offset of 7.89 feet and east side offset of not less than 7.56 feet in order to maintain (not exceed) the existing the extent of legal nonconforming offset on the east side;

3) Applicant to submit, for Village Engineer review and approval prior to issuance of a building permit, a plan confirming that stormwater runoff will not be adversely impacted, particularly upon adjoining properties, due to the expanded impervious lot coverage;

4) Issuance of all required building and/or raze permits prior to the start of any work on the proposed building removal and/or new construction.

5) Certified survey must be recorded before razing or construction.

Motion Carried 6-0.

h. Review, discussion, and possible recommendation for approval of a Certified Survey Map to adjust the lot line location between the two existing parcels at 1230 and 1256 Capitol Drive. Property owner/applicant is MLG/PF Pewaukee Plaza, LLC in c/o Executive Vice-President Andrew Bruce.

Planner Censky stated that this is an adjustment of the lot lines shown on the screen. The minor adjustment affects lots 1 and 2 by the development. Moving these lines still maintains the lots as conforming. Moving the lot line on the one side may give potential for other uses. President Knutson asked if this is because they have someone who wants to purchase. Administrator Gosse stated it could be because someone wants to sell.

Comm. Grabowski moved, seconded by Trustee Zompa to approve the Certified Survey Map to adjust the lot line location between the two existing parcels at 1230 and 1256 Capitol Drive with the following conditions:

1) Village Engineer review/approval of the certified survey map as to technical accuracy and closure in the legal description.

Motion Carried 6-0.

i. Review, discussion and possible approval of an amendment to the existing architectural elevations and roof of the principal building located at 120 Park Avenue as regards only materials and colors. Property owner/applicant is Jeremy Chapman.

Planner Censky stated this building is in the downtown B-2 zoning district and that it will be occupied soon. The new owner would like to change the outside materials. The new outdoor materials were shown.

Trustee Zompa stated this look is very modern and he has no problem approving this.

Trustee Zompa moved, seconded by Comm. Greenwald to approve an amendment to the existing architectural elevations and roof of the principal building located at 120 Park Avenue as regards only materials and colors following conditions:

1) Applicant to secure all building, electrical,... and any similar permits as may be required for the changes proposed prior to start of any work on the exterior building materials/colors modifications.

Motion Carried 6-0.

j. Review, discussion and feedback to Village Staff regarding the possible addition of Performance Standards to the Village’s development regulations.

Planner Censky stated that she wanted to start communications on performance standards regarding the Village’s Development Regulations. The example included was pulled from another zoning code. This is meant to take the subjectivity out of the Village’s review on each of the items listed. Trustee Zompa asked if burning would be covered under these items. Planner Censky stated it could be under odor and/or air quality control. President Knutson stated that the Village’s burning permit states what you can and can’t burn. Planner Censky
responded yes to Comm. Roberts stating that these standards would be applied to all CUG’s and all Site Plan/Plan of Operations reviews as well. Planner Censky stated yes she does want to run this past the fire chief as well as getting input from staff and the Commission. Discussion followed.

7. **Citizen Comments**

None.

8. **Adjournment**

Comm. Rogers moved, seconded by Comm. Grabowski to adjourn. Motion carried 6-0.

Meeting adjourned at approximately 9:15 p.m.

Respectfully Submitted,

Cassie Smith
Deputy Clerk/Treasurer