

PLAN COMMISSION MINUTES

August 11, 2014

CALL TO ORDER: Planning Assistant Lori Johnson called the meeting to order at 6:30 p.m.

ROLL CALL: Commissioners Mary Ellen Gray, Tim Yokes, Marty Peck, Bill Shadid and Dan Campbell were present. Chairman Dean Wolter and Trustee Representative David Baum arrived late. Village Planner Jeff Retzlaff was also present.

MOTION Campbell second Shadid to appoint Commissioner Yokes as Chairman Pro-Tem.

MOTION carried unanimously.

PUBLIC INPUT: None

PREVIOUS MINUTES: ***MOTION Gray second Peck to Approve the minutes from 7-28-14.***

MOTION carried unanimously.

TJ Hale Company – Southeast of Appleton Avenue & Lannon Road Intersection in the Willow Creek Business Park. Wahlgren-Schwen, agent for TJ Hale, is requesting a site plan consultation with the Plan Commission regarding the proposed development of a 33.2 acre parcel with a 218,350 sqft office/manufacturing facility. Planner Retzlaff summarized the proposal. Kevin Wahlgren explained the uniqueness of the site and building layout and addressed concerns from the Commission.

Commissioners had the following comments and concerns:

- Nice looking building
- Liked the curved glass atrium
- Bring shading feature out on the building façade
- The front door is facing the loading dock
- The entry door seems plugged in
- The height of the parking area light poles should be as low as possible
- Minimize lighting at loading docks
- Use raised planters to help screen loading docks
- Outside storage needs to be screened

Planner Retzlaff asked what building materials would be used and if there would be rooftop mechanicals. Mr. Wahlgren said the majority of the building is comprised of insulated precast concrete panels that will be painted. He said there will be 2 rooftop units over the office area that will not be visible because of the height of the building and also a couple of small units located at the interior of the roof. Chairman Yokes asked if Business Park Regulations had been established. Planner Retzlaff said the restrictive deeds and covenants are being prepared and the process for enforcement will be slightly different than the business park. The covenants will be enforced by the owners of the land and would include an architectural review board comprised of MLG Development and Village staff and as a standard practice the Planning Commission would serve as the Village's architectural review board. Planner Retzlaff asked that site line information be provided with the site plan review.

Mr. Wahlgren said he would try to get a landscape architect out to the site to identify the trees. Commissioner Campbell thanked TJ Hale for locating in Germantown.

Old Town Inn & Scott McKenna – N116 W15987 Main Street. Chaz Hastings, property owner, is seeking approval of a conditional use permit to develop a 43 stall “off-site” parking area on a 1.03 acre parcel. Planner Retzlaff summarized the proposal. Dan Glazewski, The Custom House LLC, answered questions from the Commission. He said the lighting concerns from staff and the fire department had been addressed.

Discussion followed. Commissioners questioned how they intended to control who uses the parking lot. Mr. Glazewski said no plans for policing had been discussed yet. He said the parking is really only needed on Friday and Saturday night from 6:00 until 8:00 p.m. Chairman Wolter arrived at 7:26 p.m.

MOTION Peck second Shadid to Approve a conditional use permit for the proposed “off-site” parking lot on the parcel located at N116 W15987 Main Street subject to the following conditions:

- 1. This conditional use permit shall allow the development and operation of an off-site parking lot as proposed and generally shown in the plan set with a revision date of July 8, 2014, subject to: (a) any further requirements and revisions required herein or set forth by the Village Board; and (b) approval of final Site Plans by the Village Plan Commission. All of the commitments made by the Applicant set forth in the application, supporting documents, and made during presentations to the Village Plan Commission and Village Board are deemed to be conditions of approval.***
- 2. Adequate parking and open space shall be provided and continually maintained for the benefit of the apartment occupants. Said open space shall be separate from the parking lot by the installation of landscaping, fencing, or other means to ensure the privacy and safety of the apartment occupants.***
- 3. If the use, activities and/or operation of the property and/or parking lot subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP, or for some other cause based upon consideration for public safety and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing in accordance with the Village's CUP application review procedures.***
- 4. The unimproved portions of the lot beyond the parking lot and adjacent to the residential building and adjoining residential lots to the west shall not be used for parking, storage (other than snow storage) and shall be kept clean of any debris or trash, appropriately landscaped and continuously maintained.***
- 5. The parking lot shall only be used for Old Town Inn & Von Rothenburg Bier Stube patrons and employees and shall not be used for the storage of equipment, materials, trucks or trailers. Use of the parking lot for vehicle parking by neighborhood residents and/or businesses may be permitted with permission or agreement by and between the property owner and said residents and businesses.***
- 6. In the event that the Village deems use of the property for off-site parking purposes and/or the occupants of vehicles using said parking lot has become a nuisance to the owners or occupants of adjoining or nearby properties due to trespassing, excessive noise, trash, headlight glare, exhaust, or other undesirable impacts, the owner shall install privacy fence and/or additional landscaping along one or more property lines, or, employ other measures as deemed necessary by the Plan Commission to mitigate said impacts. The type, height, materials, and placement of said fence shall be***

determined by the Plan Commission as part of an amendment to the approved Site Plan.

- 7. Except for vehicles owned/operated by the rental apartment occupants, use of the property, in whole or in part, for off-site parking purposes shall not commence until such time as all of the planned improvements set forth in the approved Site Plans have been completed and the equivalent of an occupancy permit granted by the Village Planner*
- 8. Any permanent signage placed on the property for the off-site parking lot shall be reviewed and approved by the Plan Commission*
- 9. Erosion control and driveway permits from the Village are required prior to commencement of construction.*

MOTION to Amend Peck second Gray that the light fixtures have an overall pole not to exceed a height of 18 feet and an amp with a 175 watt equivalent and also add some supplemental lighting such as bollards near the driveway entrance.

Planner Retzlaff said the recommendation is for the conditional use permit. The detailed site and lighting plans will be coming. He said the proposal is to continue to use the dwelling as a rental apartment and staff supports that continued use.

MOTION to Amend Withdrawn.

MOTION to Approve carried unanimously.

Chairman Wolter thanked Commissioner Yokes and took over the meeting.

MC Development LLC & Moore Designs, Inc. – Lot 1 & Lot 4 Kleinmann Drive (Lannon Road Commerce Center). Site plan, sign and conditional use permit applications for the development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels. Commissioner Peck said he has a business relationship with this applicant. Chairman Wolter asked if he would receive any benefit from this project. Commissioner Peck said not at all. Chairman Wolter said he didn't see a need for him to recuse himself but would leave it up to Commissioner Peck to make that decision. Planner Retzlaff summarized the proposal. Josh Wadzinski, Think Design and Dave Moore, MD Development, answered questions. Bob Diel, Land Works, explained the wetland mitigation plan for Commissioner Peck.

Chairman Wolter said he appreciated Moore Designs looking into this difficult site and the extra effort it took to make it work.

MOTION Yokes second Peck to Approve the site development & building plans for the proposed development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels located on Kleinmann Drive in the Lannon Road Business Center subject to the following conditions:

- 1. Approval is for the site development and building plan sets dated July 18, 2014 (unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to plan revisions required herein).***
- 2. All landscaping, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit for the proposed buildings unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs***

that has been reviewed and approved by the Village is submitted to the Village to ensure installation of the proposed features will be completed within one (1) year after issuance of an occupancy permit.

- 3. A Fire Sprinkler system is required throughout the entire building addition per NFPA 13. If a new water supply is required, the Germantown Fire Department shall approve the FDC location.*
- 4. A monitored Fire Alarm Panel for the sprinkler system shall be installed per NFPA 72 at a location to be determined by the Germantown Fire Department.*
- 5. The Property Owner/Applicant shall ensure that all site and building improvements comply with all Village of Germantown, Wisconsin Department of Safety and Professional Services (DSPS) and other applicable safety codes in effect at the time the occupancy permit is issued for the expansion.*
- 6. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.*
- 7. State approved plans for both buildings are required and one (1) \$20,000 financial guarantee occupancy bond shall be submitted to Inspection Services as part of the building permit applications.*
- 8. All technical corrections listed in the Village Engineer's August 8, 2014 review memo shall be addressed and reflected in revised plans (as necessary) prior to issuance of any building permit.*

MOTION carried unanimously.

MOTION Yokes second Peck to Approve the Conditional Use Permit for Moore Designs Inc. to allow the operation of a "construction services/contractor shop" on Lot 1 of CSM #5968 subject to the following conditions:

- 1. In the event this property is no longer used as a "construction services/contractor shop", the property owner is required to obtain a zoning permit from the Village. Review and approval of the zoning permit application shall address the issue of parking and if necessary stipulate any requirements and/or limitations affecting such use to ensure on-site parking for the new use(s) is safe and adequate.*

MOTION carried unanimously.

MOTION Yokes second Peck to Approve a Conditional Use Permit to allow development within the 25' wetland setback areas and proposed compensation as presented in the June 24, 2014 Wetland Setback Compensation Plan pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

- 1. The owner shall prepare and submit an annual monitoring report to the Village and local DNR staff concerning the various management activities proposed in the compensation plan, including the planting/restoration of native vegetation and the removal of buckthorn and other invasive species as proposed in the Wetland Setback Compensation Plan. Said report shall, at a minimum, detail the type and amount of plantings and invasive species removed, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities carried out, and*

the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2015 for a period of three (3) years.

MOTION carried unanimously.

MOTION Yokes second Peck to Approve the proposed monument signs for Moore Designs Inc. and the office building site subject to the following conditions:

- 1. The proposed driveway sign shall include street address coordinates mounted on the base with letter/numbers at least 5" in height.***
- 2. The proposed highway sign shall not exceed a maximum height of 10 feet (measured from the finished grade to the highest point of the support structure).***
- 3. The internally-lit sign cabinet for the proposed highway sign shall have an opaque or dark background with only the tenant names/logos visible when lit.***

MOTION carried unanimously.

Commissioner Yokes said the building was well designed and had a lot of detail. Commissioner Gray left her chair at 8:00 p.m.

Bradley Way Partners II, LLC – Lot 22 Washington Drive. Site development and building plan approval for a 15,778 sqft office/warehouse facility on a 3.09 acre parcel. Planner Retzlaff summarized the proposal.

Commissioner Gray returned to her seat 8:04 p.m.

Grant Duchac, Excel Engineering, and Bruce Stern, Inland Construction addressed the Commission. Mr. Duchac said some architectural elements had been added to the building since the site plan consultation. Commissioner Peck said the building still looked plain in appearance and there appeared to be a lot of extra asphalt. Steve Sewart, Bradley Way Partners, commented that the parking lot was designed to save the existing trees.

Commissioner Yokes liked the parking lot access but did not think the architecture or landscaping was much to get excited about. Planner Retzlaff said this site is similar to the site to the south because the first thing you see is the wooded area in front of the building. Chairman Wolter said the rendering is not accurate. Planner Retzlaff said the northwest corner will be seen from the street and some component should be added there. Commissioner Gray suggested adding an evergreen or spruce at the corner. Mr. Sewart said the site is very wooded and they feel the building is in line with other buildings in the Park. He said the building will not be seen from the east because there is 30 feet of dense trees along the back of the site. Commissioner Peck suggested adding some coloration on the bump outs. Mr. Stern said the thought process on the building was to blend into the natural surroundings because the lot is very wooded. He said the rooftops will not be seen from the south and a side screen could be put on the north if needed. Commissioner Gray said red maples do not live in this part of the state and the plantings around the building are too far apart. She suggested putting the name of the plants on the drawings would be very helpful for future projects. She also suggested putting some plants under the trees on the islands in the parking lot, something better than stella d'oro or daylilies. Commissioner Yokes suggested adding a free standing structure, possibly a trellis, at the corner of the

building and some denser plantings. Commissioner Gray said an upright planting is needed at that corner of the building and where the sidewalk bends around or on the far side.

Mr. Stern said they would be open to a feature tree at that corner of the building. Commissioner Shadid said he liked the architecture of the building and would be agreeable to the additional landscaping. Mr. Sewart said the owner wants the building tucked into the woods and using earth tone colors.

MOTION Yokes second Shadid to Approve the site development and building plans for the proposed 15,778 sqft office & warehouse facility on the 3.09 acre lot located on Washington Drive in the Germantown Business Park subject to the following conditions:

- 1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development and building plan sets dated July 14 and August 4, 2014 unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission.***
- 2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.***
- 3. The following items need to be provided as required by the Fire Department: (a) a Knox Box shall be installed on the building at the main entrance or at the fire department connection; (b) a fire sprinkler system shall be installed throughout the building per NFPA 13 requirements; (c) a monitored fire alarm system shall be installed per NFPA 72 at locations to be determined by the Germantown Fire Department; (d) a written emergency management plan shall be prepared and submitted for approval by the Fire Department prior to occupancy; (e) all site and building improvements comply with all Village of Germantown, Wisconsin Department of Safety and Professional Services (DSPS) and other applicable safety codes in effect at the time the occupancy permit is issued for the expansion.***
- 4. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.***
- 5. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***
- 6. All technical corrections and issues raised in the Village Engineer's August 4, 2014 review memo shall be addressed and reflected in revised plans submitted to the Village Engineer for review/approval prior to issuance of a building permit.***
- 7. All signs, including any permanent monument sign, require a sign permit reviewed and approved by the Village Plan Commission. The proposed monument sign shall be installed on a masonry base constructed of the same or similar materials as the principal building. If a sign cabinet is installed and is internally illuminated, the face of the cabinet shall be opaque or have a dark background.***

- 8. The landscape plan shall be revised to add a Spruce tree at the northwest corner of the building along with a Crabapple tree between the 2 entry piers, change the 2 maple trees at the handicap parking stall and entrance island to Honey Locust trees.**

Chairman Wolter said this is a difficult site to develop and thinks it is a good fit for the area.

MOTION to Approve carried unanimously.

Subdivision and Platting code Amendment to Section 18.06 (Certified Survey Map).

Planner Retzlaff summarized the proposed amendment that would allow a certified survey map to be used for the division of land into as many as 10 parcels or lots for land located within a commercial, industrial or mixed-use zoning district. He said because of Act 272, specific portions of the state statute dealing with subdivision platting were amended that now enable local communities the ability to increase the number of lots created by certified survey map to more than 4. The number chosen is determined by the municipality and staff is recommending an increase to 10 lots. He said this amendment will come into play with the creation of the new Willow Creek Business Park.

MOTION Campbell second Shadid to Approve the proposed amendment to Section 18.06(6) as drafted.

Discussion followed. Chairman Wolter said the amendment does not apply to residential development.

Trustee Baum arrived at 8:55 p.m.

MOTION carried unanimously.

ANNOUNCEMENTS: Chairman Wolter reminded everyone that tomorrow is Election Day.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant