

PLAN COMMISSION MINUTES

June 8, 2015

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:45 p.m.

ROLL CALL: Chairman Dean Wolter, Trustee Representative David Baum, Commissioners Mary Ellen Gray, Tim Yokes, Bill Shadid and Tony Laszewski were present. Peter Nilles was absent and excused. Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson were also present.

PUBLIC INPUT: None

PREVIOUS MINUTES: *MOTION Baum second Shadid to Approve the minutes from 5-11-15.*

MOTION carried unanimously.

Milwaukee Laser & Body Aesthetics – W189 N11100 Kleinmann Drive. The application is for approval of a sign for the new tenant.

MOTION Baum second Yokes to Approve the proposed wall sign and monument insert for Milwaukee Laser & Body Aesthetics in the Kleinmann Center located at W189 N11100 Kleinmann Drive subject to the following conditions:

- 1. Electrical permits shall be obtained from the Building Inspection Department prior to installation.*
- 2. All electronic components shall be inspected and labeled by a licensed lab.*
- 3. The monument sign panel insert shall contain an opaque or dark background.*

MOTION carried unanimously.

Jamie Wolski – W144 N10378 Raintree Drive. The potential property owner is seeking approval to install a residential fence within an existing drainage easement. Planner Retzlaff summarized the proposal.

MOTION Gray second Baum to Approve the zoning permit application to install a 4' fence along the rear property line and into the existing 20' drainage easement located on the property at W144 N10378 Raintree Drive in the Sunberry Downs Subdivision.

Discussion followed. Commissioner Yokes questioned if approval would be required if this fence was replaced with a different type fence. Planner Retzlaff said a condition could be added indicating that subsequent purchasers are responsible for reporting any change in the style of fence.

MOTION to Amend Yokes second Shadid that if this type fence is replaced with any other type fence, a permit will be required.

MOTION to Amend carried 5-1 (Gray).

MOTION to Approve as Amended carried 5-1 (Yokes).

Enviro-Safe Consulting – W130 N10500 Washington Drive. Jeff Vilione, JDV Real Estate Holdings LLC, is seeking approval of an amendment to Conditional Use Permit #3-11 to include non-hazardous solid waste processing to the list of recycling activities allowed in the existing Enviro-Safe facility located at W130 N10500 Washington Drive in the Germantown Business Park. Planner Retzlaff summarized the proposal.

MOTION Baum second Yokes to Approve an amendment to Conditional Use Permit #3-11 to include non-hazardous solid waste processing to the list of uses and activities allowed in the existing Enviro-Safe facility located at W130 N10500 Washington Drive in the Germantown Business Park subject to the following additional conditions:

- 1. All General Condition, Operations and Reporting conditions of approval and requirements set forth in the DNR approval letter dated April 20, 2015 are hereby adopted as conditions of approval for this permit.***

MOTION carried unanimously.

Germantown Diamond Club – W172 N13050 Division Road. The application is for a Conditional Use Permit to allow the operation of an Indoor Recreation Facility for youth baseball training activities from an existing industrial building. Planner Retzlaff summarized the proposal.

Troy Schmidt, Germantown Diamond Club, explained the hours for the training facility would generally be after school from 3:00-3:30 p.m. until approximately 9:30-10:00 p.m. during the off season. Commissioner Yokes said he had visited the site and was concerned the central gate was not operational and could be a security issue. He said emergency vehicles should have access to the gate. He was also not comfortable with the facility being open 24/7 for safety reasons and suggested adding some restrictions on time along with requiring additional lighting. Planner Retzlaff said the Fire Department comments indicate that the access road be connected to the center gate. Chairman Wolter was concerned with the congestion of drop off traffic combined with the daycare operation.

MOTION Baum second Shadid to Approve a Conditional Use Permit for Steve Dahlke, property owner and the Germantown Diamond Club, operator to operate an Indoor Recreation Facility for youth baseball training activities from the existing industrial building located at W172 N13050 Division Road subject to the following conditions:

- 1. This permit authorizes the uses and activities set forth in the conditional use permit application dated May 4, 2015 and in the supporting documents and plans made part of the application, including the building plan set dated April 6, 2015, All of the operational characteristics and activities proposed, as well as any commitments made by the Applicant in the application and supporting documents are deemed to be conditions of approval.***
- 2. If the use, activities and/or operation of the training facility subject of this permit falls out of conformity with the conditions herein, or where there is a change in the character, intensity or extent of the activities that causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to ameliorate or eliminate harmful effects associated with the use but are insufficient to do so, or for similar cause based upon consideration for the***

public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.

- 3. The maximum number of occupants in the building at any one time shall not exceed thirty-four (34) persons. Use of the facility and participation in any/all training activities shall be limited to Diamond Club members or their invited guests with permission provided a Club member is present.*
- 4. All training activities shall be conducted entirely within the building.*
- 5. A detailed site plan shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a building permit. Said plan shall indicate the location of a paved parking area adequately marked/stripped to indicate a minimum of ten (10) parking stalls to serve the training facility; Said plan shall clearly indicate the access drive(s) within the site that will be available for use by Club members to access the facility, and, available for use by the Fire Department and other emergency services.*
- 6. The owner/operator shall cooperate with the Fire Department to conduct a pre-occupancy inspection and provide/install whatever fire safety measures are required under the Village and other applicable codes.*
- 7. The property owner/operator shall contact the Washington County Planning & Parks Department and/or other authorized agencies to conduct pre-occupancy inspections of the existing on-site sanitary system and potable well to ensure compliance with applicable County and State licensing and sanitary regulations.*
- 8. The property owner or operator shall install exterior lights at the access driveway security gate and in or around the front of the building. Said lights shall be full cut-off fixtures with metal halide lamps. The location, type, intensity, etc. of said lights shall be included in a lighting plan prepared by the property owner/operator and submitted to the Village Planner for review and approval consistent with the Village's lighting requirements and guidelines;*
- 9. All exterior signs shall comply with the Village's sign regulations including obtaining approval and/or permits from the Village Planning Department and Plan Commission.*
- 10. All of the following items shall be provided as required by the Fire Department: (a) an approved hard surface for the Fire Department access road shall be provided to within 150 feet of the rear center of the building per NFPA1 Chapter 18 (2012 Edition); (b) the access road should connect to the center gate in the security fence; (c) the access road will need to be sufficient to accommodate the weight of fire apparatus and be at least 20 feet in width; (d) if the Fire Department access road exceeds 150 feet in length it shall include an adequate turn-around approved by the Village; (e) the access gate in the security fence shall remain open at all times the training facility is occupied; (f) an additional Knox Box shall be installed at the access gate for Fire Department access; (g) a written emergency plan shall be completed and approved by the Fire Department prior to issuance of an occupancy permit.*
- 11. The owner/operator shall contact Inspection Services regarding the need for building, electrical and plumbing permits for any interior and exterior renovations. State-approved plans are required for any improvements and shall be submitted with or prior to any building permit application. All building code and fire safety improvements shown in the plan set dated April 6, 2015, including the new portable toilet, shall be installed, inspected and approved*

prior to issuance of an occupancy permit and commencement of any club activities.

12. The CUP shall not be transferrable to any other organization and/or business operator.

MOTION carried unanimously.

Midwest Living Partners I, LLC – Lot 2 of CSM 6090 Virginia Avenue. The applicant is seeking approval of a conditional use permit to allow the development and operation of a 32-unit Community Based Residential Facility (CBRF) for seniors with Alzheimer's and Dementia. Planner Retzlaff summarized the proposal. Discussion followed.

MOTION Yokes second Shadid to Approve a conditional use permit (CUP) for Midwest Assisted Living Partners LLC and the Equitable Bank to allow the development and operation of a 32-unit (expandable to 64-unit Phase II) Community Based Residential Facility (CBRF) for seniors with Alzheimer's and Dementia on the 5.3-acre parcel on Virginia Avenue subject to the following conditions:

- 1. The principal use of the Community-based Residential Facility (CBRF) and 5.3-acre property shall be limited to providing assisted living services for senior or other residents suffering from the effects of advanced age and/or disease, mild to moderate dementia (including Alzheimer's) and other client groups specified in the required state of Wisconsin license for a non-ambulatory CNA-class CBRF. The principal use of this property and all facilities thereon for any other purpose shall be prohibited.***
- 2. This conditional use permit shall not be transferable to any subsequent property owner and/or business operator that is not or cannot be licensed to operate a CBRF as permitted under condition 1 above. This CUP shall be transferable to a subsequent property owner and/or business operator that are licensed to operate a CBRF as permitted under Condition #1 above. A new CUP shall be required (but not necessarily approved by the Village) for any significant change in the type of use or operation, including but not limited to, CBRF services for residents and clients other than those permitted under Condition #1 above.***
- 3. Detailed site development and building plans shall be submitted for review and approval by the Village Plan Commission. Said plans shall be consistent with the concept plan approved as part of this CUP. Significant changes or deviations from the approved concept plan may result in the need to obtain a revised CUP.***
- 4. This permit shall be deemed null and void if approval of such plans is not granted by the Plan Commission, or, development activities have not commenced within 12 months after Village Board approval pursuant to Section 17.42(6) of the Zoning Code.***
- 5. The Owner/operator shall obtain and maintain all applicable state and county licenses, certifications, etc. for the CBRF and adult daycare facilities and operations. Copies of said licenses, certifications, etc. shall be provided to the Village Zoning Administrator prior to and as a condition of issuance of an occupancy permit.***

Trustee Baum questioned the purpose of the drive lane around the building and if an outdoor area would be provided. Matt Hieb, ACA, said the drive will act as their fire lane. Curt Crotty, ICM, said Phase I will not have a secure outdoor area. He said any resident who spends time outdoors will need to be accompanied by a care provider or a relative. He said

the building will be constructed middle of the road as far as amenities but in a very functional form that allows a profitable operation. He said they will not only serve private pay residents but those on public assistance as well. Chairman Wolter asked if all the buildings have the long promenade to the front door without a protected drop off. Mr. Crotty said they have not incorporated a protected drop off into any of their designs and it has not been a concern with any of their families. Trustee Rep Baum said that the Stormwater pond looked huge. Mr. Hieb said it meets the standards and the future build out.

Trustee Zabel commented saying the density for the Rs-1 zoning district has 2.5 percent maximum lot coverage and this development is a lot more than that. Trustee Baum asked why the developer didn't propose rezoning to the Elderly Housing Zoning District. Mr. Crotty said they looked at rezoning but density was an issue and this was the best solution.

MOTION carried unanimously.

ANNOUNCEMENTS: Chairman Wolter said the public is invited to an informational meeting with Waste Management on a new garbage collection proposal scheduled for Wednesday, June 10th at 5:30 p.m. at Village Hall. Commissioner Gray commented that Menomonee Falls has apartment buildings with 3 and 4 stories that are attractive and interesting.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant