

PLAN COMMISSION MINUTES

September 14, 2015

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:30 p.m.

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

PUBLIC INPUT: None

PREVIOUS MINUTES: ***MOTION Baum second Yokes to Approve the minutes from 8-10-15.***

MOTION carried unanimously.

Germantown Kiwanis and the Village of Germantown – Firemen’s Park - W162 N11870 Park Avenue. Site Plan Review for a 1,627 sqft open-air performing arts pavilion to be constructed within the Village’s Firemen’s Park property. Planner Retzlaff summarized the proposal.

Brad Kropp, Perspective Design, said they have been working with the Park and Recreation Commission for 5 years discussing building location and architecture. Planner Retzlaff said the Public Works Department had concerns with the electrical service. Superintendent Jay Olszewski explained that service is limited for the 4th of July and Taste of Germantown events because the park has 220 electrical amp service. He’d like to work in conjunction with this project to incorporate the electrical service issue and other park amenities including a possible park lighting system. Commissioner Nilles asked if re-routing the location of the path to the restrooms had been discussed. Commissioner Yokes questioned if this was the best site for the pavilion because some trees would need to be cut down. Mr. Kropp said other locations had been discussed but this was the preferred site because it is closer to the restrooms and was agreeable to the Village. Commissioner Gray arrived at 6:45 p.m.

Commissioner Laszewski said the Park and Rec Commission has been reviewing this project for several years. He said the pavilion really doesn’t fit well anywhere and this location was the least worst place to put it. Commissioner Gray said the structure is not an attractive building and seems intrusive. She would like to see other options in terms of architecture. Chairman Wolter said he thinks part of the architecture is strongly influenced by the companies that have donated services or materials. Superintendent Olszewski said the existing shelter at this park will need to be replaced in the next 3 to 5 years. He asked if path lighting should be looked at collectively with this project. Mr. Kropp said there is a plan for power for this building but they have not gotten to that level of detail in designing the electrical service necessary. Trustee Baum was concerned because the Village has no money to upgrade the electrical service. He said he is underwhelmed by the lack of German architecture on the building. He’s ok with the location but not happy about taking trees down.

John Krause, Germantown Kiwanis, said this location was their third choice after listening to the residents concerns regarding sound and tress. He said the Park and Rec Commission had no reservations with this location at their last meeting. He added that the electrical issues pertaining to inadequate power will be discussed to remedy the situation. He said the

fundraising for this project is ongoing and almost complete. Commissioner Laszewski said he liked the accent stripe on the building and was ok with the architecture. Commissioner Shadid asked if any consideration was given to combine the projects for the pavilion and the park shelter.

MOTION Baum second Shadid to Approve the site development and building plans for the proposed 1,627 sqft performing arts pavilion to be constructed within the Village's Firemen's Park property on Park Avenue subject to the following conditions:

- 1. Approval is for the site development and building plan set with revised date of August 6, 2015 unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein.***
- 2. All grading, paving and landscaping 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. 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.***
- 4. State approved plans are required by Inspection services as part of the building permit application.***

Commissioner Yokes said he appreciated the donations but thinks this is the wrong site for the pavilion. Commissioner Gray said the building architecture needs to be improved to be lighter and airier. Planner Retzlaff said the electrical deficiencies also need to be corrected. Trustee Baum said the building design, architecture, location, lighting and electrical all need to be reviewed.

MOTION to Amend Baum second Shadid to forward this item to the Building Construction Oversight Committee.

MOTION as Amended carried unanimously.

Momentum Early Learning Center – W175 N11037 Stonewood Drive. James Marriott, agent, is requesting approval of new monument and wall signage for the new business in the Stonewood Corporate Center. Planner Retzlaff summarized the proposal.

MOTION Baum second Gray to Approve the proposed monument and wall signs for Momentum Early Learning located at W175 N11037 Stonewood Drive subject to the following conditions:

- 1. A separate electrical permit shall be obtained from Inspection Services prior to installation.***
- 2. All electronic components shall be labeled by a licensed lab and inspected prior to or concurrent with installation.***
- 3. Address coordinates shall be mounted on the masonry base and meet a minimum 5" letter height.***

MOTION carried unanimously.

Johnathan Friess – N128 W17151 Holy Hill Road. The property owner of a 1.1 acre parcel is requesting a Conditional Use Permit in order to construct a mother-in-law suite accessory dwelling unit as part of a planned addition to an existing single-family dwelling. Planner Retzlaff summarized the proposal. Johnathan Friess explained his reasons for requesting the mother-in-law suite to his home.

MOTION Baum second Gray to Approve a Conditional Use Permit for Johnathan Friess to allow a mother-in-law suite accessory dwelling as part of the single family dwelling located at N128 W17151 Holy Hill Road subject to the following conditions:

- 1. The MILS shall comply with the MILS requirements as defined in Section 17.08(51a) of the Zoning code on an ongoing basis.***
- 2. The property owner shall notify the Village Zoning Administrator if/when use of the lower level of the dwelling changes or ceases to be used as a mother-in-law suite.***
- 3. The conditional use permit shall not be transferrable to a subsequent owner unless said owner is a member of the Friess family.***

MOTION carried unanimously.

Trustee Baum left his chair 7:37- Returned at 7:40

Bethlehem Evangelical Lutheran Church – N108 W14290 Bel Aire Lane. David Miller and Anderson-Ashton, agent for the property owner, is seeking approval of site development and building plans for a 14,200 sqft two-story addition to the existing 31,700 sqft facility. Planner Retzlaff summarized the proposal.

MOTION Baum second Yokes to Approve the site development and building plans for the construction of a 14,200 sqft addition to the existing facility located at N108 W14290 Bel Aire Lane subject to the following conditions:

- 1. Approval is for the site development and building plan set date stamped 8-10-2015 (unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein).***
- 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. 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.***
- 4. The north elevation 1st floor exit doors (D1, D2 & D10 as shown on the plans) are required to have a hard surface walkway accessing a safe meeting area that will be maintained for all weather conditions. The walkway should connect in both directions around the building. The east walkway should connect at the main entrance (or Fond du Lac Ave) and the west walkway should connect to the rear parking lot near the playground area.***
- 5. Gates within the fenced play areas cannot restrict egress from the building to the walkways.***

- 6. The building is currently fully sprinkled with a monitored fire alarm system. The new addition will need state approval for the sprinkler and alarm systems per DSPS.**
- 7. The child care operates unlicensed via church exception under state rules. All daycare related licensing requirements including building construction and operations shall meet the requirements per Department of Children and Families.**
- 8. An updated emergency plan shall be required at the time of occupancy for all operating groups within the building; including the school, child care and church services to be included within plan.**
- 9. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.**

Dave Miller, Anderson-Ashton said he will meet with the Fire Chief to determine exactly what is required regarding the walkway.

MOTION to Amend Gray second Baum that the low level plantings around the north perimeter of the building be re-designed by adding viburnum or other taller plants that can handle the shade.

MOTION to Amend carried unanimously.

Commissioner Gray asked the Church to consider creating a garden on the property to teach kids about plants.

MOTION to Approve as Amended carried unanimously.

John & Ellen Kuber – 52.5- acres in the Town of Germantown on Rocky Lane in the Town of Germantown. Joshua Wolfgram is seeking approval of a 2-lot Certified Survey Map (CSM) in order to create an 18.9-acre parcel (Extraterritorial Plat Review). Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the 2-lot Certified Survey Map land division of the 52.5-acre parcel owned by John and Ellen Kuber located off Rocky Lane (in the Town of Germantown) subject to the following conditions:

- 1. All requirements and technical corrections identified in the Village Surveyor's August 31, 2015 review memo shall be addressed in a revised CSM prior to recording the CSM.**

Josh Wolfgram said the 18.9 total acres listed is incorrect and should be 19.56 acres. He said his surveyor will correct the error.

MOTION to Amend Baum second Shadid to allow the Village Planner to address the change in the site plan for the additional acreage.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Gehl Foods – N116 W15970 Main Street. Application for site development and building plans for the relocation of an existing Co2 silo and installation of a new nitrogen silo (above-ground storage tanks) at the facility. Planner Retzlaff summarized the proposal.

MOTION Shadid second Baum to Approve the site development and building plans for the relocation of an existing Co2 silo and installation of a new nitrogen silo and vaporizer units at the production facility located at N116 W15970 Main Street subject to the following conditions:

- 1. State approved plans are required by Inspection Services as part of the building permit application.***

Commissioner Laszewski asked if the bollards would be sufficient if a car hit them and what would happen if the silo was ruptured. Rick Roofe, from Airgas, said the contents of the silo would turn to dry ice if ruptured.

MOTION carried unanimously.

Compass Properties Germantown, LLC – W164 N11269-71 Squire Drive. David Glazer, agent for the property owner of the Germantown Marketplace II located on Mequon Road @ Squire Drive is requesting feedback on a proposal to amend the PDD to allow the creation of a 3-unit condominium for the three existing commercial retail buildings. Planner Retzlaff summarized the proposal.

David Glazer said he is representing the potential buyer of this property who wants to purchase building number 2, but Compass Properties does not want to divide the property. A different buyer said he would purchase the entire parcel, split it up and then sell building number 2 to the first buyer. The condominium option was decided as the quicker and easier way to proceed with dividing up the buildings.

The following comments and concerns were discussed:

- o Trustee Baum - Would the buildings have individual condo units that could be bought vs. leased
D. Glazer – No
- o Planner Retzlaff – how would long term maintenance, architectural standards and exterior building appearance changes be regulated and addressed.
D. Glazer – There is no discussion or intention to change anything at this point. The use and look will be maintained.
Planner Retzlaff – Additional safe guards may need to be added in the Planned Development Conditions & Restrictions.
- o Commissioner Laszewski – Is dividing the property the highest and best use.
- o Trustee Baum – has no problem dividing the property into 3 condo lots, but does not want individual tenant spaces. He wants to make sure language to address maintenance is in the developers agreement.
D. Glazer said the common areas would be collectively taken care of through the condo association. He said they are looking at possibly reorienting building number 3 and positioning the tenancy east to west so they all face Squire Drive and would be more marketable.
- o Chairman Wolter said he's heard financing for residential condominiums is difficult and asked if it was the same for commercial financing. He also asked if the tax value would be reduced if condominiums were created.

- D. Glazer said financing would not be difficult from his experience and the lenders told him it doesn't change anything.
- Trustee Baum said refinancing individual condos are more difficult to finance because there aren't many comparables.
- o Chairman Wolter asked if all agreements will remain in place for Stormwater and easements for crossing parking lots held by the association.
- Planner Retzlaff said that would be a priority to ensure the agreements remain in place.

This item was for discussion only. No action was taken.

Community Development Department – Discussion and action on possible Zoning Code amendments regarding Planned Development District (PDD) provisions, density and lot size definitions. Following a lengthy discussion on August 10th, the Plan Commission directed staff to develop clear definitions of the terms “net acre” and “net density” for further consideration and collect information about how other surrounding communities address this issue and use or define these terms. Planner Retzlaff presented a summary table of the definitions for the terms net and gross density and net and gross acre for 7 surrounding municipalities. His general conclusion is that the results in comparison vary greatly and are inconclusive. He found that most of the communities use the terms, net density or net acre like we do, don't have definitions and are interpretive. He said its clear the Zoning Code needs to be amended to make the calculation of allowable development units consistent for all 13 residential zoning districts and create a provision in the PDD regulations that enable the Village to increase density to some amount or percentage on a case-by-case basis given the size, location, type of development, quality of building materials, type and amount of amenities proposed by a developer.

Chairman Wolter thanked Planner Retzlaff for all his homework and how it was prepared and presented. A lengthy discussion followed. Trustee Baum said the language for net density, net acre, gross density and gross acre are standards to start with. But when a PDD or PUD is used, that means doing something different and changing the definitions to accommodate a development. Chairman Wolter said the committees would need to be in agreement, but each point could be negotiated, looked at and approved if the development were to occur. He said the definitions for net acre and gross acre need to put in because it goes across all zoning. The steps for a custom development also need to have some sort of oversight and negotiation. The real discussion comes from a PDD proposal. Trustee Baum said a PDD can be used to re-write the rules, but the Village requires more amenities of the site to make it work in exchange for accepting the developers proposal. Commissioner Laszewski said more PDD's will be proposed by creating this net definition, because it takes the calculus away from the developer and gives it to the Village. Chairman Wolter explained the underlying zoning is a determinant of density under the PDD definition. Planner Retzlaff explained there is no definition for net acre. It now falls back on the interpretation of the zoning administrator, who has said it is the gross area minus dedicated public rights of way. The proposed definition now excludes wetlands and floodplain and is somewhat a penalty, depending on the definition of a PDD.

Trustee Zabel said all the points brought up sound pretty good but they will force the creation of more PDD's. He said the Village survey information should be reviewed to see how residents see the future growth of the Village. Dan Wing commented and said the community needs to be consistent.

MOTION Baum second Shadid to accept the definition of Acre, Net 17.08(2a) as the Village definition.

Commissioner Gray asked for clarification on how the open space requirement will be determined after total net acres is calculated. Planner Retzlaff said the unbuildable areas can be counted as satisfying the open space requirement. Commissioner Nilles said he is not ready to take action until other considerations relating to where wetlands and floodplain overlap, steep slope areas or environmental corridors exist are figured in. Planner Retzlaff said excluding special features could be discussed. Trustee Baum said those things could be negotiated as part of the PDD process.

MOTION to Amend Baum second Laszewski to add the definition of Gross Acre to be: Gross acres is the acreage within the perimeter of a development tract or parcel of land.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried (5-2-Nilles & Gray)

Chairman Wolter said the results of the Village Survey should be reviewed before any action is taken on Section 17.27.

MOTION Baum second Shadid to Postpone action on Section 17.27(2)(d) until the next Plan Commission meeting.

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:51 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant