

**PLAN COMMISSION MINUTES
MARCH 14, 2016**

CALL TO ORDER: 6:30 pm

ROLL CALL: Chairman Dean Wolter, Trustee Representative David Baum, Commissioners Bill Shadid, Mary Ellen Gray, Peter Nilles and Tony Laszewski were present. Also present were Village Planner Jeff Retzlaff, Village Attorney Brian Sajdak and Planning Assistant Lori Johnson.

PUBLIC INPUT: Donald Schulteis, W140 N10337 Fond du Lac Avenue spoke regarding the Skyline Development proposal. He was concerned with the 24 foot high walls, his property value, and no buffer and stormwater issues. Trustee Baum asked about the contamination issues he had previously discussed with him. Mr. Schulteis said those issues were under advisement with the DNR.

John Figie, W140 N10323 Fond du Lac Avenue spoke regarding the Skyline Development proposal. He was concerned about no buffer and would like to see the zoning remain as commercial.

APPROVAL OF MINUTES: ***MOTION Baum second Shadid to Approve the minutes from 2-8-16.***

MOTION to Amend Nilles second Baum to change the Motion under the Public Input section by putting in the specific date of the minutes to be reconsidered, December 14, 2015, instead of "last weeks minutes".

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

OLD BUSINESS – Reconsideration of approval of December 14, 2015 meeting minutes granted at the January 11, 2016 meeting.

Chairman Wolter asked for input from the Village Attorney. Attorney Brian Sajdak said the desire, intent or goal to reconsider the minutes is not an appropriate action. He summarized Roberts Rules regarding minutes and stated the motion in question, as stated, is verbatim in what the motion was and no action is required.

Planner Retzlaff questioned if it was then correct to amend last weeks minutes because that motion was also exactly how it was stated. Attorney Sajdak indicated it is a minor change and created clarity.

Chairman Wolter asked for further clarification regarding the December 14, 2015 minutes. Attorney Sajdak stated because the minutes already reflect a verbatim motion that was made, no action should be taken as it relates to the reconsideration of the minutes.

Daniel & Kim Skrober – N136 W21801 Bonniwell Road. The property owners of a 21.6 acre property are seeking a Conditional Use Permit to allow recreational vehicle and boat storage and storage of commercial vehicles and equipment from the existing property. Planner Retzlaff summarized the proposal.

MOTION Baum second Nilles to Approve a Conditional Use Permit for Daniel & Kim Skrober to allow “recreational vehicle and boat storage” and “storage of commercial vehicles and equipment” from the existing property located at N136 W21801 Bonniwell Road subject to the following conditions:

- 1. This permit authorizes the uses and activities set forth in the permit application dated February 8, 2016 and in the supporting documents made part of the application, including the February 24, 2016 e-mail and operation information provided therein.**
- 2. If the use, activities and/or operation of the storage 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 owner/operator shall cooperate with the Fire Department to conduct a pre-occupancy and semi-annual fire safety inspections and provide/install whatever fire safety measures are required under the Village and other applicable codes.**
- 4. All of the following items shall be provided as required by the Fire Department: (a) an approved fire lane per NFPA 18-2012 Chapter 18 shall be provided, including the trimming or removal of any trees and other vegetation in order to provide a minimum overhead clearance of 13.5 feet; (b) an approved turnaround area for emergency vehicles shall be provided; (c) the gravel access fire lane and parking lot area needs to be rated for the weight of fire trucks or a hard surface shall be provided; (d) the security gate is currently too narrow; if the security gate continues to be used, it will need to be widened and a Knox Box provided in a manner approved by the GFD; (e) storage of any items or vehicles between the three buildings shall be prohibited; (f) an approved exit sign shall be installed over all exit doors in all buildings used for storage as approved by the GFD.**
- 5. The CUP shall not be transferrable to any other entity, organization or business operator. The CUP shall become null and void in the event the Skrobers sell or are no longer residents of the subject property.**
- 6. All exterior signs shall comply with the Village’s sign regulations including obtaining approval and/or permits from the Community Development Department.**

Trustee Baum asked the Skrober’s if they were OK with inside storage only. Dan Skrober asked that limited outside storage be allowed for approximately 12 campers in a 200 to 300 foot area. He reasoned that the buildings cannot be seen from Bonniwell Road.

MOTION to Amend Baum second Shadid to allow outside storage in an area 200 feet by 300 square foot area, including all three of the buildings constructed today. The allowance should reflect and exclude what the Fire Department is recommending.

Discussion continued. Chairman Wolter asked if this condition was specific to this conditional use and would not be transferrable to anyone else who has storage buildings and

would want the same type of condition on their property. Planner Retzlaff confirmed it is specific to this conditional use permit only, unless staff is directed to make amendments to the code provisions. Trustee Baum said his amendment is based on the landscaping and trees that are screening the property.

MOTION to Amend carried unanimously.

Attorney Sajdak said the code provision prohibits outdoor storage and does not say it's allowable with a conditional use. Trustee Baum confirmed that the Plan Commission cannot grant a provision to store outside because it is not allowed by code. Attorney Sajdak said a zoning amendment would be required. Planner Retzlaff said a condition could be added to include language in anticipation if the code is changed. Attorney Sajdak said a provision could be included as a "fee-free" amendment process within a period of time if something would change. He stated the amendment as follows.

MOTION to Amend the Amendment Baum second Gray to include a condition that would authorize the applicant to return to the Plan Commission for consideration of a potential amendment in the event that the zoning code changed to allow outdoor storage.

Trustee Baum said he has learned to be extremely specific in what is being said and done. He said he wants to help this applicant but cannot by ordinance and this motion provides the ability to help him, if Director Retzlaff brings forward a code change for consideration.

MOTION to Amend the Amendment carried unanimously.

MOTION to Approve the Amended Amendment carried unanimously.

MOTION to Approve as Amended carried unanimously.

Planner Retzlaff said the Conditional Use Permit will require Village Board approval. He said he intends to bring back a potential code amendment and indicated he will defer any further enforcement dealing with the outside storage issue.

Presbyterian Homes of Wisconsin for Germantown Commerce Center and Romano & Schmidt, property owners – N112 W17300 Mequon Road. The applicant has requested a consultation with the Plan Commission to discuss possible amendments to the Blackstone Creek Planned Development District General Development Plan and Conditions & Restrictions Resolution in order to develop a 190 unit senior living residential community on approximately 30 acres of land located along Mequon Road. Planner Retzlaff summarized the proposal.

Steve Nornes, Presbyterian Homes, said he believes there is a market for this type of development and that this is a good location that will also provide a good opportunity for employment for the Village. Dawn Wieczorek, Inside Architects, explained the building architecture and amenities for the development.

Plan Commissioner's had the following comments and concerns:

- o Is this the highest and best use for this property?
- o What type of arrangement will be negotiated in lieu of property taxes
- o This is a highly visible property and this development is not someplace to stop at.
- o The 3 story building and parking space look huge and do not have a feeling of a campus or have a human scale.
- o The EH zoning is in place and allowed. Does this development fit within the regulations that are in play?
- o The PDD and Conditions & Restrictions would need to be amended if the buildings are taller than 35 foot height limitation.
- o No other development has come forward for this property so would support this development. Commercial would be a better opportunity.
- o Not keen on the parking lot, the center section entrance canopy, hip roof, Gingerbread inside the hip roof design and dormers on either side give Germanic feel but then falls off on the rest of the building and is needed. Terrace is a good amenity but not illustrated thoroughly. The outdoor gazebo area needs to be enhanced. The pond at the entrance needs to show how it will be fully developed.
- o Concerned residents to the west of golf building may be disturbed by outdoor events.
- o The parking area is massive and needs to be more park like and integrated more.
- o Concerned with the building height and what the view will look like from Mequon Road. The towers accentuate the height at the gables and would be in favor of subduing that. The architectural design looks like more of the same already on Mequon Road and there are other ways to do that. Height and parking should be softened from how it looks from Mequon Road. A composite video from street should be provided to help envision how development will look.

Planner Retzlaff said a development plan is needed to show how the design and exterior materials of the golf course buildings will be incorporated to match the senior housing buildings.

This item was a consultation. No action was taken.

8:15 p.m. 2 minute break.

Gehl Foods LLC – N116 W15953 Main Street. The property owner is seeking approval of an amended conditional use permit and revised site development plan to add 24 parking stalls to an existing 39 stall “off-site” parking area on the .91 acre lot. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve an amendment to Conditional Use Permit No. 07-10 and the revised Site Development Plans for Gehl Foods LLC and the proposed 24-stall expansion to the existing “off-site” parking area located at N116 W15953 Main Street subject to the following conditions:

- 1. This conditional use permit allows the development and operation of an off-site parking area as shown in the site plan set dated as received on March 7, 2016, subject to any further requirements and revisions adopted by the Plan Commission or Village Board and as required herein.***
- 2. All landscaping, grading, and paving improvements shown on the approved site plans shall be installed as proposed within six (6) months after the plan approval date. To ensure completion by the required deadline, 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 shall be submitted to the Village within thirty (30) days after said approval date.

- 3. A revised landscape plan shall be prepared and submitted to the Village Planner for review/approval prior to commencement of construction. Said landscape plan shall include additional landscaping along the west property line and along the privacy fences required herein (Condition #6) and be comprised of evergreen trees and shrubs.***
- 4. The landscape plan shall be revised to include evergreen trees along the east property line (Techny Arborvitae are currently proposed) planted at a maximum spacing of 4-5' on-center along with a minimum planted height of 7-8' (vs. the 5-6' proposed). The purpose is to require the planting of a more "instantaneous" and continuous landscape screen. In addition, additional evergreen trees meeting these min. planting requirements shall be planted along the east property line and within the proposed 10' buffer yard in an amount, type and minimum size once the parking lot has been installed and what's left of the existing vegetation along the east property line is inventoried. A revised landscape plan showing the additional landscaping shall be prepared with input from the adjacent property and reviewed and approved by the Village Planner.***
- 5. The relocated/new light pole and fixtures shall not exceed a mounting height of 18' (15' pole and 3' base) in order to match the approved height for the original plan.***
- 6. The parking lot shall only be used for Gehl Foods, Inc. employee parking 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 Gehl Foods, Inc. and said residents and businesses.***
- 7. Any signage of the off-site parking area shall be reviewed and approved by the Plan Commission.***
- 8. All of the technical requirements and conditions of approval set forth in the Engineering Department's February 24, 2016 memo shall be addressed prior to commencement of construction.***

Trustee Baum said he cannot support this plan because it's in conflict with the Main Street concept master plan that came forward previously. Commissioner Gray agreed adding that removing the building changes a piece of the feeling of Main Street. She understands parking is a problem but putting a parking lot there doesn't do anything for Main Street or the master plan around the back. Chairman Wolter asked why the additional 24 parking spaces are needed and if the lot was currently full. Lyle Roecker, Facility Manager Gehl Foods, said the lot is full on all three shifts and indicated that Gehl's will be hiring more people. Planner Retzlaff pointed out that another parking lot expansion to add 58 additional stalls will be coming forward at the next meeting to be located on the property to the east of the main building. Mr. Roecker said Gehl's is trying to alleviate their parking problems and indicated the duplex is not being lived in because it is in a fall down state. Attorney Sajdak stated there are two separate issues before the Plan Commission, the conditional use permit and the site plan. He summarized the Chapter 17 code provisions as they pertain to conditional use permit and site plan approval. Discussion continued regarding the need to be in compliance with the comprehensive master plan and the future plan the Plan Commission has come up with for the Main Street area. Planner Retzlaff said he doesn't see how this site plan is consistent with the plan that has already been reviewed as a re-development plan for the Main Street area. Attorney Sajdak said a more appropriate motion may be to add an

additional condition that puts some sort of time on the conditional use that it be reviewed and renewed after a period of time to bring it more into compliance, but would allow the applicant to move forward now.

Discussion continued. Mr. Bruckner said the building will be razed and the parking lot is there already with a need for additional parking. The intent is to remove the employee parking on Main Street. He said the neighbor to the east as requested trees as a buffer to the parking lot. Chairman Wolter asked what Gehl's will do to have employees use the parking lot and not park on the street. Mr. Roecker said they will post and enforce in house.

MOTION to Amend Baum second Shadid to separate the two motions and Approve the conditional use permit for revised site plans for a 24 unit parking expansion.

MOTION to Amend carried (5-1 Baum).

MOTION to Approve as Amended failed (unanimous).

MOTION Baum second Shadid to Approve the site plan as presented with the conditions as presented by Planner Retzlaff.

MOTION to Amend Gray second Baum that the new plant design should not include spirea, potentilla or grasses and include larger shrubs to make the screening along the road much stronger.

Commissioner Gray said she wanted to see strong shrubs screened along the road like viburnum and a cute wrought iron fence may be nice. Daylilies in front along the sidewalk would be also be fine. Planner Retzlaff said a wrought iron fence was a good idea and would tie in with the residential area. Mr. Bruckner said the Police Department had indicated it did not want large screenings so they could see the end of the parking lot.

MOTION to Amend the Amendment Baum second Gray to leave the 5 TA's, tighten them up as indicated in #4 but extend them the entire length of the new parking area.
MOTION to Amend the Amendment carried unanimously.

MOTION to Amend carried (5-1 Baum).

MOTION to Amend Baum second Shadid to require a decorative fence be added along Main Street 4 feet tall the full length of the parking area.

MOTION to Amend carried unanimously.

MOTION to Amend Baum second Laszewski to have the final landscape plan brought back to Plan Commission for approval.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended failed (3-3 Walter, Baum, Nilles against).

Planner Retzlaff explained if the Village Board approves the conditional use permit for the expanded parking, then the site plan will need to come back to the Plan Commission for approval including a revised landscaping plan.

Skyline Development Corporation – N104 W13885 Donges Bay Road. The property owner is seeking approval of an amendment to the Village's 2020 Future Land use Plan Map (Commercial to Industrial/Office) and a rezoning application (B-1: Neighborhood Business to M-1: Limited Industrial) for portions of an 11.2 acre property located in the Germantown Business Park at the southeast corner of Donges Bay Road @ STH 145/Fond du Lac Avenue intersection in order to develop a 32,000 sqft industrial building. Planner Retzlaff summarized the proposal.

Discussion followed. Trustee Baum asked for clarification on what was being asked for approval, a Land Use Plan Amendment and Rezoning, and nothing to do with the landscaping and architecture concerns as detailed in the staff report. Planner Retzlaff explained a rezoning request typically requires some sort of site plan to give some clarity as to why and what the rezoning is being asked for even though the plan may not be the same plan eventually submitted for approval. The site plan could be used to help make a decision on the request to rezone. Chairman Wolter felt the landscaping and architecture concerns were discussed at the previous consultation meeting in 2013 and was concerned that Planner Retzlaff may be somewhat telegraphing the next step to this body without them seeing a site plan. Planner Retzlaff agreed he is telegraphing what he considers to be his concerns and is only giving the members the opportunity to provide feedback before final plans are submitted.

MOTION Baum second Shadid to Approve the proposed 2020 Land Use Plan Map amendment to reclassify the 4.7 acre area from "Commercial" to "Industrial/Office".

Motion to Amend Shadid to include the stipulation from the Village Planner's recommendation.

Motion fails no second.

Commissioner Gray said the plans for a future industrial building will need more detail and more interesting landscaping if it is located on that corner.

Bill Burkhart, Skyline Development, said the commercial use of the property was greatly diminished by the State of Wisconsin with the improvement of the round about and no driveway allowance to Fond du Lac Avenue. Most commercial uses of this size would require a better driveway access. He indicated he has worked very hard to obtain a commercial use for this property without success. He indicated he has an existing user that wants to move in this fall and understands the concerns about landscaping and architecture.

MOTION carried unanimously

MOTION Baum second Nilles to Approve the proposed rezoning of the 4.7 acre area from B-1: Neighborhood Business to M-1: Limited Industrial.

MOTION carried unanimously.

ANNOUNCEMENTS: Planner Retzlaff said there may be special Plan Commission on March 28, 2016.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant