

PLAN COMMISSION MINUTES
APRIL 11, 2016

CALL TO ORDER: 6:30 pm

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

PUBLIC INPUT: None

APPROVAL OF MINUTES: ***MOTION Shadid second Laszewski to Approve the minutes from 3-14-16.***

MOTION carried unanimously.

Steve Stoffel – N104 W14281 Donges Bay Road. The property owner is requesting approval of a revised Certified Survey Map in order to create 4 residential parcels under the existing Rs-4 Single-Family Zoning District. Planner Retzlaff summarized the proposal. He said the Village Board tabled action on the proposed 4 lot CSM at the March meeting in order for the Plan Commission to review and forward a revised recommendation of approval on the revised 4 lot layout.

Discussion followed. Planner Retzlaff said the abutting property owners that attended the Village Board meeting all supported the road not going through. Chairman Wolter said the Village Board had no negative input on the new plan, but thought it should go back to Plan Commission for review because the new plan was drastically different than what was originally seen. Planner Retzlaff explained the staff report supports the issue of constructing a sidewalk. He said the Public Works Committee had discussed the issue of installing a sidewalk on this property at their meeting because the Department of Transportation will be extending sidewalk from the round-about westerly to the point of the east property line. The sidewalk requirement would fill the missing link between properties.

Commissioner Nilles asked why the watermain extension was rescinded. Tim Hiller, The Hiller Company, said the Public Works Committee liked the cul de sac plan better and thought the layout was a better way to serve the lots. Trustee Zabel said the Water Superintendent thought it would be better to not have the water main run through the lots because it would be better to fix any maintenance problems. Planner Retzlaff said the cul de sac still exceeds the 500 foot maximum length limitation but the overwhelming response from those who attended the Village Board meeting was to not extend the road to Donges Bay. Trustee Zabel added that the neighbors were concerned the housing architecture would fit in with the area and match what is currently there. Mr. Hiller said he had received a copy of the Berrywood subdivision covenants and would match those requirements.

MOTION Laszewski second Shadid to Approve the proposed 4-lot certified survey map (CSM) as proposed subject to the following conditions:

- 1. All requirements and technical corrections identified in the Village Surveyor's April 7 January 8, 2016 memo shall be addressed in a revised CSM prior to recording the CSM Village Board approval;***

- ~~2. A notation be placed on the CSM prohibiting access to Donges Bay Road from Lot 2 and Lot 3 except for the 20' shared driveway ingress/egress easement as shown.~~
- ~~3. A shared driveway installed within the ingress/egress easement proposed to serve Lot 2 & 3 and Lot 1 & 4 must meet the design requirements in Section 18.07 of the Subdivision Code, including the preparation and recording of a shared driveway/access easement agreement. Said access easement agreement shall be submitted to the Village for approval and recording concurrent with recording of the CSM.~~
2. The developer shall construct a permanent closure at the end of Gatewood Place and dedicate it to the Village as a permanent closure to the public street. The design of said closure shall be approved by the Village Public Works Department. In the event that said closure requires additional right-of-way to accommodate the design, orientation and/or extent, the right-of-way shall be designed and taken from the subject property and dedicated to the Village. At a minimum, said closure shall be adequate in size, geometry and construction materials to adequately and safely accommodate the Village's emergency and public works vehicles. Said closure should be installed concurrent with the installation of other public utilities, and, prior to the issuance of a building permit for the development of ~~Lot 1~~ Lot 2, 3 or Lot 4.
3. The developer shall enter into ~~be responsible for installing/extending public water main through the property in the easement as shown on the CSM, and, in compliance with the terms and requirements of a Developer's Agreement between the owner/developer and the Village regarding the construction of the cul-de-sac, water and sewer improvements, storm water improvements, sidewalk, and any other requirements under Section 18 of the Village Code.~~ Said agreement to be prepared and approved in accordance with Village procedures prior to the commencement of any development activities and/or building permits for any of the four (4) residential lots. Sanitary sewer laterals serving the four lots and connecting to the exiting sewer line in Gatewood Place shall be installed within the easement as shown except that the existing lateral in the line located in the Donges Bay Road right-of-way in the vicinity of ~~Lot 3~~ may be utilized with approval from the Public Works Department.
4. The developer shall prepare detailed construction plans for the cul-de-sac, water and sewer lateral extensions/connections, and a storm water management and grading plan for the cul-de-sac road closure. Said plans shall also address and include required improvements to correct the existing drainage issue at the end of Gatewood Place.

Mr. Hiller said he is willing to work with staff to install the sidewalk. Trustee Zabel said sidewalks were brought up at the Public Works meeting as part of the project for Donges Bay Road and this sidewalk could be included in that project and assessed back to the developer.

MOTION carried 4-1 (Gray)

Think Design, LLC for MD Development & Moore Designs – W193 N10980 Kleinmann Drive. MD Development is seeking approval of a monument sign for the office/storage building located in the Lannon Road Business Center. Planner Retzlaff summarized the proposal.

MOTION Gray second Laszewski to Approve the proposed monument sign for the existing storage/office building located at W193 N10980 Kleinmann Drive subject to the following conditions:

- 1. Electrical permits shall be obtained from Inspection Services prior to installation.***
- 2. All electronic components shall be inspected and labeled by a licensed lab.***
- 3. Address coordinates and street name with minimum 5" lettering shall be installed on the monument sign base.***

Commissioner Nilles asked if the sign face needs to be reviewed by the Plan Commission when it comes in. Chairman Wolter said the review could be approved by the Planning Department.

MOTION carried unanimously.

Innovative Signs for Bethlehem Evangelical Lutheran Church – N108 W14290 Bel Aire Lane. The property owner is requesting approval of modifications to an existing monument sign for the existing church/school facility. Planner Retzlaff summarized the proposal.

Commissioner Gray said some landscaping should be added to the sign area. Planner Retzlaff discussed the sign not meeting the 150 foot setback requirement in the code. He discussed the 8 criteria for electronic message boards in the code and said there is some latitude for interpretation of whether or not the operational characteristics of the sign can be considered regarding the impact on the residential area or denied. Discussion continued regarding if the sign would affect the neighboring properties. He added the light level of the sign is required to be reduced at night as part of the approval. He said the sign could be approved as is and come back in a year to see if there are any complaints or issues. Commissioner Laszewski was concerned with the frequency the sign changes and suggested the text changing every 60 seconds instead of every 3 seconds. Chairman Wolter said many churches are using this type of sign to attract parishioners and other events. He said Plan Commission should consider is the right place for this sign and will it be intrusive to neighbors across the street based on its distance. Commissioner Shadid agreed the sign is too close to the property on the south but his concern also depends on how the message center would be used.

Chad Schultz, Innovative Signs, explained the sign is computer programmed and has the ability to automatically dim. He said the church has asked for display text with a single amber color. Commissioner Gray said more plantings would help like a crab apple tree. Mr. Schultz said the church is willing to put a landscape plan together.

MOTION Shadid second Nilles to Approve the proposed message board modification to the existing monument sign for Bethlehem Lutheran Church located at N108 W14290 Bel Aire Lane 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. The owner/operator shall provide an "electronic message board use & maintenance agreement" to the Village Planner prior to issuance of an electrical permit as required under 17.46(7)(h) of the Zoning Code.***

- 4. The owner/operator shall provide written evidence to the Zoning Administrator from the sign manufacturer and/or installer that the electronic message board complies with the automatic light level adjustment and other operational requirements prior to issuance of an electrical permit as required under 17.46(7)(h)6. and (h)7. of the Zoning Code.**
- 5. The owner/operator shall operate and maintain the electronic message board in compliance with the message display appearance, duration/timing and all other requirements under 17.46(7)(h) at all times.**
- 6. The monument sign shall be moved to a point where the minimum setback distance from the nearest residential zoning district boundary is 150 feet or greater.**

Chairman Wolter said Condition #6 is an added expense for the church because the base is already there and he would rather find a solution that works for what they're proposing. He said he would prefer to have a condition to see if any complaints are registered after 1 year regarding the brightness or proximity of the sign and then move the sign to what the code requires. Discussion continued where the sign would need to be located to reach the 150 foot setback.

MOTION to Amend Gray second Shadid that the sign be allowed to remain where it is for a year and if there's feedback from the public and it cannot be resolved the Plan Commission will reconsider with the option of having it moved to comply with the code.

Commissioner Laszewski asked what happens when a complaint is received. Planner Retzlaff said he would do an investigation and find out what the basis for the complaint is and approach the church or installer/manufacture and try and address the issue. Chairman Wolter explained if someone brings forward a complaint that is being impacted directly by the sign and it cannot be resolved between the Church and the complainant, and then it will come before the Plan Commission in order to look at ways to resolve that issue including making it comply to the minimum 150 foot setback requirement.

MOTION to Amend carried unanimously.

MOTION to Amend Gray second Laszewski that the landscaping around the sign be enhanced to include a variety of materials, some perennials, something that's colorful and to include at least one ornamental tree in relationship to the sign so it doesn't stand there all alone. The revised plan should be reviewed and approved by the Village Planner.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Innovative Signs for Cambridge Major Laboratories – W130 N10497 Washington Drive.

The property owner is seeking approval of replacement monument signs for the campus of buildings located in the Germantown Business Park. Planner Retzlaff summarized the proposal.

MOTION Nilles second Shadid to Approve the proposed replacement monument signs for the existing three (3) buildings on the Cambridge Major Laboratories campus in the Germantown Business Park subject to the following conditions:

- 1. Electrical permits shall be obtained from Inspection Services prior to installation.***
- 2. All electronic components shall be inspected and labeled by a licensed lab.***

MOTION carried unanimously.

Aaron & Emily Diener – W168 N12330 Century Lane. The property owners have submitted a petition to discontinue a public street right-of-way “reservation” that abuts their residential property. Planner Retzlaff summarized the proposal.

MOTION Gray second Nilles to Approve the petition and application submitted by Aaron & Emily Diener, Craig & Diana Ostovich and Dave Kontz to discontinue the 66’ wide public street right-of-way “reservation” that abuts their property located on CSM No. 191.

MOTION carried unanimously.

Skyline Development Corporation – N104 W13885 Donges Bay Road. Sports Specialists of Milwaukee has submitted Certified Survey Map, Conditional Use Permit and Site Plan Applications for a 32,000 sqft warehouse distribution and office building on a 4.7 acre parcel located on Donges Bay Road & STH 145/Fond du Lac Avenue in the Germantown Business Park. Planner Retzlaff summarized the proposal.

Mike Krenz, Skyline Development, commented on Condition #8 requiring additional architectural features be added to the building. He said this project is on a fast pace has had a lot of challenges. He commented that they want to be treated fairly from the standpoint of aesthetics of the building and how it compares to other buildings in the Business Park. He hopes the Plan Commission understands timing is crucial to the client who needs to get in by early September and are hoping to not have to change anything architectural on the building. Commissioner Gray said this building is on the road to Germantown and is more of a public space. She said the building needs something pushed out. Mr. Krenz they had discussed adding more reveals with the architect.

MOTION Shadid second Gray to Approve the proposed Certified Survey Map (CSM) to divide the property into 2 parcels subject to the following conditions:

- 1. All technical corrections listed in the Village Surveyor's March 22, 2016 review memo shall be addressed and/or reflected in a revised CSM prior to recording the CSM.***

MOTION carried unanimously.

MOTION Gray second Shadid APPROVE a Conditional Use Permit to allow development within the 25’ wetland setback areas and proposed compensation as presented in the Wetland Mitigation 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 plan, including the planting/restoration of native vegetation. Said report shall, at a minimum, detail the type and amount of plantings, 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 to be carried out, and a list of planned activities for the upcoming year. Said report shall be submitted annually at the end of each year beginning in 2017 for a period of three (3) years.

MOTION carried unanimously.

MOTION Gray second Shadid to Approve the site development and building plans for the proposed 32,000 sqft warehouse distribution and office building on a 4.7-acre parcel located on Donges Bay Road @ STH145/Fond du Lac Avenue 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 set dated stamped April 5, 2016 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 shall be provided as required by the Village Fire Department: (a) one Knox box shall be installed at a location approved by the Fire Department; (b) the Fire Department Connection (FDC) and alarm panel locations shall be approved by the Fire Department.***
- 4. All exterior doors (except primary entrance) 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 raised in the Village Engineer's February 23, 2016 review memo shall be addressed and reflected in a revised set of plans submitted to the Village Engineer for review/approval prior to issuance of a building permit.***
- 7. The requirement for architectural screening of any roof-mounted HVAC equipment shall be re-assessed by Skyline and the Plan Commission within one (1) year after issuance of an occupancy permit. If deemed necessary by the Plan Commission, the owner shall submit plans and renderings for said screening to the Plan Commission for review/approval with any required screening to be installed within two (2) years after issuance of an occupancy permit.***
- 8. To comply with the Business Park covenants and restrictions, additional architectural devices, e.g. pilaster, more pronounced reveals, wall panel articulation, material changes or other architectural features or enhancements shall be added to the south and west elevations that also wrap the northwest corner of the north expansion wall. The proposed smooth-finish wall panels***

shall include an additional architectural finish that is not limited to just different color. A revised elevation/architectural plan and rendering showing these changes shall be prepared and submitted to the Plan Commission for review/approval prior to issuance of a building permit.

Chairman Wolter recognized Kathy Jahn, W140 N10363 Fond du Lac Avenue, who said she was concerned about her property value because of the 24 foot building being located across the street from her property.

Commissioner Gray said the landscape was nice but doesn't understand why there are no evergreens in the plan. She said the southwest corner would be a good spot for a couple evergreens and also something from the north. Mr. Krenz said some plants could be switched out for evergreens.

MOTION to Amend Gray second Shadid to add 5 Black Hills Spruce evergreen trees to the landscape plan.

MOTION to Amend carried unanimously.

Discussion followed regarding condition #8 to revise the building plan and add architecture. Chairman Wolter said Skyline has done a good job of placing this building on the property and appreciates Sports Specialists staying in Germantown. He's excited about this site because of the activity going on in the area including the round-about, Donges Bay Road completion and the infrastructure going in to help initiate additional expansion and development in this area. He said he considers this project a catalyst to help develop the 145 corridor as it heads toward Mequon Road. He added that he does not consider Hwy. 145 a gateway to Germantown and is willing to accommodate some if the condition of how this building looks. He said this is a warehouse distribution center and would wait until the building expansion to ask for additional building features. Commissioner Gray agreed it may not be a gateway but the building will make a strong and obvious statement. Chairman Wolter said Skyline has worked very hard to work through all of the wetland issues, the round-about and additional setbacks to make this site work.

Planner Retzlaff agrees this business is a catalyst for the area, but is concerned the bar being set for the area is relatively low because this building doesn't have the articulation, material change or roof features for accents that other buildings in the Park have. He appreciates the owner's perspective with what he would prefer to see on his property, but he is charged with enforcing the zoning code and the Business Park Covenants that call for better architecture that face the public way. Discussion continued.

Mr. Krenz said this project is ready to start and they do not have time to go to another meeting because they need to keep a September deadline for the client. He said they are willing to work with staff and add reveals or another color architecturally to enhance the building more, keep the cost minimal but keep the schedule on track. Commissioner Gray and Laszewski said they were in favor of Condition #8. Planner Retzlaff said Airgas and other businesses in the Park have included articulation, pilasters, color changes, material changes, reveals or shadow lines to their buildings. Commissioner Gray said the changes should be in the hands of the architect and brought back to Plan Commission for review. Chairman Wolter said another meeting could be scheduled to review the plans, possibly the last week of April.

Bill Burkhart, Skyline Development, suggested language be put in the approval saying that upon building expansion it should replicate what is now on the southeast corner of the building. Gregg Prossen, Consortium, thinks he can solve the request with reveals and paint colors. Chairman Wolter asked Skyline if they have enough information to move forward. Mr. Prossen said he will look at adding more reveals and adding paint colors.

MOTION to Amend Shadid second Nilles to meet on April 25, 2016 to review revised architectural plans based on the Planner's recommendation for architectural changes in Condition #8.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

The Custom House for Chaz Hastings & Von Rothenburg Bier Stube & Jerry Grosenick N116 W15841 Main Street. The property owner is requesting feedback on a proposal to expand the Von Rothenburg beer garden and install a temporary gravel parking lot on a 1 acre vacant area located south of the property. Planner Retzlaff summarized the proposal.

Plan Commission members had the following comments and concerns:

- o Gravel provides parking but takes out trees and is not attractive
- o Agrees parking is a problem
- o How will storm sewer issue be handled, parking shouldn't make issue worse
- o The shelter looks like a horse shelter, should have a more character
- o Are 87 parking stalls sufficient
- o There is a need for additional parking for the business to expand
- o How will parking be controlled so it is organized
- o Will the stage change direction to address noise
- o Is a traffic study needed
- o Fire Department is asking for a second driveway out to Main Street or Fond du Lac Avenue.
- o More parking is needed on both sides of Main Street, but needs to be well organized.
- o The code requires a parking lot to be paved within one year; how long can we wait before requiring paving for off-site parking lot
- o Likes that plan can still be changed in future
- o More trees are needed
- o Storm water management will need to be addressed when parking lot is paved
- o Steel plates could be used on gravel

Planner Retzlaff said a Conditional Use Permit and Site Plan Review applications would be required. This item was for discussion. No action was taken.

ANNOUNCEMENTS:

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant