

PLAN COMMISSION MINUTES
September 12, 2016

CALL TO ORDER: 6:32 pm

ROLL CALL: Chairman Dean Wolter, Trustee Representative David Baum, Commissioners Mary Ellen Gray, Bill Shadid, Peter Nilles, Ben Goetter and Tony Laszewski were present. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

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

MOTION carried unanimously.

Great Lakes Quick Lube and Valvoline – N96 W18594 County Line Road. The property owner is requesting approval for a new monument sign and replacement wall signs. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed monument and replacement wall signs for Valvoline located at N96 W18594 County Line Road subject to the following conditions:

- 1. An electrical permit shall be obtained from Inspection Services prior to installation.*
- 2. All electronic sign components shall be inspected and labeled by a licensed lab.*
- 3. The background panel of the manual message board shall be opaque (no light transmitted) or a dark color and the total sign area shall not exceed 40% of the total sign area for the monument sign.*

Commissioner Baum questioned if the monument sign was located in a vision triangle. Planner Retzlaff said that was not an issue because the sign would be located further back on the property and was at a controlled intersection on a divided highway.

Motion carried unanimously.

Endam LLC for Manpower – N112 W16510 Mequon Road. The property owner is requesting approval of a wall sign and monument sign insert panel. Planner Retzlaff summarized the proposal.

MOTION Baum second Gray to Approve the proposed wall sign and monument sign insert panel for Manpower located at N112 W16510 Mequon Road 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. The color/material of the proposed monument panel insert shall be changed to a dark color or be opaque.*

MOTION carried unanimously.

Mike & Allison Roeder – W168 N10711 Juniper Drive. The property owners are seeking approval to install a fence within an existing drainage easement on their residential lot. Planner Retzlaff summarized the proposal.

Mike Roeder said he understood the conditions of approval and will keep the fence free of debris. Planner Retzlaff asked about the existing conditions in the easement and if there was any overland water after all the recent rain we've had. Mr. Roeder said there was some standing water where the fence is proposed. Kim Chizek, W169 N10699 Juniper Drive, asked who would be responsible if water accumulates in the easement if the fence is approved. She also had concerns with the deteriorating condition of the storm sewer located along the rear of the property saying if it needs to be repaired or replaced it may affect the location of the fence and should be repaired before it is installed. Planner Retzlaff said the Village would play a role in fixing potential problems if there is no stormwater maintenance agreement. He advised Ms. Chizek to contact the Public Works Department to address her concerns and schedule an inspection.

Motion Baum second Peter to Approve the zoning permit application to install a 4' chain link fence along the side and rear property lines and into the existing 10' drainage easements located on the property located at W168 N10711 Juniper Drive in the Cedar Hills Subdivision subject to the following conditions:

- 1. The owner shall be responsible for the cost to repair any damage made to the concrete storm water pipe or any other Village maintained feature within the easement resulting from installation and operation of the fence.***
- 2. The owner shall regularly inspect that portion of the fence situated within the drainage easement, including during and after storm events, to remove any debris accumulated around his fence.***
- 3. Once installed, if the fence is deemed by the Village to cause and/or contribute to flooding of property that wouldn't have occurred or be as severe if the fence had been installed outside of the drainage easement, the Village may require the property owner to modify the fence design and materials, or, relocate the fence outside the drainage easement.***
- 4. In the event that the Village needs to remove the fence in order to maintain the drainage easement, replace the storm water pipe, or for any other reason, the Village shall have the right to remove the fence at the owner's expense.***

Commissioner Nilles asked the property owner if the fence could be moved outside of the easement. Mr. Roeder said that he had considered that but doesn't have much room because trees are in the way and he would lose too much yard. Commissioner Laszewski said the flood maps are fairly accurate and if the owner doesn't clear the leaves and there is a lot of water, we don't know what will happen and the Village could be dealing with a wider area of impact. He would prefer the fence be moved out of the easement. Commissioner Gray said the yard is fairly narrow and it doesn't make sense for the homeowner to lose more back yard. She said water will lift the leaves and run even with a heavy rain. Chairman Wolter said the area has flooded in the past and should be considered and watched for. He said diggers hotline wouldn't shoot the culvert and asked how the location will be identified so it isn't hit. Planner Retzlaff said he will have the permit application reviewed by the Public Works Department so they can comment on the location and depth of the pipe. Chairman Wolter said it would also be a good time for them to look at the other concerns as well. Mr. Roeder said he would wait until the Public Works Department views the property.

Motion carried 6-1 (Laszewski).

Washington County for Village of Germantown – The Water Tower at N101 W15201 Starlite Drive.

Washington County is seeking approval of site development and building plans for the installation of additional antenna and a communication equipment storage building on the existing 118' water tower property. Planner Retzlaff summarized the proposal.

John Schrader, Washington County Sheriff's Department, said the County had no preferences with the building design and would do whatever the Village prefers. He explained the equipment is being installed to enhance radio coverage and would be monitored by a computer. He was adamant that the equipment needs to be tested once a week but said the testing time could be changed if the Village preferred a different time.

MOTION Baum second Shadid to Approve the proposed site and building plans for installation of the additional antenna and an equipment storage facility on the existing 118' water tower located at N101 W15201 Starlite Drive subject to the following conditions:

- 1. The emergency generator shall be installed with a Level 2 acoustic enclosure or other device(s) necessary to ensure that the sound level does not exceed 72db at any property line.***
- 2. The operator shall re-evaluate the proposed schedule for testing the emergency generator to lessen the amount and duration of noise from the unit. The operator shall work with the Village (who may, in turn, seek feedback from the surrounding property owners) to determine a mutually-acceptable day of the week, time of the day, and duration of testing for the emergency generator. The operator and Village shall re-evaluate said schedule after one year of operation and adjust it accordingly based on feedback from the surrounding property owners.***
- 3. All sides of the fence enclosure shall be fitted with privacy slats that are an earth-tone color and that matches the color of the equipment shelter roof shingles (unless a faux hedge or ivy vegetation slat is used).***

Commissioner Nilles questioned who will solicit comments from the neighbors if there are any issues. Planner Retzlaff offered to contact the residents by letter after the generator runs for a period of time.

Motion to Amend Baum second Gray to change Condition #3 to state that "All sides of the fence enclosure shall be fitted with ivy vegetation slats in lieu of faux brick on the building".

Motion to amend carried unanimously.

Motion to Approve as Amended carried unanimously.

JBj Development and Saxony Village – N116 W16200 Main Street (approximate) – The property owner has submitted a request to amend a condition of the Plan Commission Site Plan approval for the 172 unit multi-family apartment community. Planner Retzlaff summarized the request to begin construction on the approved improvements that are outside of the contamination area before DNR approval is granted. Scott Bence, JBj Development, said he had talked to the DNR this morning and was informed they are working on the approval letter this week. He explained the permit is matter of right, not an option, if the required data has been submitted.

MOTION Baum second Nilles to Approve the language change to Condition #4 of the Approved site plan conditions by adding "Site, access, and utility improvements outside the designated DNR contamination is not subject to this condition and may begin prior to DNR granting approval, subject to the developer obtaining all other Village permits and approvals required in advance of commencing construction of said improvements."

Mr. Bence said his request is to limit the development to areas outside of the contamination zone. His intention is to start in the southeast corner creating building 6, advancing up to the crossing on Hilbert Lane and prep the area for sewer and water. He explained he is not going to move dirt anywhere near the contamination zone. Trustee Baum said trucks have been going through that area and he wants to prevent the area from being disturbed by limiting any work to the southeast corner of the development. Mr. Bence said he wants to start work in every area outside of the contamination area and will withdraw the request and wait for the DNR approval if an agreement can't be reached. Mr. Bence explained the remediation activities planned for the contamination area saying it is primarily soil removal after excavation that will be transported off site. Trustee Baum asked how the construction trucks will get in and out of the site until the final approvals have been issued. Mr. Bence said the trucks will use both Hilbert Lane and the north driveway. He explained using the driveway is not a prohibited use on a brownfield site. Trustee Baum asked if some of the soil would be dug up for a tracking pad. Mr. Bence explained the tracking pad can be put on the existing the soil. He added that cars drive in and out of there every weekend without a tracking pad.

Loren Doll, W159 N11447 Red Oak Circle, said Hilbert Lane is in no condition to handle the construction vehicle traffic and asked that the trucks come in and out through the west side. Planner Retzlaff and Trustee Baum indicated that Plan Commission does not have jurisdiction or authority over traffic and cannot dictate what public road should be used.

Motion carried unanimously.

ANNOUNCEMENTS: Chairman Wolter thanked Chief Weiss and the Fire Department for the 9/11 Memorial Service. Commissioner Shadid said the Fire Department open house is coming up in October.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant