

PLAN COMMISSION MINUTES
November 14, 2016

CALL TO ORDER: Secretary Lori Johnson called the meeting to order at 6:32 pm

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

MOTION Shadid second Gray to appoint Trustee Representative David Baum as Chairman Pro-Tem.

MOTION carried unanimously.

PUBLIC INPUT: None

APPROVAL OF MINUTES: ***MOTION Shadid second Gray to Approve the minutes from 10-10-16.***

MOTION carried unanimously.

Maximized Living Health Center – N112 W16076 Mequon Road. Dr. Karl Yentz, Yentz Family Chiropractic, is requesting sign approval for a new facility. Planner Retzlaff summarized the proposal.

MOTION Gray second Laszewski to Approve the proposed wall sign and monument sign panel insert for the Maximized Living Health Center located at N112 W16076 Mequon Road with 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.

D&G Warehousing – N120 W18665 Freistadt Road. The applicant is requesting approval for wall mounted signage for the existing facility. Planner Retzlaff summarized the proposal.

MOTION Gray second Shadid to Approve the proposed wall sign for D&G Warehousing located at N120 W18665 Freistadt 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.***

MOTION carried unanimously.

Keller Inc. – W204 N11509 Goldendale Road. The application is for a consultation to discuss a proposed mixed-use commercial development on approximately 5.9 acres. Planner Retzlaff summarized the proposal. Nate Laurent, Keller Inc., spoke on the development. He said the timing for development is on an as needed basis, but is confident there are enough tenants for the first building and the second shortly after. Building 3 would potentially be a one user building.

The Plan Commission had the following comments and concerns:

- o Commissioner Laszewski asked if the B-3 zoning district is appropriate and needs to be continued for this property. Planner Retzlaff said it would make the properties consistent with what's currently there.
- o Commissioner Niles is in favor of the concept but has some concerns with the users and traffic impact. Mr. Laurent said the users would be 1500-3000 sqft businesses with 2-5 employees. He said he could put together something with anticipated traffic counts if needed.
- o Planner Retzlaff commented that the proposed buildings have a lesser quality building material than the existing building which has stone brick veneer on all four sides. Commissioner Gray said the buildings look like garage doors marching down the front and back and look very blocky and kind of square. She added they don't seem to have a lot of character and that landscaping may help break up the panels of the building especially the siding. Commissioner Baum said the buildings have no vertical or horizontal articulation, the roofline is just flat with no projections above, and the projections of the entries don't stand out. He'd like to see something that punches through the roof line on both sides. The vertical architectural metal siding is making the building look very drab. He suggested popping up the 2 stone panels on the street side above the roof line and at the corners to break up the roof line. He was less interested in doing something on the buildings on the inside area. He added that the building code will require sidewalks around the building and they should be put on the plans.
- o Planner Retzlaff said the proposed parking meets the minimum requirements. The need for additional parking will depend on the tenants and be assessed at the time a zoning permit comes in.
- o Commissioner Gray was concerned with the lack of landscaping on the interior space and also asked for some type of landscaping to break up the front of buildings to make them less industrial looking. Mr. Laurent said there really wasn't any room for landscaping. Commissioner Gray suggested the inside island could be raised up with a mixed use of plants and shrubs. Trustee Baum said some landscaping could be put in between the drive lane and the wetland boundary and at the northwest end by the water detention pond and bits and pieces around the property.
- o Mr. Laurent said he would work with some high/low to break up the roof line along the high way side and add natural stone to tie back into the other office building. He asked if the vertical metal panels are acceptable. Trustee Baum suggested bringing in material samples or something more interesting. Trustee Baum suggested horizontal 1x2 or 2x4 metal panels might be interesting. Mr. Laurent mentioned possibly using insulated metal panels similar to the D&G building that look like pre-cast panels.

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

Chairman Wolter arrived at 7:05 p.m.

Matthew Schaetzel N116 W16416 Main Street & Carrie D'Acquisto – N116 W16366 Main Street. The property owners are seeking approval of a 2-lot Certified Survey Map and rezoning application. Planner Retzlaff summarized the proposal.

MOTION Laszewski second Baum to Approve the 2-lot Certified Survey Map and proposed rezoning for the Schaetzel and D'Acquisto properties located on Main Street subject to the following conditions:

- 1. All technical corrections identified by the Village Surveyor as summarized in the November 7, 2016 memo shall be made prior to recording the CSM.**
- 2. In addition to rezoning the approximately 7,700 sqft area being conveyed from D'Acquisto to Schaetzel from the Rs-3: Single-Family to the Rd-2: Two-Family Zoning District, the Village shall also rezone the remaining D'Acquisto property from the Rs-3: single-Family to the Rs-4: Single-Family Zoning District.**

MOTION carried unanimously.

Paula & Chad Wagner – W159 N9657 Butternut Road. The property owners are seeking approval to install a fence within an existing drainage easement on their residential lot. Planner Retzlaff summarized the proposal.

MOTION Gray second Baum to Approve the request to install a fence within an existing drainage easement on the residential lot located at W159 N9657 Butternut Road subject to the following conditions:

- 1. The owner shall regularly inspect the fence installed within the easement, including during and after storm events, to remove any debris accumulated around his fence and the fence must be maintained and otherwise kept free of debris that can clog the openings and restrict storm water flow across the easement.**
- 2. Any easement agreement shall remain in effect.**
- 3. In the event that the Village needs to remove the fence in order to maintain the drainage easement or for any other reason, the Village shall have the right to remove the fence at the owner's expense and shall not be responsible for replacement or reinstallation.**
- 4. The property owner is responsible for all damage caused by and/or resulting from installation of any fence within the 20' drainage easement.**
- 5. 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.**

Trustee Baum asked the owners if they were aware of the conditions. Commissioner Laszewski stated he doesn't think its good policy to approve a fence in a drainage easement.

MOTION carried 6-1 (Laszewski).

Lori & David Gutbrod for Advantage Research – W162 N11840 Fond du Lac Avenue. The property owners have submitted an application to rezone the 4.24 acre parcel from the Rs-2: Single-Family Residential Zoning District to the B-4: Professional Office Zoning District to accommodate the conversion of the residential dwelling to an office building. Planner Retzlaff summarized the proposal. His recommendation was to Table action until further information is received from the owners regarding a potential division of the property before rezoning the entire parcel because there could be compatibility issues with the existing residential areas to the North and East. He said there is a potential for developing a significant amount of office development on 4 acres of land and the area has been identified as suitable for a future mixed used type development. He suggested placing a cap on the north half of the property to keep it

residential. Chairman Wolter said it could be a mixed use development with office and a commercial component and restaurant with a PDD.

Discussion continued. Chairman Wolter said he appreciates the Gutbrod's wanting to revitalize the building and thanked them for putting money into it to bring it back. He said the Schwalbach's have a long history with Germantown and it's a nice way to keep history in the area. Dave Gutbrod said he had done a lot of research on the building and wants to clean it up so his wife can use it in the future for work. He said subdividing the property would be an opportunity for someone down the road and that he would consider residential zoning at that time.

MOTION Baum second Gray to Approve the proposed Rezoning of the 4.24 acre parcel from Rs-2: Single-Family to B-4: Professional Office Zoning District.

Trustee Baum said he can't put restrictions on the property until he sees what is brought forward at some point in the future.

MOTION carried unanimously.

Odyssey Hotel Group LLC for Holiday Inn Express – W177 N9675 Riversbend Lane & Riversbend Country Club – N96 W18034 County Line Road. The proposal is to amend the Holiday Inn Hotel and Riversbend Planned Development Districts to allow an expansion of the hotel and development of an off-site parking lot on the Riversbend golf course property. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid that the proposed PDD amendments are significant changes that require a public hearing prior to the Village Board's review and consideration.

Trustee Baum said the residents need to be able to come forward and voice their concerns. Chairman Wolter said an extensive berm plan is being proposed and will be a substitute for the building that wasn't built and will be an advantage for the property owners to help block the view. Planner Retzlaff said Odyssey Hotels initiated a community meeting with the Riversbend community and the reaction was very positive. Rachit Dhingra, Odyssey Hotels, confirmed the residents were in favor of the expansion. He said the plan is to upgrade the hotel brand. Chairman Wolter if the enhanced berming would need to go through additional hoops. Jason Day, Excel Engineering commented that the majority of the berming is already outside of the floodplain. Chairman Wolter asked how the golf course property would be maintained. Mr. Dhingra said the community would rather have it as private property with no trespassing and it would go back to its natural state. Commission Gray said it would become a weed filled disaster and something would need to be done with it. Mr. Day said the intent for the golf course is to leave it as a conservancy and a buffer yard for the neighborhood. Planner Retzlaff said now would be the time to require a management plan for the golf course property and make that recommendation as a condition of the PDD. Wolter said a maintained plan would be preferred instead of weeds but should be looked at and discussed. Mr. Dhingra said they could look into it further but said he has had conversations with the park dept regarding putting a trail system together for the hotel guests and the community. But the residents would prefer no trespassing or attraction to the area. Planner Retzlaff commented that he had talked to MMSD and they are aware of the property, but he hasn't heard back from them.

Trustee Baum said he would not have a problem with supporting the 4 story height of the building if the residents were ok with it and would prefer option #1 because there is contiguous asphalt from both properties compared to option #2 where there's no connectivity. Planner Retzlaff explained the proposal is for amendments to the PDD and not the site plan that will still need approval. Mr. Rachit explained he is looking at acquiring the golf course for parking in order to expand the hotel which needs to go to 4 floors to bring it to current times. He knows he will be back for other approvals, but he wants the PDD amended so that the 4 floors, height and parking are already allowed.

MOTION carried unanimously.

MOTION Baum second Shadid to approve the proposed amendments by Odyssey Hotels and Riversbend Country Club Inc., to the Neviaser PDD and the Riversbend Country Club-Continental 246 Fund LLC PDD to allow for the expansion of the hotel and development of an off-site parking lot on the Riversbend golf course property except as provided below and subject to the following conditions:

- 1. The General Development Plans for and referenced in both the Neviaser PDD and the Riversbend Country Club-Continental 246 Fund LLC PDD shall be revised to reflect the proposed improvements and features shown in the plan set dated November 8, 2016; specifically Sheet C-1 that represents the maximum amount of guest rooms up to 130 and parking lot expansion up to 135 parking stalls. It shall be understood that the building and parking lot expansion approved under these PDD amendments shall be the maximum amount allowed with lesser amount of guest rooms and/or parking stalls allowed to develop provided any future expansion is generally consistent with the plan set dated November 8, 2016.***
- 2. The proposed amendments shall be codified into an appropriate resolution amending the current list of conditions & restrictions for the respective PDD's to be considered for approval by the Village Board.***
- 3. The proposed amendment to the Riversbend PDD shall not include or otherwise allow the division and/or development of the 1.34-acre area in the northeast corner of the property adjacent to the Fountain Square/JBJ Companies property as a separate parcel. This area may be combined with the adjacent property provided all applicable Village, state and federal code requirements and regulations can be met.***
- 4. Detailed site development & building plans shall be submitted to the plan Commission for review and approval prior to commencement of any new or re-development of either property subject of these PDD amendments. Said plans shall reflect or otherwise address the comments and recommendations of the Village departments set forth in this staff report unless otherwise superseded by updated and/or new code requirements or regulations.***

Robert Eastman, W179 N9773 Riversbend Circle West, said the Riversbend community is in favor of the hotel expanding and said there have been issues with berming in the past. He liked the idea of extending the berm to the west. Discussion continued.

MOTION to Amend Gray second Baum that the conservation part of that property that the buyer come back within 6 months with a plan for us to look at in terms of maintenance or how they want to treat the conservation part of that property, so we can look at and review it and they have had time to think about and talk to other people about it.

Chairman Wolter said the Village already has rules in place to manage noxious weeds and although he agrees with the premise of Commissioner Gray's motion, he has an issue with government telling someone what to do with private property. Mr. Dhingra said he is not planning on mowing the property but understands noxious weeds are not allowed. Trustee Baum asked how the taxes will change if the property is not a golf course. Planner Retzlaff said he could come up with additional information before the Board meeting.

MOTION to Amend carried 6-1 (Goetter)

MOTION to Approve as Amended carried unanimously.

MOTION Baum second Shadid to not act on the Conditional Use Permit for offsite parking due to prior approvals.

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant