

PLAN COMMISSION MINUTES
December 12, 2016

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, Peter Nilles and Tony Laszewski were present. Commissioners Mary Ellen Gray and Ben Goetter were absent and excused. 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 11-14-16.***

MOTION carried unanimously.

Germantown Nails – N112 W16292 Mequon Road. The new operator is requesting sign approval in the Germantown Marketplace shopping center. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed wall sign and monument sign panel insert for Germantown Nails located in the Germantown Marketplace at N112 W16292 Mequon Road subject to the following conditions:

- 1. Electrical permits shall be obtained from the Inspection Services prior to installation.***
- 2. All electronic components shall be inspected and labeled by a licensed lab.***
- 3. The monument sign panel insert is required to have an opaque or dark background.***

Chinh Nguyen, Sign & Graphics Co., said he would reverse the colors on the monument sign panel to comply with the code.

MOTION carried (4-1 Baum).

MGS Equipment Group – N118 W19328 Bunsen Drive. The operator is requesting approval for a new monument, wall and directional signs. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the proposed monument, wall and directional signs for MGS Equipment Group located at N118 W19328 Bunsen Drive subject to the following conditions:

- 1. A landscaping plan for the area around the monument sign base shall be submitted to the Village Planner for review and approval prior to installation of the monument sign. Said plan shall include evergreen shrubs, ornamental grasses and perennials required under 17.46(7)(c) of the Zoning Code. All landscaping contained in the approved plan shall be installed before June 30, 2017.***
- 2. Electrical permits shall be obtained from the Inspection Services prior to installation.***
- 3. All electronic components shall be inspected and labeled by a licensed lab.***

MOTION carried unanimously.

Surge Martial Arts – W188 N11927 Maple Road. Corey Becker, operator, is seeking a Sign Permit and Conditional Use Permit to allow the operation of a martial arts and fitness operation from an existing tenant space in the Alpine Business Center. Planner Retzlaff summarized the proposal that is moving from their current location in the Germantown Marketplace.

MOTION Baum second Shadid to Approve a Conditional Use Permit for the operation of an indoor health and recreation establishment, specifically “Surge Martial Arts & Fitness”, from tenant space in the existing building located at W188 N11927 Maple Road (Alpine Business Center Unit 10) in the Germantown Industrial Park subject to the following conditions:

- 1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated November 7, 2016 and in the supporting documents made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.***
- 2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently 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. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements shall be submitted to the Village as part of a building permit application.***
- 4. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.***
- 5. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.***
- 6. All exterior signage, including temporary signs, require a permit from the Village.***

Planner Retzlaff explained the list of CUP uses that may be allowed in the M-1 Zoning District includes commercial activities allowed in the B-2 Community Business District when the Plan Commission finds that the activity directly supports the businesses in the park. Discussion followed regarding if this use is something the employees in the park would use.

MOTION carried unanimously.

MOTION Baum second Shadid to Approve the proposed wall signs for Surge Martial Arts & Fitness located at W188 N11927 Maple Road (Alpine Business Center Unit 10) in the Germantown Business Industrial Park subject to the following conditions:

1. **Ground-mounted lighting shall be spot lighting (vs. flood) and installed with appropriate shielding to prevent glare or spill-over visible from Maple Road or adjacent properties.**
2. **Electrical permits shall be obtained from the Inspection Services prior to installation of any ground-mounted lighting fixtures.**

MOTION carried unanimously.

Happy Hounds – N116 W18395 Morse Drive. Michelle Richards, operator, is seeking a revised Conditional Use Permit for the operation of a dog daycare, training, grooming and boarding facility. Planner Retzlaff summarized the proposal and explained the business is moving from its current location on Edison Drive to the new location also in the Industrial Park. The owner is requesting some revisions to the current CUP and staff supports the revisions including the limits on the number of dogs, the requirement for special permission from Plan Commission for special events and sound mitigating measures in the case of noise complaints.

MOTION Baum second Shadid to Approve amendments to CUP #3-04 for the Happy Hounds dog daycare facility to be located at N116 W18395 Morse Drive in the Germantown Industrial Park subject to the following Revised and Additional conditions:
Revised Conditions:

1. The facility shall be limited to a 10,000 7,200 sq. ft. area, with the following allowed uses:
 - a. Dog daycare
 - b. Dog training.
 - c. Dog grooming and bathing.
 - d. Retail, sales of dog accessories.
 - e. Dog boarding.
- ~~2. The maximum number of dogs allowed on the premises at one time is 65.~~
- ~~3. The maximum number of dogs allowed outside the building at one time is 30.~~
4. Outside dog area shall be completely fenced in with a minimum 6 ft. solid or chain link fence with privacy slats.
5. The hours of operation shall be between 6:00 a.m. and 10:00 p.m.
6. All waste outside must be picked up on a daily basis and disposed of properly.
7. Any outside special events requires Plan Commission approval.
8. If the Village receives any complaints regarding the noise generated from barking dogs, the Village Plan Commission may require that request the applicant install sound softening or other mitigative measures within the areas of the building that the dogs are kept or take other action regarding the operation pursuant to Condition #13 herein.
9. All permanent and temporary signage requires Village permits and approval by the Plan Commission (if applicable).
10. Any future paving may requires Village approval and/or permits by the Plan Commission.
11. Any change of the conditions listed above requires approval by the Village Board to officially amend the Conditional Use Permit.

Additional Conditions:

12. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated November 4, 2016 and in the supporting documents made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of

approval.

- 13. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, if there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP, or, if the conditions imposed are subsequently determined to be insufficient to mitigate or eliminate such problems or harmful effects, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.*
- 14. All interior and exterior building modifications (including exterior lighting and fencing) and/or site improvements will require building permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Structural engineering calculations are required as part of the building permit needed for the proposed exterior canopy/awning.*
- 15. Owner/Operator shall install and maintain the following life-safety features as required by the Fire Department:*
 - a. Knox Box at a location on the building to be determined by the Fire Department;*
 - b. Two (2) exit/access doors to the building: one in southwest corner and one on the east wall. Both exits/access doors shall be marked with code-compliant exit lighting;*
 - c. Access gates/doors on all fenced areas to provide outside perimeter access and inside gates to provide interior access.*
 - d. A hard surface access walkway at least 42 inches wide along the west side of proposed fenced area and around the corner of the electrical transformer (southwest corner) extending to the south end of the parking lot. The lawn shall be maintained along the south side of the paved surface.*
- 16. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.*

Trustee Baum questioned how the number of dogs could not be determined and how will we monitor if there's a problem. Planner Retzlaff said the CUP has built in requirements and conditions if circumstances surrounding the operations of the CUP change. He explained noise complaints are treated as a nuisance complaint and special events are handled through the temporary use permitting process. He said he would notify the owner and discuss any complaints with her and that Village Board would ultimately determine if further action is needed. He stated he is approaching this as an existing business that has no complaints and is just re-locating.

Michelle Richards, Happy Hounds, addressed questions regarding the number of dogs that could be kept on the property. She said there is no industry standard for determining how many dogs can be kept on the property and explained it depends on the size, temperament and mix of the dogs. She said the safety of staff and the dogs is her number one concern and that she was OK with the 16 conditions. Chairman Wolter said the location is favorable because it is not in a residential area and the success of this business has proven there are no problems.

MOTION carried unanimously.

FC Wisconsin Nationals – W140 N10022 Fond du Lac Avenue. The applicant is seeking approval of an amendment to the approved site development and building plans for their soccer complex and training facility in order to construct a 1,900 sqft concession stand and 1,845 sqft storage building on their property. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve an amendment to the approved site development plan for the FC Wisconsin Inc. soccer complex and training facility and building plans for a 1,900 sqft concession stand and 1,845 sqft storage building on the property located at W140 N10020 Fond du Lac Ave subject to the following conditions:

- 1. The following life-safety items shall be installed prior to or concurrent with construction of the concession or storage building as required by the Fire Department:***
 - a. Install "NO PARKING- FIRE LANE" signs along the narrow main entrance driveway to ensure Fire Department accessibility;***
 - b. Install one (1) "Stortz" connector type fire hydrant near the new concession stand with the final location to be determined in cooperation with the Fire Department and Village water utility.***
 - c. Install a Knox Box for Fire Department emergency access at the main entrance gate.***
- 2. Both buildings will require a pre-occupancy and annual fire safety inspections by the Fire Department.***
- 3. The need for state plan review and approval will be determined at the time of building permit application; contact the Building Inspector for further information. Given the limited size and use of the buildings, the standard \$20,000 occupancy bond may be reduced to \$5,000 at the time of building permit application.***
- 4. FC Wisconsin shall install the landscaping and lighting improvements required under the approved site plan as the next "phase" of development after construction of the concession building and before any other features of improvements are made to the site. In the event that FC Wisconsin submits plans for a permanent monument sign, the required landscaping and lighting (if any) around the sign location at the facility entrance shall be installed at that time.***

Discussion followed. Trustee Baum asked if the contractor had sufficient plans to construct the buildings. Jason Johnson, contractor for FC Wisconsin, said he did and asked to use vinyl siding versus the fiber cement siding that is listed on the plans. Commissioner Niles questioned what the plan is for the landscaping. Mr. Johnson said they were not aware there was an approved landscaping plan. He said they need to review it and will be submitting a new landscape proposal. Planner Retzlaff said the Plan Commission would like to see the revised landscaping plans.

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:21 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant