

PLAN COMMISSION MINUTES
February 13, 2017

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, Tony Laszewski, Mary Ellen Gray and Ben Goetter 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 1-9-17. MOTION carried unanimously.*

Moore Designs – W193 N10975 Kleinmann Drive. Dave Moore, property owners, is seeking approval for a wall sign on the new office building. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed wall signage for MD Development LLC & Moore Designs Inc. located at W193 N10975 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.***

MOTION carried unanimously.

Tarantino & Company LLC as agent for SMV Management Company – W173 N10915 Bernies Way. The request is for approval of an amendment to the 15.6-acre Virginia Highlands Elderly Housing District (EHD) General Development Plan, and a Conditional Use Permit to allow the operation of a 26-unit Community Based Residential Facility (CBRF) as part of a planned expansion to the Gables of Germantown Campus along Division Road. Amy Schoenemann, Capri Communities, presented the proposal. Planner Retzlaff summarized the history of the property, proposed development plan and staff recommendation.

Discussion followed. Trustee Baum asked about the State Statute limiting the number of units and distance between developments. Planner Retzlaff said the attorney revealed that due to recent case law, those statutes are no longer in enforceable. Commissioner Gray said she feels there are no Village amenities within a reasonable distance that are available for residents in these senior living developments and they won't really be a part of the community. Planner Retzlaff said the developments are consistent with the elderly housing regulations that allow for internal commercial uses. Commissioner Laszewski said the current facilities seem to be self-contained, but added it would be nice to see a facility closer to Village amenities.

MOTION Baum second Laszewski to Approve amendments to the Virginia Highlands EH District general development plan for the 15.6-acre property subject to the following conditions:

- 1. The general development plan dated December 22, 1997 is replaced with the plan set entitled "Gables of Germantown-Phase IV Expansion" and dated January 31, 2017, which is hereby adopted as the new general development plan for the Virginia***

Highlands EH District.

- 2. The applicant shall address the storm water management, Virginia Avenue reconstruction, and sanitary sewer and potable water lateral issues identified by the Public Works Department prior to or concurrent with the submittal of detailed site development and building plans to the Village.***
- 3. The applicant shall address the fire protection and safety issues identified by the Fire Department prior to or concurrent with the submittal of detailed site development and building plans to the Village.***

Judy Kind, N109 W17334 Virginia Avenue, said she attended the developer's neighborhood meeting and was not against the development but said she had talked to residents on Hawthorne Drive who questioned the need for another senior development, and, that did not like the three-story building height. Ms. Kind asked the developer why they can't use the original 20-year-old plan and develop it instead.

MOTION carried unanimously.

MOTION Baum second Shadid to Approve a conditional use permit (CUP) for the Gables of Germantown LLC to allow the development and operation of a 26-unit Community-Based Residential Facility (CBRF) as part of the Gables IV development subject to the following conditions:

- 1. The principal use of the Community-based Residential Facility (CBRF) shall be limited to providing living and care services for residents with dementia, Alzheimer's and other memory impairments. The use of the CBRF facility for any other purpose is prohibited.***
- 2. This conditional use permit shall not be transferable to any subsequent property owner and/or business operator that is not or cannot be licensed to operate a CBRF as permitted under condition 1 above. This CUP shall be transferable to a subsequent property owner and/or business operator that is/are licensed to operate a CBRF as permitted under Condition #1 above. A new CUP shall be required (but not necessarily approved by the Village) for any significant change in the type of use or operation, including but not limited to, CBRF services for residents and clients other than those permitted under Condition #1 above.***
- 3. Detailed site development and building plans shall be submitted for review and approval by the Village Plan Commission. Said plans shall be consistent with the concept plan approved as part of the Virginia Highlands EH District general development plan dated January 31, 2017. Significant changes or deviations from the approved plan may result in the need to obtain a revised CUP.***
- 4. This permit shall be deemed null and void if approval of such plans is not granted by the Plan Commission, or, development activities have not commenced within 24 months after Village Board approval pursuant to Section 17.42(6) of the Zoning Code.***
- 5. The Owner/operator shall obtain and maintain all applicable state and county licenses, certifications, etc. for the CBRF and adult daycare facilities and operations. Copies of said licenses, certifications, etc. shall be provided to the Village Zoning Administrator prior to and as a condition of issuance of an occupancy permit.***

Trustee Baum said he agreed with previous comments questioning the need for another senior living development and concerns with the proposed three story building height.

MOTION carried unanimously.

Joseph & Aimee Goetter – W156 N10762 Pilgrim Road. The property owners are requesting approval of a Conditional Use Permit (CUP) to operate a major home-occupation lawn, landscape and snow plowing services business from the property. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve a conditional use permit (CUP) for the landscape services and snow plowing operation to operate as a major home-occupation from the property located at W156 N10762 Pilgrim Road subject to the following conditions:

- 1. The landscape services operation shall meet and continuously comply with all applicable provisions, limitations and regulations in Section 17.61 (Home Occupations and Professional Home Offices) of the Zoning Code; specifically, Section 17.61(5)(b) and 17.61(4)(a) through (q) except (n)1. which shall be as set forth below.***
- 2. Pursuant to Section 17.61(4)(n)1. of the Zoning Code, the minimum time for which this major home occupation CUP will remain valid shall be ten (10) years from the date of issuance subject to ongoing compliance with all conditions set forth herein.***
- 3. 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 permitted conditional use which 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.***

MOTION to Amend Laszewski second Baum to change the language in Condition #2 from minimum to maximum.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried (Goetter abstained).

Carpetland USA Germantown – W188 N9875 Maple Road. GT Real Estate of Germantown, property owner is seeking a Conditional Use Permit to allow the operation of a Retail Flooring Showroom from the existing building. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve a Conditional Use Permit for GT Real Estate of Germantown LLC, property owner, operator of a retail flooring showroom from the existing building located at W188 N9875 Maple Road subject to the following conditions:

- 1. This permit authorizes the uses and activities set forth in the conditional use***

permit application dated January 12, 2017 and in the supporting documents and plans made part of the application, including the floor plan and site plan dated January 3, 2017. All the operational characteristics and activities proposed, as well as any commitments made by the Applicant in the application and supporting documents are deemed to be conditions of approval. No warehouse use or installation activities shall occur on the property.

- 2. If the use, activities and/or operation of the training 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. Exterior building and/or site improvements will require plan approval and/or permits from the Village.*
- 4. The owner/operator shall contact Inspection Services regarding the need for building, electrical and plumbing permits for any interior and exterior renovations. State-approved plans may be required for any improvements and shall be submitted with or prior to any building permit application. All building code and fire safety improvements required shall be installed, inspected and approved prior to issuance of an occupancy permit.*
- 5. The owner/operator shall cooperate with the Fire Department and Building Inspector to conduct a pre-occupancy inspection and provide whatever fire safety measures are required under the Village and other applicable codes.*
- 6. The existing sign panel attached to the front elevation of the building is not compliant with current sign regulations. All exterior signs shall comply with the Village's sign regulations including obtaining approval and/or permits from the Zoning Administrator and/or Plan Commission.*
- 7. The CUP shall not be transferrable to any other organization and/or business operator.*

Steve Martin, Carpetland, answered questions. He said because the business is for retail only and there would be no truck traffic. Chairman Wolter questioned if a site plan would be coming for improvements to the building. Planner Retzlaff indicated that no site or building exterior improvements are proposed so no site plan is forthcoming. Mr. Martin said there are no plans to rehab the existing structure, but everything would be new on the inside including drywall and electrical.

MOTION carried unanimously.

Dennis Hahn & Melinda Wilson – W172 N12125 Division Road. The property owners of two parcels totaling 27.8 acres of land are requesting approval of a Rezoning and 1-lot Certified Survey Map (CSM) in order to combine the two parcels into one 27.8-acre agricultural parcel. Planner Retzlaff summarized the proposal.

MOTION Gray second Baum to Approve the proposed Rs-2 to A-2 Rezoning for the 2.5 acre area (formerly Lot 1 of CSM #3368);

Approve the proposed 1-lot Certified Survey Map (CSM) as drafted subject to the following conditions:

- 1. All requirements and technical corrections identified in the Village Surveyor's February 2, 2017 review memo shall be addressed in a revised CSM prior to recording the CSM.***

MOTION carried unanimously.

JBJ Development for Heritage Place Joint Venture and Saxony Village – Approximately N116 W16200 Main Street. Request for a 12-month extension to the approved Site Plan. Planner Retzlaff summarized the request.

MOTION Gray second Baum to Approve a 12-month extension to the site plan approval.

Chairman Wolter asked if there is any way to shift some of the density for building 6 to the other buildings. Scott Bence, JBJ Development, said the project is on schedule for a spring start as it was approved. He said he has talked to some neighbors and discussed possibly moving some of the density from building 6 to the clubhouse building. Planner Retzlaff said a site plan amendment would be needed if that change came forward. Chairman Wolter thanked Mr. Bence for considering that option. Commissioner Gray commented that she would like to see the public parking lot near the Main Street driveway entrance be added back to the development.

MOTION carried unanimously.

ANNOUNCEMENTS: Chairman Wolter said there was an election on February 21st and asked everyone to please go out and vote.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant