

PLAN COMMISSION MINUTES
June 12, 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 and Mary Ellen Gray and 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 5-22-17.***

Motion carried unanimously.

Gehl Foods LLC – N116 W15970 Main Street. Stacy Cooke, agent for Gehl Foods, property owner, is requesting approval of a 3-lot Certified Survey Map (CSM) and rezoning application in order to facilitate a future expansion of the production facility. Planner Retzlaff summarized the proposal.

MOTION Gray second Baum to Approve the 3-lot Certified Survey Map land combination and the proposed rezoning for the two residential lots owned by Gehl Foods from B-3: General Business to M-1: Limited Industrial subject to the following conditions:

- 1. All technical corrections and issues raised by the Village Surveyor in the May 30, 2017 memo shall be addressed and/or corrected prior to recording the CSM.***
- 2. Site development and building plan approval by the Village Plan Commission is required prior to making any alterations and/or improvements to the two residential lots subject to rezoning and combination and the residential dwellings thereon. Unless superseded by or supplemented with additional and/or different issues and requirements, all site development issues raised by the Village departments summarized in the staff report & recommendation dated June 12, 2017 shall be addressed in the site development and building plan application submitted to the Village.***

Trustee Baum said the rezoning won't do anything to move the plan for Main Street forward. He asked if there was any opportunity or reason to object to the proposal. Planner Retzlaff agreed that the planned expansion that would result from the rezoning is inconsistent with the Main Street plan to transition into a pedestrian-oriented entertainment district and now would be the time to object. He said he was torn between withholding the expansion of a local business that is so prominent and important to the economy of the Village and the possibility of the area someday converting into a pedestrian oriented entertainment district. He indicated we are not fielding a lot of proposals for retail or entertainment uses and felt it's not appropriate to withhold approval of the Gehl proposal simply over the notion that one day we may have a pedestrian friendly district. Chairman Wolter understood Gehl's need to expand but would like to maintain the houses as long as possible to keep the residential feel of the area and keep the Main Street plan moving forward. Stacy Cooke, Gehl Foods, said there wasn't a plan to remove the houses at this time.

MOTION carried unanimously.

Scott Bence, JBJ Development for Saxony Village – N115 W16200 Main Street. The property owner is seeking approval of a series of amendments to the approved site development and building plans for the 172-unit multi-family Saxony Village apartment community. Planner Retzlaff summarized the proposed revisions to the plans. Discussion followed.

Commissioner Gray asked Mr. Bence what the purpose was for having the covered garages. Mr. Bence explained the previous plan included 2 buildings with 20 garages and because he is moving the units there was some extra land there. He agreed the rental garages are a revenue source but more importantly the residents appreciate having the extra storage on site. He confirmed that all storage will only be allowed inside the garages. The garages will have locks and security lighting including 2 pole fixtures on the driveway and a light on each garage. Planner Retzlaff said the garages have moved closer to the property line. Chairman Wolter asked if the garages could be used for fixing up cars. Mr. Bence said that would not be allowed and is a violation of the lease agreement.

MOTION Laszewski second Gray to Approve the amendments proposed to the approved site development and building plans for the 172-unit Saxony Village apartment community located at N115 W16200 Main Street subject to the following conditions:

- 1. A revised or supplemental landscape plan shall be prepared and submitted to the Village Planner for review and approval prior to issuance of an occupancy permit for the first building constructed (Building #4 construction is underway as of May 2017). Said landscape plan shall include/address: (a) additional trees and shrubs along the north and west sides of the proposed garages in the northwest corner of the site; and (b) the reconfigured "village square" and area surrounding the expanded clubhouse building.***
- 2. The owner/developer or subsequent property management entity shall be responsible for the ongoing inspection and maintenance of the surface garages in the southeast corner of the site to ensure that the area and/or individual surface garages: (a) are used only for inside storage; (b) are not used for business activities; and (c) do not become a dumping ground or an attractive nuisance.***

Trustee Baum was concerned there won't be any input from the residents that had come out to object to the amount of parking spaces when the site plan first came forward. And will be furious when they find out there are now twice as many parking garages. Planner Retzlaff said the original Plan Commission action was to delete building number 6, in large measure to reduce the total number of units. In this case the units are being re-distributed elsewhere on the site. Trustee Baum explained the reason Plan Commission originally wanted to delete building no. 6 was because it was too close to the residents on the east and now there will be parking garages in its place and he feels they will be more offensive to those residents. He said the plans are now being changed with no one in the Village here to object to the changes. Chairman Wolter said we had asked Mr. Bence at one point to consider removing the residential portion of building 6 which he has done and he appreciates that. He replaced that building with storage, which is an alternative use and is something his residents use. He reasoned that the garages are not an everyday kind of use but a minimal use of land. Trustee Rep. Baum said he'd rather have the apartment building there than garages. Commissioner Gray said she has concerns also but the garages are only one story compared to the two-story apartment building. She said she listened to the people and now feels the residents won't see the apartment building. Mr. Bence said all the amenities for the development are still there. He said a resident came to him and asked if he would look into the option of removing building no. 6 and he has done that. Trustee Rep. Baum said he didn't like that now we'll see the back of garages on Main street.

Mr. Bence said they will look better than many of the other buildings in site and he will be asking that those properties be cleaned up.

MOTION to Approve Fails (3-3 Baum, Shadid, Nilles against).

Chairman Wolter said that is unacceptable saying building no. 6 was the biggest point of contention. He said we asked Mr. Bence to consider moving that building and he has done that. Trustee Rep. Baum did not agree and believes he is speaking for those residents who objected. Commissioner Gray thought the revisions worked. Mr. Bence asked the Plan Commission to reconsider the vote.

Chairman Wolter made a Motion to reconsider the Site Plan Revisions as proposed with the Planner's recommendations, seconded by Gray. Trustee Zabel explained a reconsideration vote needs to be brought forward from someone on the prevailing side of the original vote. Discussion continued.

MOTION Nilles second Laszewski to Reconsider the Motion to Approve with the Planner's Recommendations.

Commissioner Shadid didn't see a problem with the garages but was concerned how the community will feel about the changes. Planner Retzlaff commented that while a public hearing is not required, the Plan Commission could require one to get feedback.

James Kapus, N114 W15909 Hilbert Lane, Oakwood Village Condominiums, spoke in favor of the change and said a number of the residents would rather look at the single-story garages than a two-story apartment building with pitched roofs. He asked if the garages could be moved out an additional 10 feet and if some arborvitae or evergreens could be added to block the view. Mr. Bence said he could move the garages 10 feet further west and keep the same proportions.

MOTION to Reconsider carried (5-1 Baum).

MOTION to Amend Wolter second Baum to move the storage building and surface garages 10 feet to the west where building 6 was located.

Discussion continued regarding adding landscaping to block the view of the garages from the east. Mr. Bence said there was a sanitary easement in that area. Trustee Rep. Baum said landscaping could be put in the 10-foot section between the easement and the buildings.

MOTION to Amend the Amendment Laszewski second Baum that a landscaping plan be submitted and approved by the Planner to add trees and screening for the residents to the east of the buildings.

MOTION to Amend the Amendment carried 5-1 (Baum).

MOTION to Approve the Motion to Amend carried 5-1 (Baum).

MOTION to Approve as Amended carried 5-1 (Baum).

Compass Properties – N112 W16200 Mequon Road. The property owner is requesting site development and building plan approval for a series of façade alterations to the existing multi-tenant retail commercial building located in the Germantown Marketplace Planned Development District (PDD). Planner Retzlaff summarized the proposal.

Brad Kropp, Perspective Design, said they are coming back to the Plan Commission with the same submittal they proposed 9 years ago. He said the tenant space is still vacant but they have a potential tenant interested in the space only if the witches hat is removed, without adding dormers.

Commissioner Gray said there should be some sort of detail along the roof to compensate for removing the witches hat. Trustee Rep. Baum agreed saying he liked the witches hat and removing it would leave a big long blank nothing. He said to at least do the dormers and to relocate the gazebo feature. Sheldon Opperman, Compass Properties, explained the interior mall space has been vacant for 15 years. He said the potential tenant is contingent upon him getting the proposed approvals with no dormers or witches hat. He stated that the tenant will not come if he doesn't get the approvals tonight. Trustee Rep. Baum asked Mr. Opperman what he can add to the roof if the witches hat is removed. Mr. Opperman understands the Plan Commission's comments about adding something to the building, but is at their mercy. Planner Retzlaff explained the Plan Commission is the architectural review board and it is up to them to decide what is acceptable for this building.

MOTION Gray second Shadid to Approve the front and rear façade alterations proposed to the existing multi-tenant retail commercial building located in the Germantown Marketplace Planned Development District (PDD) at N112 W16250 Mequon Road subject to the following conditions:

- 1. Outdoor vending machines and product dispensers are permitted subject to the provision of 17.50(9) of the Zoning Code.***
- 2. The existing fire sprinkler system shall be modified per IBC building codes. Sprinkler heads are not allowed to be turned upright (as shown on sheet A1.1) may not meet required design standards. Building plans should be submitted to the WI DSPS as necessary to ensure building and fire code compliance.***
- 3. Building permits for all interior and exterior remodeling and improvements are required from the Community Development Department.***
- 4. All permanent and temporary signage requires a permit from the Village Community Development Department.***

Trustee Rep Baum asked how much merchandise will be outside. Both Mr. Opperman and Planner Retzlaff were unsure, but commented that Ace Hardware stores do have outside displays. Mr. Opperman said the merchandise needs to be under the roof line and that he has written self-policing requirements into the lease. Planner Retzlaff explained that seasonal items are not regulated by the code.

MOTION Baum second Shadid to allow the witches hat to be removed and no dormers installed with the rear elevation changes as shown.

Trustee Rep Baum said he'd like to see something on the roof but wants to see the tenant and the space rented. Chairman Wolter agreed the witches hat seems to cause a problem for leasing the space.

MOTION carried unanimously.

John Lamm – The property owner of a 28.31-acre parcel on Maple Road is requesting a consultation with the Plan Commission to amend the 2020 Land Use Plan Map classification from Agricultural/Conservation Residential to Rural Residential. Planner Retzlaff summarized the proposal. He indicated if the amendment is approved, it would enable Mr. Lamm to move forward with a proposal to rezone the property from A-1: Agricultural to the Rs-3: Single-Family Residential zoning district and then propose to develop a 13-lot, single-family conservation subdivision within an existing primary environmental corridor. This property abuts the sewer service area. John Lamm commented that it's been 10 years since he last came before the Plan Commission with the same plan. He said he knows how to beautify an area and this subdivision will preserve the trees and include walking trails into the woods. A lengthy discussion followed.

Commissioner Gray asked why the sewer service area couldn't be extended. Planner Retzlaff said the Village could petition to extend the sewer service area. Trustee Rep. Baum said when the new 2030 plan was first discussed, he suggested that anything north of Freistadt Road remain at the 5-acre lot requirement. However, in the new layout, he then suggested anything west of Fond du Lac Avenue not be limited to that size so the density could be changed along Hwy. 41/45 at the Holy Hill interchange. He indicated with the new plan we could start to develop a lower density at the interstate and step down that density as you go east. Then east of Fond du Lac Avenue re-engage the 5-acre lot sizes. He said based on that new concept this lot falls into that higher density plan. Planner Retzlaff said it's conceivable that this area could be included into a future sewer service area expansion but from a cost-effective standpoint, developing 1-acre lots wouldn't make a lot of sense. He said we want the sewer service district to come up 41/45 and engage the Holy Hill area. Planner Retzlaff said if the sewer service area is not extended to include this property and it is allowed to develop at a 1 to 2-acre density, then it becomes a hindrance for the expansion of the sewer service area if it were to go further north. He said if you want to see the sewer service area extended north of the railroad tracks then allowing this property to develop at a 1 or 2-acre density doesn't make sense. He explained the request should be withheld and should wait until the sewer service area is expanded and is run through or past this property to help pay for the installation of the facilities and the operation of them and to allow the higher density to proceed further north. He said the Holy Hill exchange area is more likely to be developed first with sewer service.

Mr. Lamm said the property has an additional 12 acres that will not be developed. Commissioner Laszewski asked if we're setting a precedence if the 2020 LUP was amended. Planner Retzlaff said it would be setting a precedence but for a good reason. He added that the Speaker Corporation had dedicated land north of the railroad tracks to the Village and that the Lamm trail system could be extended to the property the Village owns. He said it seems like a logical step given the environmental features of the property. Commissioner Laszewski commented that higher density zoning shouldn't be considered for other properties, unless the property includes special features similar to this property.

Commissioner Gray said 5 acre lots seem to be a lot of waste and she favors the smaller lots. Trustee Rep. Baum said he didn't think this area needs 5 acre lots and was ok with the concept plan as it is. Other Commission members agreed. Chairman Wolter said there may be rebuttal from the property owners in that area to keep Germantown's feel and we may need to make some ground work towards developing a plan of how we want the land to be used. He said the 2030 land use will need to be determined and he didn't think 5-acre lot sizes in all areas north of Freistadt Road is feasible. He said this would be a beautiful subdivision to live in. Commissioner Laszewski said the

subdivision would preserve the environmental corridor and he is OK with the smaller lot sizes. Trustee Baum suggested putting in a hammer head instead of a cul-de-sac as a better option.

This item was a consultation. No action was taken.

Chiropractic Company – W164 N11269 Squire Drive. The request is for sign approval for one wall mounted sign for the new tenant in the Germantown Marketplace II retail center. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed wall-mounted signs for the new Chiropractic Company location in the Germantown Marketplace II retail center subject to the following conditions:

- 1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components.***
- 2. All electrical sign components must be listed and labeled by a recognized lab.***

MOTION carried unanimously.

Minuteman Press – W156 N9666 Pilgrim Road. The request is for sign approval for one wall-mounted sign for the new tenant in the Hillcrest retail center. Planner Retzlaff summarized the proposal.

MOTION Baum second Nilles to Approve the proposed wall mounted sign for the Minuteman Press operation located in the Hillcrest retail center subject to the following conditions:

- 1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components.***
- 2. All electrical sign components must be listed and labeled by a recognized lab.***

MOTION carried unanimously.

GT Vapor – N112 W15800 Mequon Road. The request is for sign approval for one wall-mounted sign for the new tenant in the Sendik's Village Centre. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed wall-mounted sign for the new GT Vapor operation located in the Sendik's Village Centre subject to the following conditions:

- 1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components.***
- 2. All electrical sign components must be listed and labeled by a recognized lab.***

Trustee Rep. Baum asked if the business had a ventilation system to suck the smoke out of the space. Planner Retzlaff said the zoning permit had been reviewed and approved by the fire department and building inspection.

MOTION carried unanimously.

Community Development Department – Proposal for amendments to various provisions to Section 17 of the Zoning Code. The amendments are proposed in order to reflect recent actions and/or policy decisions by the Village, and to clarify and otherwise improve staff's ability to administer and enforce the amended regulations. Planner Retzlaff explained the Village Board recently discussed the issue of allowing businesses, who provide outdoor entertainment, an opportunity to have both extended hours and/or increased sound level limits enforced by the Village. He indicated the Board directed staff to draft a package of code amendments that would create the requirements, limitations and permitting process that would enable businesses to conduct outdoor entertainment activities beyond the typical time and/or sound level limits. The existing performance standards in the zoning code somewhat impede the police department in their ability to enforce other noise regulations that don't necessarily require the measurement of a particular sound or that apply the measurement to a chart or certain set of criteria. The current sound levels are broken down by octave bands and sound levels and the equipment the Village owns isn't able to measure at those varying octave levels. As a result, and as a part of the Outdoor Entertainment proposal, some changes need to be made to the zoning code as its applied to those performance standards. The amendments are as follows:

SECTION 1. That Section 17.47 (Performance Standards) is to be revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.47(1) COMPLIANCE.

This chapter permits specific non-residential land uses and activities to be conducted on property in specific non-residential zoning districts, including the "A" agricultural, "B" business and "M" manufacturing and industrial zoning districts. ~~and~~ These performance standards are designed to limit, restrict and prohibit the effects of ~~these~~ such non-residential land uses outside their premises or and activities beyond the boundaries of property located within these non-residential zoning districts. All structures, lands, air and waters associated with property located within the "A" agricultural, "B" business and "M" manufacturing and industrial zoning districts shall hereafter, in addition to all other applicable use, site and sanitary regulations, comply with the following performance standards.

SECTION 2. That Section 17.47(6) is to be revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are added:

17.47(6) NOISE.

No land use or activity being conducted on property located in the M-1, M-2, M-3 and M-4 Manufacturing and Industrial Zoning Districts shall produce a sound level beyond the boundaries of that property outside the district boundary that exceeds the following sound level limits set forth in Table 1 as measured by a sound level meter ~~and associated octave band filter:~~

Table 1.		
	Sound Level Limits	
Zoning District	Daytime (6:00am to 10:00pm)	Nighttime (10:00pm to 6:00am)
M-1	70 db(A)	65 db(A)
M-2		
M-3	75 db(A)	70 db(A)
M-4		

Octave Band Frequency (Cycles Per Second)	Sound Level (Decibels)
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1,200	53
1,200 to 2,400	47
2,400 to 4,800	41
Over 4,800	35

Octave Band Frequency (Cycles Per Second)	Sound Level (Decibels)
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Over 4,800	32

SECTION 3. That Section 17.07(3)(b) is to be revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.07(3)(b) Performance Standards.
Performance standards listed in section 17.47 of this chapter shall be complied with by all non-residential uses in the all districts as specified therein.

SECTION 4. That Section 17.07(3)(d) is created to read as follows:

17.07(3)(d) Village Licenses and Permits.

SECTION 5. That Section 17.08(48) of the Zoning Code is created to read as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.08(48) 17.08(48) LOT, DOUBLE FRONTAGE.
A lot having a ~~pair of opposite~~ lot lines that abut along two (2) or more or less parallel public streets and which is not a corner lot. For the purpose of this ordinance, double and three-sided frontage lots in residential districts shall be deemed to have one front yard on the street to which the dwelling faces ~~and from which principal access to the dwelling is provided~~, and, one rear yard. Any other yard that is not a front or rear yard shall be deemed to be a side yard for purposes of determining the type, height, location and setback requirements for accessory buildings and fences to be installed on any double frontage lot.

MOTION Baum second Shadid to recommend Approval of Sections 1, 2, 3 and 4 as stated in the Village Planner's staff report.

MOTION carried unanimously.

Planner Retzlaff summarized the revision to Section 17.08(48) defining double frontage lots. The current language in the code doesn't address the three-sided lot situation. The revisions address three sided lots as being considered the same as those with double frontage lots for purposes of determining setbacks and other applicable building restrictions. Discussion followed.

MOTION Baum second Gray to recommend Approval of Section 17.08(48) as revised in the Village Planner's staff report.

MOTION carried unanimously.

ANNOUNCEMENTS: None

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

Respectfully submitted,

Lori Johnson
Planning Assistant