

PLAN COMMISSION MINUTES
October 9, 2017

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:30 p.m.

ROLL CALL: Chairman Dean Wolter, Commissioners Mary Ellen Gray, Bob Williams, Peter Nilles and Tony Laszewski were present. Trustee Representative David Baum arrived late and Commissioner Shadid was 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 Nilles second Laszewski to Approve the minutes from 9-11-17 with typo corrections as stated by Commissioner Laszewski on page 4 paragraph 2.***

MOTION carried unanimously.

Milwaukee Routing – N112 W15568 Mequon Road. Signworks, agent for United Properties Investment Partners, property owner, is requesting sign approval for the new tenant in the Germantown Corporate Office Center. Planner Retzlaff summarized the proposal.

MOTION Gray second Laszewski to Approve the proposed wall sign for the Milwaukee Routing tenant space located in the Germantown Corporate Center at N112 W15568 Mequon Road as proposed.

MOTION carried unanimously.

Scott Bence, Agent for Heritage Place Joint Venture and Saxony Village – N115 W16200 Main Street. The request is for approval of revised monument signs for the multi-family Saxony Village apartment community. Planner Retzlaff summarized the proposal.

MOTION Gray second Laszewski to Approve the revised monument signs for the Saxony Village apartment community located at N115 W16200 Main Street as proposed subject to the following condition:

- 1. Separate electrical permits shall be obtained from Inspection Services prior to installation.***

MOTION carried unanimously.

Spirit Halloween – W190 N10768 Commerce Circle. Tracy Greer, Agent for Spirit Halloween and 505 Bridge LLC, property owner, is requesting sign approval for a new tenant in the retail building. Planner Retzlaff summarized the proposal.

MOTION Laszewski second Gray to Approve the two (2) proposed wall signs for Spirit Halloween in the commercial property located at W190 N10768 Commerce Circle subject to the following conditions:

- 1. Pursuant to Section 17.46(12(f) of the Zoning Code, the existing internally-illuminated sign cabinets used by the former tenant, Gander Mountain, shall be removed from the building façade prior to installation of the two (2) proposed 4' x 28' rigid plastic sign boards to the building;***

- 2. Spirit Halloween and/or the property owner shall be responsible for removing the two (2) proposed “permanent” sign panels from the building no later than January 1, 2018. The property owner is encouraged to require or otherwise collect an escrow deposit for an amount of money equal to or greater than deemed necessary to ensure the sign panels can be removed in the event that Spirit Halloween and/or its agent does not remove the signs as required. In the event the sign panels are not removed as required herein, the property owner may be subject to the issuance of a Zoning Code violation notice and/or municipal citation.**
- 3. Prior to installation of the two (2) proposed sign panels, the agent and/or installer shall obtain a building permit from the Village so that the means and method of installation can be reviewed and approved by the Village’s Building Inspector to ensure compliance with Section 17.46(12) of the Zoning Code.**

MOTION carried unanimously.

Cousins Subs – N96 W15630 County Line Road - Sign Effectz, agent for Legacy Subs LLC, property owner, is requesting approval for new monument and directional signs for the existing Cousins restaurant property. Planner Retzlaff summarized the proposal.

MOTION Gray second Nilles to Approve the proposed replacement monument and directional sign faces for the Cousins restaurant located at N96 W15630 County Line Road subject to the following condition:

- 1. A separate electrical permit shall be obtained from Inspection Services prior to installation.**

MOTION carried unanimously.

Bielinski Homes for Prairie Glen II Subdivision – Wasaukee Road south of Mequon Road. John Donovan, agent for Bielinski Homes, property owner is requesting approval of a temporary real estate sign in excess of 32 sqft for the 16 lot residential development located adjacent to and north of the Prairie Glen Subdivision on Wasaukee Road. Planner Retzlaff summarized the proposal.

MOTION Gray second Nilles to Approve the proposed temporary real estate sign for the 16 lot Prairie Glen II residential subdivision located on Wasaukee Road subject to the following conditions:

- 1. Bielinski Homes Inc. is responsible for ensuring that the temporary real estate sign continuously complies with the requirements of Section 17.46(6)(b) of the Zoning Code.**
- 2. No artificial lighting of the sign is permitted.**

MOTION carried unanimously.

Edgardo & Lilia Rivera – W148 N12751 Pleasant View Drive. The property owners of a 2.75 acre parcel located in an Rs-2: Single-Family Zoning District are requesting a Conditional Use Permit to raise horses on the property. Planner Retzlaff summarized the proposal.

MOTION Gray second Laszewski to Approve a conditional use permit for Edgardo Rivera to allow the raising of horses on the property located at W148 N12751 Pleasant View Drive subject to the following conditions:

- 1. The number of horses kept on the property on a permanent basis (3 months or longer) shall not exceed a total of three (3) horses.**
- 2. Manure shall be removed on a regular basis and in a reasonable manner or otherwise composted or spread to protect surface and groundwater, minimize the breeding of flies, and to control odors. Manure piles shall be set back a minimum distance of 100' from any lot line or well.**
- 3. Animals shall not be allowed to create excessive odor problems or present a health hazard to surrounding lands.**
- 4. Adequate drainage facilities or improvements shall be provided by the landowner to protect any adjacent land from run-off containing contaminants such as organic wastes.**

MOTION carried unanimously.

Speaker Properties LLC, Agent for Francis & Dolores Mayer, etal, Property Owners – 39.7 acres east of Goldendale Road, north of the Neuland Subdivision and south of the WisDOT/Wisconsin & Southern Railroad. Speaker Properties LLC is requesting approval of an amendment to the 2020 Future Land Use Plan Map and a rezoning application for 39.7 acres to expand their existing 51-acre Freistadt Road facility. Planner Retzlaff summarized the proposal which includes the following amendments:

1. Change approximately 31.1 acres classified as “Agricultural/Conservation Residential” to “Industrial/Office”
2. Change approximately 8.6 acres classified as “Low Density Residential” to “Industrial/Office”
3. Expand the 2020 Sanitary Sewer Service Area (SSA) boundary to include the 39.7 acre Mayer/Neu property (subject to SEWRPC & MMSD approval).
4. Change approximately 39.7 acres from A-1: Agricultural to M-1: Limited Industrial Zoning District

George Lehnerer, J.W. Speaker, explained the properties are for future use by the J.W. Speaker Corporation and there's no plan to sell or create lots at this time.

MOTION Gray second Nilles to Approve the proposed 2020 Land Use Plan (LUP) map amendments to change the classification of approximately 39.7 acres as follows:

- 1. Change approximately 31.1 acres classified as “Agricultural/Conservation Residential” to Industrial/Office”;**
- 2. Change approximately 8.6 acres classified as “Low Density Residential” to “Industrial/Office”**
- 3. Expand the 2020 Sanitary Sewer Service Area (SSA) boundary to include the 39.7 acre Mayer/Neu property (subject to SEWRPC & MMSD approval).**

Mark Russell, W200 N12526 Meadow Brook Court, Matt Kimmler, N125 W20314 Isabelle Farms Drive and Mike Purtell, N120 W20169 Dalebrook Drive, spoke against the proposal. They want the area to remain rural and agricultural as the 2020 Land Use Plan shows. Jamie Speaker said he is well aware of the residents that are near his facility and he intends to preserve the natural setting that exists there. This property provides the company the opportunity to expand and stay in Germantown. Chairman Wolter explained J.W. Speaker is expanding their industrial area by creating a campus. Sewer and water is proposed to be expanded up Goldendale Road and will be paid for by the TIF district. Neuland subdivision is not part of the sewer expansion. However, Trustee Zabel has asked for an assessment to be looked as a comparison to the TIF and it may be included at that point.

Commissioner Laszewski said he understands the residents concern with such an extreme change from the Land Use Plan to Industrial/Office buffered by a 60 foot wall of trees. Commissioner Gray said it's not reasonable for the land to stay as agricultural and not be developed and sold to become something else. Chairman Wolter commented when Speaker first came forward, there was a concern with the neighboring subdivisions. But there was also a business looking to invest 28 to 50 million dollars within our community. He said we needed to see how it could be done in a strategic way to protect the homeowners to the south and the north but also help to grow a business that's been successful in Germantown and will bring 200 more jobs to the area. And by extending sewer and water and making an investment of 2 million dollars for something that will return back in less than 10 years and come back to the tax rolls and help move utilities toward Holy Hill Road as a first step process, needs to be considered.

MOTION carried unanimously.

MOTION Laszewski second Gray to Approve the proposed rezoning of approximately 39.7 acres from A-1: Agricultural to M-1: Limited Industrial subject to the following:

- 1. Adequate protection in the form of building separation/setbacks and landscaped buffer yards are provided away from and along the edge of the existing Neuland Subdivision residential area. An overall landscape/buffer plan and agreement with the Village should be prepared, adopted and implemented apart from and in addition to any specific site development plan for individual parcels proposed for development. Said landscape/buffer plan shall include a minimum 60' wide "corridor" or other width deemed appropriate by the Village located along the residential area with landscaping and other features, e.g. plantings, berms, fencing, deemed necessary to adequately protect the residential area from potential impacts associated with future development of the surrounding lands to the north and east (referred to as the "Mayer/Neu", "Roskopf" and "J.W. Speaker" parcels north of Freistadt Road).***

Planner Retzlaff said if there's a concern that a 60 foot wide buffer isn't a good starting point, then a recommendation from Plan Commission would be in order. He explained the condition is in the motion as a requirement to look into a buffer apart from development of the lots and installed immediately before any development occurs so it is well established. Discussion followed with Planner Retzlaff explaining which areas will be rezoned and what will remain undeveloped and agricultural. The proximity of development is much closer to the Neuland Subdivision and is where he feels the buffer should be located.

Motion to amend Laszewski to change the buffer from 60 feet to 100 feet on the south side. Motion fails for lack of a second.

Discussion continued on the size of the buffer, if it's appropriate and what it will include.

Commissioner Laszewski said given the change from residential to industrial, some horizontal space is needed and 60 feet is not enough separation. His vision would include 100 feet of a barrier or berm with some evergreens or deciduous trees, prairie grass and a mix of things. Commissioner Gray said the plan would need to come back to us for review and feels 100 feet of plantings requires a lot of maintenance. She would rather leave the 60 foot buffer for now and when a building comes in for review, the plan may need to be supplemented at that time. Paul Rushing, Kubala Washatcko Architects, suggested the Commission view various locations along the Division Road corridor where

a heavy landscape barrier was created by using staggered pine trees and works well only using about 40 to 50 feet. Discussion continued.

MOTION carried unanimously.

Top Leaf Development LLC and Alan & Lynda Luther – 107 Acres South of Freistadt Road, North of Elm Lane and West of Wasaukee Road. Rezoning and subdivision consultation for a 49-lot single family development. Planner Retzlaff summarized the revised concept plan. As a result of the Plan Commission's discussion and direction at the September 11th meeting, the concept plan has been revised and includes an increase in the number of lots from 43 to 49 due to changes made in the southwest corner of the property. Pete Hurth, Baudhuin Surveying & Engineering, explained the changes to the plan. He said Elm Lane was extended to the west, as was requested by Plan Commission, to serve the southwest portion of the property and connects up to Freistadt Road. Planner Retzlaff said there is continuity between Mequon Road and Freistadt because the north south roadway that links Freistadt Road to the north and runs through the project, connects to Elm Lane and Forest Drive and all the way south to Mequon Road.

Chief Weiss said the plan is very acceptable to the Fire Department adding that a hammer head or cul-de-sac will be needed for the lots on the west. Planner Retzlaff understood the constraints with the development, but thinks the west end still looks different compared to the rest of the development, in the sense of the curvilinear roads and lot layout. Discussion continued.

Planner Retzlaff explained Public Works is currently looking at alternatives to install and extend sewer north of Mequon Road along Country Aire Drive to serve the Wrenwood subdivision proposal that lies west of Country Aire Drive and future development. That area proposes smaller lots with water and sewer. Public works has been looking at previous plans for the area that have resulted in the installation of a 48 inch interceptor sewer in the southeast corner of the Village in anticipation of further development in this vicinity. They are looking to conduct a study that will further refine the size and location of interceptor sewer north of Mequon Road to serve this area. But because the study isn't done, Public Works is concerned that the Village may allow unsewered development in a location that could be better developed in a sewerred manner to improve the cost effectiveness of installing sanitary sewer in that particular corridor. It is contemplated that the sewer service area will be expanded further as additional development comes forward. He said Public works is effectively asking the Plan Commission to allow more time for further study to be done to see how the development of this area plays into the cost effectiveness of extending sewer service north of Mequon Road. This might result in a change to the Land Use Plan from the yellow rural residential classification to the tan low density residential area that allows smaller lot sizes. The questions is, can there be some delay to allow the process to move forward to study sewer development. Discussion followed.

Mr. Hurth said this wouldn't help the development and explained the land was purchased according to the Land Use Plan map as it exists today. One to two acre lots are hot right now and the owner did not want to be in competition with the Wrenwood subdivision. They want to break ground in spring and proceed with septic and wells. Sheri Waggoner, Top Leaf Development, said timing is an issue and asked how long will it take to get sewer and water there. She said they could be waiting 5 to 10 years.

Chairman Wolter asked when Public Works would have more information. Planner Retzlaff said it would be beneficial for Public Works Director Larry Ratayczak and/or Wastewater Superintendent Tim Zimmerman to address the Commission. Chairman Wolter said it should be proposed by them so the Plan Commission understands it. He said he needs more information. Planner Retzlaff said there is very little detail available at this time. Discussion continued. Chairman Wolter said the developer has done his research and this is their best option going forward and now the Village has a sewer plan and will bring in Forest Heights as well. He wants to see the overall plan, where the interceptor is, how it works with the other subdivision and why it now needs to be looked at as part of this plan.

Discussion continued.

Chairman Wolter asked that something be presented to Plan Commission in 2 weeks, at the October 23rd meeting, to see the overall plan and how it works. He knows this will set this development back a half step, but it needs to be evaluated before a decision is made. He said he respects the amount of time and cost put into this project to this point, and appreciates the changes they've incorporated into the plan.

Trustee Rep. Baum arrived at 8:46 p.m. Discussion continued regarding the lot layout. Commissioner Gray said she liked the lot layout adding that it's not inherently wrong to have a straight road once in a while. Trustee Baum agreed saying it's not that detrimental to the proposal. Mr. Hurth said he could curve the last 150 feet.

This item was for discussion and will be discussed further at the October 23, 2017 Plan Commission meeting.

Germantown Storage – N112 W18518 Mequon Road. Keller, Inc., agent for Germantown Development LLC, property owner is seeking approval of a rezoning application and site development and building plans for a 77,415 sqft addition to the existing indoor mini-storage facility on a 3.5 acre parcel. Planner Retzlaff summarized the proposal.

MOTION Baum second Gray to approve the site development and building plans for the proposed 77,415 sqft addition to the existing indoor mini-storage facility on a 3.5-acre parcel located at N112 W18518 Mequon Road subject to the following conditions:

- 1. This approval is subject to all conditions and requirements set forth herein and adopted by the Plan Commission as a condition of said approval. Approval is granted for the site development and building plans dated 8-15-17 (C1.0), 10-5-17 (C100 & C200), 9-9-17 (A1.0 & A1.1), 9-12-17 (lighting), and September 2017 (landscaping), unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission.***
- 2. The landscape plan shall be revised and prepared using the site plan as a base such that all key features are shown in context (including property lines) and that all plantings are installed on the subject property. Said revised landscape plan shall be submitted to the Village Planner for review and for approval prior to issuance of a building permit.***
- 3. All landscaping, screening, grading and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the***

Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.

- 4. The following items shall be provided as required by the Village Fire Department: (a); the addition shall be fire sprinklered meeting NFPA 13 requirements and standards for an occupancy class "S1"; (b) a separate man door with paved access shall be installed closest to the existing fire protection equipment on the south side of the existing building. The sidewalk should connect to the south parking lot between the existing building and new storm water retention pond; (c) any new or upgraded fire protection, FDC connections or alarm panels should have the locations pre-approved by the Fire Department prior to installation.***
- 5. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***
- 6. All outstanding technical issues raised in the Village Engineer's October 5, 2017 review memo shall be addressed and reflected in a revised set of plans submitted to the Village Engineer for review/approval prior to issuance of a building permit.***
- 7. The owner shall enter into a Landscape Maintenance Agreement with the Village as required under 17.43(6a) of the Zoning Code. Said agreement shall be executed by the owner and submitted to the Village for recording prior to issuance of an occupancy permit.***

***MOTION Dean second Baum to Postpone the first Motion.
MOTION carried unanimously.***

MOTION Baum second Gray to Approve the proposed rezoning application to amend the M-1: Limited Industrial/Planned Development District (PDD) restrictions contained in Resolution No. R56-96 as they apply to the Germantown Storage facility located at N112 W18518 Mequon Road subject to the following conditions:

- 1. Amend the restrictions contained in Section 2 of Resolution No. R56-96 as follows:***
 - a. Delete the 57,600 sqft maximum building area restriction***
 - b. Change the Mequon Road front yard building setback from 70' to 30'***
 - c. Change the side yard (west) building setback from 50' to 10' subject to no building allowed in the utility easement***
 - d. Change the rear yard (north) building setback from 50' to 25'***
 - e. Change the maximum impervious area (building, parking and hard surfaces) from 70 to 80 percent.***

MOTION carried unanimously.

MOTION Baum second Laszewski to go back to the original Motion to Approve the site plan with the conditions as listed.

Trustee Baum questioned if there were other metal buildings in the park adding that he's not in favor of an addition that doesn't match the existing building. Planner Retzlaff confirmed there were other metal buildings explaining the walls look like a CMU split faced block rather than metal siding. Jim Dallas, Keller Inc., showed the Commission a sample of the siding offering to add some other alternate colors to break up the monotony. Planner Retzlaff explained the addition faces the buildings surrounding it and is not what you see from the street.

MOTION carried unanimously.

ANNOUNCEMENTS: The next Plan Commission meeting is October 23, 2017.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant