

PLAN COMMISSION MINUTES
October 23, 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 Bob Williams, Peter Nilles. Bill Shadid and Tony Laszewski were present. Commissioner Mary Ellen Gray 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 Baum second Laszewski to Approve the minutes from 10-9-17.*

MOTION carried unanimously.

Weas Development for MLG Germantown Investments – N102 W19400 Willow Creek Way.
DRGT LLC/Discount Ramps, has submitted Rezoning, Conditional Use Permit and Site Plan applications for a 153,170 sqft corporate office and distribution center located in the Germantown Willow Creek Business Park. Planner Retzlaff summarized the proposal.

MOTION Baum second Nilles to Approve the application to rezone and remove 9,958 sqft (.23 acres) of area from the Shoreland-Wetland Zoning District as shown in the detailed site plans and Wetland Setback Mitigation Plan (dated 9-26-17) pursuant to Section 24.07 of the Shoreland-Wetland Zoning Code.

MOTION carried unanimously.

MOTION Baum second Shadid to Approve a Conditional Use Permit to allow development within the 25' wetland setback areas and proposed compensation as presented in the Wetland Setback Mitigation Plan (dated 9-26-17) pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

- 1. 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 or uses which causes problems or harmful effects that were not anticipated at the time of approval of this CUP, the conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.*
- 2. The Property Owner/Tenant shall implement the wetland setback compensation measures as set forth in the Wetland Setback Mitigation Plan (dated 9-26-17) as part of the site development activities. Any changes to the Mitigation Plan, or, changes to any proposed development of the site that impacts the ability to implement to Mitigation Plan shall be reported to the Village.*
- 3. The Property Owner/Tenant shall prepare and submit an annual monitoring report to the Village and local DNR staff concerning the various management activities proposed in the compensation plan, including the planting/restoration of native vegetation and the removal of buckthorn and other invasive species as proposed in the Wetland Setback Compensation Plan. Said report shall, at a minimum, detail the type and number of plantings and invasive species removed, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and*

management activities carried out, and the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2018 for a period of three (3) years.

MOTION carried unanimously.

MOTION Baum second Shadid to Approve the site development and building plans submitted by Weas Development and DRGT LLC/Discount Ramps for the proposed 153,170 sqft corporate office, warehouse & distribution facility located at N102 W19400 Willow Creek Way subject to the following conditions:

- 1. This approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development and building plan set dated stamped October 6, 2017 unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission. Separate site plan approval is required for the potential 37,600 sqft warehouse expansion given the need for additional building and site improvement details for that expansion.**
- 2. The Owner shall submit a certified survey map (CSM) application to combine the two (2) lots comprising the site into one parcel prior to occupancy of the building.**
- 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) State approved fire sprinkler and fire alarm systems are required; (b) the location of all fire protection equipment & connections shall be determined in cooperation with the Germantown Fire Department.**
- 5. All exterior doors (except primary entrance) shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.**
- 6. All technical issues and plan corrections identified by the Village Engineer and Public Works Department staff (see October 13, 2017 Village Engineer memo and October 17, 2017 Water Utility Superintendent memo) will need to be addressed and reflected in revised plans and/or supplemental information reviewed and approved by Village staff prior to issuance of a building permit (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS).**
- 7. All proposed exterior signage shall be reviewed and approved under a separate application by the Plan Commission.**
- 8. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.**

Discussion followed on the requirements for rooftop screening in this development. Planner Retzlaff explained the covenants and restrictions were adopted by this business park and not regulated by the Village. The covenants require the units be shielded or screened from the public view, which is also the Village's requirement. Trustee Baum requested if the roof top units are visible, that a bolt on system be installed. Gregg Prossen, the Consortium, was agreeable to doing that.

Trustee Baum commented that the 2 architectural features on the south elevation looks a little skimpy and could use maybe 3 or 4 more to enhance it. Mr. Prossen was amicable to looking at adding 2 more elements and offered a change in the materials in leu of adding a couple taller elements or a couple taller elements that mimic those same two and don't have the same color on them. Trustee Baum said that would be acceptable to take another panel and change the color to help balance it.

MOTION to Amend Baum second Shadid that if the rooftop units are visible from Willow Creek Way, a bolt on screen system will be applied to the units to be approved by staff.

MOTION to Amend carried unanimously.

MOTION to Amend Baum second Shadid that 2 additional accent features be added on the south elevation that are a panel that extends above the roof line and is an accent color to the building.

Trustee Baum said the panel could be painted a different color. Mr. Prossen offered to move the door. Trustee Baum said he would accept only one additional panel if the door is moved to the right.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Discussion of Village of Germantown Sanitary Sewer & Water System Plans, Studies and Issues relating to 107-acre, 49 lot residential development proposal by Top Leaf Development LLC on land owned by Al & Lynda Luther located south of Freistadt Road, West of Wasaukee Road and North of Elm Lane. Planner Retzlaff explained the Public Works Department staff has been invited to discuss previous sanitary sewer plans prepared for the area north of Mequon Road and west of Wasaukee Road as it pertains to their recommendation to table action on the Top Leaf Development proposal, pending the further study of the sanitary sewer installation in the vicinity of this project. A lengthy discussion followed.

Tim Zimmerman, Wastewater Superintendent, explained as part of the sanitary sewer study done in 1995, and as part of the regional sewer plan and 2010 facilities plan for MMSD, the Village decided at that time not to extend sewer north of Freistadt Road and east of Friedenfeld Park and Forest Heights subdivision. He reviewed the results of the study and discussed the total acreage of land to be included in the calculations for the future extension of sewer in the area. The study shows the Luther property is in the future plan for sewer extension and removing the Luther property acreage from the acreage calculations could have an impact on the ultimate size of the sewer pipe that is installed. The land could potentially develop at a higher density if it was sewerred and would also allow the utilities to expand. Planner Retzlaff said the study didn't specifically identify the parcels where development would take place. Superintendent Zimmerman said the future sewer service area boundary needs to be identified beyond where it is shown on the plan today.

Discussion continued regarding where potential development would occur, lot sizes and zoning. Planner Retzlaff said assumptions were made that everything zoned residential would be developed as residential and ag zoning would be developed to Rs-4 or Rs-5 density. Trustee Baum said 5 acre lots would not want to be on sewer which would include areas north of Freistadt Road. He said the Luther development would be the end of the sewer area. Planner Retzlaff asked what the policy is for sewer extension. Chairman Wolter said we can't discount sewer development north of Freistadt Road until the next LUP is discussed and formulated and brought through its procedure. He said you're looking at projections of development and we shouldn't withhold anyone from looking to

develop now within that area until the updated plan has been formally approved. The Plan Commission has been asked to consider the impact of not allowing sewer in a development and the impact of the fiscal impact against it. There will be other properties that will look to be developed before a plan comes forward for sewer extension. Discussion continued.

Planner Retzlaff said the current policy as reflected on the LUP would allow the areas in yellow to develop unsewered and taking all the yellow areas out of the plan might make it somewhat feasible to extend sewer up Country Aire in that corridor or push it up towards the Wrenwood property. Chairman Wolter asked why sewer shouldn't be pushed up Freistadt Road because he felt there is more development at Freistadt and Goldendale towards the expressway. Planner Retzlaff said the decision on the Luther property could have a significant impact on the location and size of whatever sanitary sewer we extend in the vicinity north of Mequon Road and Public Works is looking for direction on how to deal with the Luther project, so they can do a study accordingly. Larry Ratayczak, Director of Public Works, said if the Luther property and associated lands near there are going to drop off requiring the sanitary sewer system, then going up Wrenwood makes more sense. Wrenwood development has been through Plan Commission and they are pushing to get sanitary sewer. Public Works is trying to adjust and see what's coming. He said they don't want to make the pipe too small to handle future development, but no one really knows what's going to happen. Discussion continued on where development could happen and the possibility of making the sewer pipe a little more cost effective.

Chairman Wolter understands the impact to this subdivision, but it seems excessive to wait for sewer. He said additional discussion is needed as to where further development will occur. Public Works Director Ratayczak said they are trying to gather a plan, size the pipe and get an idea of where it will go and figure out how to service Wrenwood. Planner Retzlaff said we can bring the Luther concept plan back to the Plan Commission for further discussion.

Pete Hurth, Baudhuin Surveying & Engineering and Shari Waggoner, Developer for the Luther property spoke. They said the property was purchased because of the 1-acre zoning and not being in the sewer service area. They hope to be selling lots next year and want to move forward with the concept plan and continue the process. Ms. Waggoner said it would be years before sewer is brought to the area and they would like some guidance on the timeline for approvals. Trustee Baum said his opinion would be to move forward. Planner Retzlaff said this is a concept plan and is for discussion purposes only. No application has been submitted and whatever the developer does is at their own risk.

ANNOUNCEMENTS: Planner Retzlaff said a Special Village Board meeting is scheduled immediately following this meeting to take action on the rezoning and CUP for the Discount Ramps proposal.

The next Plan Commission meeting is November 13, 2017.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:39 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant