

PLAN COMMISSION MINUTES
November 13, 2017

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

ROLL CALL: Chairman Dean Wolter, Commissioners Bob Williams, Peter Nilles, Bill Shadid, Tony Laszewski and Mary Ellen Gray were present. Trustee Rep David Baum was absent and excused. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: Paul Mraz, N132 W14879 Rockfield Road, spoke against the zoning code amendment to allow an accessory building in the front yard.

APPROVAL OF MINUTES: ***MOTION Shadid second Laszewski to Approve the minutes from 10-23-17.***

MOTION carried unanimously.

Koenig Industries, Inc. – W188 N11820 Maple Road. The request is for approval of a wall mounted sign for the manufacturing facility. Planner Retzlaff summarized the proposal.

MOTION Gray second Laszewski to Approve the proposed wall-mounted sign for Koenig Industries located at W188 N11820 Maple Road in the Germantown Industrial Park.

MOTION carried unanimously.

Germantown High School – W180 N11501 River Lane. The request is for approval of new wall signage associated with the High School expansion. Planner Retzlaff summarized the proposal.

MOTION Shadid second Laszewski to Approve the proposed wall-mounted signs for the Germantown High School located at W180 N11501 River Lane subject to the following conditions:

- 1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components.***

MOTION carried unanimously.

Charles Schwab – W182 N9606 Appleton Avenue. The request is for approval of wall-mounted signs and a monument sign panel for the new tenant. Planner Retzlaff summarized the proposal.

MOTION Gray second Shadid to Approve the proposed wall-mounted signs and a monument sign panel for Charles Schwab, a new business tenant in the Cornerstone Centre located at W182 N9606 Appleton Avenue 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.

Virtus Development, agent for Victory Center LLC – W140 N10385 & W140 N10393 Fond du Lac Avenue. Greg Nagel, Virtus Development, is requesting feedback on a potential redevelopment project for the commercial parcels located at the corner of Donges Bay Road and Fond du Lac Avenue. The developer is proposing to renovate the two parcels and existing buildings into a coffee

shop and restaurant that will include a covered portico between the two buildings, interior and exterior renovations and expansion of the parking lot. Planner Retzlaff summarized the proposal. Greg Nagel, Virtus Development, answered questions.

Plan Commission members had the following comments and concerns:

- What are the plans for the outside of the building and how will the two buildings be linked together.
- Will one parking lot serve both businesses and is the parking adequate.
- The round-about makes it easier to access this development
- Could there be other development proposals in this area.
- What height will the privacy fence be – the neighbors are happy with the fence proposal
- Are there any traffic projections? Plan Commission could recommend if necessary.
- The second floor would be part of the restaurant and not a residence. Will Fire Department approve of restaurant on the second floor?
- The commercial building and fire code will need to be met
- Entry to the development is right turn only
- What is the purpose of the portico
- The design looks cobbled together
- Likes the use and proposal. Brings interest and revitalization to the area. Applauds someone who wants to take on the historical aspect of the project
- The code requires any reconstructed parking lot abide by the 50-foot setback from residential. Building setback for the porch encroaches into the road right-of-way and needs to be resolved and if reconstructed needs to meet compliance.
- The building is non-conforming and the improvements to the building may exceed 50 percent of the value of the building where the non-conforming use and structure provisions kick in and necessitate compliance with the code. A PDD overlay will likely be needed to address issues with parking, setbacks and code compliance.
- The hours of operation for the coffee shop and restaurant will be shorter than the current hours of operation.
- Concern there won't be enough parking available. It was suggested contacting the owner across the street to possibly make arrangements for staff to park on the vacant site.

This item was for discussion only. No action was taken.

Community Development Department – Proposed Zoning Code Amendments to the allowances, limitations and restrictions for residential accessory buildings. Planner Retzlaff summarized the proposed amendments. The amendments are proposed to reflect recent actions and/or policy decisions by the Village, and, to clarify or otherwise improve staff's ability to administer and enforce these regulations in light of changing technological, socio-economic and general land use conditions and trends.

MOTION Gray second Shadid to Approve Amendment Group #1 to Section 17.41 (Residential Accessory Use, Building and Structure Restrictions) as follows where words that are stricken are deleted and words that are underlined are to be added:

SECTION 1. 17.41(1) SIZE AND NUMBER LIMITATIONS.

- (a) In the single-family and 2-family zoning districts (Rs-1 through Rs-7 and Rd-2), each residential dwelling shall be constructed to include an attached garage and/or a detached garage (i.e. detached accessory building). Where a dwelling contains a single attached

garage, subject to the maximum lot coverage, building height, building setback or other applicable allowances and limitations, there is no specific size (area) limit for an attached garage. A dwelling within the Rs-1 or Rs-2 District may include a second attached garage provided that such garage complies with the area standards in (b), ~~and, obtains site plan approval from the Plan Commission.~~

- (b) The maximum size of a second attached garage and the maximum size and number of detached accessory buildings allowed per lot or parcel in each residential zoning district shall be as set forth in Table 1 below.

SECTION 2. That Table 1 under Section 17.41(1)(b) (Residential Accessory Use, Building and Structure Restrictions) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

TABLE 1.

Zoning District	Attached Garages		Detached Accessory Building		
	Max. Number	Max. Floor Area ⁽⁵⁾ (sqft)	Max. Number	Maximum Floor Area ⁽⁵⁾ (sqft) (cumulative total for all accessory buildings)	
				Attached Garage Included	Attached Garage NOT Included
Rs-1	2; Second requires Site Plan approval	No limit on First; Second may not exceed 2 1% of lot area or 192 sqft ⁽¹⁾⁽²⁾	2; Except that only one is allowed if there is more than one attached garage	2 1% of lot area or 192 sqft ⁽²⁾	2 1% of lot area or 864 sqft ⁽⁴⁾
Rs-2	2; Second requires Site Plan approval	No limit on First; Second may not exceed <u>1.75 1%</u> of lot area or 192 sqft ⁽¹⁾⁽²⁾	2; Except that only one is allowed if there is more than one attached garage	<u>1.75 1%</u> of lot area or 192 sqft ⁽²⁾	<u>1.75 1%</u> of lot area or 864 sqft ⁽⁴⁾
Rs-3	1	No limit ⁽¹⁾	1	<u>1.5 1%</u> of lot area or 192 sqft ⁽²⁾	<u>1.5 1%</u> of lot area or 864 sqft ⁽⁴⁾
Rs-4	1	No limit ⁽¹⁾	1	1% of lot area or 192 sqft ⁽²⁾	1% of lot area or 864 sqft ⁽⁴⁾
Rs-5	1	No limit ⁽¹⁾	1	1% of lot area or 192 sqft ⁽²⁾	1% of lot area or 864 sqft ⁽⁴⁾
Rs-6	1	No limit ⁽¹⁾	1	1% of lot area or 192 sqft ⁽²⁾	1% of lot area or 864 sqft ⁽⁴⁾
Rs-7	1	No limit ⁽¹⁾	1	1% of lot area or 192 sqft ⁽²⁾	1% of lot area or 864 sqft ⁽⁴⁾
Rd-2	2	No limit ⁽¹⁾	2	1% of lot area or 192 sqft ⁽²⁾⁽³⁾	1% of lot area or 864 sqft ⁽⁴⁾

Notes:

- Subject to the maximum lot coverage, building height, building setback or other applicable allowances and limitations, there is no maximum size (area) for an attached garage.
- If an existing dwelling unit includes an attached garage, then the maximum floor area allowed for all detached accessory buildings (cumulative total per lot or parcel) up to the percentage noted is ~~1%~~ of the net lot or parcel area (in square feet) or 192 square feet, whichever is greater.
- The 1 percent maximum floor area allowance applies to each dwelling unit on a lot or parcel in the Rd-2 2-family zoning district.
- Many residential lots in the older established areas of the Village do not have (or may not be capable of having) an attached garage due to lot width, building setback, septic system location, or other limitations associated with substandard lots. In these cases, the maximum floor area allowed for all detached accessory buildings (cumulative total per lot or parcel) is 1% of the net lot or parcel area (in square feet) or 864 square

feet, whichever is greater.

5. The calculation of "maximum floor area" for detached accessory building shall include:
 - a. All floor area (including second or higher floors) where the ceiling height above the floor is 6 feet or higher; and
 - b. If in the Rs-1 or Rs-2 District, any additional area under cover by an overhang that is greater than 2 feet from the exterior wall on three sides of a building, plus the area under cover by an overhang that is greater than 6 feet on the remaining side(s).

MOTION carried unanimously.

MOTION Shadid second Gray to Approve Amendment Group 2 to Section 17.41 (Architectural appearance and materials) and 17.49 (Principles) as follows where words that are stricken are deleted and words that are underlined are to be added:

SECTION 3. That Section 17.41(2a) (ARCHITECTURAL APPEARANCE AND MATERIALS) is created as follows:

17.41(2a) ARCHITECTURAL APPEARANCE AND MATERIALS.

In single-family and 2-family zoning districts (Rs-1 through Rs-7 and Rd-2), accessory buildings which exceed 160 square feet in area shall be of a similar architectural appearance and exterior material as the dwelling on the property. For accessory buildings greater than 160 square feet in area, the Plan Commission may, in circumstances which it deems appropriate, grant a variance to this requirement and approve different architecture and/or exterior materials with a Zoning Permit. See also Section 17.49 (ARCHITECTURAL CONTROL).

SECTION 4. That Section 17.49 (ARCHITECTURAL CONTROL) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

- 17.49(3) PRINCIPLES.
- (e) See Section 17.41(2a). ~~Accessory structures for single-family and 2-family buildings, which exceed 200 square feet in footprint shall be of a similar architectural appearance and material as the primary building on the property. For those buildings greater than 200 square feet the Plan Commission may, in circumstances which it deems appropriate, grant a variance to the requirements to structures up to 400 square feet in size.~~

Planner Retzlaff explained the reason for changing from 200 square feet to 160 square feet was because 160 square feet is more attuned to standard building sizes.

MOTION carried unanimously.

MOTION Shadid second Gray to Approve Amendment Group #3 to Section 17.41 (Location Requirements) and 17.50 (Modifications) as follows where words that are stricken are deleted and words that are underlined are to be added:

SECTION 5. That Section 17.41(3) (Location Requirements) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

- 17.41(3) LOCATION REQUIREMENTS.
- (a) In all single-family and 2-family zoning districts except for the Rs-1 District (Rs-2 through Rs-7 and Rd-2), accessory buildings shall be located in a side or rear yard.
- (b) In the Rs-1 District, accessory buildings may be located in a front/street yard provided that:

1. The minimum street yard building setback distance for the accessory building is equal to 50 percent of the actual building setback distance for the principal dwelling, or, 45 feet, whichever is greater; and
2. A visual buffer of the accessory building shall be provided in the form of natural and/or planted vegetation, berms, fencing or a combination thereof as necessary to achieve a height of at least six (6) feet and a minimum twenty-five (25) percent visual opacity within two (2) years of installation from any adjacent public right-of-way and residential dwelling.

- (c) Except for accessory buildings located entirely in the rear yard, all accessory buildings and attached garages shall be subject to side yard building setback requirements of the principal building.

SECTION 6. That Section 17.50 (MODIFICATIONS) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.50(2) YARDS.

- ~~(b) Accessory uses and detached accessory structures are permitted in the rear yard only; they shall not be closer than 10 feet to the principal structure; and shall not exceed 15 feet in height.~~

Planner Retzlaff explained the front yard building setback in the Rs-1 zoning district is 45 feet but homeowners can place their house in different places beyond the 45 foot setback. By establishing a setback of 50 percent of the actual building setback distance, or 45 feet, whichever is greater, provides some flexibility for accessory structures to be placed in the front yard. He said there have been a lot of requests from property owners over the years who ask to put an accessory structure in their front yard. These requests require a variance from the Board of Zoning Appeals but the variance cannot be met. The Board of Zoning Appeals has asked staff to consider looking into changing the code.

MOTION carried 4-2 (Wolter, Williams)

MOTION Shadid second Laszewski to Approve Amendment Group #4 to Section 17.41 (Temporary Accessory Storage Structures) as follows where words that are stricken are deleted and words that are underlined are to be added:

SECTION 7. That Section 17.41(7) (TEMPORARY ACCESSORY STORAGE STRUCTURES) is created as follows:

17.41(7) TEMPORARY STORAGE STRUCTURES.

Temporary storage buildings and structures intended for short or long-term storage of vehicles,

equipment, materials and/or household items, including but not limited to: portable storage containers such as “UNITS” and “PODS”, shipping containers, metal-frame and/or fabric-covered canopies,

vehicle shelters or carports, and “hoop” buildings, may be permitted in any single-family and 2-family district (Rs-1 through Rs-7 and Rd-2), provided that:

- (a) the owner/installer of any temporary storage structure has obtained a Temporary Use Permit from the Village for the installation and use of said structure;
- (b) said structure shall be located in a side or rear yard of the property except as provided below:

1. temporary storage structures may be located in a front yard for a period not to exceed forty-five (45) days if said structure is used for storing or moving equipment and household items while the property owner is moving to/from the property, the property is being renovated, or for any emergency or other reasonable purpose deemed acceptable by the Zoning Administrator.

Planner Retzlaff explained temporary storage structures are not currently regulated by the code. However, neighbors have complained and citations have been issued because of the length of time a storage structure has remained on a property and not on a temporary basis. The Village Attorney has suggested staff come up with some rules and language that will define when, where, and how long structures can be used to establish a policy. Discussion continued. Planner Retzlaff explained a temporary use permit is good for 6 months but a consecutive permit could be granted. The Plan Commission thought the \$210 permit fee was costly for a short period of time and discussed a 30 day no permit time period. Chairman Wolter said there should be a separation of units and pods versus structures for long term storage for boats and campers. He said there is a difference between storage for someone looking to move and needing something for short term use.

Commissioner Gray asked that the amendment be brought back after its revised. Planner Retzlaff said he could create language defining pods, units and waste dumpsters, include a 30-day exemption for a permit and after 30 days a temporary use permit would be required. Chairman Wolter agreed language should be created that separates pods from other temporary structures, allowing them in the front yard for 30 days with no permit. Long term storage including hoop buildings or temporary cloth structures should be permitted. Planner Retzlaff said it would be easier to deal with days and not the definition of a structure.

MOTION to Amend Shadid second Gray to TABLE until the Village Planner comes back with further options.

MOTION carried unanimously.

ANNOUNCEMENTS: Planner Retzlaff said a listening session has been scheduled for November 27th regarding the J.W. Speaker expansion and PDD proposal and a Joint Review Board meeting and Plan Commission meeting is scheduled for November 29th to discuss the J.W. Speaker expansion and PDD. The next regular Plan Commission meeting is December 11, 2017.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant