

PLAN COMMISSION MINUTES
December 11, 2017

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

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

PUBLIC INPUT: Bruce Bernarde, N120 W14645 Freistadt Road, spoke regarding the Top Leaf Development proposal. He was concerned with water runoff.

APPROVAL OF MINUTES: *MOTION Baum second Gray to Approve the Minutes from November 13, 2017 and November 29, 2017.*

MOTION carried unanimously.

Saxony Village – N115 W16200 Main Street. Scott Bence, property owner, is seeking approval to relocate a previously approved monument sign for the multi-family Saxony Village apartment community. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the revised monument sign location near the Hilbert Lane entrance for the Saxony Village community located at N115 W16200 Main Street as proposed.

MOTION carried unanimously.

J.W. Speaker Corporation – N120 W19434 Freistadt Road and 144 acres of land east of Goldendale Road and North of Freistadt Road. Request for approval of a rezoning application to create an M-1: Limited Industrial Planned Development District. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed rezoning of approximately 144 acres from A-1: Agricultural (39.7-ac Mayer/Neu property) and M-1: Limited Industrial (47.4-ac Roskopf and 57-ac Phylmac LLC properties) into the M-1: Limited Industrial Planned Development District (M-1/PDD) subject to the following:

- 1. The draft conditions & restrictions resolution dated December 11, 2017, shall constitute the specific conditions and restrictions for the PDD;*
- 2. The General Development Plan (GDP) dated December 11, 2017, shall constitute the General Development Plan required under Section 17.27 of the Zoning Code.*

Planner Retzlaff said the document was drafted and created by staff with input from the Speaker Corporation. Trustee Baum asked if there was language in the PDD that documented when the landscaping trees would be installed. Planner Retzlaff said the language in Section 2(c) Landscaping and buffering and Section 5 Perimeter Landscaping & Buffer Plan Required explains how landscaping is addressed. He explained a detailed landscaping plan is required before any roadway construction is commenced. Discussion continued. Trustee Baum said he'd like to include something addressing sound levels will not be any greater than they are today. Planner Retzlaff pointed out Section 9, Applicability of Municipal Code, that would apply to sound levels. He explained without something specific addressing sound levels, it would default to whatever applies throughout the Village. Trustee Baum asked that something be added that says this is a quiet neighborly business today and will

continue to be a quiet neighborly business tomorrow. Planner Retzlaff said we rely on the permitted land use section to address that. Trustee Baum said accessory uses allows for auxiliary power generators and he has had complaints on these in the past. Planner Retzlaff explained auxiliary power generators are for emergency purposes only. Mr. Speaker confirmed the auxiliary generator is for emergency use only if there is a loss of power to fill the gaps.

MOTION to Amend Baum second Shadid that the auxiliary power generator only be run for exercise purposes between the hours of 9:00 a.m. and 5:00 p.m. and only be operated for functionality when there is a power outage of the main power service.

MOTION to Amend carried unanimously.

Discussion continued regarding the storm water management plan. Planner Retzlaff said a plan would be required and is forthcoming. Storm water plans will be reviewed as part of the road construction plans and as each of the building sites are developed. No detailed storm water analysis evaluation has been done on the site yet. He said they have been given information from Mr. Roskopf about existing storm water runoff issues that might be addressed by way of incorporating some type structure facility across some of the lots. Chairman Wolter said the Village Engineer will review the storm water plans and ensure that they are meeting the criteria and not causing any issues as part of their review. Planner Retzlaff said it would be reasonable for Plan Commission to also require review of the storm water management plan, but language would need to be added.

MOTION to Amend Baum second Shadid that the development of the road and storm water management come before the Plan Commission for review.

Chairman Wolter said the motion is for ensuring the public to view and that the residents' concerns with water issues are addressed.

MOTION to Amend carried unanimously.

Trustee Baum said he heard a lot of complaints regarding light pollution, but knows the proposal has dark sky requirements. Planner Retzlaff confirmed section 7 (h) requires exterior lighting shall utilize dark sky compliant technology and be consistent with the Village's outside lighting guidelines and addresses all future development. Trustee Baum said he had visited the site and stated there was no light that comes within 200 yards or that crossed the property line. He is sensitive to the resident's concerns, but he's not sure what to do because it is not a trespassing light issue, its simply seeing the lights that's the issue. He said this issue will be discussed when site plans are reviewed.

Discussion continued regarding 7(e) screening mechanical equipment.

MOTION to Amend Baum second Shadid that rooftop units shall be screened from adjacent roadways including Isabelle Farms Drive, Meadow Brook Court and Prairie Ridge Court.

Trustee Baum said he wants to clarify that screening from view is required from the roadway and not from a second story or deck. The screening would be required to go around the sides of the units and not the top.

MOTION to Amend carried (4-3 Gray, Laszewski, Williams).

Trustee Baum had a concern with Section 7(a)(vii) regarding the maximum lot coverage allowance of 80 percent of impervious area. He said if we're promising a park like setting, limiting 50 percent impervious area shouldn't be a problem.

MOTION to Amend Baum second Shadid to change Section 7(a)(vii) Lot Coverage (maximum) to 65 percent impervious area.

Planner Retzlaff said 80 percent is the standard allowance in the M-1 District. He explained it would be applied by lot or separate parcels. If lot 1 is created as a separate parcel and a building comes for development, 80 percent coverage would be applied to lot 1. If the entire PDD becomes 1 parcel, and the individual lines are eliminated, the 80 percent coverage would be applied to the entire PDD area.

Chairman Wolter stated the amendment is looking to restrict what the M-1 Zoning District allows and is too restrictive. Commissioner Gray agreed. Mr. Speaker explained 50 percent coverage is fine with the 144 total acres but if the property is divided up it could be overly restrictive with the smaller lots. He said it's not his intention to divide up the property, but if he did, it would be a concern. Trustee Baum said the neighbors have been promised a certain aesthetic for this park. Mr. Speaker said additional green space was added as a compromise, making building space more restrictive and 50 percent lot coverage makes the building space even more restrictive. He could accept 70 or 65 percent but 50 percent is too restrictive. Trustee Baum said he would change the motion to 65 percent, the second agreed with the change.

MOTION to Amend Fails (3-4 Williams, Laszewski, Gray, Wolter).
Discussion continued.

MOTION to Amend Baum second Shadid to change Section 7(a)(vii) to 50 percent impervious area maximum across the entire 144 acres and 70 percent coverage of a single lot.

MOTION to Amend carried (5-2 Williams, Gray).

Trustee Baum commented that the neighbors want to be continually involved. He said the buildings, roadway and civil work all need to come back to the Plan Commission for review which will give the residents plenty of opportunities to get involved.

Commissioner Laszewski was concerned with 3 (a)(iv) Warehouse and Distribution Facilities listed as Principal Uses. He said those uses are somewhat incompatible to a corporate park setting and was concerned Phase 4 could include a mini Amazon or Target doesn't go along with this project. He asked if there was any intent to do warehousing which will create traffic. Mr. Speaker explained the company already does warehousing and distribution today, but they are not an Amazon. He said it's not the sole part of the business, but he can't eliminate it either. Discussion continued. Chairman Wolter said the uses are not specific to a building type but what Speaker Corp. currently does and is all encompassing. Commissioner Laszewski stated he was looking down the road for what a new business would be allowed with the language.

MOTION to Amend Baum second Laszewski to change 3 (a)(iv) to warehouse and distribution facilities ancillary to the primary function.

Chairman Wolter was hesitant with the language because the Whitney Drive facility currently does some distribution. Mr. Speaker said both facilities do distribution and could vary from time to time, but

it is important to the business. Discussion continued. Chairman Wolter explained the use needs to be in addition to the Speaker Corporation in its daily operation and cannot be a separate large warehouse and distribution facility.

MOTION to Amend carried (5-2 Williams, Gray)

MOTION to Approve as Amended carried unanimously.

Top Leaf Development LLC – 107 Acres South of Freistadt Road, North of Elm Lane and West of Wasaukee Road. Alan & Lynda Luther, property owners, are requesting approval of a rezoning application and concept plan for a 107-acre residential subdivision with 47 single family lots. Planner Retzlaff summarized the proposal. Pete Hurth, Baudhuin Surveying and Shari Waggoner, Top Leaf Development spoke on the project. Mr. Hurth said the wetland and soil work has been completed. He said all the wetland areas have been placed on separate lots, but they did not account for the 25-foot setback requirement and asked that the additional 25 feet not be required.

Discussion followed. Bruce Bernarde, commented on the plan and was concerned how and where water will drain. Mr. Hurth said they will modify the storm water plan to address those concerns. Discussion continued the road connections in both directions being beneficial for emergency access, traffic purposes and all development in the area. Mr. Hurth agreed to curve the north/south road to avoid headlights pointing directly at the existing house. Ms. Waggoner discussed the connection and upgrading of Elm Lane. She said adding 700 feet has a significant financial impact to the project and she doesn't want to foot the bill for all of Elm Lane. Trustee Baum wants the developer to fill the gap and leave the rest of the road improvements as part of the Village plan. He asked that the Public Works Department determine the suitability of the road and bring a recommendation to the Village Board. Chairman Wolter is appreciative of the contiguous roadway and feels any improvements beyond the reach of the subdivision falls on the Village.

MOTION Baum second Gray to Approve the proposed concept plan.

MOTION to Amend Baum second Shadid to slide the last 2 lots (#36 & #37) over to move the north/south road to the west slightly and to provide the Elm Street access east and west and the western new road can just go off at a straight tangent as opposed to curving back.

MOTION to Amend carried unanimously.

Planner Retzlaff commented on the 25-foot wetland setback requirement. He said this concept plan reflects the wetland delineation and boundaries and the subdivision code requirement that there is a wetland setback that the Village enforces needs to be dealt with. He said the Plan Commission doesn't have the authority to waive the requirement, but Village Board may grant a waiver to the subdivision regulations.

MOTION carried.

MOTION Baum second Shadid to Approve the proposed rezoning of approximately 107 acres from the A-1: Agricultural District to the Rs-3: Residential Single-Family district.

MOTION to Approve carried.

Ms. Waggoner asked when to request a waiver for the 25-foot wetland setback because it would significantly impact the plan and they would lose lots. Planner Retzlaff reviewed the code and said

the Plan Commission may grant a waiver to the wetland setback requirement under extraordinary circumstances or hardship conditions exist. He said he would not recommend waiving the requirement simply because they didn't know about it. Chairman Wolter suggested bringing forward the waiver request at the time the preliminary plat is brought forward. Mr. Hurth said maintaining the setback requirement would change the design of the plat. Chairman Wolter offered bringing the item back to the Plan Commission at the January 8th meeting for consideration. Planner Retzlaff advised them to submit a letter asking for the waiver for Plan Commission to consider.

Scott & Georgene Sommer – W148 N12696 Pleasant View Drive. The property owners of a 120-acre farm presented a proposal to operate a farm kitchen, brewery and sausage production facility on their property in the A-1 Agricultural Zoning District. Planner Retzlaff summarized their proposal.

Scott Sommer addressed questions. Plan Commission had the following comments and concerns.

- The use could be allowed with a Conditional Use Permit
- No livestock will be raised on property
- Commission members like the idea
- There are no current plans for weddings or corporate or special events. Plans are to be open for breakfast and lunch. Intend to work with other groups including the Sons of Norway, the Park & Recreation Department for classes and other organizations to use the facility for breakfast
- Likes the idea of going back to Germantown heritage and selling farm goods. It's not competitive against other businesses and the area is perfect for this type of operation.
- Mr. Sommer explained the sausage will be produced in their kitchen, in a way that is packaged and distributed through wholesale markets. He said they acquired an existing sausage shop a year ago and will be selling to those existing customers as well as in their store and will also promote the products on line. They are required to meet certain standards with state.
- Mr. Sommer said the business will need 3 phase power installed, a separate well and a 4,000 to 6,000 gallon holding tank. He estimates using approximately 400 gallons of water for beer production and another 30 gallons for cleanup, sanitary uses, kitchen and toilet facilities per week. Planner Retzlaff said more details will be needed on water consumption and water demand and may require an assessment on surrounding wells. A co-mingling variance from the County will be needed for the holding tank because of animal product and yeast going into the tank.
- Mr. Sommer looked at comparable business to study how much traffic will be generated. He estimates Saturday will be their peak time from 1:00 pm to 6:00 pm. Deliveries will be once a week for meat, but other products will be brought home.

This item was for discussion. No action was taken.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant