

PLAN COMMISSION MINUTES

November 11, 2019

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

ROLL CALL: Chairman Dean Wolter, Trustee David Baum, Commissioners Peter Nilles, Tony Laszewski, Matt Kimmler, Bob Williams and Bill Shadid. Also present were Community Development Director Jeff Retzlaff, Associate Planner Emily Zandt and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

APPROVAL OF MINUTES:

MOTION Baum second Shadid to Approve the minutes from 10-14-19.

MOTION carried unanimously.

PUBLIC HEARING & ACTION

Aldi - N96 W18838 County Line Road. Request to create a B-1: Neighborhood Business Planned Development District for the 7.25-acre Germantown Plaza and Site Plan approval for a 3,685 sqft building expansion. Planner Retzlaff summarized the proposal.

Public Hearing was opened at 6:40 pm.

Public Hearing was closed at 6:41 pm.

MOTION Baum second Laszewski to Approve the request to create a B-1: Neighborhood Business Planned Development District (B-1/PDD) for the 7.25-acre property located at N96 W18838 County Line Road to be known as the "Germantown Plaza PDD" subject to the following conditions:

- 1. The B-1: Neighborhood Business District regulations shall be the zoning restrictions affecting the use of and development on the subject property except for the following amendments:***
 - a. Revise the minimum side yard building setback along the west property line from 20 to 12 feet;***
 - b. Eliminate the conditional use permit requirement for buildings over 20,000 sqft.***

Discussion followed. Rob Merkel, Construction Manager explained they had looked at other options to expand but none of them worked based on the parameters of the expansion. He said they are trying to mimic the new stores and be as uniform as possible.

MOTION carried 6-1 (Baum)

MOTION Baum second Shadid to Approve the site and building plans for the proposed 3,685 sqft building addition to the Germantown Plaza located at N96 W18838 County Line Road 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is granted for the engineering plans dated April 15, 2019, and the architectural plans dated March 5, 2019, unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission.***
- 2. All technical issues and plan corrections identified by the Village Engineer and Public Works Department staff (see October 15, 2019 memo from the Public Works Director) shall be addressed and reflected in revised plans and/or supplemental information reviewed and approved by the Village Engineer prior to issuance of a building permit.***

3. ***State approved plans and a \$20,000 occupancy bond are required by Inspection services as part of the building permit application.***
4. ***Written documentation shall be provided to the Village Planner from the owners of the Germantown Plaza and adjoining property to the west indicating final approval of the proposed improvements prior to issuance of a building permit.***

MOTION carried 5-2 (Baum, Nilles)

Clean Harbors Industrial Services - N104 W13275 Donges Bay Road. Request for approval of a Conditional Use Permit to operate a transfer facility used in the process of collection, transportation and temporary storage of non-hazardous, hazardous and infectious waste from the 6-acre property. Planner Retzlaff summarized the proposal. He said the Public Hearing was held at the October Plan Commission and Village Board meetings, but no action was taken. Vincent Van Engelenburg, Clean Harbors, reviewed the Clean Harbors operation.

Discussion followed. Trustee Baum said the description of infectious substances that's collected was scary and asked if that is allowed. Planner Retzlaff stated the Village doesn't have anything that prohibits it and that the Fire Department had no concerns. Mr. VanEngelenburg stated Clean Harbors is an approved vendor with the WI DNR.

MOTION Baum second Laszewski to Approve the Conditional Use Permit for the operation of a transfer facility used in the process of collection, transportation and temporary storage of non-hazardous, hazardous and infectious waste from the 6-acre property located at N104 W13275 Donges Bay Road subject to the following conditions:

1. ***This Subject to any restrictions or other limitations that are more stringent than those contained or required as a condition of approval for this permit that may be contained in a permit, license or other approval by another agency (e.g. WI DNR, US DOT, US EPA), this permit authorizes the uses, activities and facilities set forth in the conditional use permit application dated March August 19, 2019, and the supporting documents and plans made part of the application including: Clean Harbor letter dated October 11, 2019 containing responses to Village staff review comments and document attachments. All of the commitments made by the Applicant in the application and supporting documents cited herein are deemed conditions of approval.***
2. ***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 permitted conditional use which causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to ameliorate or eliminate harmful effects associated with the use but are insufficient to do so, or for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***
3. ***All business operations and activities conducted on the subject property and by Clean Harbors while in the Village shall meet and continuously comply with the performance standards set forth in Zoning Code section 17.47, including, but not limited to odor, fire and explosive hazards, and water quality protection. In the event of a complaint substantiated by Village staff to the extent that a potential violation of or determination of non-compliance with one or more of the performance standards in Section 17.47 may have occurred or is occurring, the applicant shall be responsible for all costs for and resulting from the Village retaining a third party environmental expert capable of investigating and/or monitoring the site and operation. Said expert shall report its findings to the Village for subsequent use in investigating and enforcing said complaint or potential violation of the "performance standards" found in Section 17.47 of the Zoning Code.***

- 4. The type and amount of material to be stored shall be limited to that which is proposed in the application materials including the documents referenced in Condition #1 herein. Any changes to the type, amount, location, and containers from that presented in the application materials and/or site development and building plans, or, any changes to the methods of storage, length of time materials are to be stored (i.e., not to exceed 10 days), the off-loading and on-site transportation shall be reported to the Village. Modifications to the approved CUP and/or site and building plans or conditions of said approvals may be required by the Village at that time.**
- 5. Clean Harbors shall develop a closure plan similar to that which is required for solid waste storage facilities under WDNR NR 502.04 and submit said plan to the Village Fire Department and Village Engineer for review and approval prior to commencement of the hazardous waste transfer operation. Said plan shall include the submittal of a letter of credit or other financial guarantee acceptable to the Village Attorney that ensures the safe removal and/or clean-up of any remaining inventory can be accomplished by a third party environmental firm (if necessary) in the unanticipated event that Clean Harbors relocates from or ceases to exist in the Village.**
- 6. The applicant is responsible for obtaining all applicable state, federal or other agency permits and approvals and continuously operating within the requirements and restrictions of said permits and approvals. Copies of all state and federal agency permits issued shall be provided to the Village Fire and Planning Department.**
- 7. The overnight storage of containers of hazardous and non-hazardous materials that are not in a secure and protected environment is prohibited. Containers shall be kept off the ground and within an enclosed and secure building or trailer.**
- 8. If it is determined that containers with hazardous or infectious waste is or has been kept at the transfer facility for more than 10 days, the transfer facility shall be deemed to have violated the terms of this conditional use permit and the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.**
- 9. Clean Harbors is required to comply with the provisions of Section 11.071 (Above-Ground Storage Facilities) of the Village Code.**
- 10. The berm and/or other secondary containment area to be installed needs to be designed with adequate materials, capacity, etc. Plans and specifications for said berm shall be reviewed and approved by the Fire Department and Village Engineer prior to installation.**
- 11. Any changes or improvements proposed to be made to the existing buildings or site shall require Site Plan approval by the Village Plan Commission.**
- 12. Village building permits are required for all interior and exterior improvements and renovations (construction, electrical and/or plumbing). Contact Mike Guttman, Building Inspector, to discuss any proposed improvements, permit & inspection requirements, and any state (Department of Safety and Professional Services) commercial building plan approval requirements. Contact Holly in Inspection Services for information about permit applications. Both can be reached at 262-250-4760.**
- 13. Prior to commencement of the hazardous waste transfer operation, an occupancy inspection shall be conducted in coordination with the Village Fire Department and Inspection Services. Please contact the Fire Department and Inspection Services to arrange an inspection at 262-502-4701.**
- 14. If required by the Fire Department or Inspection Services as part of the initial or future occupancy inspections, the owner/operator shall install and/or update necessary fire safety measures, emergency management and/or other improvements to ensure fire and building code compliance for the type of occupancy/use proposed.**
- 15. All exterior signs, temporary and permanent, requires a sign permit. Contact Lori Johnson regarding proposed signs, and the Village's sign regulations and permit requirements at 262-250-4735.**
- 16. The Village's Utility Code requires all commercial and industrial users discharging wastes into the sewer system to construct and maintain sampling and metering manholes in suitable and accessible positions on public property or easement to facilitate the observation, measurement**

and sampling of all wastes or wastewater. These manholes are required to be located, constructed and maintained in a manner approved by the Village Engineer/Wastewater Utility Superintendent. Therefore, the property owner is required to contact Tim Zimmerman, Superintendent of Wastewater Utility 262-253-7765 to coordinate an inspection of the sanitary sampling manhole, and, make any/all necessary corrections or repairs to the sampling manhole and appurtenances thereto to ensure ongoing compliance with the Village's Utility Code.

Discussion continued. Planner Retzlaff said there were a lot of existing trailers and vehicles on the site. Mr. VanEngelenburg confirmed the site would be cleaned up. Commissioner Williams asked if waste would be recycled on the site and if Clean Harbors carried pollution liability insurance. VanEngelenburg confirmed the liability coverage adding that there would be no recycling on site.

MOTION to Amend Williams second Baum to include the Village of Germantown as an additional insured on the pollution liability policy.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

McDonalds Corporation - N96 W17512 County Line Road. Site plan review for a proposed complete tear down and rebuild of the McDonald's restaurant as part of a nationwide effort to modernize all the restaurants by 2020. Associate Planner Zandt summarized the proposal.

MOTION Baum second Laszewski to Approve the site development and building plans for the rebuild of the McDonald's Restaurant located at N96 W17512 County Line Road 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 following architectural and engineering plans unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:***
 - a. Architectural and civil plans for McDonald's USA LLC submitted October 31, 2019 (revised);***
 - b. Landscaping plans dated September 13, 2019.***
- 2. 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.***
- 3. All outstanding items and issues identified by Village Staff in the following review memos shall be resolved and reflected in additional information and/or revised plans submitted to Staff for further review, comment and approval prior to commencing construction or issuance of a building permit for the McDonald's USA LLC rebuild.***
 - a. October 15, 2019 memo from Village Public Works Director***
- 4. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***
- 5. Additional landscaping as recommended by the Village Planner shall be added to the Landscape Plan and submitted to the Village Planner for review and approval prior to the issuance of a building permit. Additional landscaping shall include: three (3)***

deciduous street trees along Rivercrest Drive to replace the recently removed trees south of the west driveway; deciduous and evergreen shrubs and ornamental trees along the south property line between the two existing driveways; and a more prominent landscaping feature wrapping the southwest corner of the parking lot.

- 6. WRAPP/NOI for the project must be applied for, approved by the Wisconsin DNR, and provided to the village prior to the issuance of any building permits for the project.*
- 7. An access easement shall be obtained and recorded within six (6) months of site plan approval across the approximately 10' wide strip on land along the west side of the McDonald's owned by Cracker Barrel Old Country Store Inc. The applicant will be responsible for the cost of drafting and recording the access easement. The Village will withhold the required occupancy bond (but not occupancy) until said easement is recorded and written proof provided to the Village.*

MOTION carried unanimously.

Goldendale Land Holdings LLC - W204 N13125, W204 N13055 & W204 N13035 Goldendale Road. Site Plan Review for a 117,324 sqft industrial building and 3-Lot Certified Survey Map (CSM). Associate Planner Zandt summarized the proposal.

MOTION Baum second Nilles to Approve the 3-lot Certified Survey Map (CSM) for the 45.46 acres (Lot 2 of CSM 6913) owned by Goldendale Land Holdings, LLC located in the southwest corner of the Goldendale Road and Rockfield Road intersection.

MOTION carried unanimously.

MOTION Baum second Shadid to Approve the site development and building plans submitted by Briohn Building Corporation for the proposed industrial building located on proposed Lot 3 in the southwest corner of the Goldendale/Rockfield Road intersection 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 architectural, engineering, and electrical plan sheets dated 10-31-2019 and the landscaping plan sheets dated 10-31-2019, unless said plan sheets are revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission.**
- 2. Provide an updated landscaping plan with the tree species substitutions as recommended by the Village Arborist.**
- 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. State approved plans and a \$20,000 occupancy bond are required by Inspection services as part of the building permit application.**
- 5. The Developer shall enter into a Development Agreement with the Village pursuant to Chapter 17.43 of the Village Code (Site Plan Approval) as well as, the preparation of detailed plans for the installation of public utilities and improvements including, but not limited to private access drives and storm water management facilities, master grading plan and erosion control, landscaping & street trees, open space, lighting**

and signage.

- 6. The submitted stormwater management plan shall be approved by the Department of Public Works/Engineering prior to commencing work onsite.**
- 7. A separate ingress/egress easement shall be recorded on proposed Lot 3 for legal access to proposed Lot 2.**
- 8. The Village Fire Department shall review and approve the proposed prefabricated liquid chemical storage enclosure (10' x 12') on the southwest side of the building prior to the issuance of a building permit.**
- 9. All proposed exterior signage, including monument and wall-mounted signs, shall be reviewed and approved under a separate application by the Plan Commission.**
- 10. All technical issues and plan corrections identified by the Village Engineer and Public Works Department staff (see October 17, 2019 memo from the Public Works Director) shall be addressed and reflected in revised plans and/or supplemental information reviewed and approved by Village staff prior to issuance of a building permit.**
- 11. Knox boxes are required on all buildings at locations to be determined by GFD.**
- 12. 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.**

MOTION carried unanimously.

Weissman Automotive - W140 N10455 Fond du Lac Avenue. Rick Weissman, property owner, is requesting approval for monument and wall signage for the existing and recently remodeled auto repair facility. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the proposed monument and wall signs for the Weissman Auto repair facility located at W140 N10455 Fond du Lac Avenue subject to the following condition:

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

MOTION carried unanimously.

Rheocast Corporation - N114 W19250 & W19049 Clinton Drive. Sign Review for 1 wall sign and four directional signs. Associated Planner Zandt summarized the proposal.

MOTION Baum second Laszewski to Approve the proposed wall sign for and directional signage for Rheocast Company for the properties located at N114 W19049 Clinton Drive and N114 W19250 Clinton Drive.

MOTION carried unanimously.

ANNOUNCEMENTS: Chairman Wolter announced the Germantown Christmas festivities will be held this Saturday and will include the parade, activities at the library and Village Hall, horse and carriage rides and the tree lighting ceremony at 4:30 pm. Also on Sunday, November 17th from 1:00 to 3:00 Congressman Jim Sensenbrenner will hold a town hall meeting with Senator Alberta Darling and State Representative Dan Knodl. Plan Commissioner Peter Nilles thanked all the Veterans for their service.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:33 pm.

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Respectfully submitted,

Lori Johnson
Planning Assistant