

PLAN COMMISSION MINUTES

August 9, 2021

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

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

PUBLIC INPUT:

None

APPROVAL OF MINUTES:

MOTION Baum second Shadid to Approve the Minutes from July 12, 2021.

MOTION carried unanimously.

MOTION Baum second Laszewski to take item C first.

MOTION carried unanimously.

Germantown Community Library - N112 W16957 Mequon Road. The request is for approval for a new wall sign above the main entrance to the library.

MOTION Baum second Shadid to Approve the red colored sign to match the building trim.

MOTION carried unanimously.

Capstone Quadrangle Development Company, agent for MLG/RMS Ltd. Partnership, property owner 52.5 acres at N128 W20943 Holy Hill Road. The request is for approval of a Rezoning, 2-lot Certified Survey Map, Conditional Use Permit and Site Development and Building Plans for the development of a 52.5-acre business park with an initial 203,580 sqft industrial building located within the Holy Hill Road gateway corridor east of US41 and Tax Increment District No.7. Director Retzlaff summarized the proposal.

Public Hearing opened at 6:54 pm.

- Jan Miller, W151 N10297 Windsong Circle West, spoke against the encroachment into the 25 wetland and navigable stream setback. She explained encroaching into wetlands minimizes the natural filtration system. She asked that the Village stop allowing business and residential development from encroaching into the wetland areas and vote against the CUP.
- Ron Robbins, W209 N11020 Springhill Lane, commented that the Village keeps approving more warehouse buildings that use Holy Hill Road. He asked at what point will the Village be concerned with the increased traffic. Director Retzlaff told him the plans for the Holy Hill Road rebuild are conceptual at this time, but show the road will be rebuilt into a 4-lane divided road from Goldendale Road to Hwy. 41 in 2022.

Public Hearing was closed at 7:04 pm.

MOTION Baum second Nilles to Approve rezoning approximately 52.5 acres from A-1: Agricultural to M-1: Limited Industrial as proposed.

MOTION carried 6-1 (Kimmler).

MOTION Baum second Nilles to Approve the 2-lot Certified Survey Map (CSM) for the 52.5-acre property subject to the following conditions:

- 1. The CSM shall be revised to reflect the Village Surveyor comments contained in the July 23, 2021 review memo prior to recording the CSM.***

MOTION carried 6-1 (Kimmmler).

MOTION Baum second Nilles to Approve the Conditional Use Permit to allow the encroachment of development into portions of the 25' wetland and 75' navigable waterway setbacks and proposed compensation as presented in the Wetland Mitigation Plan Narrative (dated July 16, 2021) 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 shall implement the wetland setback compensation measures as set forth in the Wetland Mitigation Plan Narrative (dated July 16, 2021) 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 the mitigation plan shall be reported to the Village.***
- 3. The Property Owner shall prepare and submit an annual monitoring report to the Village concerning the management activities proposed in the Wetland Mitigation plan Narrative including the planting/restoration of native vegetation. Said report shall, at a minimum, detail the type and number of plantings, 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 to the Community Development Department annually at the end of each year beginning in 2022 for a period of three (3) years.***

Discussion regarding where the wetland mitigation will occur. Director Retzlaff explained the mitigation plan provides for some additional native plantings along the existing 25' wetland setback area and around the stormwater basins because the grade is being changed to accommodate the stormwater basins and parking area. Chairman Wolter added the encroachment is mostly happening in the retention pond area because of changes to the slope and that planting more native grasses will help slow any runoff that might occur in that area and is directed to the retention areas. Dale Bunderson, Capstone, stated all of the water coming off the site is designed to go to the stormwater basins and not the wetland areas.

MOTION carried 6-1 (Kimmmler).

MOTION Baum second Nilles to Approve the site development and building plans for development proposed by Capstone Quadrangle for proposed Lot 1 (13.5 acres) of the Capstone 41 Business Park on Holy Hill Road, including a 203,580 sqft industrial/distribution

building and associated parking, internal driveways, storm water management, and water and sanitary sewer improvements 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 plans unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:**
 - a. Architectural plans dated July 1, 2021;**
 - b. Civil Engineering plans dated July 30, 2021 (bid set);**
 - c. Landscaping plans dated July 30, 2021 (bid set);**
 - d. Lighting plans (photometric plan) dated August 5, 2021**
- 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 for the shell building.**
- 3. 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.**
- 4. 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 building permits (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS). The initial storm water management plan and report dated July 16, 2021 is incomplete and requires additional information as discussed in the following:**
 - a. July 30, 2021 memo from Larry Ratayczak, Public Works Director**
- 5. State agency (DSPS) approved plans and a \$20,000 occupancy bond are required by Inspection Services at the time of building permit application. The Village of Germantown is an authorized delegated agent of DSPS to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.**
- 6. Dumpster enclosures shall be designed to meet the Village's dumpster enclosure guidelines. Future tenants shall be required to provide proposed dumpster enclosure plans for review and approval by the Village Planner prior to issuance of an occupancy permit for the tenant.**
- 7. The height of all exterior lighting fixtures shall not exceed a mounted height of 25 feet above the surrounding finished grade elevation. Also, no tilting of the fixtures shall be permitted. The building renderings show pole-mounted fixtures in the vehicles parking area on the east side of the building but the photometric plan does not. If pole-mounted fixtures at a height of 25' are necessary in the parking area east of the building (vs. building mounted), a revised photometric plan shall be submitted to the Village Planner for review and approval prior to installation.**
- 8. Additional reveals and/or articulation should be included in the design. The gray color gray scheme is acceptable but should be enhanced to ensure the colors or tone differences are not too evenly matched and indistinguishable.**
- 9. Future tenants shall provide a roof plan with the location of all roof-mounted HVAC units and any other roof-mounted equipment along with sightline diagrams as part of**

all future building “build out” plans. RTU’s shall be screened from view by line of sight at 5’ above grade from all property lines around the building and the centerline of the adjacent roadways (Holy Hill Road and driveway). If RTU’s cannot be hidden from view, screen walls or other mutually acceptable features intended to shield the view of said RTU’s shall be submitted to the Village Planner (or Plan Commission if determined necessary by the Village Planner) for review and approval prior to build out construction and tenant occupancy.

10. The amount of landscaping and berm height & design for the area along the north elevation of the building abutting Holy Hill Road shall be supplemented with additional berming and landscaping. Additional landscaping including a mix of evergreen and deciduous trees shall be installed along the west side of the truck parking/staging area west of the building to provide a better (future) visual screen of the truck activity. A revised landscape & berm plan shall be prepared and submitted to the Plan Commission for review and approval prior to issuance of an initial occupancy permit for the 203,580 sqft building.

11. Right-of-way permits are required for any/all construction conducted in the Holy Hill Road right-of-way. Contact the Public Works Department/Highway Superintendent for permit submittal requirements.

Mike Faber, Capstone Development, said he was in agreement with staff’s conditions of approval except for 2 requests. He feels the landscaping along Holy Hill Road is substantial and includes a significant amount of trees. But he is not opposed to working with staff on the west end of the truck court to look if the intensity of landscaping could help. He stated he doesn’t want to completely screen that side of the building. He indicated only traffic coming off Hwy 41 will see the truck court. The screening is displayed accurately and the effect of the berm is magnified exactly where you want it. Dale Bunderson, Capstone, explained the no mow area in the berm will only get about one foot high. The native plantings around the basins will get 5 to 6 feet tall. Chairman Wolter asked if it’s possible to provide a moving visual or virtual view of what you would see driving on Holy Hill Road at a 5 year grow out. Mr. Bunderson confirmed that could be provided.

Mr. Faber agreed to work with staff to address the building architecture and add more reveals. He said he would love if rent would allow something different, but this is what they can do with precast panels. It is not something garish or loud. He doesn’t want a high contrast look; he wants a more sophisticated look with more tone on tone and no contrast. Werner Briske, Capstone, said they are pulling attention to the entry points and allow the walls to be a backdrop and break up the massing. He indicated the elevations would be better if landscaping was included. Mr. Faber said he is doing what he can with the precast panels, including having different heights, overlapping panels and breaking up the façade with a paint scheme. Trustee Baum said he’d like to see the entrance enhanced with a 3-dimensional element that sticks out to bring more interest to that corner. The wall and color choices he is agreeable with.

MOTION to Amend Condition #8 Baum second Shadid to require additional articulation at the entranceways of each tenant space with an element similar to a canopy structure over the doorways. Revised plans to be reviewed and approved by Staff. Trustee Baum offered to review the plans with staff.

He indicated that the community survey revealed people were more acceptable of a more interesting entrance element. He’s thinking a solid element with some thickness, depth and structural supports to

give it a presence at the corner, not a canvas awning. Chairman Wolter said he sees an entrance, the glass, the broader expanse of the opening and demarcation of color. Trustee Baum explained the human scale is missing and the protection from rain and inclement weather is missing at the entrance door. A canopy will bring it down to a human scale and that element will help soften the building and bring a little more character with a more ornate entrance. Chairman Wolter said he likes the color change and bump outs.

MOTION to Amend carried 5-2 (Wolter, Laszewski).

MOTION to Approve as Amended 6-1 (Kimmmler).

Home Path Financial LP, property owner of 2.33 acres on Bittersweet Trail - Request is for a Certified Survey Map (CSM) to create four single-family lots as part of the Heritage Park North Subdivision. Director Retzlaff summarized the proposal.

Chairman Wolter said he is concerned with the drainage easement that runs behind the lots. But as long as the drainage doesn't change or create more water than what sits there now, he would support the proposal.

MOTION Baum second Nilles to Approve the Certified Survey Map to extend Bittersweet Trail right-of-way to the south and to create four (4) residential lots as part of the Heritage Park North Subdivision subject to the following conditions:

- 1. All technical issues and corrections identified in the August 5, 2021 review memo by Burt Naumann, Graef Engineering, shall be addressed and reflected in a revised CSM submitted and approved by the Engineering Department prior to recording the CSM.***
- 2. A note shall be added to the CSM stating that the four (4) residential lots created through this CSM are subject to the Development Agreement for the Heritage Park North subdivision pending review and approval by the Village of Germantown.***

MOTION carried unanimously.

Turn Key Solutions - N117 W19345 Fulton Drive. The request is for approval of two new wall signs for the building located in the Industrial Park. Director Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed wall signs for the Turn Key Solutions property located at N117 W19345 Fulton Drive as proposed.

MOTION carried unanimously.

Shorewest Realtors Inc. - N112 W17847 Mequon Road. The request is for approval of a revised location for the new monument sign for the building. Director Retzlaff summarized the proposal.

MOTION Baum second Nilles to Approve the proposed monument sign for the Shorewest Realtors Inc. property located at N112 W17847 Mequon Road subject to the following conditions:

- 1. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.***
- 2. The nearest point of the sign base shall be set back from the north property line a minimum of five (5) feet.***

3. A revised Landscape Plan shall be submitted to the Planning Department showing a minimum of 3' of landscaping on all sides of the sign base.

Trustee Baum was concerned the landscaping for the sign is located too close to the driveway and will be buried by snowplows or killed by salt and need to be replanted every spring. He offered to review the revised the landscape plan.

MOTION carried unanimously.

ANNOUNCEMENTS: Chairman Wolter announced The Germantown NAC Night will be held Tuesday, August 10th from 5 to 8 pm at Fireman's Park.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:03 pm.

Respectfully submitted,

Lori Johnson
Planning Assistant