

PLAN COMMISSION MINUTES

September 13, 2021

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

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

PUBLIC INPUT:

None

APPROVAL OF MINUTES:

MOTION Shadid second Nilles to Approve the Minutes from August 9, 2021.

MOTION carried unanimously.

Community Development Department-Proposed Text Amendments to Section 17.50(2)(f), 17.50(2)(h) and 17.41(6) regarding fences, hedges and retaining walls in residential districts; 17.46(7)(h) regarding Electronic Message Centers (EMC) signs and 17.59 regarding animal waste storage facilities including an interlocal Memorandum of Understanding agreement between the Village and County. Director Retzlaff summarized the amendments. Paul Sebo, Washington County Conservationist, explained the ordinance to manage animal waste storage facilities. He said temporary storage of waste is not regulated but anything constructed for storage is regulated.

Public Hearing Opened at 6:44 pm.

Public Hearing Closed 6:45 pm.

Commissioner Nilles asked if there was a definition for temporary fence or limited period of time. Director Retzlaff explained he did not see a need for a specific time frame. He said it was a snow fence that caused some issues in the past because it had gone beyond the typical snow season.

MOTION Shadid second Nilles to Approve the entire package.

Discussion continued. Director Retzlaff stated the Village Attorney has reviewed the Memo of Understanding and found it to be acceptable. He said the Village is not equipped to handle this from a technical circumstance and the County is. Commissioner Williams questioned the appeal time frame as stated in Section 17.50(2)(6)(iii). Director Retzlaff said he would talk to the Village Attorney regarding the time from for an aggrieved person to file an appeal to the Board of Zoning Appeals as it pertains to that section.

MOTION carried unanimously.

MOTION Wolter Second Shadid to go to Item E.

MOTION carried unanimously.

Chad & Jennifer Ponschock - W146 N10881 Heritage Parkway. The property owners are seeking approval to install a fence within an existing private stormwater drainage easement on their residential lot located in the High Pointe Subdivision. Director Retzlaff summarized the proposal.

MOTION Shadid second Kimmler to Approve the zoning permit application to install a 4' fence to be located within the 20' wide drainage easement on the rear lot line of the property located at W146 N10881 Heritage Parkway with the following conditions:

- 1. It shall be the responsibility of the homeowner to maintain a free flow of water within the drainage easement at all times.***
- 2. If the fence needs to be removed in order to make improvements within the private drainage easement, the property owner (not the Village or another party) shall be responsible for the associated cost.***

Discussion followed. Chad Ponschock explained his back property line is 3 feet higher than his neighbors and that water runs through their property and not his property. He confirmed the adjacent neighbors have given their approval to install the fence.

MOTION carried 5-1 (Laszewski)

Brionh Design Group, agent for Goldendale Road IV, LLC - W1206 N12880 Goldendale Court.

The request is for approval of Site Development and Building Plans for a 172,488 square foot industrial building located in the northwest corner of the Holy Hill Road/Goldendale Road intersection. Director Retzlaff summarized the proposal.

MOTION Nilles second Laszewski to Approve the site development and building plans submitted by Brionh Design Group for the proposed industrial building at W206 N12880 Gatewood Court, located in the northwest corner of the Holy Hill Road/Goldendale 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 following plans unless said plan sheets are revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission:***
 - a. Architectural plan set dated August 30, 2021***
 - b. Civil Engineering plan dated August 30, 2021***
 - c. Landscaping plan dated August 30, 2021***
 - d. Lighting Plans dated August 30, 2021***
- 2. Additional detail shall be added to the north façade of the building, mimicking the detail on the east elevation. Revised architectural plans shall be submitted to the Village Planner for review and approval prior to the issuance of a building permit.***
- 3. The applicant shall work directly with the Public Works Department to determine the specifications of materials and the construction of the infiltration basin located in the southwest corner of the site. These plans shall insure that the south driveway does not interfere with the catch basin. Said plans shall be approved by the Public Works Department prior to any grading work onsite.***
- 4. The two street trees to be removed for the driveway accesses off of Gateway Court shall be moved or replaced with equivalent sized trees on the property. A revised landscape plan shall be submitted for review and approval by the Village Planner.***
- 5. If the actual height of any roof top units exceeds the height of those shown on the diagram, a revised screening plan and sight line diagrams shall be submitted to the Village Planner for review and approval. Additional screening measures may be required.***
- 6. 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.

- 7. 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.***
- 8. All technical issues and plan corrections identified by the Village Engineer and Public Works Department staff (see August 25, 2021 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.***
- 9. The submitted stormwater management plan shall be approved by the Department of Public Works/Engineering prior to commencing work onsite.***
- 10. All proposed exterior signage, including monument and wall-mounted signs, shall be reviewed and approved under a separate application by the Plan Commission.***

Discussion followed. Luke Koele, VP Manufacturing, announced the name of the business as Golden Hippo. The company makes freeze dried pet food. He said steam, noise and smell is contained in the freeze dry chamber during production. The business will be strictly manufacturing, no retail sales. They sell direct to the consumer. They anticipate about 15 trucks daily and will hire about 150 new employees. The building can expand an additional 26,000 square feet on the north end.

Director Retzlaff explained Trustee Baum had voiced concerns at the Village Board meeting regarding the appearance of the building looking relatively bland, particularly on the north elevation. Since that time, a second color change was added to the top of the building. Dominic Ferrante, Briohn Design Group, explained that additional elements were added to try and tie in the rest of it including paint and additional vertical elements shown by the exit doors on the south, east and west sides, supplemented with a fin and a precast element on the northeast corner as shown on the display boards presented at the meeting. [NOTE: Color renderings showing the additional elements were passed around.]

Chairman Wolter commented there were a significant amount of pine and spruce trees in the north berm and after 10 years would provide a high bank of trees to cover that portion. He doesn't see a need for anything additional there. Mr. Ferrante stated the preference would be to go with the 2 elements [wing walls] shown in the original rendering on the north elevation and add the additional painted panel on the upper half of the north elevation but not the additional 2 vertical elements [wing walls] as shown on the new renderings being passed around tonight. The vertical and horizontal elements by the doors will be kept. Director Retzlaff said what's been presented on the additional boards is sufficient. Mr. Ferrante said an additional 5 trees were added to the north berm and feels the landscaping is pretty robust.

MOTION to Amend Shadid second Nilles to remove 2 of the 4 vertical elements presented on the rendering.

MOTION to Amend carried unanimously.

Discussion continued on the height and glare of the proposed light fixtures. Director Retzlaff explained the current guideline is 25 feet high with a cutoff light fixture. Commissioner Laszewski asked if a warmer, lower k light fixture could be used that would be less intense than the cool white light. Mr. Ferrante said the same light fixtures were used as the other buildings. Director Retzlaff added there were motion sensors on the lighting. Commissioner Kimmler said the building fixtures illuminate differently and make the building look institutional. He asked if the lights could be taken off the building and put on poles instead. He feels they are illuminating more than what needs to be. Mr. Ferrante said they need to follow the guidelines to evenly distribute the light. He offered to look at lowering the north and south building lights and also use motion sensors to turn the lights off at certain times. There will be no truck deliveries on the third shift.

MOTION to Amend Kimmler second Laszewski to put the building mounted lights on the north and south side of the building at 14 feet and limit the amount of light with motion sensors especially during the third shift.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

MSI General for Enercon Industries - N120 W19349 Freistadt Road. The request is for approval of site development and building plans for Phase 1 of a 57,057 sqft building and parking lot expansion for the existing Enercon facility. Director Retzlaff summarized the proposal.

MOTION Laszewski second Shadid to Approve the site development plans for Phase 1 of a 57,057 sqft building and parking lot expansion for the existing Enercon facility located at N120 W19349 Freistadt Road subject to the following (7) conditions:

- 1. This approval is for Phase 1 of the proposed building and parking area expansion and 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 the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission:***
 - a. Architectural plan set dated January 4, 2021***
 - b. Engineering plan set dated December 28, 2021***
 - c. Landscaping plan set dated January 4, 2021***
 - d. Exterior Lighting plan set dated January 4, 2021***
- 2. All landscaping, grading, paving, storm water management, utility and other improvements shown on the approved site plans shall be installed as approved prior to issuance of an occupancy permit for the building addition 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 issues, plan revisions and technical corrections identified in the August 25, 2021, review memo from the Director of Public Works shall be addressed in revised plans and/or supplemental information submitted for review and approval prior to issuance of erosion control and building permits for the Phase 1 site improvements.***
- 4. The owner/developer shall coordinate with the Village Engineer and Public Works Director to provide stormwater calculations and results of modeling the regional basin under both***

pre- and post-construction conditions to ensure that there is no change in the hydrology of the regional basin and that the regional basin can handle the additional storm water flow resulting from the proposed building and parking area expansion. If it is determined by the Village Engineer that the proposed filling and excavating will negatively impact the hydrology of the regional basin, revised plans be required to for the site layout and/or site improvements. Review and approval of the stormwater calculations and modeling requirements by the Village Engineer is required prior to commencing any site improvements and issuance of erosion control or building permits.

- 5. Right-of-way permits are required for any/all construction conducted in the McCormick Drive right-of-way. Contact the Public Works Department/Highway Department for details.***
- 6. The Village Public Works Department/Village Engineer shall be contacted for inspection purposes prior to construction of the private storm water lateral connection to the Village storm sewer system.***
- 7. The owner shall prepare and record easements for those areas of the regional stormwater basin that already exist and/or are being created on the Enercon property. Said easement documents shall be reviewed and approved by the Village prior to recording. A separate stormwater maintenance agreement addressing those areas of the regional basin located on the Enercon property may be required by the Village as part of or prior to completion of the Phase 2 building improvements.***

Chairman Wolter commented this is a significant expansion and he appreciates the willingness to stay in Germantown.

MOTION carried unanimously.

Sundance, Inc. Agent for Taco Bell - N96 W17801 County Line Road. The request is for approval of site development and building plans for redevelopment of the existing Taco Bell restaurant. Director Retzlaff summarized the proposal.

Discussion followed. Dean Schulz, Excel Engineering, discussed the proposed building materials adding that they are willing to add masonry on the tower element. Chairman Wolter asked how the landscaping would remain fresh because that area is heavily salted and plowed. Director Retzlaff agreed it was a concern and is hopeful the Village Forester will suggest which plantings are not appropriate given the location. Chairman Wolter asked if there were thoughts to put in a 2 stage drive thru. Molly Trosko, representing Taco Bell, said there are options to put in a second drive-thru lane, but they did not want to do anything that could delay the approval. She said the Germantown site was the highest volume store in in the past. Mr. Schulz and Ms. Trosko agreed that they will add masonry to the entire area of the tower feature. Ms. Trosko made reference to a “dry stack” stone look used currently on other stores in Canada. Chairman Wolter said he appreciated the offer to add brick to the tower façade.

MOTION Laszewski second Shadid to Approve the site development and building plans for redevelopment of the existing Taco Bell restaurant at N96 W17801 County Line Road subject to the following 9 conditions:

- 1. Approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Site Plan approval is granted for the following plans submitted by the Applicant unless a revised plan is required by the Village Planner or Village Engineer***

pursuant to the requirements or conditions contained herein and/or by action of the Plan Commission:

- a. Architectural plan set dated September 9, 2021***
 - b. Civil Engineering plan set dated September 9, 2021***
 - c. Landscaping plan dated September 9, 2021***
- 2. All landscaping, grading, paving, storm water management, utility and other improvements shown on the approved site plans shall be installed as approved prior to issuance of an occupancy permit for the building addition 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. 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.***
- 4. The Water Utility is requiring that the owner contact Water Utility staff at least four (4) weeks in advance prior to demolition of the building to verify the water lateral and shut- off location and to install a working valve shut-off (if necessary).***
- 5. The Wastewater Utility is requiring the following:***
 - a. the sampling manhole shall be completely replaced due to concrete deterioration. This work and the Village's standard specification for the sampling manhole need to be shown on the construction plans.***
 - b. the existing grease interceptors shall be replaced due to severe concrete deterioration. Replace with a proper grease trap that is sized for the expected grease loadings.***
 - c. A pre-construction meeting with Village Utility staff is required.***
- 6. The landscape shall be reviewed and approved by the Village Forester prior to issuance of the building permit.***
- 7. Exterior site lighting should be replaced with new technology LED fixtures that meet current guidelines for site lighting levels, fixture height and cut-off fixture type. If replaced, revised specifications and a photometric/lighting level plan should be prepared and submitted to the Village Planner for review and approval prior to installation.***
- 8. All temporary signage and any modifications to existing exterior signage will require separate review and approval of a Sign Permit by the Plan Commission (permanent signs) or Planning & Zoning Staff (temporary signs). Contact Lori Johnson, Planning & Zoning Services to coordinate all Sign Permit applications.***
- 9. The proposed building architecture and materials shall be revised to include additional brick or masonry features to enhance the character and appearance of the tower feature building ~~to be less monotonous~~. Revised building elevations and color renderings shall be submitted to the Village Planner ~~Plan Commission~~ for review and approval prior to issuance of a building permit.***

Ms. Trosko stated they will replace the parking lot lights as recommended by staff.

MOTION carried unanimously.

Bliffert Lumber - N116 W16474 Main Street. The request is for approval of a revised site and landscape plan to add parking to the entry drive off Main Street and approval of a sign application for 2 wall signs and 1 ground sign. Director Retzlaff summarized the proposal.

MOTION Shadid second Nilles to Approve the proposed ground (monument) and wall signs for the Bliffert Lumber located at N116 W16474 Main Street subject to the following conditions:

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

MOTION carried unanimously.

MOTION Shadid second Nilles to Approve the site development & landscape plans adding additional parking and landscaping to the property located at N116 W16474 Main Street 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 said plan sheets are revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission:***
 - a. Civil Engineering plan dated August 27, 2021***
 - b. Landscaping plan dated September 2, 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.***

MOTION carried unanimously.

Community Development Department - Discussion on architecture and material requirements for residential accessory buildings under Section 17.41(2a) of the Zoning Code. Director Retzlaff explained this section of the Zoning Code was added in 2018 and applies to all single-family residential zoning districts. It states that all detached accessory buildings greater than 160 square feet in area shall be of similar architectural appearance and exterior materials as the dwelling. It also provides the Plan Commission the authority to waive that requirement to approve different architecture and/or materials. He said two residents had recently come forward to request that the Plan Commission waive the requirement for similar materials for their accessory buildings. Both requests were to allow large accessory buildings with metal walls panels and low-pitched roofs that were deemed to be not similar to the primary dwelling. Since that time we have been asked by a Village Trustee to look into that particular requirement and possibly review and reconsider it by taking into account parcel size and distance to neighboring properties. These two requests made the argument that the size of the buildings would likely be very costly to construct with the same architecture and materials as the dwelling and that the setback and location on the property are such that no one would be impacted visually by a large pole building. So there seems to be a gray area and before it gets out of hand where every owner of a large lot who wants to put an accessory building comes forward for a waiver on the architectural material requirement its probably best to look

at the requirement. He asked Plan Commission if they feel it's appropriate to do away with the requirement for the large lot residential zoning district.

Discussion followed. Commissioner Kimmler questioned if there are no architectural restrictions for a house, why would we require restrictions for an accessory building. Commission Shadid said he did not see a need to change the code the way it is. Chairman Wolter commented he would rather go by zoning type or size of a lot to determine the architectural requirement.

Trustee Myers commented that Trustee Kaminski asked him to look into the requirement because they questioned why it was put in the code in the first place. However he now feels the last paragraph in the code takes care of the situation by allowing the owner to go through the Plan Commission to decide. Director Retzlaff said he does not feel a change is needed and supports the code as it is, unless there are more people that come forward. Chairman Wolter said he feels the latitude is already in the code.

No action was taken.

ANNOUNCEMENTS None

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:53 pm.

Respectfully submitted,

Lori Johnson
Planning Assistant