

PLAN COMMISSION MINUTES
December 13, 2021

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

ROLL CALL: Chairman Dean Wolter, Trustee Representative David Baum, Commissioners Matt Kimmler, Peter Nilles, Bill Shadid, Bob Williams and Tony Laszewski were in attendance. 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 Nilles to Approve the Minutes from November 8, 2021 and November 29, 2021.
MOTION carried unanimously.

Commissioner Kimmler arrived 6:33 pm.

Odyssey Hotel Group, property owner of Holiday Inn Express - W177 N9675 Riversbend Lane.

Amendment to: (1) the Nevaizer Planned Development District (PDD) Resolution #19-16 to amend the General Development Plan; and (2) the Riversbend Planned Development District (PDD) Resolution #18-16 to amend the General Development Plan and Site Plan Review for exterior building renovations. Director Retzlaff summarized the proposal and stated that the owner requested action be Tabled until January 10, 2022. The public hearing proceeded because it was noticed.

Public Hearing opened 6:47 pm.

- Chairman Wolter read into the record: Wally Watson, W178 N9743 Riversbend Cir W, Jerry & Carol Kommer, W178 N9745 Riversbend Cir W and Robert & Sue Ehmke, W178 N9730 Riversbend Cir W - Concerned with use of present parking lot including car headlights, unwanted intrusion, partying, bon fires, fishing on former golf course property. A berm is wanted to protect them from some the issues.
- Wally Watson, W178 N9743 Riversbend Cir W - said the berm along his property line is not very good and asked for a berm along the parking lot running east to west.
- Richard Akeson, N98 W18030 Brambelwood Ct, Vice President of the Riversbend HOA - Asked for remediation of the car head light issue and the solution Mr. Watson proposed or an opaque fence along the back of the parking lot would be an acceptable solution.

Commissioner Laszewski asked how many instances of bon fires and trespassing there were. Mr. Watson stated 50 to 100 instances. Chairman Wolter explained the Police Department should be notified each time there is a trespassing incident so it creates a record and can be used as consideration for other changes.

Public Hearing closed 7:04 pm.

MOTION Baum second Shadid to Table until the January 10, 2022 Plan Commission meeting.
MOTION carried unanimously.

Trustee Baum asked that the Police Department be contacted to see what records they have.

Village of Germantown Floodplain Zoning Ordinance - Amendment to Section 23 of the Germantown Municipal Code and includes the adoption of revised Flood Insurance Rate Maps(FIRM's) and revised Flood Insurance Study (FIS). Associate Planner Zandt summarized the Ordinance. She said adopting the Ordinance will ensure the Village is in compliance with the national flood insurance program. Commissioner Nilles asked if there was a summary of the changes that were made. Planner Zandt stated nothing specifically was given to the Village but referred to the staff report outlining language that was added related to the non-conforming uses section and clarification of additional definitions, but nothing too substantial. Director Retzlaff added that we don't have a detailed summary of how much land was in floodplain before the revisions versus now, but encouraged Commissioners to view the maps on line. He said there is not much choice here and that the revised maps provide more accurate information.

Public Hearing opened 7:22 pm.
Public Hearing closed 7:24 pm.

MOTION Baum second Nilles to Approve the proposed Floodplain Zoning Code amendment as drafted which includes by reference the revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM's) having an effective date of February 25, 2022.

MOTION carried unanimously.

TR Capital, LLC, Agent and Property Owner of W219 N11588 Appleton Avenue. Site Plan Review for re-development of a 3.65-acre commercial self-storage facility. This item was before the Plan Commission at their November 8, 2021 meeting but was postponed to allow revisions to be brought for review by the Plan Commission. Associate Planner Zandt summarized the revised proposal.

MOTION Baum second Kimmler to Approve the Site development and building plans submitted by TR Capital for the proposed commercial storage facilities at W219 N11588 Appleton Avenue 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 September 3 and November 18, 2021***
 - b. Civil Engineering plan dated December 1, 2021***
 - c. Landscaping plan dated December 1, 2021***
 - d. Lighting Plans dated December 1, 2021***
- 2. An updated landscape plan addressing the comment by the Village Forester shall be submitted to Planning and Zoning staff prior to occupancy.***
- 3. Privacy slats shall be required on the north, east and south fencing surrounding the parking area.***
- 4. All technical issues and plan corrections identified by the Village Engineer and Public Works Department staff (see December 8, 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 grading permit.***
- 5. The submitted stormwater management plan shall be approved by the Department of***

Public Works/Engineering prior to commencing work onsite.

- 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 and the Village of Germantown.***
- 8. All proposed exterior signage, including monument and wall-mounted signs, shall be reviewed and approved under a separate application by the Plan Commission.***

Chairman Wolter said he appreciates what TR Capital is doing to the site and the investment in time and cost to bring it to a more pleasant area and services provided. Commissioner Kimmler suggested using Juniper of some sort instead of arborvitaes because of all the deer in the area.

MOTION carried unanimously.

Robert Zignego - Lot 38 Harvest Hills Subdivision & Mike & Pamela Madrzak - N116 W13444

Elm Lane. The property owners are seeking approval of a 3-lot Certified Survey Map, Rezoning from Rs-3 single family residential to Rs-1 single family residential and Rs-2 single family residential and a Conditional Use Permit to allow development within the required 25' wetland setback for the property located north of the Elm Lane and Forest Drive intersection. Associate Planner Zandt summarized the proposal. She stated at the November 8, 2021 Plan Commission meeting the Commission recommended approval of the proposed rezoning of the property as recommended but voted to postpone the Certified Survey Map and Conditional Use Permit applications in order to review revised documents.

MOTION Baum second Laszewski to Approve a Conditional Use Permit to allow development within the 25' wetland setback areas and the proposed compensation as presented in the Wetland Setback Compensation Plan (dated October 7, 2021 and revised November 11, 2021) pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

- 1. The Property Owner shall prepare and submit an annual monitoring report to the Village and local DNR staff concerning the various management activities proposed in the plan, including the natural grass planting and restoration. Said report shall, at a minimum, detail the type and amount 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 to be carried out, and a list of planned activities for the upcoming year. Said report shall be submitted annually at the end of each year beginning in 2022 for a period of three (3) years.***

Bruce Bernarde, N120 W13645 Freistadt Road, said he was concerned with potential water issues and that run off from the new subdivision will go onto the Zignego property. He said the Zignego

driveway has created a dam and at some point it will be under water. He stated the driveway extends further north than what is shown, was done without a permit and could have been installed without impacting the wetlands. David Yurk who surveyed the driveway stated the driveway is shown exactly where it is on the map.

MOTION carried unanimously.

MOTION Baum second Shadid to Approve the proposed 3-lot Certified Survey Map (CSM) for the Zignego/Madrzak property to create two buildable lots and increase the acreage of the existing single-family lot, totaling 37.18 acres into three parcels located north of Elm Lane subject to the following conditions:

- 1. The setback lines shown on the CSM shall be corrected to reflect the proposed lots rather than the existing lots. These revisions shall be submitted to Planning Staff for review and approval prior to recording the CSM.***
- 2. The Property Owner shall construct a turn-around for fire apparatus on the north end of the private gravel driveway. Said turn-around design shall be agreed upon and approved by the Village Fire Chief and shall be constructed prior to the issuance of any building permits for proposed Lots 1 or 2.***

Director Retzlaff said he understands Mr. Bernarde's concern and explained the applicant was required to pay a double application fee as a monetary penalty for the work completed without a permit. He said a separate driveway permit was not required besides the culvert permit.

MOTION carried unanimously.

MSI General Agent for DJN Family LTD Partnership, Property Owner of Enercon Industries - N120 W19349 Freistadt Road. The request is for approval of site development plans for Phase 2 of a 52,955 sqft building and parking lot expansion for the existing Enercon facility. Director Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the site development plans for Phase 2 of a 52,955 sqft building and parking lot expansion for the existing Enercon facility located at N120 W19349 Freistadt Road

subject to the following conditions:

- 1. This approval is for Phase 2 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. The approval for Phase 1 granted in September 2021 is for the following plans unless superseded by the approved plan sheets listed below for Phase 2, and, pursuant to any subsequent revisions required herein and/or by the Plan Commission or Village Engineer:***
 - a. Phase 1 Approval***
 - i. Architectural plan set dated January 4, 2021***
 - ii. Engineering plan set dated December 28, 2021***
 - iii. Landscaping plan set dated January 4, 2021***
 - iv. Exterior Lighting plan set dated January 4, 2021***
 - b. Phase 2 Approval***
 - i. Architectural plan set dated October 4, 2021***
 - ii. Engineering-Construction plan set dated November 29, 2021***

iii. Landscaping plan set dated November 23, 2021

iv. Exterior Lighting plan set dated November 17, 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 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. 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.*
- 5. All water utility service issues, plan revisions and technical corrections identified in the December 10, 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 a building permit for the Phase 2 building expansion.*
- 6. Right-of-way permits are required for any/all construction conducted in the McCormick Drive and Freistadt Road rights-of-way. Contact the Public Works Department/Highway Department for details.*
- 7. 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 and regional storm water basin.*
- 8. The owner shall prepare and record easements for those existing areas of the regional stormwater basin that already encroach onto the Enercon property and for the expanded regional storm basin area being created on the Enercon property. Said easement documents shall be reviewed and approved by the Village prior to recording. All required easements and a separate stormwater maintenance agreement addressing those areas of the regional basin located on the Enercon property are to be prepared and submitted for Village review and approval prior to issuance of an occupancy permit for the Phase 2 building expansion.*
- 9. The fire department connection shall be placed on the west side of the building unobstructed and visible from the public right-of-way on McCormick Drive. Contact the Fire Chief to coordinate the final location.*

MOTION carried unanimously.

Village of Germantown - Review and Adoption of the Village's 2021-2026 Comprehensive Outdoor Recreation Plan (CORP).

The Plan Commission is asked to adopt the CORP as a free-standing document to ensure the Village is eligible to apply for grant funding from the WDNR and other funding sources. Park and Recreation Director Gil Standridge presented the CORP plan to the Commission. The Plan will guide recreation management and park development for the next five years. Discussion followed.

Chairman Wolter said he liked the idea that one of the goals of the plan is to look at ways to provide access to the river since we really don't have great access, especially compared to other communities that have a river running through them. We don't promote bringing people to the waterfront and he likes that part of the presentation. He would also like to see Wilderness Park have more passive recreation and get MMSD and Greenseams involved to find out what their plan is to help expand that park and create more passive recreation availability with the land they have acquired. He would like to see ways to access the park because it is underutilized and any expansion there would be appreciated especially for those that like to walk trails.

MOTION Baum second Nilles to Adopt the 2021-2026 CORP plan to submit it to various agencies.

MOTION carried unanimously.

ANNOUNCEMENTS None

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:35 pm.

Respectfully submitted,

Lori Johnson
Planning Assistant