

PLAN COMMISSION MINUTES

March 14, 2022

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

ROLL CALL: Chairman Dean Wolter, Commissioners Peter Nilles, Bill Shadid, Bob Williams and Tony Laszewski were in attendance. Commissioner Matt Kimmler arrived at 6:34 and Trustee Representative David Baum was absent and excused. Also present were Community Development Director Jeff Retzlaff, Associate Planner Emily Zandt and Planning Assistant Lori Johnson.

PUBLIC INPUT:

None

APPROVAL OF MINUTES:

MOTION Shadid second Nilles to Approve the Minutes from February 14, 2022.

MOTION carried unanimously.

Zilber Property Group - Lot 4 of CSM 6898, 55.9 acre parcel on Gateway Crossing. Request for approval of an amendment to the Germantown Gateway Corporate Park Planned Development District (M-1/PDD) to add 55.9 acres to the Germantown Gateway Corporate Park PDD and approval of site development and building plans for a 233,327 sqft industrial building (Zilber 5). Director Retzlaff summarized the proposal.

Public Hearing opened: 6:40 pm

Public Hearing closed: 6:41 pm

MOTION Shadid second Laszewski to Approve the PDD amendment to add 55.9 acres (Lot 4 of CSM #6898) to the Germantown Gateway Corporate Park Planned Development District (M-1/PDD) located at Gateway Crossing subject to the following condition:

- 1. Add the 55.9 acres of land in Lot 4 of CSM #6898 to the overall boundary of the PDD; and***
- 2. Revise the language in Section 4 of the conditions & restrictions resolution for the PDD (Resolution No. 06-2020) to reduce the building and parking setback requirements to allow shared parking facilities to straddle common property lines between buildings.***

MOTION carried unanimously.

MOTION Shadid second Nilles to Approve the site development and building plans for the Zilber 5 233,327 sqft industrial building in the Gateway Corporate Park 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 Approval is granted for the following architectural and engineering plans unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:***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. "Onsite Civil Engineering and Infrastructure Plans for the Zilber Industrial 5 at Germantown Corporate Park" dated February 4, 2022;***
 - b. Architectural plans labeled "Zilber Industrial 5" dated February 4, 2022;***
 - c. Exterior lighting plans dated December 28, 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.

- 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 issuance of a building permit for the Zilber 5 building (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS):***
 - a. January 17, 2022, memo from Public Works Director, Larry Ratayczak***
- 5. State approved plans and a \$20,000 occupancy bond are required by Inspection services as part of the building permit application.***
- 6. The Developer and/or building owner shall provide a detailed plan or set of specifications for the type, i.e. design, materials, color, etc. of roof-mounted mechanical screening that will be installed if screening is required at the time one or more tenants apply for building permits and occupancy from the Village. Said specifications shall be submitted to the Village Planner for review and approval prior to issuance of an occupancy permit for any tenant in the Zilber 5 building. As indicated on the building plan set (Sheet A102), if any roof-top HVAC or other mechanical unit is installed closer than 14 feet to a parapet wall or is larger or taller than an 8' tall unit analyzed in the plan set, screening of such unit shall be required.***

Discussion followed. Commissioner Laszewski questioned if anything had changed with regard to lighting for this building given the previous feedback for other buildings in the area. Director Retzlaff stated nothing is different on this building compared to Zilber 2,3 or 4. He said lighting is a concern for the area and we will hold to our guidelines to make sure the lighting is consistent. Commissioner Kimmler commented it is the lighting on the buildings that makes it more noticeable and seen from far away. He added it would be better to light the ground and not light the buildings as development progresses further east down Goldendale Road. Director Retzlaff agreed to work on a plan for lighting and how we can accommodate safety as well as address the resident's concerns. Commissioner Kimmler asked if high mounted wall lights that illuminate the building could be eliminated as we move further north.

MOTION carried unanimously.

Colgate Gas, applicant and property owner of W220 N9626 Amy Belle Road and N96 W21962 County Line Road. The request is for approval of a Land Use Plan map amendment, rezoning application, 2-lot certified survey Map and a site plan to relocate the common property line to include the detached building with the gas station property. Associate Planner Zandt summarized the proposal.

Public Hearing opened: 7:00 pm.

- Jane Kyle, W220 N9706 Amy Belle Road, asked how the gas station would get to the storage building because the driveway is the same as the house property.

- Jasmeet Kang, property manager for the gas station, explained the owner intends to sell the house and they will access the storage building from the gas station side. They do not plan to make an asphalt driveway until other improvements are done to the property except for adding the fence along the north property line.
- Debra Koeferl, 2908 County Line Road, asked if trucks will come out onto Amy Belle Road in the future. She said traffic is a problem now with that road and there is an issue with standing water after heavy rain.
- Jane Kyle said trucks back up on the road now and block some of the traffic on Amy Belle Road.
- Jasmeet Kang agreed traffic flow is a problem for the semi-trucks and can be dangerous. But future improvements will allow the trucks to exit onto Amy Belle Road.
- James Daunt, N96 W21864 County Line Road, Chairman Wolter read comments into the record. Mr. Daunt was against any improvements, complained about gas station customers that come onto his property, there is a lot of trash and bright lights.
- Trustee Myers asked if we can put a timeframe on when the problem needs to be taken care of. Director Retzlaff commented that the owner is willing to address the issue with site improvements and did not know that we can put a timeframe on that. Mr. Kang said the sale of the house will help to move forward to plan B. Chairman Wolter said the gas station has brought residents out in the past. There have been concerns with the appearance. He said some cosmetic changes have happened and hopes the new group listens to the concerns of the neighbors. Director Retzlaff spoke of a recent lighting complaint and that the owners addressed the issue, made adjustments and the neighbors were happy. Mr. Kang explained there is a WE Energies light pole located on the property line shared with Mr. Daunt that faces the gas station. Director Retzlaff said the ownership issue can be addressed and the lights adjusted. The garbage issue could easily be fixed by installing a fence along the east property line. Mr. Kang agreed to look if they have funds to do that.

Public Hearing closed 7:26 pm.

MOTION Shadid second Laszewski to Approve the proposed 2020 Land Use Plan (LUP) map amendment to change classification from “Rural Residential” to “Low Density Residential” and “Commercial” as proposed.

APPROVE the rezoning from the B-5: Highway Business District to the Rs-4: Single-family Residential District, as proposed.

APPROVE the proposed 2-lot Certified Survey Map (CSM) as proposed subject to the following conditions:

- 1. All technical issues and plan corrections identified by the Public Works Department surveyor (see letter dated March 9, 2022) shall be addressed and reflected in a revised CSM submitted to the Village prior to recording the CSM.***

MOTION carried unanimously.

MOTION Shadid second Nilles to Approve the site development & landscaping plans for the commercial property located at N96W21962 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 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. Site Plan and application materials dated March 2, 2022.***
 - b. Any future site modifications (including paving and lighting installation) will require a revised site plan to be reviewed and approved by the Plan Commission.***
 - c. There shall be no outdoor storage allowed on Lot 2 (gas station property).***

Commissioner Shadid stated he would like to see more landscaping to buffer the resident to the east when the site plan comes forward. Director Retzlaff said when a complete site plan for the improvements is reviewed it will necessitate a fence enclosure on the east side. The property owner now knows this is part of our expectations moving forward.

MOTION carried unanimously.

Elizabeth Ortin, applicant for Anderson Brothers Construction, property owners of W188 N10707 Maple Road. Request is for approval of a Conditional Use Permit (CUP) to operate an indoor recreation establishment at the property. Associate Planner Zandt summarized the proposal.

Public Hearing opened: 7:35 pm

- Roy Anderson, property owner, said this is a big plus to go from a gun store to a business that is kid and parent friendly.
- Elizabeth Ortin, applicant, explained she is trying to do something the whole family can do together. She decided on a racing theme that will include putting race cars together, slot car racing, having a possible league night, with a possible liquor license in the future. She said they will have a small area for a pizza oven but that nothing will be made there.
- Hubert Ortin, applicant, explained the setup for the race tracks.

Public Hearing closed at 7:45 pm

MOTION Shadid second Laszewski to Approve a conditional use permit (CUP) for Elizabeth Ortin and A Kid at Heart Playland to operate as an "Indoor Recreation Establishment" in the existing building located at W188N10707 Maple Road subject to the following conditions:

- 1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated February 9, 2022 and in the supporting documents made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be 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 activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were***

anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently 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 interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements shall be submitted to the Village as part of a building permit application.***
- 4. The business use permitted under this CUP shall not include childcare services of any kind.***
- 5. No outdoor play areas or outdoor storage of any kind is allowed on the property.***
- 6. Hours of operation shall be limited to 9am to 10pm, 7 days per week.***
- 7. The business owner/operator is responsible for obtaining and maintaining any necessary permits from the Washington-Ozaukee Health Department for food service at the site, if food will be served.***
- 8. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.***
- 9. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.***
- 10. All permanent and temporary signage requires a permit from the Village Community Development Department. Contact Lori Johnson, Planning & Zoning Services, at 262-250-4735 for sign permit information and applications.***

Discussion followed if there was ample parking available and the hours of operation. Director Retzlaff stated there was quite a bit parking available. Ms. Ortin said the hours of operation would vary given the time of year but that they would comply with what was stated. Associate Planner Zandt stated any signs for the business will require a permit. Chairman Wolter asked if there would be signage for the business. Ms. Ortin explained she would be looking at a building sign and a sign at Maple Road. Associate Planner Zandt indicated one of the conditions of approval states that at the time signage is proposed, it will need to come back to the Plan Commission for approval unless it is a face replacement that may be approved administratively.

MOTION carried unanimously.

Katelyn LeTourneau and Kevin Schodron, property owners of N120 W15515 Freistadt Road are seeking approval of the Village's Historic Designation for the former Braun Farm. Director Retzlaff summarized the proposal.

MOTION Shadid second Laszewski to Approve the requested Historic Designation for the Katelyn LeTourneau and Kevin Schodron property (former Braun Farm) located at N120 W15515 Freistadt Road.

Chairman Laszewski said it was fun to read the material submitted. Chairman Wolter said he appreciates the background provided describing the history of the property. He thanked the owners for coming and keeping the property. It is well kept and significant to the area.

MOTION carried unanimously.

MSI General, applicant for Gtown Properties, Property Owner - N112 W15800 Mequon Road.

Approval of Phase II of the previously approved site plans t include a facade update for Sendik's to match the previously approved updates to the west end of the commercial building. Associate Planner Zandt summarized the proposal.

MOTION Laszewski second Kimmler to Approve the revised site development and building plans for the exterior update on the existing commercial building located on the 9.78-acre parcel at N112W15800 Mequon Road, as proposed.

- 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 the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission:***
 - a. Architectural plan set dated September 27, 2021***

MOTION carried unanimously.

Prairie Sign and Lighting, applicant for Waste Management - N96 W13840 County Line Road.

Application for a new ground sign for the truck maintenance facility. Associate Planner Zandt summarized the proposal.

MOTION Shadid second Kimmler to Approve the proposed ground sign for Waste Management truck maintenance facility located at N96 W13840 County Line Road subject to the following condition:

- 1. A landscaping plan shall be submitted and approved by the Village Planner prior to installation of the sign.***

MOTION carried unanimously.

Kevin Behnke, applicant and property owner of the Apple Works Winery - W178 N12536 Fond du Lac Avenue.

Request for approval of site development plans to construct a new cedar shelter over a recent patio extension for the Apple Works Winery. Associate Planner Zandt summarized the proposal.

MOTION Shadid second Nilles to Approve the site development & building plans for the construction of a cedar shelter over the new patio for Apple Works Winery, located at W179N12536 Fond du Lac 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 superseded by subsequent plan sheets approved by the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission:***
 - a. Site Plan and application materials received February 7, 2022 and dated January 31, 2022.***

- 2. Village building permits are required for any/all interior and exterior renovations/improvements (construction, electrical and/or plumbing). State-approved building plans may be required as part of a building permit application. Contact Inspection Services for information about building permit applications at 262-346-4460.***

MOTION carried unanimously.

ANNOUNCEMENTS Director Retzlaff said there will be a special Plan Commission meeting on March 28th to discuss two development proposals, one located at Lannon and County Line Roads and the other at Donges Bay and Wasaukee Roads. The April 11th meeting will be a 2050 Comprehensive Plan workshop meeting to be held in the board room. Discussion will focus on rural development policies and include some other issues.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:17 pm.

Respectfully submitted,

Lori Johnson
Planning Assistant