

PLAN COMMISSION MINUTES

October 10, 2022

CALL TO ORDER: Planning Assistant Lori Johnson called the meeting to order at 6:30 pm.

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

MOTION Shadid second Laszewski to Appoint Trustee Baum as Chairman Pro-Tem.

MOTION carried unanimously.

PUBLIC INPUT:

- Trustee Baum read comments into the record from Tammy Schneider, W204 N9699 Lannon Road – She expressed their neighborhoods displeasure with what the Plan Commission wants to do with the corner of Lannon and County Line Road.
- Melanie Smythe, N140 W17938 Cedar Lane – said a fire station should be considered as part of the new DPW site, there should be consideration for land use for parks, and Plan Commission should consider residents concerns.

APPROVAL OF MINUTES:

MOTION Baum second Laszewski to Approve the minutes from August 22, 2022.

MOTION carried. Commissioner Williams and Shadid abstained.

Gehl Food & Beverage – N116 W159970 Main Street. The property owner is requesting approval for a wall sign permit and modification to the previously approved 42' x 33' vinyl wrap for the silo. Associate Planner Zandt summarized the proposal.

MOTION Laszewski second Shadid to Approve the proposed wall sign for Gehl Food and Beverage located at N116 W15970 Main Street as proposed.

MOTION carried unanimously.

Resolution No. 03-2022 to Revise Resolution No. 02-2022 approving the Village of Germantown 2050 Comprehensive Plan. Director Retzlaff summarized the revisions the Village Board made to the 2050 Plan. He explained the County provided their comments on the Comprehensive Plan after the public hearing and the Village Board accepted the revisions. He said the changes are factual and were minor and he adopted them into the language. Discussion continued. Commissioner Nilles pointed out a spelling error.

MOTION Shadid second Williams to Approve Resolution 03-2022 as presented.

MOTION carried unanimously.

Virtus Development, Agent for District One and Robert and Elizabeth Hacker Trust – W140 N10363 Fond du Lac Avenue and Parcel GTNV 351-984. The request is for approval of a Rezoning application to amend and expand the “Kuhburg Planned Development Zoning District” and a revised General Development Plan to add parking, storm water management and a 6-unit multi-family residential building. Director Retzlaff summarized the proposal and Greg Nagel, Virtus Development, presented the plan.

Public Hearing opened at 7:17 pm.

- John Figie, W140 N10323 Fond du Lac Avenue, was not in favor of the rezoning, the lot is too small for multi-family development, 3-story building is too high, feature needed to block the view, has not problem with parking lot expansion.
- David LaLlave, N140 W10259 Fond du Lac Avenue, had a problem with the 6-family development and height, where would guests park, did not have a problem with the parking lot.
- William Junker, N101 W14230 Sunberry Road, wait to see what else may come in for development, asked where guest would park, against 6-family development.
- Adam Gratz, N104 W14085 Donges Bay Road, Did not want to be around multi-family housing or look at a 3-story building, what will the development do to the property values.
- Brian Depies, W143 N9867 Ridgewood Drive, spoke in favor of the development, he promotes density where it makes sense and there is sewer and water, he knows Greg Nagel who is vested in this corner.
- Greg Nagel, Virtus Development, guest parking would be shared with the parking lot, the turning distance is 22-foot aisle, the detention pond obtains water and will not be permanent wet.
- Jan Miller, W151 N10297 Windsong Circle W, liked the concept of the coffee shop, restaurant and parking lot, spoke in favor of the multi-family development if owner occupied, does not think a single-family dwelling will go there, it's a good concept but would like to see a duplex or 4 units in that space.

Public Hearing closed 7:43 pm.

MOTION Shadid second Williams to Table with some direction.

Discussion ensued. Comments included:

- Likes the idea of the transition, agrees with some of the comments, tight, height seems high, doesn't think this plan works but the overall idea is good,
- Generally in favor of the concept, agrees with some of the other thoughts, is it really a traditional neighborhood design, some adjustments needed, reduce the number of units.
- Don't like what was presented, agrees with Trustee Miller's comment about being owner occupied.
- Works well as a buffer between business and residential, reduce the number of units, take the garage and put next to the units and elongate the building and bring down the height, sees problems with shared parking lot, access to the road a problem right in right out only, have driveway connect to the parking lot, no problem with multi-family but too dense.
- Idea to propose duplex with garages on the outside, facing the pond with outdoor courtyard area and then another 2-unit building, drive width to one lane not against single-family.
- 6-units too many for the lot size but could work and will look at other options.

MOTION carried unanimously.

Elwood & Susan Meissner, N96 W16248 County Line Road and W162 N9632 Mayflower Drive.

The property owners are requesting approval of a rezoning application and 2-lot certified survey map in order to divide an existing .62-acre residential property containing two existing multi-family dwelling units. Associate Planner Zandt summarized the proposal.

Public Hearing opened at: 8:03 am.

- Ed Hurtz, W148 N9993 Rimrock Road, owns duplex across the street. Asked if lot 2 could be expanded into additional units. Trustee Baum said the process would need to be followed.
- Don Thoma, Accurate Surveying, explained the division is proposed because the owners are doing estate planning. He asked if it was necessary to put the setbacks on the CSM. Associate Planner Zandt explained when the exact setbacks for the buildings is known, those setbacks will need to be shown on the CSM as part of the PDD instead of the normal Rm-3 setbacks. Director Retzlaff stated the division is to accommodate the property owners desire to divide the property into two and not intended to allow a greater amount of development on either properties.

Public Hearing closed at 8:07 pm.

MOTION Laszewski second Nilles to Approve rezoning the property from the Rm-3: Multiple-family District to the Rm-3: Multiple-family District with a Planned Development District (PDD) overlay containing the following changes to the underlying Rm-3 District requirements as set forth in a formal conditions & restrictions resolution for the PDD:

- a. LOT AND BUILDING REQUIREMENTS***
 - i. Principal Building Setbacks (minimum)***
 - 1. Front/Street Yard:***
 - a. N96W16248 County Line Rd 15.9 feet***
 - b. W162N9632 Mayflower Dr 31.1 feet***
 - 2. Side Yard***
 - a. W162N9632 Mayflower Dr (north) 10.5 feet***
 - ii. Accessory Building Setbacks (minimum)***
 - 1. Rear Yard***
 - a. W162N9632 Mayflower Dr (west) 6.6 feet***
 - iii. Minimum Lot area***
 - 1. N96W16248 County Line Rd 0.380 acres***
 - 2. W162N9632 Mayflower Dr 0.227 acres***
 - iv. Lot Width/Frontage at Street Yard Setback***
 - 1. N96W16248 County Line Rd 117.7 feet***
 - 2. W162N9632 Mayflower Dr 75 feet***

MOTION carried unanimously.

MOTION Laszewski second Nilles to Approve the proposed 2-lot Certified Survey Map (CSM) to divide the 0.62-acre parcel owned by Elwood & Susan Meissner located on County Line Road and Mayflower Drive subject to the following conditions:

- 1. All technical issues and plan corrections identified by the Public Works Department consulting surveyor (see letter dated September 15, 2022) shall be addressed and reflected in a revised CSM submitted to the Village prior to Village Board action.***
- 2. The CSM shall be revised to include the underlying Rm-3 District setback requirements or as established in the PDD conditions and restrictions resolution.***
- 3. A note shall be added to the CSM that restricts access to the property from County Line Road.***

MOTION carried unanimously.

KLH Industries – N117 W18388 Fulton Drive. The property owner is requesting approval of site development and building plans for a 26,674 sqft industrial building addition for the existing KLH facility. Director Retzlaff summarized the proposal.

MOTION Shadid second Williams to Approve site development & building plans for a 26,674 sqft industrial building addition to the KLH facility located at N117 W18388 Fulton Drive in the Germantown Industrial Park subject to the following 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 (revised) July 21, 2022***
 - b. Engineering plan set dated August 1, 2022***
 - c. Landscaping plan set dated August 1, 2022***
 - d. Exterior Lighting plan set dated August 1, 2022***
- 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 31, 2022, 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 building permits.***
- 4. Right-of-way permits are required for any/all construction conducted in the Fulton Drive right-of-way. Contact the Highway Department for details.***
- 5. The Village Public Works Department/Village Engineer shall be contacted for inspection purposes prior to removal of the driveway onto Fulton Drive and construction of the private storm water lateral connection(s) to the Village storm sewer system in Fulton Drive.***

MOTION carried unanimously.

Capstone Development Company – N128 W20955 Holy Hill Road. The property owner is requesting approval of a 2-lot Certified Survey Map to create a storm water basin outlot in the Capstone 41 Business Park within the Holy Hill Gateway District. Director Retzlaff summarized the proposal.

MOTION Laszewski second Shadid to Approve the 2-lot Certified Survey Map for the 33.8-acre Lot 2 property subject to the following conditions:

- 1. The CSM shall be revised to reflect the Village Surveyor comments contained in the October 10, 2022 review memo prior to recording the CSM.***

MOTION carried unanimously.

Burger King – N96 W17655 County Line Road. The property owner is requesting approval of a new pylon sign for Burger King. Associate Planner Zandt summarized the proposal.

MOTION Shadid second Williams to Approve the proposed pylon sign for Burger King located at N96 W17655 County Line Road with the following condition:

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

MOTION carried unanimously.

Paul Teggatz – N105 W14890 Blackbird Point. The applicant is seeking approval to install a 4' high vinyl fence within an existing drainage easement on the residential lot in the Kinderberg Estates Subdivision. Associate Planner Zandt summarized the proposal. Discussion followed.

MOTION Shadid second Williams to Approve the zoning permit application to install a 4' Stratford vinyl fence within the 35' wide private drainage easement along the rear lot line of the property located at N105W14890 Blackbird Point subject to the following conditions:

- 1. It shall be the responsibility of the homeowner to maintain a free flow of water within the private drainage easement at all times.***
- 2. A fence permit is required from the Building Inspection Department. Contact SafeBuilt for more information.***

MOTION carried 4-1 (Laszewski)

ANNOUNCEMENTS: None

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

Respectfully submitted,

Lori Johnson
Planning Assistant