

PLAN COMMISSION MINUTES

January 9, 2023

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, Bill Shadid, Peter Nilles and Josh Tarantino were present. Chairman Wolter was late and Commissioner Bob Williams was absent and excused. Also present were Community Development Director Jeff Retzlaff and Planning Assistant Lori Johnson.

MOTION Shadid second Laszewski to appoint Trustee Baum as Chairman Pro-Tem.
MOTION carried unanimously.

PUBLIC INPUT:

- Melanie Smythe, N140 W17938 Cedar Lane, commented on building design standards that have been suggested through the 2050 Plan and asked when those might be worked on. She said in light of the submissions tonight, paint seems to be an important part of the design of a building.

APPROVAL OF MINUTES:

Commissioner Laszewski commented on a numbering error for Zilber and a voting error for the Polsfus application. Planning Assistant will revise the minutes.

MOTION Shadid second Tarantino to Approve the minutes from December 12, 2022.
MOTION carried unanimously.

Shawn Beschta, W188 N10050 Maple Road. The property owner of two parcels totaling 41 acres is Seeking approval of a 2-lot Certified Survey Map (CSM), an application to Rezone 1.5 acres from A-1: Agricultural to the Rs-3: Single-Family Residential Zoning District and a Conditional Use Permit (CUP) for personal storage of recreational vehicles, boats and equipment. Director Retzlaff summarized the proposal.

Public Hearing opened 6:45 pm.

- Shawn Beschta, property owner, commented that his neighbors came forward at the last meeting in support of the proposal.

Public Hearing closed 6:47 pm.

MOTION Shadid second Laszewski to Approve the proposed 2-lot Certified Survey Map (CSM) and application to Rezone 1.5 acres (proposed Lot 2) from A-1: Agricultural to Rs-3: Single-Family Residential subject to the following conditions:

- 1. All technical issues and plan corrections identified in the October 28, 2022 review memo by the Village's engineering consultant GRAEF shall be addressed and reflected in a revised CSM submitted and approved by the Public Works director/Village Engineer prior to recording the CSM.***
- 2. All junk, unlicensed vehicles, etc. shall be removed from proposed Lot 1 prior to recording the CSM.***
- 3. The owner shall obtain an access easement or cross-access agreement with the property owner to the north to continue to allow access to proposed Lot 1 from the shared driveway located on the property to the north of the Lot 1 property line. Said agreement shall be recorded concurrent with or prior to recording the CSM.***

4. ***Direct access to Maple Road from Lot 1 shall be prohibited. A note indicating this access restriction shall be added to the CSM prior to recording.***
5. ***A note shall be added to the CSM that prohibits Lot 1 from any further land division or development, including the construction of any new structures, the expansion of any existing accessory buildings, or the construction of any habitable buildings or dwellings.***

MOTION carried unanimously.

MOTION Shadid second Laszewski to Approve a conditional use permit (CUP) for Shawn Beschta, property owner, to use proposed Lot 1 of the subject property for recreation and recreational vehicle and boat storage subject to the following conditions:

1. ***Due to the extent of environmentally sensitive features on the subject property, including wetland, floodplain and the portions of the Menomonee River that bisect the property, it is intended that use of the property be limited to those uses most conducive to the protection, preservation, and conservation of the existing environmental features. Uses are limited to only private recreation by the owner, including hunting and fishing, and non-commercial storage of recreation vehicles and boats pursuant to Section 17.12(2)(m) of the Zoning Code. Other uses, including the operation of a business or the construction of any new structures or expansion of the existing accessory buildings or construction of habitable buildings or dwellings are prohibited.***
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 permitted conditional uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this 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. ***This CUP shall constitute a restriction of use on the property and shall run in perpetuity.***

MOTION carried unanimously.

Parish Survey & Engineering, Agent for the Boro Buzdum Trust, Property Owner – W188 N10515

Maple Road. Applications for (1) Conditional Use Permit (CUP) for a warehouse and indoor storage facility and to allow grading and filling into portions of a 25' wetland setback; (2) Site Plan Review for construction of 4 storage buildings; and (3) 2-Lot Certified Survey Map (CSM) to divide the property. ***Public Hearing & Action***

Postponed.

M Squared Engineering LLC, Agent for Orange Blossom LLC, Property Owner of David J Frank Landscape

N120 W21350 Freistadt Road. Applications for: (1) Rezoning property from the A-1: Agricultural and B-3: General Business Districts to the A-2: Agricultural Zoning District; (2) Conditional Use Permit (CUP) for horticultural services operation; and (3) Certified Survey Map (CSM) to combine parcels. ***Public Hearing & Action***

Postponed.

Capstone Development, N128 W20955 Holy Hill Road. Mike Faber, agent for the property owner, is requesting approval of site development and building plans for Phase 2 of the Capstone 41 Business Park, including a 294,614 sqft industrial building within the Holy Hill Gateway District. Director Retzlaff

summarized the proposal and explained Mr. Faber had discussed with him today the need to increase the interior clear height from 32 to 36 feet and consequently may need to increase the height of the wall panels upwards of 46 feet 6 inches. This creates a problem in the M-1 district where the maximum building height is 45 feet, however there is an allowance to exceed that limit with a CUP. At this time it has not been determined if the wall height will need to be exceeded or not.

Chairman Wolter arrived at 6:51 pm.

Mike Faber, CQ WI 2021 LLC, explained the height issue came about because they have a prospect that would take the entire building. The manufacturer wants to preserve as much floor space as possible for their production needs. So they were asked to underwrite how to create an office area on 2 levels taking the clear height up to 36' instead of 32'. He said they did not recognize the 45-foot limitation in the M-1 district explaining the 18-inch height limitation over 45 feet only occurs in 3 corners of the building. He would like their architect to study whether removing 18 inches from the tallest panels would cause the building to look awkward and said they are willing to go through the conditional use process to get a CUP but would appreciate if Plan Commission does approve the plan, that they do so subject to either the reduction of 18 inches with the panels that exceed or obtaining a CUP.

Discussion followed. Trustee Baum reviewed the changes but was concerned where the rooftop units would be located and wanted to see revised drawings. He was accepting of the 46 feet but was concerned how different the building would look if an agreement is reached with the tenant. Mr. Faber explained this is a spec building and they are doing what is flexible to the market and for tenants.

MOTION Baum second Shadid to Approve the site development and building plans for development proposed by Capstone Quadrangle for Phase 2 of the Capstone 41 Business Park on Holy Hill Road, including a 294,614 sqft multi-tenant industrial/distribution building 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 December 13, 2022;***
 - b. Civil Engineering plans dated November 11, 2022;***
 - c. Landscaping plans dated November 11, 2022;***
 - d. Lighting plans (photometric plan) dated November 8, 2022***
- 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 technical requirements identified in the January 4, 2023 review memo from the Village Engineer and Public Works Department 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).

- 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. The height of all exterior lighting fixtures shall not exceed a mounted height of 25 feet above the surrounding finished grade elevation (wall and pole mounted). Also, no tilting of the fixtures shall be permitted. The lighting plan needs be modified so that illumination levels do not exceed 0.5 footcandles at the property boundaries (north and south property lines). An updated lighting plan shall be submitted for review and approval by the Village Planner prior to the issuance of building permits.***
- 7. 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.***
- 8. 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.***

MOTION to Amend second Shadid to add Condition #9 if the proposed wall height exceeds 45 feet a conditional use permit will be required pursuant to Section 17.33(3)(j) of the zoning code to exceed a building height over 45 feet.

MOTION to Amend carried unanimously.

MOTION to Amend Baum second Shadid to add Condition #10 that if the building is raised to the higher elevation and second story windows are required/wanted then the applicant should bring the revised elevations back to Plan Commission.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

TR Capital LLC, W219 N11588 Appleton Avenue. The property owner is seeking approval of Site Development and Building plans for two additional commercial self-storage buildings and a revised outside vehicle storage area in the existing facility. Director Retzlaff summarized the proposal. Eric Roberts, TR Capital, spoke on Condition #8 that requires a 15-foot setback. He explained the plan that was submitted is inaccurate and that the entire property is fenced with privacy slats. He stated the additional buildings revolve around them using the extra 5 feet that is needed for the 25-foot units used for boats and bigger trucks. Jon Then, property owner, confirmed an 8-foot-high fence and 20 trees were already installed. He is asking for a concession of 5 feet to extend into the asphalt cap that is

already there. Director Retzlaff explained his recommendation was based on the notion that the fence would be taken out. Mr. Roberts stated they do not want to take out the fence and the builder has confirmed they do not have a concern with constructing a building that close to the fence.

MOTION Baum second Shadid to Approve the site development and building plans submitted by TR Capital LLC for the two (2) additional commercial self-storage buildings and revised outside vehicle storage area within the existing facility located at W219N11588 Appleton Avenue subject to the following conditions:

- 1. All conditions of approval and requirements adopted by the Plan Commission as part of the original site development and building plans shall remain in effect.***
- 2. 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 November 15, 2022***
 - b. Civil Engineering plan dated November 8, 2022***
 - c. Landscaping plan dated November 8, 2022***
 - d. Lighting Plans dated November 8, 2022***
- 3. Landscaping shall be added along the south and east perimeter of the site where it currently is not installed to continue the landscaped buffer around the site. If necessary, the proposed vehicle parking and fencing should be relocated accordingly to accommodate tis additional landscaping buffer.***
- 4. An updated landscape plan addressing the comment by the Village Forester shall be submitted to Planning and Zoning staff prior to occupancy.***
- 5. 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.***
- 6. Privacy slats are required to be installed in the fence on the north, east and south fencing surrounding the parking area.***
- 7. All requirements and plan corrections identified by the Village Engineer and Public Works Director in the January 4, 2023 review memo shall be addressed and reflected in revised plans and/or supplemental information reviewed and approved by Village staff prior to issuance of an erosion control or building permit.***
- 8. 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.***
- 9. All proposed exterior signage, including monument and wall-mounted signs, shall be reviewed and approved under a separate application by the Plan Commission.***
- 10. The exterior, wall-mounted light fixtures shall be full cut-off fixtures as approved for Phase 1 and not the refractive lens "floodlight" versions of the proposed fixtures.***
- 11. The owner shall provide a copy of the final DNR approval of a new "Building on a Historic Fill Site Exemption Application" (DNR Form 4400-226) in accordance with the conditions***

outlined in the DNR's June 20, 2022 "Building on a Historic Fill Site Exemption Approval" letter prior to issuance of any building permit for the Phase 2 buildings.

MOTION carried unanimously.

Golden Pet Manufacturing, W206 N12880 Gateway Court. The Dickman Company, property owner, is requesting approval for a new wall sign and new ground sign for the single tenant building. Director Retzlaff summarized the proposal.

MOTION Shadid second Laszewski to Approve the proposed wall and monument signs for the Golden Pet manufacturing facility located at W206 N12880 Gateway Crossing subject to one (1) condition:

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

MOTION carried unanimously.

Village of Germantown, Property Owner, N104 W12703 Donges Bay Road. 3-Lot Certified Survey Map (CSM) to re-divide 79.05 acres located in the Town 9 Business Park within TID No. 9. Director Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the 3-lot Certified Survey Map (CSM) for the 79.05 acre property owned by the Village of Germantown located in the Town 9 Business Park and "Omega Hills Industrial District" south of the Donges Bay Road @ Wasaukee Road intersection as proposed.

Discussion ensued on the burial land on the property.

MOTION carried unanimously.

ANNOUNCEMENTS: Trustee Baum asked when can we get on the agenda to begin planning for the Central Business District. Director Retzlaff explained we need to get into the RFP with the consultant regarding the master plan for the downtown area, but we can talk about it at the next meeting.

ADJOURNMENT: There being no further business the meeting was adjourned at 7:57 pm.

Respectfully submitted,

Lori Johnson
Planning Assistant