

PLAN COMMISSION MINUTES

April 24, 2023

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:31 pm.

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

PUBLIC INPUT:

- Melanie Smythe, N140 W17938 Cedar Lane, spoke on how to conduct neighborhood meetings and distributed a handout to PC members.

APPROVAL OF MINUTES:

MOTION Laszewski second Shadid to Approve the minutes from April 10, 2023.

MOTION carried unanimously.

Chairman Wolter asked for a motion to postpone Item E to the next Plan Commission Meeting.

MOTION Shadid second Laszewski to Postpone Item E to May 8, 2023.

MOTION carried unanimously.

Michael Doran for U.S. Cellular, Agent for Faith Lutheran Church, Property Owner – W172 N11183

Division Road. Conditional Use Permit (CUP) and Site Plan Review for a 190' monopole tower and wireless telecommunication facility. Director Retzlaff summarized the proposal. He indicated the fall zone had been revised and redesigned to no greater than 45 percent of the tower height which would put it at 85 feet and addresses one of the concerns raised by staff. He explained at the April 10th meeting, the discussion and action was postponed pending additional information. Discussion with the Police Chief indicated no changes are proposed to the equipment or towers and Washington County indicated there is a trunk upgrade project but no sooner than 2 years at this location. The ability to alter the location of the existing tower would need significant analysis to determine if the whip antennae could be moved to make space for the new mobile service. He stated staff has reached out to a private consultant, CityScape Consultants, Inc., to do a review of the validity of the search ring and we are discussing a service agreement. Their preliminary information confirms the ½ mile search ring is closer to reality for the way things are in terms of infrastructure development for wireless communication even though the Village tower is less than 600 feet away outside of the ½ mile search ring. But it is within the information US Cellular provided as a potential target area for a new tower. The consultant indicated it may be worth looking into further. The consultant also said they are willing to provide a report based on their review and verification of the US Cellular engineer's conclusions and evaluate the search ring to determine if it is credible for the area. He said US Cellular has offered to extend the application period to June 30th subject to some conditions including that action be postponed until the May 8th meeting.

A lengthy discussion followed. Commissioner Williams asked how US Cellular came to the conclusion that they are not responsible for the cost of hiring a consultant. Brian Sajdak, Village Attorney, commented on the State Statute language. His interpretation is that legislature states we cannot pass on the cost for travel expenses but could charge other similar costs as part of that. But there is a \$3,000 cap on fees and it is probably a reasonable interpretation that the \$3000 would include the cost of an engineer that would review the application and provide an opinion.it

Discussion continued. Director Retzlaff stated US Cellular has offered to do a cursory review of the Village tower, even though it is outside the search ring. But if it is a viable option does that mean US Cellular would collocate there. Shaun Hemsted, agent for US Cellular, explained they had asked for information on the tower and structural analysis but have not received anything and he wasn't comfortable talking about and wouldn't make any statements regarding it. Discussion continued on how the search ring is determined. Chairman

Wolter said he didn't have a problem with the site chosen but had a problem with how the practice comes about where they place the dot. He doesn't want to see two towers so close to one another and it seems a waste of cost when you could possibly co-locate. Mr. Hemsted said they meet every regulation of the Wisconsin State Statute and are willing to abide by the conditions that Director Retzlaff suggested in the approval except for the two as noted in their packet and feels that is the right decision. Anything CityScape talks about is not substantial evidence because it is outside of the search ring and the State says is irrelevant. Attorney Sajdak said he thought Mr. Hemsted was incorrect on that and doesn't believe the Statute contemplates because a line is drawn on a map at the same elevation it is excluded from the search ring. And that is one of the things CityScape will review. Discussion continued.

Chairman Wolter asked Attorney Sajdak for his opinion on resetting the application period because of revised information that was submitted. Attorney Sajdak believes it may reset the clock but it is not 100 percent clear in the Statute. He said if the Village is looking for additional time, the way to do that would be to take the offer to extend the timeframe 45 days. Chairman Wolter said it would work with within the Plan Commission and Village Board schedule. Director Retzlaff said the extension would take the deadline to June 30. The consultant thinks they could turn around a report within the 45-day period but not for the current May 16th cycle. Mr. Hemsted confirmed the 45-day extension is still open with the understanding that the search ring submitted 2 weeks ago dated 2022 is the search ring and that they submitted a corrected co-location statement. Discussion continued.

***MOTION Shadid second Nilles to Table to the May 8th Plan Commission Meeting.
MOTION carried 6-1 (Laszewski)***

Zilber 7 – W210 N13145 Gateway Crossing - Andrew Shoaf, Pinnacle Engineering, and Frank Dekan, agents for the Zilber Property Group and TI Investors Germantown VI LLC, property owner, is requesting approval of site development and building plans for a 254,851 sqft industrial building (Zilber 7) in the Germantown Gateway Corporate Park. Director Retzlaff summarized the proposal.

Chad Navis, Zilber Property Group, complimented staff on the professionalism and expeditious review of the project. He stated they will work with staff to make any adjustments to the plans. Chairman Wolter said he appreciated the comments about staff and Zilber's willingness to work together to see the park succeed.

MOTION Shadid second Baum to Approve the site development and building plans for the 254,851 sqft "Zilber 7" industrial building located at W210 N13145 Gateway Crossing in the Germantown 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 Infrastructure Plans for Germantown Manufacture BTS" dated April 11, 2023;***
 - b. Architectural plans labeled "Zilber Germantown Industrial 7" dated April 14, 2023;***
 - c. Exterior lighting plans labeled "Z7 Lighting Plan" dated April 13, 2023;***
 - d. Landscaping Plans labeled "Landscape Overview & Tree Plan" dated March 27, 2023***
- 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, issues and plan revisions required 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 7 building (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS):*
 - a. April 21, 2023, memo from Public Works Director, Larry Ratayczak*
- 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 (if necessary).*
- 6. The Zilber Property Group shall notify the prospective tenant that the tenant is responsible for providing 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 at the time a Zoning/Occupancy Permit is obtained. RTU's shall be setback a minimum of 14 feet from the perimeter roof/wall edge to obscure the view of all RTU's from property lines around the building and the centerline of the Gateway Crossing. 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 issuance of an occupancy permit.*
- 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.*
- 8. The Village Forester is requiring that the landscape plan be revised to specially address the following:*
 - a. Increase the number of trees planned "inside" the parking lot to meet a minimum one tree (minimum 2" caliper) per every 10 parking spaces; and*
 - b. Substitute the Acer x freemanii 'Autumn Fantasy' Maples listed in the landscape plan with one of the following species to promote better tree diversity:*
 - i. London Planetree. Platanus x acerifolia*
 - ii. Tuliptree. Liriodendron tulipifera.*
- 9. A revised landscape plan shall be submitted to the Village for review and approval prior to issuance of an occupancy permit. Said plan shall specify the minimum required number, species and planted size of trees intended to satisfy both the street tree and parking lot landscaping requirements.*
- 10. The proposed berm along Rockfield Road shall be revised to include higher and more undulating berms (less symmetrical; more "bumps") and additional plantings located on the road side of the berm. Said revised berm shall be reflected in the revised landscape plan required under Condition #9 above and approved by Village Staff prior to completing the filling/grading required for the berm and installation of plantings.*

Trustee Baum asked why the building elevations have so many knockout panels. Mr. Navis explained the building was designed for future flexibility. Discussion followed on when Plan Commission would review a

change to the knockout panels. Trustee Baum was concerned the lower knockout panels could be changed to overhead doors.

MOTION to Amend Baum second Tarantino that if the knockout panels on the north or east side of the building are used for overhead doors, Plan Commission approval is required.

MOTION to Amend carried unanimously.

MOTION to Approve as Amend carried unanimously.

Bauer Sign & Lighting, agent for Virginia Highlands Care & Rehab Center, property owner, and the Frontida Assisted Living Community, property owner, W173 N10915 Bernies Way – The request is for approval of a new monument sign and an off-premise sign located at the corner of Virginia Avenue @ Division Road. Director Retzlaff summarized the proposal.

Trustee Baum asked if the meter socket on the left end of the sign would stay or be removed. Scott Boese, Bauer Sign, stated the socket is not being used. Turner Ramsey, Frontida, explained the lights currently at the sign base are solar. Director Retzlaff said specifications for the lights are required to determine the intensity of the light level.

MOTION Baum second Shadid to Approve the proposed monument & off-premise sign for the Virginia Highlands Care & Rehab Center and the Frontida Assisted Living Community located at the southwest corner of the Virginia Ave @ Division Road intersection subject to the following conditions including the addition of condition #6.

- 1. A revised landscape plan for the area around the sign base shall be submitted and approved by Village Staff prior to installation of the sign.***
- 2. Following installation of the sign, an as-built survey shall be completed and submitted to ensure that all sign components meet the required 5' setback from the property line/road right-of-way along Virginia Ave and Division Road.***
- 3. Address coordinates with a minimum 5" high lettering shall be added to the sign base as required in the sign regulations.***
- 4. The existing floodlights in the vicinity of the proposed sign location are not code compliant. If external lighting is proposed for the new sign, lighting shall be incorporated into the landscaping around the base of the sign and shielded. Detailed specifications for any external lighting shall be provided to the Village Planner for review and approval prior to installation.***
- 5. An electrical permit is required for any electrical installation or modifications to ensure code compliance. Contact Inspection Services staff (SAFEBuilt) for details.***
- 6. The applicant shall work with WE Energies to remove the meter socket.***

MOTION carried unanimously.

Maxwell Ours, property owner, is seeking approval to install a 6' wooden privacy fence within an existing public drainage easement on the residential lot located at N103 W17082 Wildrose Lane in the Country Meadows West subdivision. Director Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the zoning permit application to install a 6' wooden privacy fence within the public drainage easement along the rear lot line of the property located at N103 W17082 Wildrose Lane subject to the following conditions:

- 1. The fence shall be installed a minimum setback of 2 feet from the Donges Bay Road right-of-way/property line and the bottom of the boards a minimum of 2 inches above the finished grade.***
- 2. It shall be the responsibility of the homeowner to maintain a free flow of water within the private drainage easement at all times.***

3. ***A fence permit is required from the Building Inspection Department. Contact SafeBuilt for more information.***
4. ***If the fence needs to be removed to make improvements and/or conduct maintenance within the drainage easement, the property owner shall be responsible for all costs associated with removing the fence to the extent necessary within seven (7) days of being notified by the Village (or another mutually agreeable deadline). The property owner shall be responsible for any and all costs associated with any damage, removal or re-installation of said fence.***

Discussion followed. Max Ours explained he had two little kids and the fence would box the kids in for security and safety when outside. Commissioner Tarantino commented the fence may impede the flow of water and suggested using plants instead. Chairman Wolter said he would like the fence to be brought in more from the sidewalk adding that it would change the aesthetics of the neighborhood. He understands why the fence is wanted and advised Mr. Ours that any maintenance in the easement would require removal of the fence.

MOTION carried 4-3 (Laszewski, Nilles, Tarantino)

ANNOUNCEMENTS: Peter Nilles said he would not be available for the May 8th meeting.

ADJOURNMENT: There being no further business the meeting was adjourned at 8:22 pm.

Respectfully submitted,

Lori Johnson
Planning Assistant