

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, September 11, 2023 6:30 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

The meeting was called to order at 6:30 pm.

- II. **ROLL CALL:**

Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Tony Laszewski, Peter Nilles, Bob Williams, Josh Tarantino and Bill Shadid. Also in attendance were Community Development Director Jeff Retzlaff and Planning Assistant Lori Johnson.

- III. **CITIZEN INPUT:** *Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.*

The following residents spoke during public comment:

- Melanie Smythe, N140 W17938 Cedar Lane,
- Scott Hefle, W159 N10514 Old Farm Road
- Trustee Jan Miller, W151 N10297 Windsong Circle West

- IV. **APPROVAL OF MINUTES:**

A. August 14, 2023

MOTION Baum second Shadid to Approve the minutes from 8-14-23

MOTION carried unanimously.

- V. **NEW BUSINESS:**

- A. Preferred Concepts LLC, Agent for the Buzdum Trust, Property Owner of W188 N10515 Maple Road. Site Plan Review for a 935 sqft patio addition to Buzdum's Bar and Grill **(ACTION; continued from 2-13-23)**

Director Retzlaff summarized the proposal. Peter LaLonde, Preferred Concepts, addressed questions.

MOTION Baum second Shadid to Approve the site development & building plans for a 935 sqft

enclosed patio expansion to the Buzzdum's Pub & Grill building located at W188 N10515 Fawn Lane subject to the following (7) 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 Approval is granted for the following plans unless superseded by subsequent plan sheets approved by the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission: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. Architectural plan set revised ~~May 17, 2023~~ November 29, 2022
 - b. ~~Color rendering dated September 1, 2022~~
 - c. Civil Site Plan dated February 7, 2023 (as it relates to the existing building and surrounding paved parking areas; see set Sheets C1.02, C1.03, C1.04 & C1.07)
 - d. ~~Storm water management plan dated February 7, 2023~~
2. All plan corrections required by the Public Works Director in the October 20, 2022 review memo shall be addressed and reflected in revised plans and/or supplemental information reviewed and approved by the Village Engineer prior to issuance of a building permit.
3. Commercial building plan approval and submittal of a \$5,000 occupancy bond are required by Inspection Services prior to the issuance of building and occupancy permits. 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.
4. All site plan approval and building permit fees shall be ~~double~~ triple the normal amount and paid in advance of issuing any building permits.
5. A pre-occupancy inspection of the enclosed patio area shall be conducted by the Fire Department in cooperation with the final inspection required by Inspection Services. A maximum building capacity shall be determined by the Fire Department if not already determined through the commercial plan review approval.
6. The Owner shall install the parking lot perimeter landscape features indicated on the site plan (see sheets dated February 7, 2023) that include a landscape buffer 8' wide will be created abutting the Fawn Lane right-of-way by saw-cutting the existing pavement and planting the area with a mix of deciduous and evergreen shrubs.
7. The Owner shall be required to pave the area shown on the site plan south of the building (that is currently covered in asphalt millings) with a pavement that meets the Village's Zoning Code requirements and general specifications for asphalt parking areas for uses of this type or as recommended by the Village Engineer.

Discussion followed regarding the landscaping for the project. Director Retzlaff explained the components of landscaping that were included in the site plan for the mini storage proposal are no longer on the table. Mr. LaLonde stated if including landscaping on the south and east is a condition of approval, including paving the driveway, that will not be an issue. Director Retzlaff explained he will go through the landscape plan and sort out the components for the south and east side of the property. He is recommending a green space buffer along the parking area. Trustee Baum reviewed the building renovations. Discussion continued. His biggest concern is the site plan saying the parking lot is a big problem because cars are parked anywhere and everywhere, there are no stalls and cars are parked on Fawn Lane. He is adamant about making the parking lot and landscaping inclusive of the plan.

MOTION carried unanimously.

- B. Wendy Danielak, Property Owner of W168 N10765 Juniper Drive. Zoning Permit to install a 4-foot fence within an existing drainage easement. **(ACTION)**

Director Retzlaff summarized the proposal.

MOTION Baum second Nilles to Approve the zoning permit application to install a 4' high cyclone fence within an existing storm drainage easement on the residential property located at W168 N10765 Juniper Drive subject to the following conditions:

1. It shall be the responsibility of the homeowner to always maintain a free flow of water within the drainage easement.
2. 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 removing the fence to the extent necessary within three (3) days of being notified by the Village of Germantown. If not removed within three days, the Village may remove the fence at its discretion and charge back any/all costs of doing so to the property owner. The property owner shall be responsible for any/all costs associated with any damage, removal, or re-installation of said fence.
3. A fence permit is required from Inspection Services prior to installation. Contact SAFEBuilt for more information.

Trustee Baum confirmed the property owner was made aware that it would be their responsibility to remove the fence at their expense if maintenance is needed within the drainage easement. Director Retzlaff said that was stated in Condition #2. Discussions continued. Commissioner Laszewski asked if Condition #2 doesn't get recorded, how does it get transferred to the next owner? When the property sells in 10-20 years the new owner would have no idea of the condition. Director Retzlaff said the condition could be recorded if appropriate.

MOTION to Amend Laszewski second Baum that this agreement with the principal components of item 2 be a recorded item at the expense of the applicant.

Trustee Baum asked if we can put this requirement as standard Village language. Director Retzlaff agreed to make the requirement for the other two applications and would address the language in the code.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried (6-1 Laszewski)

- C. Stephen and Danielle Cholewa, Property Owners of W166 N10577 Surrey Drive. Zoning Permit to install a 6-foot fence in a front yard and drainage easement. **(ACTION)**

Director Retzlaff summarized the proposal. The property owners were not in attendance.

MOTION Baum second Shadid to Approve the zoning permit application to install a 6' wood privacy fence in the Old Farm Road front/street yard and in the 12' wide public drainage easement along the southwest property line of the Cholewa property located at W166 N10577 Surrey Drive subject to the following conditions:

1. The fence shall be setback a minimum of two (2) feet from the property line along Old Farm Road.

2. It shall be the responsibility of the homeowner to always maintain a free flow of water within the private drainage easement.
3. 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 removing the fence to the extent necessary within three (3) days of being notified by the Village of Germantown. If not removed within three days, the Village may remove the fence at its discretion and charge back any/all costs of doing so to the property owner. The property owner shall be responsible for any/all costs associated with any damage, removal, or re-installation of said fence.
4. A fence permit is required from Inspection Services prior to installation. Contact SAFEBuilt for more information.

Discussion followed. Director Retzlaff said the property owner explained the corner of Surrey and Old Farm serves as a school bus stop and he wants the fence to let folks know where his property line is. Trustee Baum commented that the fence is too close to the road and may impede the owners view down Old Farm Road when pulling out of their driveway. He said if the owner was present he would talk to him about moving the fence closer to the house and outside the drainage easement. Commissioner Shadid questioned why a 6 foot fence is needed. Commissioner Tarantino suggested angling the fence in the northwest corner and require a 5-foot setback. Chairman Wolter said he reviewed the fence location and did not see any other front yard fences on Old Farm Road. He said if approved, this fence would set a precedent and look dramatically different than any other property surrounding it. Commissioner Williams stated he was not a proponent of a 6 foot fence in the front yard and questioned where the front yard ends. He said he would like to see the fence end at the corners of the home and not go all the way to the road. Plan Commission members indicated they want to discuss their concerns with the property owner.

MOTION to Postpone Baum second Shadid until the owner is present.

MOTION carried unanimously.

- D. Daniel S. Wells, Agent for Robert and Cecelia Wells, Property Owners of N108 W17143 Hawthorne Drive. Zoning Permit to install a 6-foot fence in a drainage easement. **(ACTION)**

Director Retzlaff summarized the proposal.

MOTION Baum second Tarantino to Approve the zoning permit application to install a 6' high wood privacy within an existing drainage easement on the residential property located at N108 W17143 Hawthorne Drive subject to the following conditions:

1. It shall be the responsibility of the homeowner to always maintain a free flow of water within the drainage easement.
2. 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 removing the fence to the extent necessary within three (3) days of being notified by the Village of Germantown. If not removed within three days, the Village may remove the fence at its discretion and charge back any/all costs of doing so to the property owner. The property owner shall be

responsible for any/all costs associated with any damage, removal, or re-installation of said fence.

3. A fence permit is required from Inspection Services prior to installation. Contact SAFEBuilt for more information.

Discussion followed. Trustee Baum confirmed the property owner was aware of Condition #2 and asked if there are rules about maintaining the fence. Director Retzlaff explained the good side of the fence is to face outward, but there is no restriction on painting a fence. Dan Wells said he could stain the back of the fence along the south property so it would look like his neighbors fence.

MOTION to Amend Laszewski second Shadid to include as a part of Condition #2 that the agreement be recorded at the owners expense.

MOTION to Amend carried unanimously.

Discussion followed on an existing portion of fence previously installed.

MOTION to Amend Baum second Tarantino to add Condition #5 that the existing section of fence be altered in its height and color to match the fencing that is being installed.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried (6-1 Laszewski)

- E. Joseph Schuster - W156 N10081 Pilgrim Road. Zoning Code Text Amendment Consultation; proposed changes to the accessory building regulations under Chapter 17.41(1)(a) of the Municipal Code. **(CONSULTATION)**

Director Retzlaff summarized the proposal to make changes to the accessory building regulations brought forward as a consultation item by the applicant. The text changes to Section 17.41 of the Zoning Code would add a new category and increase the number of detached accessory buildings a property can have on residential property in the Rs-3, Rs-4, Rs-5, Rs-6 and Rs-7 Single-family Residential Districts. He said he does not believe there is a need to amend the size provisions for accessory buildings but Plan commission should consider the request and give staff further direction. Joe Schuster summarized his proposal and said he is trying to safeguard the Village from doing weird things. He is looking to proceed with an amendment to the code for himself and others of what he would like to see changed. Discussion followed.

Plan Commission members had the following comments and concerns.

- Why do we allow such a large attached garage. Director Retzlaff explained because no one would build a 10,000 square foot garage on a 1,700 square foot house. Those that want a large pole building would need materials to be comparable to the main building.
- OK with tweaking the size allowed for an accessory but doesn't want to allow an additional accessory building.
- Why not put on an attached garage? Mr. Schuster said he feels safer with no access to the house because of fuel lines and the house is not designed to make an accessory garage.
- Maybe there can be some unique explanation that addresses historic structures

- if the code is made more equitable for all zoning districts there would be a setback issue as whole. Director Retzlaff explained it would be difficult and that is what Board of Zoning Appeals is for.
- Chairman Wolter thanked Mr. Schuster for bringing the code amendment forward. His hope is to try and make it equal and less difficult for the code, how do we make that work.
- Trustee Baum would be more agreeable to amend a section of historic building code before amending every house in every subdivision in every zoning classification.
- Director Retzlaff said he could draft some language regarding historic properties and put a max on attached garages.
- Could create a sliding scale
- We have not received many complaints. BOZA appeals have been setback issues. How important is this amendment?
- This is not a priority issue
- This could be a historic designation issue and would help to solve Mr. Schuster's issue. It doesn't need to happen today, could maybe find a way to solve his issue.
- Director Retzlaff will work on language to address the historic designation issue and the max limit on attached garages.

This item was for discussion only. No action was taken.

- F. Michaels Signs Inc, Agent for TI Investors of Germantown V LLC, Property Owner and Zilber Property Group - W210 N12995 Gateway Crossing. Sign Review Application for Zilber 6 **(ACTION)**

Director Retzlaff summarized the proposal.

MOTION Baum second Shadid to approve the ground sign for the Zilber 6 industrial building located at N210 N12995 Gateway Crossing as proposed subject to the following conditions:

1. Building and electrical permits are required. Contact Safebuilt staff in Inspection Services for information.

MOTION carried unanimously.

- G. Fastsigns, Agent for JHS4 LLC/DHP4 LLP, Property Owner and the Victory Companies - N118 W18531 Bunsen Drive. Sign Review Application **(ACTION)**

Director Retzlaff summarized the proposal.

MOTION Baum second Nilles to Approve the wall sign for the Victory Companies facility located at N118 W18531 Bunsen Drive as proposed.

MOTION carried unanimously.

VI. ANNOUNCEMENTS:

None

VII. ADJOURNMENT:

The meeting was adjourned at 8:46 pm.