

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, November 13, 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 Peter Nilles, Bob Williams, Bill Shadid and Josh Tarantino were present. Commissioner Tony Laszewski was absent and excused. Also present were Community Development Director Jeff Retzlaff and Planning Assistant Lori Johnson.
- III. **APPROVAL OF MINUTES:**

A. Minutes 10-23-23
MOTION Baum second Shadid to Approve the Minutes from 10-23-23
MOTION carried (Wolter/Williams abstained)
- IV. **NEW BUSINESS:**

A. Briohn Building Corporation, Agent for Brian & Kevin Kazmierczak and Mark & Joann Stephan, Property Owners of approximately 52.72 acres, North of Holy Hill Road, East of Hwy. 41, South of Rockfield Road. Applications to Rezone 52.72 acres from the A-1:Agricultural Zoning District to the M-1: Limited Industrial Zoning District and to amend the 2050 Future Land Land Use. (PUBLIC HEARING & ACTION)
Director Retzlaff summarized the proposal. Bryan Hollenbach, Executive Vice President of Green Bay Packaging spoke on the development. Joe Jursenas, Vice President Briohn Building Corporation, also spoke on the project.
Public Hearing opened at 6:57 pm.
- Scott Hefle, W159 N10514 Old Farm Road, comments read in favor of the development
- Mike Bombaci, Creative Director GBP, comments read in favor of the development
- Melanie Smythe, W140 N17938 Cedar Lane, buildings in the area are ugly, against TID money being used, Plan Commission should have neighborhood meetings for those affected by this project.
- Jan Miller, W151 N10297 Windsong Circle West, commented on GBP proposal.
- Carrie Hensel, N132 W21570 Rockfield Road, spoke against the proposal.
- Chad Johnson, Treeland LLC, spoke in support of the project.

Public Hearing closed at 7:16 pm.

MOTION Baum Second Williams to Approve Rezoning the three (3) parcels that comprise the 52.72 acre area from A-1: Agricultural to M-1: Limited Industrial as proposed.

MOTION carried unanimously.

MOTION Baum Second Shadid to approve the proposed 2050 Land Use Plan amendment to change the future land use plan "vision" for this area from "Mixed-use Commercial & High Density Residential" (RED on Figure 6.6) to "Light Industrial/Warehouse" (BROWN on Figure 6.6).

Chairman Wolter said he appreciates the attention to detail on the architectural side and thanked Green Bay Packaging for staying in Germantown. He added that because the project is outside of the TIF any increment goes straight to the tax base.

MOTION carried unanimously.

- B. Village of Germantown Community Development Department - Proposed minor Text Amendments to Section 9 (Public Peace & Good Order) and Section 17 (Zoning Code) pertaining to raising chickens in residential districts and accessory buildings on historic designated property in residential zoning districts. (PUBLIC HEARING and ACTION)

Director Retzlaff summarized the proposal.

Public Hearing opened at 7:24 pm.

- Joe Schuster, W156 N10081 Pilgrim Road, spoke in favor of the amendment to Section 17 related to accessory buildings on historic designated property.

Public Hearing closed at 7:27 pm.

MOTION Baum second Tarantino to Approve the Amendments to Section 9 and Section 17 as presented.

MOTION carried unanimously.

- C. Virtus Development LLC, Agent for District One LLC, Property Owner of W140 N10363 Fond du Lac Avenue and the Robert & Mary Elizabeth Hacker Trust, Property Owners of a .66-Acre Lot on Fond du Lac Avenue, Tax Key GTNV 351-984 - Certified Survey Map (CSM) application to combine parcels and Landscape Plan review. (ACTION)

Trustee David Baum recused himself. Director Retzlaff summarized the proposal.

David Koziol, VP, Virtus Development, said they are in agreement with most of the recommendations but asked to meet with Director Retzlaff to determine what decorative fence would be adequate, what the length of the fence should be and what the best landscaping would be to supplement not extending the fence to the end of the drive. Additionally, they would like to discuss how they can work with the residents to the south to ask them what type of landscaping would be agreed upon for them to plant with the developer paying for it. Director Retzlaff asked for direction regarding the decorative fence. Commissioner Tarantino explained a double rail at the top like a cap would have a more finished look. The use of metal posts were approved to use.

MOTION Shadid second Tarantino to Approve the proposed Certified Survey Map (CSM) for the District One LLC property located in the Kuhburg District near the Donges Bay Road @ STH145/Fond du Lac Avenue intersection subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor (see November 8, 2023 memo from Burt Naumann, GRAEF) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. District One LLC does not currently own all the parcels subject of the CSM. The CSM shall be revised to include all current property owners as required under Chapter 236 Wis. Stats.

MOTION carried (Trustee Baum abstained)

MOTION Shadid second Tarantino to Approve the proposed landscape plan for the District One LLC property located in the Kuhburg District near the Donges Bay Road @ STH145/Fond du Lac Avenue intersection subject to the following conditions. Unless specially stated, the conditions of this approval of the landscape plan are in addition to and not intended to supersede those previously adopted by the Plan Commission in the August 14, 2023 approval of the overall site plan:

1. This approval is subject to all conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission:
 - a. Planting Plan dated November 3, 2023
2. As required under Condition #3 of the August 14, 2023 Plan Commission Site Plan approval, a decorative privacy fence and landscape screen/buffer shall be installed along the entire length of the paved driveway and parking stall area abutting the south property line. The decorative privacy fence shall be a minimum of 6 feet in height and not be a simple board-on-board wood picket fence. The landscaping shall also be installed along the south side of the fence.
3. The four (4) street trees proposed to be planted in the Fond du Lac Ave right-of-way shall be included in a right-of-way permit issued by WisDOT to allow installation in the right-of-way. If the street trees cannot be added to the existing or new agreement the developer has with WisDOT to permit these trees in the ROW, the trees shall be relocated onto the townhouse & parking lot properties.

Discussion followed. Commissioner Tarantino said it was a good landscape plan but questioned if the landscaping along the south property line of the parking lot north of the townhouses was sufficient to screen car headlights. He said evergreens would do a better job and offered to provide a plan to the developer.

MOTION to Amend Shadid second Williams to include the revised amended landscape plan on the south property line of the parking lot in the Motion to Approve. The amended landscape plan will be completed by Director Retzlaff and Commissioner Tarantino.

MOTION to Amend carried (Baum abstained).

MOTION to Approve as Amended carried (Baum abstained).

- D. The Architects Partnership (TAP), Agent for County Line LLC, Property Owner of Fleet Farm - N96 W18200 County Line Road. Site Plan Review for a 3,245 sqft Chase Bank building and 2-lot Certified Survey Map (CSM) application. (ACTION)

Director Retzlaff summarized the proposal. Amy Ferguson, representing Chase, spoke on the development. She explained the west elevation was a mechanical wall but said

they will look to see about breaking it up a little bit adding there will be a number of landscape plantings there. She said they will work with Fleet Farm to add directional signage and that a sign package will be brought forward at a future date. Discussion followed. Trustee Baum agreed with Commissioner Tarantino that a visual color change could be used on the wall or a freestanding wall or fence on the other side of the sidewalk to screen it. Ms. Ferguson explained that different colors were used on the other sides of the building because the walls go in and out. This part of the building is flat. Trustee Baum suggested putting a stud in front of a stud to get some minimal articulation. He does not like the architecture and said it doesn't do anything for the character of the corner. The general site plan is fine. He was also troubled by all the plantings proposed.

MOTION Baum second Shadid to Approve the proposed Certified Survey Map (CSM) for the Fleet Farm property located at N96 W18200 County Line Road subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor (see September 15, 2023 memo from Burt Naumann, GRAEF) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. The name of the Village Clerk shown in the Village approval certificate on Sheet 6 of 6 should be changed to the current Village Clerk "Donna S. Cox, Village Clerk".

MOTION carried (5-1 Baum)

MOTION Baum second Shadid to Approve site development and building plans for the proposed 3,245 sqft Chase banking facility located at N96 W18200 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 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 June 8 (floor plan) and June 14, 2023 (color renderings)
 - b. Civil Engineering plan dated July 17, 2023
 - c. Landscaping plan dated November 9, 2023
 - d. Lighting Plans dated June 26, 2023
 - e. ALTA survey dated June 22, 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. 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.
4. All technical issues and plan corrections identified by the Village Engineer and Public Works Department staff (see September 21, 2023 memo) shall be addressed

and reflected in revised plans and/or supplemental information reviewed and approved by Village staff prior to issuance of a building permit.

5. Chase bank shall maintain the site in a manner that will not inhibit/prohibit access to the Village's traffic control electronics cabinet located at the Appleton @ County Line intersection. Snow storage for the bank parking lot and any new plantings or other landscaping features should not be located in front of the traffic signal cabinet door (east side access).

6. The existing 6' wire-woven (cyclone) fence installed between the Cornerstone Centre and the Chase bank parcels will no longer serve its original intended purpose and shall be removed prior to issuance of an occupancy for the Chase bank.

7. The following traffic circulation measures and level of service improvements recommended in the Kimley-Horn and Associates Traffic Impact Study report dated July 17, 2023 shall be installed as part of the bank site development prior to issuance of an occupancy permit for the bank:

a. Install a "Do Not Block Driveway" sign east of the existing right-in/right-out (RIRO) driveway for westbound right turning traffic along County Line Road

b. Install a single inbound lane and a single outbound lane at the two full-access internal driveways serving the bank site

c. Install minor-leg stop control for outbound traffic at the internal site access driveways serving the bank site

d. Install on-site wayfinding signage and/or traffic control pavement markings within the Fleet Farm parking lot to direct motorists to the Chase bank site and dedicated drive-through ATM lanes

8. Washington County Highway Department has requested that the Village include the following requirements in any approval:

a. Any future changes in the use or configuration of the bank parcel will require further review and permitting by the Washington County Highway Department

b. Since the Fleet Farm parcel has controlled access on County Line Road and secondary access on Appleton Avenue that are both further away from the Appleton @ County Line Road intersection, Washington County has the ability to revoke or require further reconfiguration of the right in/right out access driveway on County Line Road serving the bank parcel if vehicle crashes increase and/or the level of service (LOS) of the intersection is reduced below an acceptable level as a result of traffic generated by the proposed bank.

c. All internal traffic circulation wayfinding and stop signs recommended in the TIA shall be installed by and the responsibility of the bank owner/lessee or Fleet Farm property owner/lessee.

9. The west building elevation has a plain, monotonous appearance that should be improved/enhanced with additional architectural features, projections, articulation, changes in material or color. The revised plan should be brought back to the Plan Commission for review and approval.

Chairman Wolter commented that he appreciated the landscaping plan saying it helps break up the corner and will provide a better presentation.

MOTION carried (5-1 Baum)

- E. TR Capital LLC, Property Owner - W219 N11588 Appleton Avenue. Site Plan Review for Phase 3 expansion to construct (2) additional storage buildings at Appleton Avenue Storage. (ACTION)

Director Retzlaff summarized the proposal. Eric Roberts, TR Capital, spoke on Condition #7 regarding asphalt. He stated crushed asphalt was installed in Phase 1 and Phase 2 as part of the drive aisle and they are proposing for Phase 3 as well. He said their main reason for using the crushed asphalt is because they are still worried about settling and cracking and the condition of the fill pit in the future years. He said they would need to remove Phase 2 and partial Phase 1 crushed asphalt that has already been installed to add in the pavement asphalt that is being proposed. Jon Then, TR Capital, explained they used the recycled asphalt on the fill area because they weren't confident the asphalt was going to hold up and if they put it in they would end up with a lot of sink holes and broken up asphalt. Director Retzlaff stated the Zoning Code requires asphalt or a concrete surface on off site parking and storage and drive aisles. He is asking for a more code compliant site because the development is now being used for indoor storage versus the outdoor storage that was originally proposed. Mr. Roberts asked for some consideration for Condition #7.

Trustee Baum said he has trouble with giving consideration when we have codes to follow. He said he would push for asphalt but would consider giving them some time. Chairman Wolter commented if we start granting those kind of considerations, everyone else will come forward. He would agree to grant more time for what we are asking but within a couple years. Discussion continued.

Mr. Roberts asked for latitude on the landscaping requirement on the east. He said Mr. Dawson has an 8 or 9 foot berm behind the fence and he doesn't know what his future plan is and how that should factor into the landscape plan because it doesn't make sense right now. Director Retzlaff said if the future berm on the Moraine Development parcel is taller, then the landscaping plan doesn't make sense. Trustee Baum asked if we can put that condition on a 2 year plan and then decide what needs to be done until we know what Moraine Development is doing.

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 for Phase 3 subject to the following conditions. A definitive plan on how Condition #3 and Condition #7 will need to be addressed and brought back to the Plan Commission within 24 months from today.

1. All conditions of approval and requirements adopted by the Plan Commission for Phase 1 and Phase 2 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 September 6, 2023
- b. Civil Engineering plan dated September 8, 2023
- c. Landscaping plan dated September 8, 2023
- d. Lighting Plans dated September 8, 2023

3. As required as part of the Phase 2 approval, landscaping shall be added along the south and east perimeter of the site where it currently is not installed to continue the landscape buffer around the site. If necessary, the proposed vehicle parking and fencing should be relocated accordingly to accommodate this additional landscaping

buffer.

4. 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.

5. All requirements and plan corrections identified by the Village Engineer and Public Works Director in the September 22, 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.

6. State agency (DSPA) 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 DSPA to provide all commercial plan review and inspection services through SAFEBuilt and the Village of Germantown. Approved plans shall be submitted for review and approval prior to issuance of a building permit. Unless issued an early start permit, no construction activities shall commence until a building permit has been issued by the Village.

7. Except for the southeast corner of the site serving the sixteen (16) outside vehicle storage parking stalls, all drive isles around and between the buildings installed in Phase 1, Phase 2 and Phase 3 shall be paved with an asphalt or concrete surface (and not recycled asphalt). Sheets C1.02 and C1.03 shall be revised to show where recycled asphalt around the outside parking stalls will be allowed and submitted for review and approval by the Village Engineer prior to issuance of a building permit. Director Retzlaff stated it would seem reasonable to keep the current \$20,000 occupancy bond.

MOTION carried unanimously.

F. Village of Germantown - Department of Public Works (DPW) Facility - W130 N10200 Town 9 Parkway - Sign Review application. (ACTION)

Director Retzlaff summarized the proposal. Discussion followed on the font proposed for the sign. Trustee Baum stated the Construction Oversight Committee had reviewed the sign and said the font was too difficult to read at a distance and wanted something more bold and easier to read.

MOTION Baum second Shadid to Approve the ground sign for the Department of Public Works facility located at W130 N10200 Town 9 Parkway as proposed subject to the following conditions:

1. Building and electrical permits are required. Contact Safebuilt staff in Inspection Services for information.
2. Hold off on the word Germantown until we find the proper font for that word.

MOTION carried unanimously.

V. **CITIZEN INPUT/PUBLIC APPEARANCE:** *(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.)

Public Comments were received from:

- Melanie Smythe, W140 N17938 Cedar Lane
- The Schneider's, W157 N9924 Bayberry Circle
- Jan Miller, W151 N10297 Windsong Circle West

Please visit the Village's YouTube website to watch/listen to the recorded meeting for additional details: https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ

VI. ANNOUNCEMENTS:

None

VII. ADJOURNMENT:

The meeting was adjourned at 8:52 pm.