

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, December 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.*
Chairman Wolter called the meeting to order at 6:30 pm.
- II. **ROLL CALL:**
Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Peter Nilles, Bob Williams, Bill Shadid, Tony Laszewski and Josh Tarantino were present. Also present were Community Development Director Jeff Retzlaff and Planning Assistant Lori Johnson.
- III. **APPROVAL OF MINUTES:**
- A. November 13, 2023
MOTION Baum second Shadid to approve the minutes from 11-13-23.
MOTION carried unanimously.
- IV. **NEW BUSINESS:**
- A. Truck Country of Wisconsin, Inc., Agent for RA Steinman Legacy LLC, Property Owner - N128 W21795 Holy Hill Road. (1) Rezoning application from M-1: Limited Industrial to B-5: Highway Business Zoning District and (2) Conditional Use Permit (CUP) to allow development and operation of a 37,700 sqft Motor Vehicle Sales and Service Facility. (PUBLIC HEARING & ACTION)
Director Retzlaff summarized the proposal. Chris Johns, EUA, representing the architecture for Truck Country spoke on the project. Discussion followed. Director Retzlaff asked how long the billboards would remain on the property. Jim Barry, representative for RA Steinman Legacy LLC, stated the billboards are subject to a lease agreement that would travel with the ownership, but there is a provision in the lease that it can be terminated if the property is developed so at that point the lease could end. Director Retzlaff asked if the Village required that the billboards be removed as a condition of approval for the development, that could happen. Mr. Barry agreed that could happen.
- Chairman Wolter opened the public hearing at: 6:51 pm.
Public hearing closed at 6:53 pm.
- MOTION Baum second Shadid to Approve rezoning the 15.85 acre property owned by

RA Steinman Legacy LLC from M-1: Limited Industrial to the B-5: Highway Business Zoning District as proposed.

Discussion continued regarding access issues on the site. Director Retzlaff explained there is one driveway and it is very awkward for trucks to turn into the site. Given the amount of truck traffic destined for Truck County, the staff recommendation is to not allow that driveway to be used for access purposes until there is a traffic study that supports that it can be used in a safe and efficient manner. Truck Country intends to use the southern driveway access as the primary means to the site. He said Truck Country and Holy Hill Storage are working diligently to try and come up with a mutually acceptable solution to the access situation. Trustee Baum asked if the road can be reconfigured. Justin, JSD, said they could analyze it to see whether a truck can make that movement safely and efficiently. Trustee Baum said it is critical we know if trucks can maneuver the driveway before we approve it.

MOTION carried unanimously.

MOTION Baum second Shadid to Approve the Conditional Use Permit (CUP) application for Truck Country of Wisconsin Inc. for the development and operation of a 37,700 sqft facility for motor vehicle sales and service on the property located at N128 W21795 Holy Hill Road subject to the following conditions:

1. The uses and activities allowed on the property shall be limited to those uses and activities specified in the conditional use permit (CUP) application and supporting documents dated October 9, 2023. Uses and features common to "truck stop" operations are prohibited, including but not limited to customer showers, laundry facilities, in-vehicle or on-site over-night sleeping accommodations. The size and location of buildings, parking, storm water management, and those areas within the property from which said uses and activities are permitted are limited to that presented in the "Architectural Site Plan" Sheet AS100 and "Exterior Rendering" dated October 9, 2023, and description submitted in the application and supporting documents. Days and hours of operation shall be limited to those specified in the CUP application and supporting documents submitted to the Village (Monday through Friday 7:00am to 11:00pm and Saturday from 7:00am to 4:00pm).
2. The Owner/Operator is responsible for reporting any significant changes in the type, intensity, amount, or location of the land uses and activities, days and hours of operation, size or location or other operational characteristics of said uses and activities authorized under this CUP to the Village Zoning Administrator.
3. 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 activities or uses which causes problems or harmful effects that were not anticipated at the time of approval of this CUP, the conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.
4. All temporary and permanent exterior signs require a permit and shall comply with all current sign regulations. Off-premises advertising and directional signage is regulated by the Village and requires a permit if/when allowed.
5. Use of the existing non-conforming billboards located on the property for advertising and/or wayfinding for the Truck Country operation shall be prohibited.
6. All future site improvements, including all building, parking area, landscaping, storm water management facilities, signage, exterior lighting, and any other improvements made to or on the property that are necessary for the land uses and activities

authorized under this CUP shall be submitted for review and approval by the Village through the Zoning Permit or Site Plan application process as determined by the Village Zoning Administrator. If required, Site Plan review and approval will include Plan Commission review and approval.

7. Building permits and commercial building code plan approval are required for the planned demolition of existing structures on the site and the proposed 37,700 sqft building. Contact SAFEbuilt staff in Inspection Services at Village Hall prior to any work for information about required permits and/or plan approvals.
8. If the existing north driveway is intended to be used for any type of access to the Truck Country site, a traffic impact study (TIS) for the Truck Country operation shall be prepared and submitted prior to or concurrent with the submittal of site development & building plan applications. Said TIS should include an analysis of all existing and proposed intersections and driveways serving the Truck Country site to determine the adequacy of site distance, available ingress/egress maneuvering, site distances, corner clearances and driveway separation, turning lane and traffic control requirements, etc. Said analysis shall consider the impact of future development traffic from future development north and south of Holy Hill Road with and without the Village's proposed frontage road and railroad crossing.
9. Site development and building plans for the proposed 37,700 sqft Truck Country building and site shall not be approved by the Village until a mutually acceptable and code compliant access road/driveway(s) has been determined and agreed to by the Village, Truck Country/RA Steiman Legacy LLC, and Holy Hill Self Storage LLC. Zoning Compliance & Occupancy Permits for the proposed building and use of the site as authorized under this CUP shall not be issued until construction of said access road/driveway(s) and the extension/installation of sewer & water utilities has been completed or is scheduled to be completed prior to or concurrent with the business startup date.

Director Retzlaff explained the original staff report presented to the Village Attorney contained a requirement that the billboards on the property be removed. However, the Attorney flagged that as a potential problem, not knowing what the lease arrangements are. Director Retzlaff stated billboards are a non-conforming use and there is an opportunity to now remove them. He asked to add "subject to further review by the Village Attorney that billboards be removed from the property" to the condition.

MOTION to Amend Condition #5 Baum second Shadid that the Village Attorney shall review and advise the Village Board whether the billboards can be removed or not.

MOTION to Amend carried unanimously.

MOTION to Approve as amended carried unanimously.

- B. Fabrizio Montermini, Agent for Sentinel-Germantown, LLC, Property Owner - W180 N11070 River Lane. 2-Lot Certified Survey Map application (CSM) to divide a 14.7 acre property and create a 5.6 acre parcel. (ACTION)

Director Retzlaff summarized the proposal. He commented on the road access issues and explained Lot 2 does not have frontage on a public or private right of way. Staff discussed the possibility of a cross access easement across lot 1 to serve lot 2.

However, after speaking with Mr. Montermini, representing the property owner, their lease agreement with Aurora prohibits them from providing access across the Aurora property to an adjoining property. He requested the staff recommendation requiring a cross access easement be eliminated from the conditions of approval. Director

Retzlaff did not have an issue with that and revised the conditions as presented to members at the meeting. He explained access alternatives could be extending Grace Way or by an existing road reservation on Stonewood Drive. He indicated he had spoken with Berean Bible and Berean Church who are both interested in dividing the south side of their properties. Discussion followed.

MOTION Baum second Tarantino to Approve the proposed Certified Survey Map (CSM) for the Sentinel Germantown LLC property located at W180 N11070 River Lane subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor (see October 31, 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 4 of 4 should be changed to the current Village Clerk "Donna S. Cox, Village Clerk".
3. ~~A cross-access easement shall be placed on the CSM across Lot 1 from River Lane to the west side of Lot 2 for purposes of providing access to/from Lot 2.~~
4. The developer shall dedicate 60' of right-of-way for the extension and connection of Grace Way to Stonewood Drive and further extension to serve the property to the south. The location of said right-of-way shall be determined at the time development of Lot 2 is proposed. ~~Said 60' right-of-way shall be shown along the north and east property lines.~~
5. A note shall be placed on the CSM indicating the following: *"The development of Lot 2 shall not be permitted by the Village of Germantown until a mutually acceptable and code compliant means of public or private street access to serve future development on Lot 2 and the other undeveloped property located to the south of Lot 2 has been determined and constructed to serve such development. If the type and amount of development warrants access by way of an extension of Grace Way and/or Stonewood Drive, the developer/property owner may shall be responsible for the construction of Grace Way and/or Stonewood Drive to public road standards approved by the Village of Germantown subject to mutually acceptable terms set forth in a development agreement with between the property owner of Lot 2 and the Village".*

Director Retzlaff explained after reviewing with Public Works staff, the conclusion was the Village should proceed with the steps to accept the road reservation for Grace Way and the possible extension of Stonewood Drive. Discussion continued.

MOTION carried unanimously.

- C. The Architects Partnership (TAP), Agent for County Line LLC, Property Owner of Fleet Farm - N96 W18200 County Line Road. Revised building elevations for the new Chase Bank building. (ACTION)

Director Retzlaff summarized the proposed revisions to the west elevation of the Chase Bank building.

Henry, representative for Chase Bank commented on the proposed modifications to the building. Discussion followed.

MOTION Baum second Shadid to Approve the REVISED 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 REVISED conditions from the

November 13 approval (all other conditions from the November 13 Plan Commission approval remain valid):

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:
 1. Architectural plan set dated June 8 (floor plan) and ~~November 30 June 14,~~ 2023 (color renderings)
 2. Civil Engineering plan dated July 17, 2023
1. ~~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, and/or additional foundation landscaping. The revised plan should be brought back to the Plan Commission for review and approval.~~

MOTION carried 6-1 (Baum)

- 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.)*

None

- VI. **ANNOUNCEMENTS:**

None

- VII. **ADJOURNMENT:**

The meeting was adjourned at 7:36 pm.