

PLAN COMMISSION MINUTES

January 14, 2013

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:30 p.m.

ROLL CALL: Chairman Wolter, Commissioners Stauffacher, Gray, Peck, Yokes and Trustee Representative David Baum. Commissioner Warren was absent and excused. Staff members in attendance included Village Planner Jeff Retzlaff, Village Engineer Brionne Bischke and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

PREVIOUS MINUTES: ***MOTION Peck second Baum to Approve the Minutes from December 10, 2012.***
MOTION carried unanimously.

Continental 246 Fund for Riversbend Country Club – N96 W18034 County Line Road.
Applications have been submitted for a the re-development of the Riversbend Country Club golf course to include a new golf club house and two sit down restaurants, an Olive Garden and Buffalo Wild Wings. Planner Retzlaff summarized the project and explained the six applications submitted for review and approval. Sara Johnson, Continental 246 Fund, also summarized the project.

A lengthy discussion followed regarding the stormwater plan. Eric Drazkowski, Excel Engineering, addressed questions. He reviewed the process and results of the study done in determining stormwater conditions. He said the Village agreed with their design approach and the plan has been forwarded to MMSD for their approval. Engineer Bischke said he was satisfied with the plan submitted.

John Bieberitz, Traffic Analysis and Design, detailed his report. He said the traffic analysis indicated there was enough traffic volume at the driveway to warrant and justify a signal. He said the traffic analysis showed improved traffic service by coordinating signal timing for all the traffic signals together from Division Road to Appleton Avenue. A lengthy discussion followed. Stauffacher said the Riversbend residents were concerned with traffic cutting through their development and asked how the signal would help that situation. Mr. Bieberitz said signalization should improve the cut through traffic. Commissioner Stauffacher said the signals should be linked from Division Road to Appleton Avenue. Mr. Bieberitz said the Village could make that recommendation to the WiDOT. Engineer Bischke said because the corridor involves multiple jurisdictions, the Village requested the WiDOT hold a public officials meeting to discuss plans for signalization and coordination. Commissioner Stauffacher said the road improvement costs should be bourn by the developer.

Resident Cheryl Tucker was concerned the implementation of the traffic signal would create a back up of traffic and cause problems for people coming out of Riversbend Lane heading west on County Line Road. Mr. Bieberitz indicated this should not be an issue. Engineer Bischke said the Village Board was in the process

of contracting a 3rd party to analyze information that will identify improvements that need to be done on Riversbend Lane. The result of this information will be included in the Village's 2013 or 2014 road improvement plan. Resident Jim Lauderdale said traffic has gotten worse since the Panda Express was completed. He said this project should be put on hold until road improvements are completed.

Engineer Bischke said Continental Properties would be fully responsible for funding road improvements. Ms. Johnson said Continental together with Buffalo Wild Wings and Olive Garden would like to meet with adjacent commercial developments to discuss other opportunities to fund the road improvements that would benefit them as well. Chairman Wolter agreed this was a good idea and that the Village would cooperate with a meeting.

MOTION Stauffacher second Yokes to Approve the proposed 2020 Land Use plan map amendment to change the classification of 3.3 acres from "Park/Recreation" to "Commercial" and .2 acres of "Environmental Corridor" to "Commercial".

MOTION carried unanimously.

MOTION Stauffacher second Baum to Approve the proposed rezoning of 3.5 +/- acres (area of proposed Lots 1 & 2) from the I: Institutional to the B-1: Neighborhood Business District; and

Approve the proposed rezoning and removal of .2 +/- acres from the Floodplain Overlay District subject to the following:

- 1. Adoption of the rezoning ordinance shall not become effective until such time as an "as-built" elevation survey has been completed and submitted to WisDNR and FEMA for verification and final approval as part of the CLOMR-F determination process.***

Approve creating a Planned Development District (PDD) for the subject property (comprised of proposed Lots 1, 2 & 3) subject to the following:

- 1. The I: Institutional and B-1: Neighborhood Business Zoning Districts regulations shall constitute the specific conditions and restrictions for the PDD unless different than the specific list of requirements and allowances requested by the applicant as cited in the Village's Staff Report which shall be included in the conditions & restrictions resolution.***
- 2. Subject to further revision required by the Plan Commission, the Site Plan set dated December 20, 2012 (including Sheets C1.0 through C1.5) shall constitute the General Development Plan required under Section 17.27 of the Zoning Code.***

MOTION carried unanimously.

MOTION Baum second Peck to Approve a Conditional Use Permit to allow development within the 25' wetland setback areas as presented in the Mitigation

Plan Narrative and exhibits (dated January 9, 2013) pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

- 1. The applicant shall prepare and submit an annual monitoring report to Village staff concerning the various management activities proposed in the mitigation plan, including the installation of native grasses and plantings within disturbed setback areas. Said report shall, at a minimum, detail the type and amount of plantings and all activities carried out in the previous year, the observed success of previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities carried out, and the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2013 for three (3) years.**

MOTION carried unanimously.

MOTION Stauffacher second Peck to Approve the 3-lot Certified Survey Map land division for the 41 +/- acre property owned by Riversbend Country Club Inc. located on County Line Road subject to the following:

- 1. All technical corrections identified by the Village Surveyor as set forth in a November 27, 2012 memo shall be made prior to the CSM being reviewed by the Village Board.**
- 2. The proposed access easement for the benefit of Lot 3 across Lots 1 & 2 shall be shown on the CSM and the access easement agreement shall include provisions addressing the proposed shared parking arrangement. Said easement agreement shall be prepared and submitted for review and approval by the Village Attorney prior to consideration of the CSM by the Village Board.**

MOTION to Amend Peck second Baum to add language to Condition #2 “the proposed access easement for the benefit of Lot 3 across Lots 1 & 2 shall be shown on the CSM or in a separate recordable document and the access easement . . .”

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

MOTION Peck second Yokes to Approve the site development and building plans for the proposed development on 3.5 +/- acres of the Riversbend property located on County Line Road subject to the following:

- 1. Approval of the site development and building plans is contingent upon Village approval of the 2020 Comprehensive Land Use Plan map amendment, the proposed I to B-1/PDD rezoning, the 3-lot CSM, and the proposed Floodplain Overlay. Approval is also contingent upon acceptance of the proposed Storm Water Management Plan (SWMP) by MMSD. Any significant changes to those proposed development permit/approval applications or the SWMP may result in the need to revise the proposed site development and building plans and re-submit those revised plans to the Plan Commission for review/approval (if deemed necessary by the Village).**
- 2. Subject to further required revision by the Plan Commission, approval is granted for the overall site development plan set dated December 20, 2012**

(including Sheets C1.0 through C1.5 and Sheet PXP).

3. *Subject to further revision by the Plan Commission, approval is granted for the Olive Garden building elevation and floor plans dated December 27, 2012 (including Sheets A1.1, A5.1, A5.2 and the color renderings dated December 27, 2012);*
4. *Subject to further revision by the Plan Commission, approval is granted for the Buffalo Wild Wings building elevation and floor plans dated December 11, 2012 (including Sheets 54-12.011.00 and the color renderings dated December 11, 2012);*
5. *Subject to further revision by the Plan Commission, approval is granted for the Riversbend Golf Course club house building elevation and floor plans dated December 27, 2012;*
6. *All landscaping, screening, and lighting 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.*
7. *A monitored sprinkler system and Knox Box shall be installed in each of the proposed commercial buildings (Olive Garden, Buffalo Wild Wings, and Riversbend golf course club house) as required by the Fire Department.*
8. *All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.*
9. *State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application for each of the proposed commercial buildings.*
10. *The landscape berm and evergreen tree buffer adjacent to the northeast corner of the parking area and along the east side of the parking area shall be enhanced with more and larger/taller (min. 10-12' planted height) evergreen and deciduous trees. Additional landscaping comprised of deciduous and evergreen trees shall also be installed along the common property line and/or around the perimeter of the outdoor patio on the north side of the club house to better buffer the residential area from outdoor club house activity. This additional landscape screening shall be shown in a revised landscape plan submitted to the Village Planner for review/approval prior to issuance of an occupancy permit.*
11. *The applicant shall submit a detailed foundation planting plan as either a supplemental plan or revision to the overall landscape plan to the Village Planner for review and approval prior to issuance of a building permit.*
12. *Complete dumpster enclosure plans shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a building permit. Each enclosure shall be comprised of the same masonry or other comparable materials as their respective principal buildings. Particular attention shall be given to the appearance of the enclosure proposed for*

- Restaurant "B" given its proximity to and visibility from County Line Road.***
- 13. All technical corrections and issues raised in the Village Engineer's January 2, 2013 memo shall be addressed and reflected in a revised plan set submitted to the Village Engineer for review/approval prior to issuance of a building permit.***
 - 14. Subject to final approval of the Traffic Impact Study and Progression Analysis by the Village of Germantown, Washington County, and WisDOT, the access driveway and intersection improvements recommended by Traffic Analysis & Design, Inc. on page 8 of their December 20, 2012 memorandum (including installation of a traffic signal and specific turn-lane improvements) shall be installed by the applicant. The applicant shall be responsible for 100 percent of the costs associated with completing these improvements. The applicant shall provide the data used in preparing the Traffic Impact Study and Progression Analysis to the Village of Germantown and any other affected/interested agency having jurisdiction over the maintenance and/or operation of the traffic control devices and right-of-way for the County Line Road corridor from Appleton Avenue to Division Road, in whole or in part, to ensure implementation of the recommended and optimal traffic signal offsets and timing along the corridor.***
 - 15. The applicant shall enter into a Developer's Agreement with the Village of Germantown that shall include all of the items set forth in the Village Engineer's January 2, 2013 memo. Said Agreement shall be in place prior to issuance of a building permit.***
 - 16. Sign permits are required for all permanent and temporary exterior signage.***

Sara Johnson asked Plan Commission to revise Condition #7 because she had an email from the Fire Department stating the golf clubhouse doesn't need to be sprinklered. Planner Retzlaff said that, given possible discussion about cost sharing for the required road improvements, language should be added to Condition #14 stating "subject to Village Board approval the applicant is responsible for 100% of the costs".

Commissioner Gray commented on the landscaping plan questioning the choice of plantings. She said they were probably going to fail especially the arborvitae planted along the sidewalk on County Line Road. She said she would like to see a requirement that the applicant come back in 2 or 5 years and replant the whole thing. Sara Johnson said she would review the reciprocal easement agreement regarding landscape maintenance and asked Commissioner Gray for suggestions for substitute plantings.

MOTION to Amend Stauffacher second Baum to add language to Condition #14 that any changes to the recommendation that 100% of the traffic costs go to the developer needs Village Board approval.

MOTION to Amend carried unanimously.

MOTION to Amend Baum second Peck to add Condition #17 that a 125' median be discussed as an option at the entrance drive from the site to County Line Road.

Sara Johnson said this entrance is private property that will not be purchased by the applicant. Trustee Baum said he understood but was concerned with the three access points within 10 feet of an intersection. Ms. Johnson said she would do her best to contact the property owners to discuss the installation of a median.

John Bieberitz confirmed the median would minimize conflicts and increase safety. Chairman Wolter said if an agreement can be worked out, the median is something Plan Commission is recommending.

MOTION to Amend carried unanimously.

MOTION to Amend Baum second Yokes to revise Condition #7 that subject to Fire Department approval the monitored sprinkler system should be installed in each of the commercial buildings.

MOTION to Amend carried unanimously.

Plan Commission expressed concern regarding the smaller sized parking stalls proposed. Planner Retzlaff said the proposal was within the standard of what is required.

MOTION to Approve as Amended carried unanimously.

MOTION Baum second Yokes to Approve the proposed common monument sign and individual wall signs subject to the following conditions:

- 1. The monument sign plan dated September 26, 2012, that is approved;***
- 2. The Olive Garden sign "package" dated September 28, 2012, that includes a total of three wall signs to be mounted on the north, east and south building elevations is approved provided that the total amount of sign area does not exceed the maximum 157.5 sqft allowed per Village Code.***
- 3. The Buffalo Wild Wings sign "package" dated December 13, 2012, that includes a total of three wall signs to be mounted on the north, west and south building elevations is approved provided that the total amount of sign area does not exceed the maximum 127.5 sqft allowed per Village Code.***
- 4. The Riversbend wall sign presented in the "package" dated September 27, 2012, to be mounted above the entrance on the south elevation is approved.***
- 5. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.***
- 6. All electrical sign components must be listed and labeled by a recognized lab.***

Planner Retzlaff said both restaurants proposed signage on multiple elevations and had gone over the sign area allowed for their respective buildings. Sara Johnson asked if the To Go Sign for the Olive Garden could be classified as a projecting sign

and then not be counted towards total wall sign square footage.

MOTION to Amend Baum second Stauffacher to re-classify the projected sign as a blade sign, not a wall sign, for the Olive Garden Restaurant.

MOTION to Amend carried unanimously.

Kevin Thode, representing Buffalo Wild Wings, said they were willing to reduce the size of the sign on the North elevation and reduce the channel letters on the West elevation to get their total square footage down.

MOTION to Approve as Amended carried unanimously.

Chairman Wolter called a recess at 8:35 p.m. Meeting reconvened at 8:47 p.m.

5G Investments LLC – Copperwood East and LaChimenea Restaurant – N112 W15251 Mequon Road. Tim Neumann, agent for 5G Investments is seeking approval of a Planned Development District (PDD) Amendment and Certified Survey Map (CSM) in order to divide a 3.975-acre within the Copperwood East-LaChimenea PDD into two separate parcels. Planner Retzlaff summarized the proposal.

Al Schneider, Chaput Land Surveys, asked that the requirement for wetland delineation be waived because the CSM was being done for refinancing purposes. Planner Retzlaff explained that wetland delineations are required at the time a land division is proposed but when no development is taking place the requirement could be deferred. He said the Village Surveyor agreed to waive the delineation requirement until development takes place.

MOTION Baum second Peck to Approve the proposed Certified Survey Map (CSM) to divide the 3.975 acre property owned by 5G Investments LLC located on Mequon Road subject to the following:

- 1. All technical corrections identified by the Village Surveyor as set forth in a January 2, 2013 memo shall be made prior to the CSM being reviewed by the Village Board.***
- 2. The proposed easement agreement shall be reviewed and approved b the Village Attorney prior to consideration of the CSM by the Village Board.***

Approve the necessary text amendments to the Copperwood East-LaChimenea PDD Resolution No. R27-04 to reflect the land division and the proposed Cross Access, Parking and Drainage Easement Agreement.

MOTION to Amend Baum second Stauffacher to defer the wetland delineation until such time further development is planned.

MOTION to Amend Approved carried unanimously.

MOTION to Approve as Amended carried unanimously.

Pollow Estate and Brett Suhorepetz – W201 N10360 and N104 W20295 Willow Creek Road. Accurate Surveying & Engineering, agent for the Pollow Estate and Brett & Mary Suhorepetz, property owners of land located on Willow Creek Road are seeking approval of a 3-lot Certified Survey Map. Planner Retzlaff summarized the proposal.

Don Thoma, Accurate Surveying, asked if the 60' road dedication was needed. Planner Retzlaff said the Village Surveyor determines what is required based on the Village's road right of way map.

MOTION Baum second Peck to Approve the 3-lot Certified Survey Map land division of the 17.4-acre Pollow estate property located on Willow Creek Road subject to the following conditions:

- 1. All technical corrections identified by the Village Surveyor in a January 2, 2013 memo shall be made prior to recording the CSM.***
- 2. Lot 3 shall be designated as an "unbuildable outlot" on the CSM.***
- 3. The applicant shall be responsible for completing a wetland delineation on Lots 2 and 3, having the results of that delineation surveyed and a correction instrument prepared and submitted for recording that shows the correct wetland boundary. Said survey information shall be submitted to the Village and SEWRPC.***

MOTION to Amend Stauffacher second Baum to defer the wetland delineation until further development of any of the three properties.

MOTION to Amend carried unanimously.

MOTION to Amend Baum second Gray to modify #6 of the Village Surveyor's conditions to stay with the 50' road right of way.

Commissioner Stauffacher said the Village should be consistent with other roads. Trustee Zabel said Village Board had approved the ultimate road right of way map and the Plan Commission could ask that the maps be reviewed by Public Works. Planner Retzlaff asked if a road reservation could be used instead.

MOTION Withdrawn Baum second Gray.

MOTION to Amend Baum second Gray to maintain the 50' road right of way dedication along Willow Creek Road but required a 10' road reservation for future improvements.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant