PLAN COMMISSION MINUTES
June 10, 2013

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:34 p.m.

ROLL CALL: Chairman Wolter, Trustee Representative David Baum, Commissioners Warren, Stauffacher, Peck, Yokes and Gray were present. Staff members in attendance included Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

PREVIOUS MINUTES: ***MOTION Baum second Peck to Approve the Minutes from May 13, 2013.***

MOTION carried unanimously.

Beth Burger – Sprouts Child Care & Learning center - W172 N13050 Division Road. Conditional Use Permit application to allow the operation of a child day care facility from the existing office building. Planner Retzlaff summarized the proposal.

Trustee Baum was asked what safety measures were in place for the outdoor activity area. Planner Retzlaff said the plan for the play area should be reviewed by staff and include some level of protection either large boulders or bollards.

MOTION Baum second Yokes to Approve a Conditional Use Permit for Beth Burger, operator and Steve Dahlke, property owner, to operate a child day care facility from the office building on the property located at W172 N13050 Division Road subject to the following conditions:

1. ***The day care facility shall meet and continuously comply with all applicable state, county and local licensing requirements for a group child care facility. A copy of all state or county agency issued permits or licenses for the day care operation shall be provided to the Planning Department within thirty (30) days of issuance by such agencies;***
2. ***The paved parking area shall be adequately marked/striped to indicate a minimum of fifteen (15) parking stalls to serve the day care operation;***
3. ***The owner/operator shall cooperate with the Fire Department to conduct a pre-occupancy inspection and provide/install whatever fire safety measures are required under the Village and other applicable codes.***
4. ***The owner/operator shall contact the Washington County Planning & Parks Department and/or other authorized agencies to conduct pre-occupancy inspections of the on-site sanitary system and potable well to ensure compliance with applicable County and State licensing and sanitary regulations.***
5. ***In the event the operation expands to include a second shift where the hours of operation extend beyond 6:00 pm, the owner/operator shall install exterior lights at the access driveway and in or around the paved parking area. Said lights shall be full cut-off fixtures with metal halide lamps. The location, type,***

intensity, etc. of said lights shall be included in a lighting plan prepared by the owner/operator to the Village Planner for review and approval consistent with the Village's lighting requirements and guidelines;

6. ***All exterior signs shall comply with the Village's sign regulations including obtaining approval and/or permits from the Village Planning Department and Plan Commission.***
7. ***The owner/operator shall contact Inspection Services regarding the need for building, electrical and plumbing permits for any interior and exterior renovations. State-approved plans are required for any improvements and shall be submitted with any building permit application.***

MOTION to Amend Baum second Peck to add Condition #8 that a revised plan for the playground area be submitted and reviewed by Staff and include some type of vehicle protection either bollards or boulders to protect the children.

MOTION to Amend carried unanimously.

Discussion continued regarding the traffic flow for dropping off and picking up.

MOTION Stauffacher second Baum to require as a part of Condition #2 that a counter clockwise traffic circulation pattern be marked in the parking area.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Russell & Cyndee Piepenbrink – W156 N10415 Pilgrim Road. Approval to install a privacy fence in a front yard at a height of 6' on a residential lot. Planner Retzlaff summarized the proposal. He explained the intersection is likely to be improved with a widened standard signalized intersection or a roundabout. As a result, it's very likely that additional right-of-way for the intersection improvement will be required from the Piepenbrink property. He said the Village Engineer recommends that the fence installation be delayed until a decision is made regarding the final intersection design and future right-of-way acquisition location.

Discussion followed. Mrs. Piepenbrink said she wasn't aware of the proposal for a roundabout. Planner Retzlaff said the improvements presented are in the concept stage and no other information is available. He said the recommendation is to delay installing the fence until more information is available regarding the amount of right-of-way needed. Commissioner Warren was concerned about holding a resident hostage by delaying an improvement that the Village doesn't know what or when it will happen. Planner Retzlaff said we are simply providing advice to possibly hold off so they don't put themselves in a position by installing a fence that may need to be removed knowing the burden of cost to relocate is on the property owner. Commissioner Stauffacher said he had no problem with a 6' fence but stressed the burden falls on the homeowner if there is an encroachment that

will interfere with a future improvement. He said it was the home owners risk and they should be aware of the consequences. Mrs. Piepenbrink said the fence would not be installed in right-of-way that exists today and she should not be held responsible to replace the fence because of improvements that will be made in the future. Chairman Wolter said this is more of a heads up that this project is coming and you may have to move the fence. Commissioner Gray said that knowing something is going to happen is a benefit and suggested putting the fence inside the yard 5-10 feet and install shrubs on the outside. Commissioner Yokes said he doesn't like fences in front yards and suggested pushing the fence further back on the property.

MOTION Baum second Stauffacher to Approve the proposed installation of a privacy fence up to a height of 6' in the Pilgrim Road front yard for the residential lot located at W156 N10415 Pilgrim Road subject to the following conditions:

1. ***Installation should be delayed until such time as the ultimate right-of-way boundary/property line along Pilgrim Road has been determined. However, if the property owner chooses to install the fence and as a result of the intersection improvement is required to remove and/or re-locate the fence for any reason, the owner shall be responsible for all costs associated with removing and/or relocating the fence.***

Chairman Wolter asked if the reason for the fence was to block the view of traffic. Mrs. Piepenbrink said their house had been vandalized and hoped the fence would discourage that activity.

MOTION to Amend Warren second Baum to remove Condition #1 of the Planner's recommendation.

MOTION to Amend carried (6-1 Stauffacher).

MOTION to Approve as Amended carried (6-1 Yokes).

Germantown Inn & Suites – W190 N10862 Maple Commerce Circle. Mukesh Dhanani, property owner of the Germantown Inn & Suites (formerly AmericInn) and agent for Best Western (the new franchise) is requesting approval of a replacement monument sign for the existing motel. Planner Retzlaff summarized the proposal.

MOTION Baum second Warren to Approve the proposed replacement monument sign and directional sign face replacement for the existing motel located at W190 N10862 Commerce Circle subject to the following conditions:

1. ***Electrical permits shall be obtained from the Building Inspection Department prior to installation.***
2. ***All electronic components shall be inspected and labeled by a licensed lab.***
3. ***The maximum height of the sign (highest point above the finished grade around the sign base) shall not exceed 25 feet and the maximum sign area shall not exceed 180 sqft***.

Chairman Wolter thanked Mr. Dhanani for purchasing and remodeling the property.

MOTION carried unanimously.

The Gables of Germantown – N109 W17075 Ava Circle. Tarantino & Company is requesting approval of a 2 lot certified survey map to create a 1 acre parcel in the Gables of Germantown Planned Development District and site development and building plans for a 24 unit/26 bed Community Based Residential Facility. Planner Retzlaff summarized the proposal. Aaron Matter and Jim Tarantino addressed questions from the Commission.

MOTION Baum second Warren to Approve the 2 lot Certified Survey Map land division of the 2.49 acre parcel located in the Gables of Germantown PDD subject to the following conditions:

1. ***All technical corrections identified by the Village Surveyor as summarized in the May 23, 2013 memo shall be made prior to recording the CSM by the Village Board.***

MOTION carried unanimously.

MOTION Baum second Peck to Approve the site development and building plans for the proposed 26 bed Community Based Residential Facility (CBRF) on the 1.0 acre lot in the Gables of Germantown PDD on Ava Circle subject to the following conditions:

1. ***All landscaping, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit for the building addition 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 will be completed within one (1) year after issuance of a building permit.***
2. ***Additional landscaping is required along the north property line. Said landscaping shall consist of additional evergreen (minimum planted height of 8'-10') and deciduous trees (minimum planted size of 3" caliper) located to further enhance the buffer between the existing condominium buildings to the north. A revised landscaping plan shall be prepared and submitted to the Village Planner for review and approval prior to issuance of an occupancy permit.***
3. ***All exterior signage requires a sign permit and/or Plan Commission approval.***
4. ***A monitored sprinkler system and Knox Box shall be installed in the building addition as required by the Fire Department. An emergency evacuation plan shall be approved by the Fire Department prior to issuance of an occupancy permit.***
5. ***State approved plans and a $20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***

6. ***All issues and technical corrections listed in the Engineering Department's June 5, 2013 memo shall be addressed and included in revised plans as necessary prior to issuance of a building permit.***

MOTION carried (6-1 Stauffacher)

Germantown Commerce Center LLC-Blackstone Creek Development – N112 W17300 Mequon Road. Proposal for a series of amendments to the Blackstone Creek Planned Development District (PDD) General Development Plan and Conditions and Restrictions Resolution affecting the 9.5 acre commercial area previously known as "The Shops at Blackstone Creek" located on Mequon Road and "The Glen at Blackstone Creek" residential development located on River Lane. Planner Retzlaff summarized the proposal.

MOTION Stauffacher second Baum that the proposed changes to the PDD are minor and do not require a public hearing.

MOTION carried unanimously.

MOTION Baum second Stauffacher to Approve Amendment #1(listed in Sedgwick's May 9 letter as No. 1) as proposed.

MOTION carried unanimously.

MOTION Baum second Stauffacher to Approve Amendment #2 (listed in Sedgwick's May 9 letter as No. 5.a.) to clarify that the requirement for "additional architectural features" for the double-frontage units backing up to River Lane. The language in Section 5 of Resolution No. 19-12 shall be revised as follows: For those units granted occupancy after July 1, 2013, the street-facing elevation of all condominium units abutting River Lane shall have a minimum of: one (1) street-facing gable; one (1) significant articulation change, e.g. recess, job, projection, etc. in the street-facing foundation and building; and one (1) significant architectural features (and not just ornamentation), e.g. bay window, fireplace bump out, dormer, or other similar feature.

Mr. Sedgwick said the current plans already include one significant articulation change. Planner Retzlaff agreed.

MOTION to Amend Baum second Stauffacher to accept the current design of the set back for the courtyards to meet the articulation requirement on the River Lane elevation.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

MOTION Baum second Warren to Approve Amendment #3 (listed in Sedgwick's May 9 letter as No. 5.b.) to clarify the requirement for "additional landscaping" for the double-frontage units backing up to River Lane. The language in Section 5 of Resolution No. 19-12 shall be revised as follows: For those units granted occupancy after July 1, 2013, this requirement shall apply only to Units 107 through 115 and is defined to mean "three (3) deciduous trees with a minimum planted size of 3" caliper and three (3) evergreen trees with a minimum planted size of 8 feet".

MOTION to Amend Baum second Gray to change the requirement to 3 trees per unit.

Discussion followed. Mr. Sedgwick asked for clarification for the double frontage units.

MOTION to Amend carried unanimously.

MOTION to Amend Baum second Warren to add 2 trees to the side yard street facing units numbers 141,140,131,116 and 104 in any combination of deciduous or evergreen.

MOTION to Amend carried (6-1 Stauffacher).

MOTION to Approve as Amended (6-1 Stauffacher).

MOTION Baum second Warren to Approve Amendment #4 (listed in Sedgwick's May 9 letter as No. 2) to replace the current Master Site Plan for the commercial area (dated February 12, 2006) with the proposed Master Site Plan (dated May 9, 2013) that shows the funeral home parcel and reduction in commercial buildings from 7 to 6, provided that the proposed plan be revised to include the same level of detail for landscaping and storm water management facilities as the original plan dated February 12, 2006.

Mr. Sedgwick said he would prefer to show the detailed landscaping and proposed storm water plan when the site plan for the funeral home comes forward for review. Planner Retzlaff said the conceptual plan shows storm water management serving the commercial area on the golf course property. The new plan shows very little detail with regard to landscaping and storm water management. Mr. Sedgwick said an agreement is in place to incorporate the storm water management onto the golf course property. Planner Retzlaff commented that the plan is moving further away from what was intended. Chairman Wolter said the plan should show something related to where the storm water will be.

MOTION carried unanimously.

MOTION Baum second Stauffacher to Approve Amendment #5 (listed in Sedgwick's

May 9 letter as No. 3) to replace the current Master Site Plan for the residential area (dated) December 12, 2011) with a proposed Master Site Plan (dated May 3, 2013) that shows the change to Unit 68 from a condominium unit to a single-family lot subject to retaining the required walking trail segment between Lot 31 and Unit 68.

Mr. Sedgwick said the homeowner would prefer not to have the walking path installed on his property. Trustee Baum said the path was planned for. Planner Retzlaff also said the trail system was preplanned and was intended to be one of the amenities that serve the development. He was concerned if the single family lot owners see that the access trail was removed in one section, how soon before they come back and ask for their section to be removed as well. Mr. Styler said there are two paths already and no need for an additional path.

MOTION carried unanimously.

MOTION Baum second Warren to Approve Amendment #6 (NOT listed in Sedgwick's May 9 letter) to clarify the requirement for "additional stone/brick materials" for the street-facing elevations of those units backing up to River Lane. The language in Section 5 of Resolution No. 19-12 shall be revised as follows: For those units granted occupancy after July 1, 2013, the street-facing elevation of all condominium units abutting River Lane shall have "additional brick/stone materials" in an amount equal to twenty-five percent of the exterior wall(s) on the street-facing elevation.

The 25% total excludes windows and doorways and is to include only wall surface area.

MOTION carried unanimously.

VJS Development – Blackstone Creek Development – N112 W17300 Mequon Road. Jim Sedgwick, property owner, is seeking approval of a 2-lot CSM to divide an existing 9.8 acre parcel in the "Shops at Blackstone Creek" commercial area at the Mequon Road @ Division Road intersection. Planner Retzlaff summarized the proposal.

MOTION Baum second Yokes to Approve the 2-lot CSM to divide an existing 9.8 acre parcel in the "Shops at Blackstone Creek" commercial area at the Mequon Road @ Division Road intersection subject to the following conditions:

1. ***All technical corrections and items identified by the Village Surveyor in the May 23, 2013 memo shall be addressed prior to submitting the CSM for review/approval by the Village Board.***
2. ***A cross-access easement agreement shall be prepared between Lot 1 and Lot 2 to ensure accessibility and circulation of commercial traffic between the parcels.***
3. ***The three (3) existing building shall be razed within six (6) months after recording of the CSM or prior to issuance of a building permit for***

development on Lot 2, whichever comes first.

Jim Sedgwick explained that an agreement is in place that provides for the golf course to remain in the club house until October 20th which would get them through the golf season. Planner Retzlaff said a building permit would not be issued until the buildings were removed and the CSM is recorded. He added that the Village Attorney may say there is a violation of the Village Code because a building is straddling the lot line and the CSM should not be recorded until it is fixed. Mr. Sedgwick said he wouldn't record the CSM until a plan is in place with the funeral home.

MOTION carried unanimously.

VJS Development Group & Donald Styler – W177 N11656 Prestwick Court. Request for approval of a 1-lot CSM that will enable the property owner to remove Condo Unit 68 from the Glen at Blackstone Creek Subdivision and Homeowners Association, Inc. Planner Retzlaff summarized the proposal.

MOTION Warren second Baum to Approve the 1-lot Certified Survey Map land division for the Styler property Unit 68 in the Glen at Blackstone Creek Condominiums (located at W177 N11656 Prestwick Court) and add it to the Glen at Blackstone Creek Subdivision (and Homeowners Association, Inc.) subject to the following condition:

1. ***All technical corrections and items identified by the Village Surveyor in the May 23, 2013 memo shall be addressed prior to submitting the CSM for review/approval by the Village Board. Items requiring documentation and/or revised documents shall be provided to the Village prior to recording the CSM.***

MOTION carried unanimously.

ANNOUNCEMENTS: Commissioner Gray apologized for missing the last meeting.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant