

PLAN COMMISSION MINUTES

May 13, 2013

CALL TO ORDER: Planning Assistant Lori Johnson called the meeting to order at 6:31p.m.

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

MOTION Yokes second Warren to Appoint Trustee Representative Baum as Chairman Pro-Tem.

MOTION carried unanimously.

PUBLIC INPUT: None

PREVIOUS MINUTES: ***MOTION Stauffacher second Peck to Approve the Minutes from April 22, 2013.***

MOTION carried unanimously.

Andrew & Victoria Busalacchi – N108 W18445 Lilac Lane. The Busalacchi's, owners of 19.6 acres of land located on Lilac Lane are seeking approval of a rezoning in order to eliminate two separate zoning districts across their recently combined property. Planner Retzlaff summarized the proposal.

MOTION Stauffacher second Peck to Approve rezoning the entire 19.6 acres to A-2: Agricultural as proposed.

MOTION carried unanimously.

James & Diana Pahl – Lot 1 of CSM 6183 on Lovers Lane and Wasaukee Roads.

Jim Pahl is requesting approval of a Certified Survey Map application and private street for a 3-lot land division of a 30.5-acre property located west of Wasaukee Road north of Lovers Lane. Planner Retzlaff summarized the proposal.

MOTION Stauffacher second Peck to APPROVE the 3-lot Certified Survey Map land division and private street request for the 30.5-acre Pahl property located west of Wasaukee Road north of Lovers Lane subject to the following conditions:

- 1. Approval of the CSM is contingent upon Village Board approval of a private street (shared driveway) serving Lot 2 and Lot 3 installed within the proposed access easement (previously set aside as a 60' road reservation on Lot 2 of CSM # 6183) by the Village Board pursuant to Section 18.07(1)(d) of the Village Code.***
- 2. The driveway access easement serving Lot 2 and Lot 3 shall be extended as***

necessary to accommodate the installation of a cul-de-sac bulb having a minimum radius of 30'. The CSM shall be revised accordingly prior to review by the Village Board.

- 3. The design and installation of the shared driveway shall be approved by the Village as set forth in a Development Agreement pursuant to Section 18.07(1)(d) of the Village (Subdivision) Code. Said agreement shall be prepared prior to review of the CSM by the Village Board.***
- 4. The Applicant shall create a Homeowner's Association and Covenants or an access easement and maintenance agreement reviewed and approved by the Village Attorney to specifically address the issue of installation and maintenance responsibility of the easement and driveway, as well as, the requirements of Section 18.07(1)(d) of the Village (Subdivision) Code. Said covenants or easement agreement shall be prepared prior to review of the CSM by the Village Board.***
- 5. A wetland delineation of the wetlands located within the environmental corridor area in the west and north portions of proposed Lot 1 and Lot 3, respectively, shall be prepared and approved by the DNR prior to or concurrent with any zoning or other permit applications required by the Village for any development activity proposed within the wetland and associated setback areas adjacent thereto as shown on Lot 1 and Lot 3 of the CSM.***
- 6. Direct access to Wasaukee Road to/from Lot 2 shall be prohibited.***

MOTION carried unanimously.

Ivee's on Main – W157 N11618 Fond du Lac Avenue. David Iverson, property owner, is seeking approval for site development and building plans for a parking lot expansion and building renovation to the existing bar/restaurant. Planner Retzlaff summarized the proposal.

MOTION Peck second Warren to Approve the site development and building plans for the proposed parking lot expansion and building renovations for the existing Ivee's At Main bar/restaurant located at W157 N11618 Fond du Lac Avenue subject to the following conditions:

- 1. Approval is for the site development and building plan set dated April 19, 2013 (unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein).***
- 2. All paving and landscaping 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 completion of the proposed improvements within one (1) year after issuance of the occupancy permit.***
- 3. State approved plans and a \$20,000 occupancy bond are required by the***

Building Inspection Department as part of the building permit application.

- 4. The applicant shall cooperate with the Wastewater Utility to inspect (televise) the sanitary lateral to determine the existing condition and identify any required maintenance.***

Commissioner Warren said additional lighting should be added to the parking lot for safety reasons.

MOTION to Amend Warren second Peck to add a cut off wall pack light fixture on the center pilaster on the new east wall of the building.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

The Gables of Germantown – N109 W17075 Ava Circle. Tarantino & Company, agent for the Gables is requesting approval of a rezoning application to create a Planned Development District (PDD) for the 17.85-acre property located on Ava Circle and a Conditional use Permit to allow the development and operation of a 24-unit /26 bed Community Based Residential Facility (CBRF). Planner Retzlaff summarized the proposal.

Jim Tarantino, Tarantino & Company, said a growing need to provide additional care for Gables residents has resulted in the need to add a memory care facility. He added that they intend to enhance the foundation landscaping for the Himmel House along the Division Road side and those plans have been submitted for review.

Commissioner Warren asked if the dumpsters located near Ashbury Woods were planned to be screened. Mr. Tarantino said he would add some landscaping to that area. Discussion continued regarding the rebuilding of a portion of Ava Circle in order to accommodate the new building and to make it on grade at the entry door. Commissioner Stauffacher questioned the need to create an additional lot that is creating the setback violations. Mr. Tarantino said the separate lot was being created for financing reasons. Commissioner Stauffacher said he understands the need, but the proposed PDD is so far removed from the original intent of creating a PDD that were designed for developments to be more creative and provide additional amenities as part of the application. This PDD proposal violates the underlying zoning restrictions, the greenbelt setback, side yard setbacks and doesn't justify him accepting it. The building just doesn't fit the way it's designed.

Planner Retzlaff said the EH District was created like a PDD except the EH Zoning district spells out specific setbacks. He said this development was originally one 18-acre parcel with standard 25' building setbacks. When the property was split for refinancing, the setbacks were lost. The creation of a PDD will allow the Matterhaus

to develop in the manner it is proposed. He commented that he agreed the intent for planned development zoning districts has changed, but this is a good application.

Mr. Tarantino said the use of the building dictates its size and shape. He said this building wasn't planned at the time the campus was created and he would like some flexibility.

Commissioner Peck was concerned there would be a lack of sufficient parking spaces saying staff parking would increase with the addition of another building. Mr. Tarantino said staff will be required to park underground.

Chairman Baum said the current development lacks sufficient landscaping adding that the few foundation bushes planted were not sufficient. He said trees could be added on the edge of the slope around the pond. Mr. Tarantino said he would look at adding landscaping with height.

MOTION Peck second Yokes to Approve creation of a "Gables of Germantown" Planned Development District (PDD) for the subject property (comprised of Lots 1,2 & 3 of CSM #6436 as may be amended subject to the following conditions:

- 1. The EH: Elderly Housing Zoning District regulations shall constitute the underlying conditions and restrictions for the PDD as revised and/or supplemented by the Village Board to include the specific list of requirements and allowances requested by the applicant as cited in the Village Planner's Staff Report (as may be further amended by the Board).***
- 2. Subject to further revision required by the Plan Commission, the Campus Site Plan set dated March 28, 2013 (including Sheets C1.1, C1.2, A1.1 and A1.2) shall constitute the General Development Plan required under Section 17.27 of the Zoning Code.***
- 3. A supplemental landscaping plan shall be prepared and submitted for Plan Commission review within six (6) months after approval of the PDD by the Village Board. Said plan shall detail specific berming and/or landscaping features, plant items, etc. that will be installed in the street yard along the Division Road frontage (on portions of Lot 1, 2 and 3 of CSM #6436) to further enhance the appearance of the site and existing Engel Haus and Himmel Haus buildings. Said landscaping plan to be implemented with complete installation of all landscaping features within six (6) months after approval of the landscaping plan 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 to ensure installation will be completed within one (1) year after landscape plan approval.***
- 4. The applicant shall address the stormwater management issue identified in the Village Engineer's April 16, 2013 review memo within six (6) months after approval of the PDD by the Village Board.***

MOTION carried 4-1 (Stauffacher)

MOTION Peck second Warren to Approve a Conditional Use Permit (CUP) for the Gables of Germantown I LLC to allow the development and operation of a 26-bed Community Based Residential Facility (CBRF) on Ava Circle (Lot 1 of CSM #6436) subject to the following conditions:

1. *The principal use of the Community-based Residential Facility (CBRF) shall be limited to providing assisted living services for residents as specified in the Matterhaus project narrative, i. e. memory care facility for residents (including Alzheimer's). The use of this property and all facilities thereon for any other purpose shall be prohibited.*
2. *This conditional use permit shall not be transferable to any subsequent property owner and/or business operator that is not or cannot be licensed to operate a CBRF as permitted under condition 1 above. This CUP shall be transferable to a subsequent property owner and/or business operator that is/are licensed to operate a CBRF as permitted under Condition #1 above. A new CUP shall be required (but not necessarily approved by the Village) for any significant change in the type of use or operation, including but not limited to, CBRF services for residents and clients other than those permitted under Condition #1 above.*
3. *Detailed site development and building plans shall be submitted for review and approval by the Village Plan Commission. Said plans shall be consistent with the concept plan approved as part of this CUP. Significant changes or deviations from the approved concept plan may result in the need to obtain a revised CUP.*
4. *This permit shall be deemed null and void if approval of such plans is not granted by the Plan Commission, or, development activities have not commenced within 12 months after Village Board approval pursuant to Section 17.42(6) of the Zoning Code.*
5. *The Owner/operator shall obtain and maintain all applicable state and county licenses, certifications, etc. for the CBRF and adult daycare facilities and operations. Copies of said licenses, certifications, etc. shall be provided to the Village Zoning Administrator prior to and as a condition of issuance of an occupancy permit.*

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant