

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, April 8, 2024 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 by Planning Assistant Lori Johnson at: 6:47pm.
MOTION Shadid second Laszewski to appoint Trustee Baum as Chairman Pro-tem.
MOTION carried unanimously.
- II. **ROLL CALL:**
Plan Commission members present were: Trustee Rep David Baum, Commissioners Tony Laszewski, Peter Nilles, Bob Williams, Bill Shadid and Josh Tarantino. Chairman Dean Wolter was absent and excused. Also present were Community Development Director Jeff Retzlaff and Planning Assistant Lori Johnson.
- III. **APPROVAL OF MINUTES:**
- A. March 11, 2024
MOTION Shadid second Laszewski to Approve the minutes from March 11, 2024.
MOTION carried unanimously.
- IV. **NEW BUSINESS:**
- A. Public Hearing regarding a proposed amendment of the Project Plan for Tax Incremental District (TID) No. 7 and a proposed amendment of the Project Plan for TID No. 8 followed by consideration and possible action on a Resolution Approving an Amendment to the Project Plan for TID No. 7 and consideration and possible action on a Resolution Approving an Amendment to the Project Plan for TID No. 8. (PUBLIC HEARING & ACTION)
Director Retzlaff announced Phil Cosson, Ehlers, who gave a presentation on the proposed amendments to TIF #7 and #8.
Public hearing opened at 7:09 pm.
Comments were received from:
- Katie Kautz, N135 W20647 Meadowlark Lane
- Sarah Larson - W159 N9739 Butternut Road
- Melanie Smythe - N140 W17938 Cedar Lane
- Scott Hefle, W159 N10514 Old Farm Road
- Jan Miller, PO. Box 837
Public hearing closed 7:25 pm.

Discussion followed. Commission members provided the following comments:

- Trusee Baum explained the Richfield water project will put a water line under Rockfield Road and tear up the road. So while the road is open, it was decided to put in the sewer line at the same time so that when the road is paved its fresh. The eastern half of Rockfield Road up to Goldendale is torn up and needs to be repaired, but nothing east of Goldendale will be done.
- What does the Village get when the TID closes and what more do we get because of the amendment. Mr. Cosson explained.
- What is the benefit to the Village when a TID closes.
- Can we setup neighborhood citizen meetings.
- TID 7 work - while Freistadt Road is torn up with water and sewer going in, it comes in to Freistadt Road east to Goldendale and ties back into the system. So while Freistadt Road is torn up should we run sewer and water west to the interstate while we rebuild the whole road.
- How will the railroad crossing affect what we want to do. The need for the additional improvements along Freistadt Road will go in whether or not the crossing is approved because the Freistadt district will develop. The timing coincides with the Richfield improvements.
- What decision is made when to close out TID 8 and what happens to the cumulative cash flow when the TID closes
- How do we know the roads are sized appropriately if the planning hasn't been completed
- Administrator Kreklow provided an update on the railroad crossing and the timing of the project.

MOTION Laszewski second Nilles to Approve the proposed Resolutions for TID No. 7 and TID No. 8.

MOTION carried 4-2 (Shadid, Tarantino)

- B. Crew Carwash, Agent for Nomies Investments, LLC, Property Owner - N96 W17500 County Line Road. Conditional Use Permit (CUP) and Site Plan Applications for redevelopment of the property for construction of a new 4,500 sqft self-serve carwash. (PUBLIC HEARING & ACTION)

Director Retzlaff summarized the proposal.

Public Hearing opened at 8:05 pm

- Brian Randall, Attorney with Amundsen Davis, 111 E. Kilbourn Avenue, Milwaukee, spoke on behalf of Crew Carwash. He stated the conditions of approval have been reviewed and indicated they can work with them. He explained the current gas station has a car wash but it will be demolished and the site reconfigured for the proposal.

- Melanie Smythe, W140 N17938 Cedar Lane commented on the building.

Public hearing closed at 8:08 pm.

MOTION Shadid second Williams to Approve the Conditional Use Permit (CUP) application for Crew Carwash for the construction and operation of a self-serve car wash facility on the property located at N96 W17500 County Line 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, project narrative dated February 12, 2024, and supporting site plan documents dated January 12,

2024, and February 12, 2024. Days and hours of operation shall be limited to those specified in the CUP application and supporting documents submitted to the Village (Sunday through Saturday 7:00am to 9:00pm).

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. 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.
6. Building permits and commercial building code plan approval are required for the planned demolition of existing structures on the site and the proposed building and kiosk. Contact SAFEbuilt staff in Inspection Services at Village Hall prior to any work for information about required permits and/or plan approvals.

Discussion followed. Commisisoner Shadid questioned what happens with the underground gasoline tanks. Travis Smith, Crew Carwash, said the State of Wisconsin has strict regulations how that is handled. Trustee Baum added they will need a closeout document that notifies the State. Discussion continued.

MOTION carried 5-1 (Nilles)

MOTION Shadid second Williams to Approve the site development and building plans submitted by Crew Carwash for a 4,512 sqft self-serve carwash facility w/ 345 sqft kiosk & canopy located at N96 W17500 County Line Road subject to the following conditions:

1. This approval is for the various plan sheets that comprise the site plan set as noted below and is subject to compliance with all the conditions and requirements set forth herein and subsequently adopted and/or revised by the Plan Commission. Approval is granted for the following unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:

1. *Architectural plans dated January 12, 2024;*
2. *Civil Engineering plans dated February 12, 2024;*
3. *Landscaping plans dated February 12, 2024;*
4. *Lighting plans (photometric plan) dated February 12, 2024;*

If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.

2. Additional landscaping shall be shown in a revised landscape plan review and approved by the Village Forester, including:
 - a. along the north property to reasonably replace the existing screen hedge.
 - b. Per municipal code 17.43(c) around the perimeter of the site with plantings along the east boundary, the northwest, or southwest corners of the property.
3. The mulch in the landscaping beds shall be wood mulch and not decorative stone.
4. Tree planting detail on sheet C1.4 shall be revised to include that root flare should be left exposed, moss/mulch line should be at or just below top of root ball.
5. The following tree species shall be substituted for the two (2) *Acer platanoides* and the two (2) *Pyrus calleryana* 'Jaczam'. The Village has many Maple (*Acer*) trees and would benefit from an increased species diversity. Also, *Pyrus calleryana* has the potential to establish as an invasive tree species in Wisconsin. Acceptable substitutes: Common Hackberry (*Celtis Occidentalis*), Kentucky Coffeetree (seedless) (*Gymnocladus dioicus*), London Planetree (*Platanus x acerifolia*), Tulip tree (*Liriodendron tulipifera*), Oak spp. (*Quercus*)
6. The technical issues and plan revisions identified in the April 3, 2024 memo from the Village Engineer shall be addressed in revised plan sheets and/or supplemental documents as necessary prior to commencing construction activities and issuance of building permits (excluding site demolition, early start site preparation, and footing & foundation installation).
7. 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 and may be used as an alternative to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.

Commissioner Nilles said he was mildly shocked at the amount of pavement proposed with 4 lanes of staging. Travis Smith explained the 4 rows of staging has more to do with the width than the length. He said they found the layout as proposed works best for their customers. Commissioner Nilles thought the circulation is confusing and hard to navigate. Commissioner Laszewski suggested having 2 lanes going out to 4 lanes deep. Director Retzlaff said that wasn't a bad suggestion considering the large tree located on the east side of the property in the vicinity of the proposed light pole. If there were 2 lanes coming in then going to 4 lanes past the tree, is worth considering. Trustee Baum suggested Crew Carwash work with staff regarding the tree.

MOTION to Amend Laszewski second Tarantino to work with staff to try to preserve the tree by extending the landscape buffering in the southeastern portion of the property out a little bit.

MOTION carried 4-2 (Baum, Nilles)

MOTION to Approve as Amended carried 5-1 (Nilles)

MOTION Shadid second Laszewski to Table the Sign Review.

MOTION carried unanimously.

- C. Village of Germantown Community Development Department - Proposed Text Amendments to Chapter 17 of the Village of Germantown Municipal Code: 17.07 Temporary Uses; 17.08 Definitions; 17.33 M-1 Limited Industrial District; and 17.41 Accessory Uses, Buildings and Structures. (PUBLIC HEARING & ACTION)

Director Retzlaff summarized the proposed text amendments to Chapter 17 of the Municipal Code.

Public hearing opened at 8:27 pm.

Public hearing closed at 8:28 pm.

Commissioner Nilles asked if they should have the draft ordinances which were not included in the packet.

MOTION Shadid second Nilles to Table.

MOTION carried unanimously.

- D. Briohn Building Corp. Agent for Green Bay Packaging, Inc., and AHST 355 LLC, Property Owners - Approximately 52 acres north of Holy Hill Road, east of Hwy. 41, south of Rockfield Road. Site Plan Application for a 270,000 sqft light manufacturing and 12,500 office building. (ACTION)

Director Retzlaff summarized the proposal.

MOTION Shadid second Laszewski to Approve site development and building plans for a 270,000 sqft light manufacturing and 12,500 sqft office facility for Green Bay Packaging Inc. located in the northeast corner of the Holy Hill Road @ I-41 interchange in the Holy Hill Gateway District subject to the following conditions:

1. This approval is conditional and requires the following: (1) the DNR approving the filling of Wetland #3 and Wetland #4 (or determining that the wetlands are artificial); and (2) the Village granting a CUP to encroach into the 25' wetland setback. No permits to authorize construction or building permits should be issued until the wetland fill and 25' wetland setback issues are resolved (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS).
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 superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:
 - a. Architectural, Building & Elevation plans dated February 12, 2024;
 - b. Civil Engineering plans dated March 18, 2024;
 - c. Landscaping plans dated March 18, 2024;
 - d. Lighting plans (photometric plan) dated February 9, 2024
3. 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 for the shell building.

4. All exterior doors (except primary entrance) shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.
5. All issues, both minor technical/plan corrections and major access and grading issues identified in the April 4, 2024 review memo from the Village Engineer shall be resolved and reflected in additional information and/or revised plans submitted to Staff for further review, comment, and approval prior to commencing construction or issuance of building permits (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS).
6. Pursuant to Section 17.43(6) of the Zoning Code (Site Plan Requirements), the Village and GBP should enter into a "Development Agreement" for purposes of addressing the major issue raised in the Village Engineer's April 4, 2024 review memo, including but not limited to the access-related intersection re-construction, public road realignment & re-construction, traffic signal installation at the Holy Hill Road driveway intersection proposed for GBP.
7. The following issues identified by the Village Forester shall be addressed as part of a revised landscape plan submitted for review and approval prior to commencing construction or issuance of building permits (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS).
 - a. Sheet L2.02. Per municipal code 17.43(c) – Interior parking lot landscaping shall include one 2" caliper tree for every ten parking spaces. The current for the west parking lot does not meet this requirement. More trees are required.
 - b. Sheet L2.03. Per municipal code 17.43(c) – Interior parking lot landscaping shall include one 2" caliper tree for every ten parking spaces. The current plan for the north parking lot does not meet this requirement. More trees are required.
8. 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.

Discussion followed. Paul Karas, Attorney for Noby Richfield and Rajan Shrestha, owner, reviewed issues they have related to the proposal. He said the owner has a concern the gas trucks will have trouble making the sharp turns into the gas station. They would like the developer to maybe make the road wider or a different angle. The other problem is access during construction. Mr. Shrestha is hoping to get some sort of assurance that the access from Holy Hill Road on the temporary basis during construction will be sufficient. Director Retzlaff stated the Village Engineer has identified in his review memo one of the things to be sorted out and specifically addressed in the developers agreement is the provision of a construction sequencing plan that provides uninterrupted access for the gas station which is item #3 under the Village Engineer comment section and in Condition#5 of the site plan conditions. These conditions would need to be sorted out before a building permit is issued. Trustee Baum explained the developer will sign a legal document with the Village and

will indicate how they will provide uninterrupted access for the gas station while under construction.

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.)*

The following resident spoke:

- Melanie Smythe, N140 W17938 Cedar Lane.

- VI. **ANNOUNCEMENTS:**

There is a joint Plan Commission/Economic Development Meeting scheduled for April 22nd regarding the residential market analysis.

- VII. **ADJOURNMENT:**

The meeting was adjourned at: 8:50 pm.