PLAN COMMISSION MINUTES
March 11, 2013

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

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

PUBLIC INPUT: None

PREVIOUS MINUTES: ***MOTION Baum second Warren to Approve the Minutes from February 11, 2013.***

MOTION carried unanimously.

McDonald's Restaurant – N112 W15936 Mequon Road. Haag Muller Architects and Dion Conn, operator of the McDonalds Restaurant, are requesting site plan approval for proposed exterior remodeling and a minor addition to the existing restaurant. Planner Retzlaff summarized the proposal.

Steve Jeske, Haag Muller, presented a revised elevation plan that showed a 10 foot addition with an extended vestibule to accommodate a third drive-thru window.

MOTION Baum second Warren to Approve the site development and building plans for the exterior remodeling and minor addition to the existing McDonald's Restaurant located at N112 W15936 Mequon Road subject to the following conditions:

1. ***Approval is for the site development and building plan set dated February 22, 2013.***
2. ***A landscape plan shall be submitted to the Village Planner for review/approval prior to issuance of a building permit. Said plan shall include proposed plantings for the east side of the building (and any other side) affected by the exterior remodeling.***
3. ***All landscaping improvements shown on an approved landscape plan shall be installed 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 installation will be completed within one (1) year after issuance of the occupancy permit.***
4. ***The existing monitored sprinkler system shall be extended to serve the building addition as required by the Fire Department. Plans for the monitored sprinkler system shall be submitted for review/approval to the fire Department prior to issuance of a building permit.***
5. ***Upgrade existing grease trap(s) to be compliant with all Wisconsin DSPS requirements. The owner/operator shall coordinate installation with the***

Village's Building Inspector to ensure inspect and proper installation.

6. ***State approved plans shall be submitted along with the standard $20,000 occupancy bond as part of obtaining a building permit from the Village.***

Mr. Jeske said Condition # 5 regarding upgrading grease traps was not necessary because the restaurant did not have a dishwasher.

Trustee Baum said the roof dormers seemed small compared to the building.

MOTION to Amend Baum second Warren that the dormers on the north and south elevations should be modified to bring more presence to the building by making the windows taller on the dormers.

Commissioner Yokes commented that the end dormer on the North elevation looked out of place. Mr. Jeske agreed and said he would remove the last dormer from the plans.

Chairman Wolter said he appreciated everything that had been done to accommodate the concerns Plan Commission had asked for in past meetings.

MOTION to Amend carried 5-1 (Wolter).

Trustee Baum clarified the rendering showing the addition is the one approved.

MOTION as Amended carried Unanimously.

SCS, LLC – W189 N11100 Kleinmann Drive. Graphic House, agent for the Kleinmann Center is requesting approval of a monument sign for the new multi-tenant office building. Planner Retzlaff summarized the proposal.

MOTION Baum second Stauffacher to Approve the proposed monument sign for the Kleinmann Center located at W189 N11100 Kleinmann Drive 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.***

MOTION carried unanimously.

AT&T Wisconsin and David Mitchell – W124 N13185 Wasaukee Road. RJR Associates, agent for AT&T Wisconsin, lessee and operator, and David Mitchell, property owner of a 25.35 acre parcel located on Wasaukee Road, are seeking approval of a conditional use permit and site plan for the installation of a 150' monopole wireless communication tower. Planner Retzlaff summarized the proposal.

A lengthy discussion followed. Commissioner Stauffacher said AT&T should co-

locate on an existing tower. Planner Retzlaff said the Village Code limits the co-location requirement to within 2,000 feet of an existing tower. Dick Rogers, AT&T said the first thing they do is to look for an existing tower to co-locate on, but there are none available in the area. He said co-locating would be 1/10 the cost of a new tower, so those avenues have been addressed. Commissioner Stauffacher indicated he would also like to see propagation results showing predicted coverage with an alternative structure and co-locating at other existing sites to try and achieve the same coverage pattern.

Mr. Rogers said AT&T is trying to provide a service to the people of Germantown. He said AT&T is looking ahead and said facilities are maxed out because of usage, data and texting. Dextra Hadnot, AT&T, said the higher tower provides greater frequency, range and capacity for higher data speeds. A smaller tower will provide shorter frequency and range and less coverage.

Commissioner Stauffacher said a 150' tower is obtrusive in a rural area and he would prefer to see a 90' tower with co-location sites. Discussion continued. Trustee Baum questioned the need for a tower in this area. Commissioner Gray read an email from Commissioner Peck that stated he was not in support of the tower. Commissioner Warren said this is a necessary evil in this day and age if we want the technology, but he would not want it in his backyard. He said he trusts the studies the engineers have done and believe they've covered all the alternatives. He said he would not support making them go back and run through many iterations again to come to the same conclusions.

Commissioner Gray said the owner of the property doesn't live there and will not see the tower. Chairman Wolter said to let the Conditional Use go to Public Hearing. The Village Board will hear residents concerns. He said the applicant has met the requirements of the submittal and the proposal is for a 150' tower. If the tower is obtrusive, people will come to the Public Hearing. AT&T is a business that has followed the application process and met the requirements and is asking for a tower.

MOTION Stauffacher second Gray that the applicant should be required to examine the applicability of a 90' disguised cell tower at this site, preferably one that would encompass a silo and pursue the feasibility of co-locating along with that 100-90' tower to achieve their objective for coverage in the area that they defined and that the Village hire an expert in this field to re-examine the technical data that has been presented to the Plan Commission in both its current form and the way that Commissioner Stauffacher presented as an option.

Mr. Rogers said AT&T had done studies more extensive than required here. He said a 90' silo is not going to look less obtrusive than a 150' tower, and if a 90' tower was used, an additional tower would be needed. He said a 150' pine tree could be used as an alternative option. Commissioner Warren said he would not support the need for further studies or a camouflaged tower saying it would bring more

attention to it.

MOTION Fails 4-2 (Wolter, Warren, Baum, Yokes)

MOTION Warren second Baum to Approve the issuance of Conditional Use Permit to AT&T Wisconsin, lessee and operator, and David Mitchell, property owner, to allow the installation and operation of a wireless communication facility as proposed on the property located at W124 N13185 Wasaukee Road, subject to the following conditions:

1. ***This permit authorizes the installation of a 150' monopole tower and equipment building compound as set forth in site development and building plan set dated December 4, 2012, and in the supporting documents and plans made part of said application. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.***
2. ***If use of the tower and/or operation of the communication equipment supported thereon falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the permitted conditional use which causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to mitigate or eliminate harmful effects associated with the use but are subsequently insufficient to do so, or for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***
3. ***Installation and continued operation of the wireless communication facility shall comply with all requirements set forth in Section 17.56 (Wireless Communication Facilities) of the Village Code.***
4. ***In the event that the Village requires installation/use of an alternative support structure, e.g. silo, monopine, etc., revised site development and building plans shall be prepared and submitted to the Plan commission for review/approval.***

Trustee Baum asked if a study had been done with co-location. Mr. Rogers said a study had been done and explained it would be much easier to co-locate than to build a new tower.

MOTION to Amend Baum second Warren that the applicant include their study of co-location on surrounding towers in the submittal to the Village Board.

MOTION to Amend carried unanimously.

Commissioner Gray asked if their studies revealed how much property values are

damaged in the vicinity of these towers. Mr. Rogers said would email her the information providing statistics on how real estate is affected by cell towers throughout the country.

MOTION to Amend Stauffacher that the applicant should be required to examine the applicability of a 90' disguised cell tower at this site, preferably one that would encompass a silo and pursue the feasibility of co-locating along with that 100-90' tower to achieve their objective for coverage in the area that they defined. MOTION Fails for lack of a second.

MOTION Approved as Amended 4-2 (Stauffacher-Gray)

Discussion continued regarding the site plan. Trustee Baum was concerned with the lack of landscape to provide screening. He requested a dramatically enhanced landscaping plan to include larger, more mature trees that would provide thorough screening from the road. Mr. Rogers agreed that arborvitae was not a good choice of tree. Chairman Wolter asked for clear instructions on the type of landscaping to be provided. Planner Retzlaff said the code requires the landscaping buffer around the compound be sufficient in screening the cabinet structure from view of adjacent properties. He said AT&T is willing to change the type of trees so they are more suitable to the location and recommended they use a larger plant size.

Trustee Baum said the barbed wired fence looked offensive and asked for dense plantings around it. Mr. Rogers said they've had success with 12'-13' blue spruce trees. Trustee Baum suggested putting blue spruce trees along the drive on both sides between the building and the drive lane and along the drive and the property line to block the view from the southeast and also around the other three sides.

Planner Retzlaff asked how best to screen the north side where it's already wooded. Trustee Baum suggested extending the tree line from the 90 degree turn north by extending it down to the corner of the building and then south of the building fill in between the building and the road and around the south side and the back

MOTION Stauffacher second Warren to approve the landscape plan subject to review of the Village Planner to ensure the screening meets Village standards for this type of facility.

MOTION carried unanimously.

MOTION Warren second Baum to Approve the proposed site development and building plan for the installation of a wireless communication facility as proposed on the property located at W124 N13185 Wasaukee Road subject to the following conditions:

1. ***Approval is for the installation of a 150' monopole tower and equipment building compound as set forth in the site development and building plan set dated December 4, 2012.***
2. ***Final selection of the color for the chain-link fence privacy slats shall be submitted to the Village Planner for review/approval prior to issuance of a building permit.***

MOTION carried unanimously.

Trustee Baum requested the public hearing notices be mailed to all property owners within a one mile radius of the proposed tower.

The Conservation Fund for MLG/RMS Limited Partnership – Holy Hill Road ½ mile East of STH 41/45. The Conservation Fund as agent for the Milwaukee Metropolitan Sewerage District is seeking approval of a 3-lot Certified Survey Map to divide a 115.15 acre parcel and a Rezoning in order to create a 52.1 acre agricultural parcel to be acquired by the Conservation Fund for preservation as part of the MMSD Greenseams Program. Planner Retzlaff summarized the proposal.

MOTION Baum second Warren to Approve Rezoning the 10-acre Lot 1 from A-1 to A-2: Agricultural; and

Approve the 3-lot Certified Survey Map land division for the 115.15-acre MLG property located on Holy Hill Road subject to the following conditions:

1. ***All technical corrections identified by the Engineering Department as summarized in their February 25, 2013 memo shall be made prior to review of the CSM by the Village Board.***
2. ***The required soil evaluations for Lot 1 shall be deferred until such time as actual development of Lot 1 is proposed, or, public sanitary facilities have been extended and installed to serve Lot 1. Soil evaluations for Lot 2 shall not be required provided a restriction prohibiting any development of Lot 2 is included in the CSM.***
3. ***The required wetland boundary delineation shall be deferred until such time as actual development of Lot 1 and Lot 3 is proposed. Separate delineations for each lot may be permitted depending on the relative timing of proposed development for each lot. A wetland delineation for Lot 2 shall not be required provided a restriction prohibiting any development of Lot 2 is included in the CSM.***
4. ***Access to Lot 1 shall be restricted to the easterly 200 feet of road frontage along Holy Hill Road. The CSM shall be revised to include this restriction both graphically and in a notation. The owner shall contact the WisDOT regarding the approval for any access driveway(s) proposed for Lot 1 to/from Holy Hill Road.***

MOTION carried unanimously.

TCI, LLC for Waste Management – Bradley Way and Grant Drive in the Germantown Business Park. TCI, LLC (Transcoil) and Waste Management of WI Inc. are seeking approval of a 3-lot Certified Survey Map to re-divide 38.7 acres of land to accommodate future industrial development.

MOTION Baum second Warren to Approve the 3-lot Certified Survey Map for the 38.7 acres of land located in the Business Park subject to the following condition:

1. ***All technical corrections identified by the Village Surveyor in the February 25, 2013 memo shall be addressed prior to recording the CSM.***

MOTION carried unanimously.

John J. Kohl Trust – Bonniwell Road & Country Aire Drive. Walter Wolf, as agent for the John Kohl Revocable Trust is seeking approval of a 2-lot Certified Survey Map and Rezoning to divide the 24.75 acre parcel in order to create two agricultural parcels.

MOTION Baum second Warren to Approve the Rezoning of the entire 24.75 acres (both Lot 1 and Lot 2) from A-1 to A-2 Agricultural, and

Approve the 2-lot Certified Survey Map land division for the 24.75 acre property located on Bonniwell Road subject to the following condition:

1. ***All technical corrections identified by the Engineering Department as Summarized in their February 25, 2013 memo shall be made prior to recording of the CSM by the Village Board.***

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant