

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, July 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.*

President Wolter called the meeting to order at 6:36pm.

II. **ROLL CALL:**

President Wolter, Trustee Baum and Commissioners Shadid, Williams and Henk were all present. As well as Community Development Director Retzlaff and Associate Planner Yanke. Committee Member Tarantino was absent excused and Frank Lord was absent.

III. **APPROVAL OF MINUTES:**

A. PC Minutes 6-10-24

Motion: Approve as presented

Motioned By: David Baum

Seconded By: Bridget Henk

Yes: Dean Wolter, David Baum, Robert Williams, William Shadid, Bridget Henk

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

IV. **NEW BUSINESS:**

- A. Pinno Construction, Agent for Stephen and Daniel Grunewald, Property Owners W124N13423 Wasaukee Road. Conditional Use Permit (CUP) for a Mother-In-Law Suite. (PUBLIC HEARING & ACTION)

Associate Planner Yanke reviewed the site location map and stated that the Gruenwald property is zoned A-2 and is approximately 13 acres. There is an existing dwelling with an outbuilding and Pinno Construction is requesting this CUP and Public Hearing to construct a 1,255 sqft addition to the existing building to be used as a Mother-In-Law Suite for the property owners' parents.

Public Hearing was called to order at 6:41pm.

Staff recommendation is to approve this conditional use permit for Steve and Dan Grunewald to allow a "mother-in-law suite" accessory dwelling as part of the single-family dwelling located at W124 N13423 Wasaukee Road, subject to the following conditions:

1. The MILS shall be constructed consistent with the building plans dated April 17, 2024, as presented to the Village Plan Commission and Village Board.

2. The MILS shall comply with the MILS requirements as defined in Section 17.08(51a) of the Zoning Code on an ongoing basis.

3. The property owner shall notify the Village Zoning Administrator if/when use of the addition of the dwelling changes or ceases to be used as a "mother-in-law" suite.

4. The conditional use permit shall not be transferable to a subsequent owner unless said owner is a member of the Grunewald family.

Public Hearing was closed at 6:46pm.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: Bridget Henk

Yes: Dean Wolter, David Baum, Robert Williams, William Shadid, Bridget Henk

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

B. Monches Engineering, Agent for Store Master Funding XIII LLC, Property Owner and Systems LLC - W194N11481 McCormick Drive. Site Plan Review for a 24-Stall Parking Lot Expansion. (ACTION)

Associate Planner Yanke stated that Systems LLC is proposing the addition of a 24-stall parking lot and the paving of an outdoor storage area on the northwest side of the existing manufacturing facility. He also stated that the property is zoned M-1 (limited industrial) and summarized the business as a design/manufacturing facility for loading dock equipment. It's a 6-acre site and this proposal includes no changes to the existing buildings. A grading and landscaping plan are both included with this proposal.

Staff recommends approval of the site development plan for the new construction of twenty-four (24) additional parking spaces and new paved/asphalt area to the west of the existing manufacturing facility located at W194 N11481 McCormick Drive in the Germantown Industrial Park, subject to the following 5 conditions:

1. Approval is for the site development plan dated July 1 and July 2, 2024, and the landscaping plan dated July 2, 2024 (unless either is otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein or by the Plan Commission):
2. All issues, both minor technical/plan corrections and other storm water management issues identified in the July 3, 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 any permits.
3. The landscaping plan, meeting the requirements of Chapter 17.43(5) Site Plan Approval Requirements, shall be subject to final acceptance by the Village Forester and Community Development staff prior to commencement of construction.
4. The new paved/asphalt for outdoor storage of materials shall be enclosed/screened in accordance with Chapter 17.33(2)(a).
5. The property owner shall obtain a revised approval for the parking expansion (24 stalls), new paved/asphalt area, and enclosure/screening to be constructed within the existing easement owned by ANR Pipeline Company prior to commencing construction.

Motion: Approve with discussion as presented

Motioned By: David Baum

Seconded By: Robert Williams

Discussion Followed. Commissioner Henk stated that neither parking area includes ADA parking stalls and would need to comply with ADA regulations. Associate Planner Yanke asked if that could be handled at the staff level and Committee members agreed that it could. Trustee Baum stated that the last stalls on the north & south are located where the vehicle, when backing out, would

have to back onto the grass to get out of the stalls, so there needs to be a pullout added which can also be handled at the staff level. Commissioner Williams asked if this would be within the 80% compliance for lot coverage required by code? Associate Planner Yanke said it is a 6-acre site, so he is sure it is, but he will clarify this with the property owner and staff will make sure the project is in compliance.

Yes: Dean Wolter, David Baum, Robert Williams, William Shadid, Bridget Henk

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

C. Joey and Angela Carini, Property Owners W143N9638 Amber Drive. Zoning Permit for Fence in a Village Storm Sewer Easement. (ACTION)

Director Retzlaff stated that the Carini's are proposing to install a 4' aluminum fence on the side & rear of their property within 2 Village easements, including a 20' wide storm sewer easement to the north with 10' of that easement lying on the Carini property and to the south there is a 15' sanitary sewer easement which increases in the backyard to 30'. He displayed a drawing of the proposed fence and read the rules for a fence in an easement. The storm sewer easement to the north is located underground and is not designed for overland flow between the new homes. The Village Engineer does not recommend approval of the fence in the storm sewer easement but recognizes that it is at the discretion of the Plan Commission and if you approve it, he recommends the contractor install the fence a minimum of 5' from the center of the storm sewer centerline. As for the 12" sanitary sewer easement on the south side of the property, the Plan Commission does not have the authority to approve a fence in that area, so the fence will have to be moved outside that easement entirely.

Director Retzlaff recommends approval with 6 conditions. Trustee Baum asked the resident if they were okay with the 6 conditions, and they stated they were. If there is congestion with water flow in an emergency, our staff can take down the fence, and you would have to reinstall it at your own expense.

Staff recommends approval of the zoning permit application to install a 4' aluminum fence within the storm sewer easement along the north property line located at W143 N9638 Amber Drive subject to the following conditions:

1. It shall be the responsibility of the homeowner to maintain a free flow of water within the storm sewer easement at all times.
2. A fence permit is required from the Building Inspection Department. Contact SafeBuilt for more information.
3. If the fence in the storm sewer easement needs to be removed due to the operation and/or maintenance of the storm sewer, the property owner shall be responsible for any and all costs associated with any damage, removal, re-installation or replacement of said fence that results from said operation and maintenance activities in the storm sewer easement.
4. The property owner shall enter into an encroachment agreement with the Village for purposes of attaching the requirements of Condition #4 above to ensure that the property owner and any successors in interest are aware of these requirements.
5. The property owner and/or fence installer shall be responsible for locating and visually marking the centerline of the 12" storm sewer located within the easement at least three (3) business days prior to installation and contacting the Village Engineer once marked. The fence shall be installed a minimum of 5 feet offset from the storm sewer centerline.
6. The property owner and/or fence installer shall be liable for any and all damage to the storm sewer and all site restoration within the storm sewer easement.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: Bridget Henk

Discussion followed.

Yes: Dean Wolter, David Baum, Robert Williams, William Shadid, Bridget Henk

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

D. Neal Pisarski, Property Owner W156N10864 Deacons Court. Zoning Permit for Fence in a Village Storm Sewer Easement. (ACTION)

Associate Planner Yanke stated that Pisarski is proposing construction of a 6' cedar privacy fence in a storm sewer easement along the northern property line. The Village did not locate a storm sewer pipe within the easement on Pisarski's property but did locate a 12" storm sewer pipe 3-4' north of the property's northern lot line. He displayed a map showing where the fence has been proposed. There is a fence on the southern side of the property that was permitted last year and this additional fencing would enclose his backyard. There is no HOA for this area, so there is no approval process that needs to be followed. Trustee Baum asked about the fence to the north and whether it is being removed or if he is installing a fence next to a fence. Neal Pisarski stated that, yes there would be 2 fences next to each other with a 6' gap between. Mr. Pisarski spoke with his neighbor, and stated that they would share the maintenance of the area between the 2 fences. Staff recommends approval of the zoning permit application to install a 6' cedar privacy fence within the storm sewer easement along the northern lot line of the Pisarski property located at W156 N10864 Deacons Court, subject to the following conditions:

1. The fence shall be installed a minimum setback of 2' from the Pilgrim Road right-of-way/property line and the bottom of the boards a minimum of 2 inches above the finished grade.
2. It shall be the responsibility of the homeowner to maintain a free flow of water within the private easement at all times.
3. A fence permit is required from the Building Inspection Department. Owner is required to contact SafeBuilt for more information.
4. If the fence needs to be removed to make improvements and/or conduct maintenance within the easement, the property owner shall be responsible for all costs associated with removing the fence to the extent necessary within seven (7) days of being notified by the Village (or another mutually agreeable deadline). The property owner shall be responsible for any and all costs associated with any damage, removal, or re-installation of said fence.
5. The property owner shall enter into an encroachment agreement with the Village for purposes of attaching the requirements of Condition #4 above to ensure that the property owner and any successors in interest are aware of these requirements.
6. The property owner and/or fence installer shall be liable for any and all damage to the nearby 12" storm sewer and all site restoration within the easement.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: William Shadid

Discussion Followed. Trustee Baum asked the resident if they were okay with the 6 conditions, and they stated they were. If there is congestion with water flow in an emergency, our staff can take down the fence, and you would have to reinstall it at your own expense.

Yes: Dean Wolter, David Baum, Robert Williams, William Shadid, Bridget Henk

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

E. Kwik Trip (KT Real Estate Holdings), Agent for Ben Venue Properties-Germantown LLC, Property Owner, W188 N11762 Maple Road (former PNC Bank). Site Plan Consultation for the Proposed Kwik Trip Convenience Store Re-location from W188 N10963 Maple Road (DISCUSSION)

Director Retzlaff stated that Kwik Trip is proposing construction of an approximate 9,176 sqft updated facility across the street from their current facility on Maple Road at the vacant PNC Bank 4.4 acre site with more parking and expansion of the # of pumps to 20 along with another couple of canopied bays for diesel fueling for trucks. He went over the rendering and the proposed site plan and stated that they want to demolish the existing office building, redevelop the site with new curb & gutter driveway and parking, onsite stormwater management, new landscape and lighting, a 2800 sqft carwash and an outdoor patio with picnic tables. The operation would continue to be 24/7 with 25–35 employees and 2-8 staff on site at any given time. The products sold will be the standard items in their current facility. The current property would be decommissioned, equipment would be removed, and then the property would be put up for sale. The area it is proposed is zoned B3 and would need to be rezoned to B5 for the # of fueling stations and carwash that is proposed. The critical element is that both sites are located in a wellhead protection zone for Wells 5 & 7, which was adopted in 2010. The current Kwik Trip is grandfathered in as it was there before the zone protection act was passed. Ordinance 17.40 allows pre-existing businesses to expand using technology to prevent wellhead contamination and, while this would not be an expansion of their existing site, it does generally meet the intent of that portion of that code. The Village Attorney recommends the ordinance be modified to include verbiage about expanding existing facilities within the wellhead protection area to provide a better level of protection which will need to be addressed separately from the Kwik Trip relocation. With that said, issues that we want to address include site development such as building location & orientation, site access, circulation & parking. We would require a traffic impact analysis, there is a non-conforming pylon sign currently on the corner and landscaping & lighting would also need to be addressed. He also pointed out that a rezoning, conditional use permit, site plan approval, sign permit, site grading and erosion control, and building permits for the site would all be required.

Discussion Followed. Kwik Trip Representative, Troy Mleziva stated that the current Kwik Trip was originally a Mobile Station. They have gotten comments from patrons regarding the need for a higher ceiling, more restrooms and more fueling stations at that location and this move addresses those. Committee Members were generally in favor of this expansion. If not at this location, then possibly kitty-corner. Commissioner Hadid stated that he thinks it's important to note that if we move the Kwik Trip to this new location, we will not allow a 2nd gas station to go into the old location when it gets sold. Commissioner Henk feels the parking is clustered on the south side of the building and would create the opportunity for conflicts. Storage tanks at the original location will be removed, and she would like to see testing done at that time to determine if there were any fuel leaks and cleaning up the site should be included with the removal. Troy stated that their normal procedure when reconditioning existing/old sites includes testing of the site that would follow DNR guidelines and that requirement would go through Kwik Trip and the prospective buyer, not the Village. Commissioner Williams confirmed that the right of access is not going to change from Maple and Mequon Road. Director Retzlaff had concerns about circulation: Semis in & Out, and the area for truck parking is a large swath which is now green space which will be eliminated. Troy stated that the truck parking is mostly for folks from the industrial park who stop in for lunch and need somewhere to park their truck. As far as flow, the diesel canopy is facing the northeast with diesel entry on the SW facade and with an exit out to the north to the existing driveway. Cars would enter predominantly from Maple Road and would then go to the south and west to the fueling stations and then could exit the same way, or they could also exit at Mequon Rd to the north. This site would have good connectivity in both directions, Maple and Mequon, and the DOT is now working on that intersection, which will make getting in and out of the sight easier. Director Retzlaff stated concern about the semi's exiting to the north because there is less than 200' for maneuverability and would like to see an expanded driveway for dedicated turning lanes. Troy stated that they are showing a 35' width now but would look at widening it. Troy stated that the majority of truck traffic would be box trucks & trailers and they would like to allow overnight parking if they could. Chairman Wolter asked about shower amenities and laundry etc. for overnight parking, and Troy stated that they do not plan to have those at this location. Trustee Baum reinstated that there are issues with semi-traffic moving through the diesel canopy and trying to park it in the potential lot facing northeast. And he discussed the Village's Germanic theme for Mequon Road. This particular graphic is a standard Kwik Trip, which isn't really suitable for our

Germanic vision. Director Retzlaff defined the wellhead protection area and stated that the flow of underground water is flowing west to east. President Wolter likes the idea of the investment in Germantown and the new location will be easier to access, but his concern comes with the wellheads for 5 & 7 and how big producers they are. Clean water is very important, and he wants to know how this will impact the water flow throughout Germantown. And he does not want to see overnight parking at this location. Director Retzlaff discussed additional monitoring of underground water in other facilities/communities. Troy stated that they have an environmental manager on their team and their systems are much more complex now than they used to be, including monitoring systems being much more robust and including water collection and sump pump systems to separate dirty parking lot drainage from clean water. Director Retzlaff stated that this would be a good opportunity to replace an existing antiquated system with a newer, modern facility which will have updated safety systems and underground monitoring. They are closer to the wells but further from the river. They looked at the original site to see if they could address some of the problems they now have. It's a 2.5 acre oblong site which isn't easy to work with and not the most efficient. Commissioner Williams wanted to know if there could be a rider on their insurance policy which would cover environmental clean up if that were to happen. Commissioner Henk asked if the existing site has any stormwater management and no, they do not. Adding stormwater management would be another barrier to collect the water before it enters the aquifer. An aquifer study could also be required to determine the drawdown and impact on the wells. Architecture changes they would like to see: no flat roof, tweak the design to get Germanic influence into it, dormers, possibly cross-beams or gable treatments, double hung four/six light windows with a higher level of detail, more details in the brick and in the canopies, an arch, a tower feature, a 2-story entry or an atriumish feature are all options, with roof shingles which go toward the Germanic theme as well. Director Retzlaff stated that the landscape will change dramatically with the greenspace being taken up by parking and right now you have roughly 15-20' of distance between the curb edge along the property line, which may not be enough room to put in any significant landscaping.

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.)*

Melanie Smythe who lives on Cedar Lane wanted to mention the 5-year tree program, and it would be applicable to what was discussed tonight.

Jan Miller who lives on Windsong Circle stated concerns about the Kwik Trip proposal and stated that there is a reason there is a wellhead protection ordinance.

VI. ANNOUNCEMENTS:

President Wolter stated that the 4th of July festivities were very well received and there was a great turnout. He congratulated the park -n- rec department for putting on such a wonderful celebration. And thanked everyone for their hard work.

VII. ADJOURNMENT:

President Wolter adjourned the meeting at 8:18pm.