

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, August 12, 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.*

Chairman Wolter called the meeting to order at 6:30pm.

- II. **ROLL CALL:**

Chairman Wolter and all voting members of the committee were present as well as Community Development Director Retzlaff and Associate Planner Yanke.

- III. **APPROVAL OF MINUTES:**

A. PC Minutes 7/8/24

Motion: Approve as presented

Motioned By: David Baum

Seconded By: William Shadid

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

No: None

Abstain: None

Motion Passed (Yes 6, No 0, Abstained 0)

- IV. **NEW BUSINESS:**

A. Michael Anderson, Agent for GH Industries LLC and Klosett Investments and Mark Mason, Property Owners, N114 W18686 Clinton Drive. Conditional Use Permit (CUP) application to Allow Horticultural Services and Snow Removal Services operations from Property in an M-1: Limited Industrial Zoning District. (PUBLIC HEARING) - STAFF REQUEST TO TABLE HEARING UNTIL AUGUST 26TH.

Director Retzlaff asked the Plan Commission to table this Public Hearing until August 26th. Director Retzlaff indicated that the applications and plans needed for this proposal are not complete and not ready for public hearing or presentation to the Plan Commission.

Motion: Approve tabling topic until Plan Commission Meeting on 8/26/24

Motioned By: David Baum

Seconded By: William Shadid

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

No: None

Abstain: None

Motion Passed (Yes 6, No 0, Abstained 0)

- B. Michael Anderson, Agent for GH Industries LLC and Klosett Investments and Mark Mason, Property Owners, N114 W18686 Clinton Drive. Proposed Amendment to the list of Prohibited Uses in Section 17.40.10(1)(j) of the Zoning Code (Wellhead Protection) to Allow a "Deicing Material Storage Facility" to Operate from Property in a Groundwater Protection Overlay District. (PUBLIC HEARING) - REQUEST TO TABLE HEARING - (APPLICATION HAS BEEN WITHDRAWN).

Director Retzlaff asked the Plan Commission to table this Public Hearing until August 26th. - Application has been withdrawn.

Motion: Approve tabling topic until Plan Commission Meeting on 8/26/24 as presented

Motioned By: David Baum

Seconded By: Robert Williams

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

No: None

Abstain: None

Motion Passed (Yes 6, No 0, Abstained 0)

- C. Village of Germantown Community Development Department - Proposed Text Amendments to Chapter 17.40 (Wellhead Protection) of the Village of Germantown Municipal Code (PUBLIC HEARING & ACTION)

Director Retzlaff went over the history of the Wellhead Protection Ordinance which went into effect in Germantown in 2010, and explained the four (4) amendments to various subsections under 17.40 (Wellhead Protection) in the Village Zoning Code as referenced in the ordinance draft.

Public Hearing was opened at 7:05pm.

Comments were received from:

-Melanie Smythe who lives on Cedar Lane.

-Jan Miller who lives on Windsong Circle.

Public hearing closed at 7:17pm.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: Robert Williams

Discussion followed. Chairman Wolter asked if these amendments affect Items A or B on the agenda? Director Retzlaff replied that the amendments may impact the Anderson proposal with respect to the recommended language concerning land uses that are a relocation or substitution because the Anderson proposal is in a location that previously had storage for salt and deicing materials, which is a prohibited use. This new business would be a preexisting use for the site that is proposed. Committee Member Henk stated that this reflects Well #12 which is already in place, and we are just adopting this for our protection in the future. She has read through the current ordinance and the new changes, and she thinks that this gives the Village a lot more protection than previously. Henk indicated that KwikTrip would need to have stormwater management and protection systems with gas distribution & storage at the proposed new location that they don't have now at their current location. Committee

Member Williams asked whether a new prohibited business would not be able to apply for anything within a groundwater protection area? Director Retzlaff stated that a new business could apply if there is a preexisting prohibited use at the same location, but the new business would have to prove that they pose less of a risk and are using further protection where an existing prohibited business could relocate, expand and remodel within the protection area with these changes.

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

No: None

Abstain: None

Motion Passed (Yes 6, No 0, Abstained 0)

D. JSD Professional Service, Inc., Agent for Heather Lake LLC/Patsy Ellsworth, Property Owner, and the Ellsworth Corporation N109 W13300 Ellsworth Drive. Site Plan Review for a 52-stall Parking Lot Expansion. (ACTION)

Associate Planner Yanke summarized this proposal for JSD Professional Services, agent for Ellsworth Corporation, is seeking approval of a site development plan for a parking lot expansion including fifty-two (52) additional parking spaces to the east of the existing parking lot. This is a 20 acre site with 2 driveways from Ellsworth and Eisenhower which serve the existing facility & parking area. This parking lot expansion was originally shown in 2012 on a previous site plan, but it was required that they bring any future expansion back to the Plan Commission.

Staff recommends approval of this site plan subject to the following conditions:

- Approval is for the site development plan dated June 10, 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).
- Prior to commencing construction, all issues, both minor technical/plan corrections and other storm water management requirements (including erosion control permitting) identified in the June 10, 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.
- 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.
- All future phasing/development improvements on the property, such as building expansion or parking lot expansion, shall be subject to Plan Commission review and approval.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: William Shadid

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

No: None

Abstain: None

Motion Passed (Yes 6, No 0, Abstained 0)

E. Lemberg Electric Agent for County Line LLC Property Owner. NEC of County Line Rd and Appleton Avenue - Sign Review for Chase Bank. (ACTION)

Associate Planner Yanke stated that Lemberg Electric, agent for County Line LLC, property owner, and Chase Bank are requesting approval of 4 (37SF) wall signs proposed for all building frontages with standard Chase Bank wall signs, as well as 2 small (2.3SF) directional signs. The new Chase Bank facility was approved by the Village Board and Plan Commission in late 2023 for a CSM, site development plan, and building plans. Staff recommends approval of the proposed wall and directional signs for Chase Bank located at N96 W18250 County Line Road in the Fleet Farm parking lot, subject to the following 2 conditions:

- Applicant/owner shall obtain an electrical permit(s) from building inspection services for the sign installations.
- Prior to issuance of an electrical permit and installation of the Chase Bank signs, the existing nonconforming pylon sign advertising Fleet Farm and its gas prices, which fronts the property at the corner of County Line Road and Appleton Avenue, shall be removed. This was a commitment made by the applicant in 2023.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: William Shadid

Discussion Followed. Tina Lewis, a representative for Lemberg Electric spoke, asking if the Plan Commission would consider allowing Chase Bank to move forward with their sign installation if the replacement of the Fleet Farm pylon sign is not ready? Director Retzlaff stated that this was a commitment made by Chase Bank on behalf of Fleet Farm as their authorized agent as part of the original approval for building Chase Bank on this site and the sign in question now rests on Chase Bank property. He said that there have been several sign proposals for Fleet Farm signage that do not include removal of the pylon sign, so there has been no movement towards removal and, from the standpoint of leverage, we need to keep that commitment made by applicant/owner. Committee members Baum and Shadid want that condition to remain in the proposal. Baum reiterated that this is what was committed to when the site plans were approved. Tina Lewis said that she would speak with their contacts and inform them about the requirement for removal.

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

No: None

Abstain: None

Motion Passed (Yes 6, No 0, Abstained 0)

- 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 residents spoke:

Lynn Bednarz who lives on Pawney Court.

Melanie Smythe who lives on Cedar Lane.

Karl Griffiths who lives on Rockfield Road.

VI. ANNOUNCEMENTS:

Chairman Wolter stated that there are 3 meetings scheduled this week: Public Works & Highways Committee and Economic Development Commission on Wednesday, as well as the Utility Advisory Meeting on Thursday. Also, on Thursday there is Music at the Pavillion which starts at 6pm in Fireman's Park, and on Friday night there is movie night in the park at 7pm.

Director Retzlaff stated that we are having a 2nd Plan Commission meeting on August 26th at 6:30pm.

And there is an election tomorrow 8/13. Polls open at 7am and close at 8pm. District 1 polling location has been changed to the Senior Center.

VII. ADJOURNMENT:

Chairman Wolter adjourned the meeting at 7:34pm.