

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, September 9, 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 Committee Members Baum, Tarantino, Shadid and Williams were present. Committee Member Henk and Germantown School District Representative Ewert were both absent. Also present were Community Development Director Retzlaff and Associate Planner Jordan Yanke.
- III. **APPROVAL OF MINUTES:**
- A. PC Minutes 8/26/24
Motion: Approve as presented
Motioned By: David Baum
Seconded By: William Shadid
Yes: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, William Shadid
No: None
Abstain: None
Motion Passed (Yes 5, No 0, Abstained 0)
- IV. **NEW BUSINESS:**
- A. Public Hearing regarding proposed amendments to Tax Incremental District (TID) No. 9, including amending the district boundaries by adding territory as permitted under Wisconsin Statutes Section 66.1105(4)(h)2., and amending the Project Plan to increase the list of estimated project costs by approximately \$4.2M as permitted under Wis. Stats. Section 66.1105(4)(h)1, followed by consideration and possible action on a Resolution Approving the proposed amendments to the Project Plan and district boundaries of Tax Incremental District No. 9. (PUBLIC HEARING & ACTION)
Director Retzlaff announced Ehlers Representative Phil Cosson who gave a presentation on the proposed amendments to TID #9.
Public Hearing opened at 6:55pm.
Comments were received from:
Lynn Bednarz who lives on Pawney Court.
Melanie Smythe who lives on Cedar Lane.

Scott Hefle who lives on Old Farm Road.

Public Hearing closed at 7pm.

Motion: Approve with all elements as presented

Motioned By: David Baum

Seconded By: William Shadid

Discussion Followed. Commission members provided the following comments:

-Williams wants to understand the financial aspects of this. Is it up to the Plan Commission to vote on or if that's another committee? Cosson responded in the affirmative.

-Why now? This is driven by EDWC's communications with Sterling Pharma. They want to have an answer to this first hurdle taken off the table so that they can make a decision on whether or not they want to proceed.

-Retzlaff asked what happens if Sterling Pharma decides that they don't want to proceed? Could we remove the area that is being added now? Cosson said yes, you can remove the additional parcels in the future if you want to, using this same process.

-Williams asked what happens if the Village puts infrastructure money into this area, and then they back out after we have already incurred costs. Cosson stated that there are no infrastructure costs with this amendment. The only 2 costs are the loan from the county and the separate municipal revenue obligations that are tied to the expansions.

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

No: None

Abstain: None

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

- B. Michael Anderson, agent for GH Industries LLC, and Klosett Investments and Mark Mason, Property Owners; Review and Action on the following: a 2-Lot Certified Survey Map (CSM) to combine parcels; a Site Development and Building Plan application; and Conditional Use Permit applications to allow the operation of a "Horticultural Services" business and a "Snow Removal Services" business pursuant to Section 17.33(3) of the Zoning Code, and a "Salt or Deicing Material Storage" business pursuant to Section 17.40 of the Zoning Code, all on the property located at N114 W18686 Clinton Drive in the Germantown Industrial Park. (PUBLIC HEARING & ACTION)

Associate Planner Yanke went over the background of the proposed business, the overall layout, what the site will be used for, landscape plan, new monument sign, etc. The site is 3-acres and is located in a groundwater protection overlay district.

Staff recommends approval of the proposed 1-lot Certified Survey Map (CSM) to combine 2 existing lots for the Green Hills Industries facility located at N114 W18686 Clinton Drive, subject to the following condition:

1. All technical issues and corrections identified by the Village Surveyor (see August 27, 2024, memo from Bob Beilfuss, PLS) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.

Staff recommends approval of the Conditional Use Permits (CUPs) for "Horticultural Services" and "Snow Removal Services" for Michael Anderson, agent for Green Hills Industries, for property located at N114 W18686 Clinton Drive, 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) applications, project narrative dated August 7, 2024, and supporting site plan documents revised dated September 5, 2024. Days and hours of operation shall be limited to those specified in the CUP supporting documents submitted to the Village.
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 these CUPs 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 (i.e. groundwater monitoring results finds harmful levels of pollutants) that were not anticipated at the time of approval of these CUPs, the Conditional Use Permits (CUPs) 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 these CUPs 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 building remodel and addition. Contact SAFEbuilt staff in Inspection Services at Village Hall prior to any work for more information.
7. Pursuant to Section 17.47 of the Zoning Code, if the Village observes and/or receives complaints regarding negative impacts associated with and/or created by business-related activities conducted on the property, including but not limited to noise, dust or other airborne materials, the Property Owner/Operator shall work with the Village to identify the source of such impact(s), evaluate alternative mitigation measures, and implement a mutually-agreeable solution to mitigating the impact(s).

Staff recommends approval of the site development and building plans submitted by Green Hills Industries for a 6,144 square foot warehouse/office building addition (12,616 square feet total), parking lot improvements, new storage and circulation yard, additional driveway cut, and landscaping installation for property is located at N114 W18686 Clinton Drive, 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:

**Architectural plans dated July 12, 2024 (revised August 15, 2024).*

**Civil Engineering plans dated July 24, 2024 (revised Sept. 5, 2024).*

**Landscaping plans dated July 24, 2024 (revised Sept. 5, 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 and/or altered landscaping shall be shown in a revised landscape plan review and approved by the Village Forester, including:

- a. Along the western property line/boundary where the building is situated.
 - b. Along the western and northern property line/boundary to further buffer the supply/storage yard. Applicant shall install additional and/or altered landscaping in these areas to buffer the yard that includes storage bins that have eight (8) foot walls.
 - c. Along the eastern property line/boundary to further buffer the supply/storage yard. Applicant shall install additional and/or altered landscaping in this area to buffer the yard that includes storage bins that have eight (8) foot walls and where the salt storage bin (i.e. hoop structure) is proposed.
 - d. Landscape Plan Page 8 and Page 9. Specify maple and elm tree species and/or varieties that have been added to the landscape plan. The following species are included in the “unapproved” Street Tree Guidelines within the Village, and cannot be utilized as newly planted street trees for this project:
 - a. American Elm
 - b. Siberian Elm
 - c. Red Maple
 - d. Silver Maple
 - e. Sugar Maple
3. Per Code Section 17.45(1)(c), the storage and supply yard shall be paved with bituminous or concrete pavement in accordance with Village standards and specifications. The site plan shall be revised to reflect this surfacing.
4. The technical issues and plan revisions identified in the August 28, 2024, memo from the Village Engineer shall be addressed in revised plan sheets and/or supplemental documents as necessary prior to commencing construction activities (excluding site demolition, early start site preparation, and footing & foundation installation).
5. Applicant shall submit final easement agreements with the property owners of parcels located at N114 W18628 Clinton Drive (GTNV_213985) and W185 N11513 Whitney Drive (GTNV_213976) for the stormwater facilities proposed to serve the subject development prior to commencing construction activities. Stormwater facilities include a detention basin and discharge pipe directed toward Whitney Drive to the east of subject property.
6. State agency (DSPS) approved plans and a \$20,000 occupancy bond are required by Inspection Services. 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.
7. Site plan shall be revised to denote correct setback distance from property line running east/west in the middle of the site. Setback distance shall be revised from 25 feet to reflect a 10-foot setback. The structure shown in this area shall comply with specified setback.
8. One (1) additional ADA parking space shall be installed to meet accessibility standards. The site plan shall be revised to show the additional ADA space.

Staff recommends approval of the proposed ground sign Green Hills Industries located at N114 W18686 Clinton Drive, subject to the following conditions:

1. Applicant/owner shall obtain an electrical permit from building inspection services for the sign installation.
2. Prior to permit issuance and sign installation, applicant/owner shall submit a revised sign plan showing specific setback distance the sign is from the right-of-way/property line. Revised sign plan shall also denote specific landscape details around the base of the sign, so village staff can verify compliance with code.

Groundwater Technical Review Committee Recommendation: Based on discussion and testimony at its September 4, 2024, meeting, the recommendation is to Approve the Conditional Use Permit (CUP) to allow “Salt or Deicing Material Storage” within a Groundwater Protection Overlay District, subject to the following conditions:

1. Applicant/owner shall provide current copies of all federal, state, and local facility operation approval or certificates and ongoing environmental monitoring results to the Village.

2. Applicant/owner shall establish environmental or safety structures/monitoring to include an operation safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring.
3. Replace equipment or expand in a manner that improves the environmental and safety technologies in existence.
4. Prepare, file, and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county, and state officials. Provide a current copy to the Village.
5. Obtain all necessary building permits, including plumbing and electrical for the underground run-off containment and pumping/evacuation system to be installed under the granular storage concrete pad.
6. The proposed underground run-off containment tank shall include a sealed concrete vault and monitored by three (3) water quality sampling wells installed on the property. Annual reporting with test results for the monitoring of the wells shall be submitted to the Village.
7. Prior to the landscaping season, all remaining granular deicing material not stored in the designated concrete storage enclosure shall be bagged and/or stored indoors to protect against run-off and possible contamination.

Discussion Followed: Commissioner Williams asked if the CUP would stay with the business or the property? Retzlaff stated that we could restructure the CUP to stay with the current business. Tarantino asked how much salt the business would go through? Anderson stated that he didn't have a solid # but the storage onsite is between 1200–1000 tons. Trustee Baum wants more information regarding the hoop structure. It's basically 6' walls with a frame, a concrete floor and fabric over the top pulled taut to shield the structure from weather. Do we have rules or regulations about fabric structures? Retzlaff stated that we do not have any for industrial parks. Baum is concerned that it will rip and shred and look terrible. Anderson stated that they have a 20-year warranty for the Clear Span material they are using for the covering.

Public Hearing was opened at 7:39pm

Comments were received from:

Scott Hefle who lives on Old Farm Road.

Jan Miller who lives on Windsong Circle West.

Melanie Smythe who lives on Cedar Lane.

Public Hearing closed at 7:43pm.

Chairman Wolter left the meeting at 7:45pm.

Motion: Appoint Trustee Baum as Chairman Pro-tem

Motioned By: William Shadid

Seconded By: Robert Williams

Yes: David Baum, Josh Tarantino, Robert Williams, William Shadid

No: None

Abstain: None

Motion 2: Approve all 4 sections with all conditions as presented

Motioned By: William Shadid

Seconded By: Josh Tarantino

Commissioner Shadid has a problem with putting this in a wellhead protection area. Tarantino stated that problems arise with his similar business with the amount of dust. With this tight of a facility, how would you mitigate the dust? Anderson stated that the asphalt grindings should help with the dust and there would be very little wind inside the small work area. Yanke stated that we recommend that the entire area be paved. Retzlaff stated that the staff report acknowledges that this type of business has been allowed in the past and is typically located in agricultural areas with larger properties. With this use proposed in the middle of the industrial park, there is a need for this conditional use permit with conditions to address these issues, in case nearby property concerns are submitted so they can be addressed by the Village and applicant. Dust mitigating measures

could be added to #7. Anderson stated that they will use a product called Dust Guard that acts as a binding agent and is sprayed onto millings/mulch. Baum stated that he feels Commissioner Shadid's objection has been covered by the Groundwater Technical Review Committee's assessment and asked if everyone agreed, they did. Retzlaff asked applicant whether the color shown in the photo is the color proposed for building? Anderson stated that the basic color is brick, which they will stain to match the charcoal gray coloring.

Motion 3: Amend Motion 1 to add another condition to the CUPs to terminate if the business changes owners, meaning the CUP's are non-transferrable

Motioned By: Robert Williams

Seconded By: William Shadid

Results of Motion 3:

Yes: Josh Tarantino, Robert Williams, William Shadid

No: David Baum

Abstain: None

Motion Passed (Yes 3, No 1, Abstained 0)

Results of Motion 2 as Amended:

Yes: David Baum, Josh Tarantino, Robert Williams, William Shadid

No: None

Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

C. MSI General, Agent for Moldmakers Investments LLC, Property Owner, and MGS Manufacturing, W188 N11707 Maple Road. Site Plan review of proposed revisions to the landscape plan for the previously approved 118,650 sqft building addition. (ACTION)

Director Retzlaff stated that in 2023 MGS added their innovation center along Maple Road. There was a landscape plan at that time that reflected a series of existing Maple trees along Maple Road. They want to remove 10 trees along Maple Road to enable a view of the building addition and headquarters of their facility. As a mitigation measure, they will plant 12 new trees that will be planted in clusters of 3 trees each to replace the removed trees to meet the most recently approved Comprehensive Tree Plan for the Village.

Staff recommends approval of the revised landscape plan previously approved as part of the 118,650 sqft industrial building addition to the MGS Medical Manufacturing campus located at W188 N11707 Maple Road subject to the following 3 conditions:

1. This approval is for the plans 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: *Landscaping plans dated August 13, 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. 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.
3. A revised landscape plan addressing the recommendations of the Village Forester, including a revised list of plant types and installation sizes that meet the minimum requirements of the Village's Comprehensive Tree

Plan and Zoning Code, shall be prepared and submitted for review and approval by Village Forester prior to installation of the proposed replacement plantings.

Motion: Approve as presented

Motioned By: William Shadid

Seconded By: Josh Tarantino

Yes: David Baum, Josh Tarantino, Robert Williams, William Shadid

No: None

Abstain: None

Motion Passed (Yes 4, 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:

Sarah Larson who lives on Butternut Road.

Melanie Smythe who lives on Cedar Lane.

- VI. **ANNOUNCEMENTS:**

None.

- VII. **ADJOURNMENT:**

Chairman Pro-Tem Baum adjourned the meeting at 8:10pm.