

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, December 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, Williams, Henk and Ewert were all present. Also present were Community Development Director Retzlaff and Associate Planner Jordan Yanke.
- III. **APPROVAL OF MINUTES:**
- A. PC Minutes 11/11/24
Motion: Approve with correction to Commissioner Henks last name 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. **UNFINISHED BUSINESS:**
- A. OneEnergy Development, LLC, Agent for Wayne Lutynski, Property Owner. Certified Survey Map (CSM) to combine parcels and Site Plan Review for a 30-acre Solar Energy Facility located at approximately N132W18100 Rockfield Road. (ACTION)
Associate Planner Yanke went over the updates on this project, including information on the road use maintenance agreement for Rockfield Road. He stated there was a meeting between the Town and Village of Germantown where they presented concerns and comments about the agreement. Those concerns have been discussed with the Village Attorney and are currently under review. There were also 2 petitions included in the packet along with a memo from the Village Attorney addressing the petitions and discussing state law pertaining to the solar proposal. Trustee Baum read the Village Attorney's letter out loud.
Motion: Approve as presented
Motioned By: David Baum
Seconded By: William Shadid

Discussion Followed. Commission members asked questions regarding decommissioning, land condition after decommissioning, financial security clarification, drain tile damage, potential drainage issues including an increase in wetlands and how property tax is paid. Peter Murphy representing OneEnergy answered the questions. He also stated that they currently have 42 solar projects in Wisconsin, and they have maintained ownership of none, all were sold to utilities. This project is only 30 acres and is minimal compared to many others. They use local contractors for installation and grading and have their own personnel on site weekly. They have a pool of approved vendors that are used regularly. If there were an accident involving a contractor's vehicle, then their insurance would cover that. He stated that construction takes 4-6 mos, the majority of which occurs when school is not in session. Construction would start as early as May, or they would be amenable to a condition delaying the start of the project until school is out for the summer. He has reached out to landowners next door to their projects, and they have not been affected negatively. In fact, there is more wildlife, natural habitat, and they are pleased they are not getting a housing development, shipping facility or other noisy business moving in next door. President Wolter stated that everyone who had reached out to him was against this project, he had not received one in favor. This is similar to cell phone towers in that respect. Baum asked how we deal with state statutes that say we have no choice but to approve? We reject it and let the applicant file a lawsuit against us? President Wolter stated that the DNR still has to approve this and there is a waterway through that area, and he feels it might not get approved by them. Peter stated the process if denied does include legal action.

Staff recommends to APPROVE the proposed 1-lot Certified Survey Map (CSM) for OneEnergy Renewables solar project located at approximately N132 W18100 Rockfield Road, subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor (see September 14, 2024, memo from Bob Beilfuss, PLS) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. The CSM be revised to denote a front setback of 60' in accordance with the A-1 District. Any pre-existing structures found to be within this setback shall be noted as "nonconforming" on the CSM.

Staff recommends to APPROVE the site development plan submitted by OneEnergy Development, LLC for a solar energy facility approximately 30 acres in size containing bifacial solar panels, inverters and transformers, access drive (16' width), perimeter 8' fencing, and vegetative screening for property located at approximately N132 W18100 Rockfield Road, subject to the following conditions:

1. This approval is for the 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:
 - a. Site Development Plan dated October 2, 2024.
 - b. Vegetative Screening Plan dated August 26, 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. The Vegetative Screening Plan shall be subject to final acceptance by the Village

Forester and Community Development staff prior to commencement of construction.

3. The technical issues and plan revisions identified in the September 25, 2024, memo from the Village Engineer shall be addressed in revised plan sheets and/or supplemental documents as necessary prior to commencing construction activities or issuance of an Erosion Control Permit.

4. Site operations are limited to the proposed activity by the applicant per the submitted/attached "Solar Generating Facility Operations Plan".

5. State agency (DSPS) approved plans and a \$20,000 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.

6. A gate shall be installed providing another ingress/egress point into the solar array facility on the northeast side of the development site. The gate installation and specifications shall be approved and inspected by the Fire Department prior to commencement of facility operations.

7. Applicant shall install the agricultural/wildlife perimeter fence with openings at the bottom (i.e. at-grade) to allow greater wildlife movement.

8. The maximum height of the solar array panels (i.e. structures) shall be 10' from established grade.

9. All temporary and permanent exterior signs require a permit and shall comply with all current Village sign regulations and requires a permit if/when allowed.

10. Applicant shall provide a commitment to the Village including provisions to ensure that there is adequate financial security set aside to perform the specified decommissioning of the project and any restoration needed to be performed to the shared access drive after construction of the project or its decommissioning. Said commitment shall be reviewed and approved/accepted by the Village Attorney.

11. Applicant/company shall enter into (i.e. sign) a road use/maintenance agreement with/between the Town of Germantown and Village of Germantown specifying terms of use of Rockfield Road during the construction and implementation process for the project. Such agreement shall stipulate terms for any use of Class A weight vehicles on Rockfield Road and shall be approved/accepted by the Village Attorney prior to commencement of construction or issuance of any permits, including an Erosion Control Permit.

12. 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 construction activities or the facility's day-to-day operation on the property, including but not limited to glare, noise, or dust, among other things, 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).

Result of Motion:

Yes: David Baum

No: Dean Wolter, Josh Tarantino, Robert Williams, William Shadid, Bridget Henk

Abstain: None

Motion Failed (Yes 1, No 5, Abstained 0)

V. NEW BUSINESS:

- A. Sunstarr Real Estate Ventures LLC, Agent for Victory Place LLC, Property Owner - Application to Rezone a 7-acre parcel located at approximately W140 N9915 Fond du Lac Avenue from the I: Institutional to the Rm-3: Multifamily Residential Zoning District. (PUBLIC HEARING & ACTION)

Director Retzlaff went over the Site Plan for this proposal, stating that it is within the Victory Center Corridor, which lists commercial and both single or multifamily residences as desirable. The proposal would have six, 2-story buildings with 66 total units, a central open space, onsite storm water management and potential emergency access at Crimson Road. This property has sat idle since the early 2000s. We have had a variety of proposals for multifamily with varying densities since then, with the common theme of requiring Crimson Road to be completed. It's not suitable for single family lots, and we have had no commercial proposals for this property in over 15 years. The Crimson Road extension issue needs to be resolved. He suggests that its extension to FDL Ave is a convenience and although the Fire, Police and DPW would like the connection, they all agree that it's not critical.

Staff recommends the approval of this request to rezone 6.99 acres from the I: Institutional to the Rm-3: Multi-Family Residential Zoning District for purposes of developing a multifamily residential development subject to the following conditions:

1. The final arrangement of buildings, parking, access & internal circulation, storm water management facilities, public & private utilities, landscaping & lighting, sidewalks, trails and other amenities, the type and number of buildings and dwelling units, architecture, and materials will be determined through the Site Development & Building Plan review and approval process for the Village. Detailed Site Development & Building plans shall be submitted and reviewed/approved by the Plan Commission pursuant to Section 17.43 of the Zoning Code prior to the issuance of any permits authorizing construction;
2. If the Village does not require the developer to construct the Crimson Road extension to Fond du Lac Ave/STH145 and agrees to vacate the Crimson Road right-of-way through the property, the developer shall:
 - a. work cooperatively with the Village and pay all cost associated with said right-of-way vacation;
 - b. accommodate any/all utility connections deemed necessary by the Village to/from the existing segment of Crimson Road;
 - c. provide a mutually acceptable emergency access to/from Crimson Road if deemed necessary as part of the Site Development & Building Plan approval process;
 - d. submit detailed development plan generally consistent with the Proposed Site Plan (date September 24, 2024)
3. If the Village does require the developer to construct the Crimson Road extension to Fond du Lac Ave/STH145 and does not agree to vacate the Crimson Road right-of-way through the property, the developer shall:
 - a. submit a revised site plan for review and discussion with the Plan Commission prior to submitting detailed Site Development & Building Plans.
4. As deemed necessary through the Site Development & Building Plan approval process, the developer may be required to enter into a Development Agreement with the Village pursuant to section 17.43 of the Zoning Code to address the responsibility for and timing of public and private improvements, including but not limited to the installation of utilities, landscaping and street trees, and storm water management facilities.

NOTE: If the Plan Commission decides to forward a positive recommendation to the Village Board in favor of rezoning the property as requested, the Plan Commission should also give further feedback and direction to the developer regarding the proposed site plan and other aspects of the proposed development, e.g., architecture & materials, type, number & density of residential units types, amenities, etc.

Chairman Wolter opened the Public Hearing at 7:44pm. He read 6 emails that were received all of which were against the development for various reasons, including increased traffic, sidewalk issues and the possibility of the property owner subsidizing the units as rentals.

Residents that spoke included:

Sarah Bidwall who lives in Seven Pines, is against this due to privacy issues for her, her daughter and their dog. As well as safety issues, including walking in the area and high speed traffic on the road.

Sarah Larson who lives on Butternut Road, is against this development. She wants lower density and condos in that space.

Todd Steiner who lives on FDL Ave. is against this development due to increased traffic and the possibility of subsidizing rentals in that space would bring more crime, trash and noise.

Brian Depies who lives on Ridgewood Lane feels multifamily is probably best for this location. He wanted to address connectivity with the extension of Crimson Road would be a convenience not a necessity, but it would connect walking paths and allow residents to walk safely.

Brenda Hofmann who lives on Amber Drive, is against this development due to the density and increased traffic.

Kim Anderson who lives on Ridgewood Lane is against this due to the increase of noise it will create.

Colin Murphy who lives on Crimson Road, is against this due to the safety impact, and also the increased traffic.

Bob Hoff who lives on Amber Drive is against this because this will be a drain on infrastructure and safety will be an issue.

Bill Conway who lives on Seven Pines Way is against this due to its nearness to Milwaukee and feels crime will increase.

Charles Krieger who lives on FDL Ave, is against this due to the density, traffic issues with parking and trespassing on surrounding properties, a reduction in green space and wildlife, and feels this will put a strain on resources including utilities.

James Wagner on Autumn Ridge is against this and feels this would increase traffic and putting in a high volume apartment complex would not enhance Germantown.

Amanda Krieger who lives on FDL Ave is against this due to the large quantity of apartments in Germantown, higher crime, less wildlife and green space, dangerous driving conditions and noise issues.

Chairman Wolter closed this Public Hearing at 8:14pm.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: William Shadid

Discussion Followed. Baum stated that residents only want owner-occupied housing in this location. No one is looking for Crimson Road to go through anymore and this developer has proposed an emergency access gate which would be the responsibility

of the development owner to maintain it. Baum stated that retail is not being built on the edges of town, the church walked away because they couldn't afford to build. How do we make this suitable for both a developer and residents? The developers representative, Jack Collier, stated that Sunstarr has no intention of subsidizing the apartments, they understand the traffic issues and would be willing to put walking paths along the southside of the property. Their intent is to build a development with rent ranges of \$1600-\$1700/month, targeting middle to upper income individuals. Shadid feels we have to respect residents in the area that wish to have it be owner occupied. Ewert asked if they had studies done on student impact on school districts where they are developing? Collier said no, and he didn't believe this would be impactful on the schools in the area. Developments like this attract seniors, young couples without children as well as families. Tarantino asked how many units would be allowed in RM1-Six, RM2-Eight, RM3-Ten per acre. Would it be doable financially if it stayed zoned RM1 with a lower density? Collier stated that it would be tough. Chairman asked if there was a reason they weren't looking at condos or senior living? Collier stated that general apartments are more conducive for the site and they don't do condo developments, but he has done alot of senior development. He wants to work with the Village, but they prefer it be multifamily. Chairman Wolter stated that there are condominiums and single-family surrounding that site, so he wants to see a much lower density, and the possibility of a walkway to connect to Autumn Ridge. Retzlaff stated that the walkways are filling in as developments have gone in, but the Village may have to step in to complete the intermediate connections. Collier stated that they would consider dropping to 60 units and eliminating building six, but they would still need RM3 zoning. Baum asked, what do we do with these parcels if condos are slow in sales and no one wants apartments? Do we change the 2050 plan to make it all commercial? Chairman Wolter believes that condos would sell in that area pretty quickly. He asked Sunstarr to come up with something else with a much lower density. Collier asked how they felt about abandoning Crimson Road? Wolter stated that they agree with the Police and Fire recommendation as far as the emergency gate, and they are not looking at extending Crimson all the way to Fond du Lac Avenue.

Results of Motion:

Yes: None

No: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, William Shadid, Bridget Henk

Abstain: None

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

- B. Jeff Osgood, Agent for Kwik Trip, Inc., and Ben Venue Properties, Property Owner, N112W18741 Mequon Road (former PNC Bank). Kwik Trip Convenience Store Relocation from W188N10963 Maple Road. Conditional Use Permits (CUPs), Site/Sign Plan, and Rezone from B-3 to B-5. (PUBLIC HEARING & ACTION)

Associate Planner Yanke went over the proposal for a convenience store, fueling station and car wash. The rezone is from B-3 to B-5 Highway Business in the Mequon Road corridor. There are 2 CUPs', one for the self-service carwash, and the 2nd for the relocation of a prohibited pre-existing use/facility within a wellhead protection district from their current location south of Lannon Road. This would be a 24-hr a day, 7 days a week business with 28-35 full & part-time employees. The existing Kwik Trip will be decommissioned and removed upon the new store opening. He went over the

proposed Site Plan and described the circulation of traffic within the site as well as landscaping and signage. There could be another condition added for additional landscaping and the 6-9' retainage wall safety measures and appearance. Kevin Driscoll, Village Engineer, stated that he has 2 conditions: If accidents become a problem in the future at the Kleinmann intersection an MOU will be needed to require right turns only going northbound onto Maple Road, and the retaining wall requires a PE stamp by a structural engineer. Retzlaff stated that the traffic study requires a right turn entry lane going into the Kwik Trip off of Maple.

Staff recommends approval of the Rezone of one (1) parcel comprised of 4.37 acres from B-3: General Business District to B-5: Highway Business District, as proposed. Staff recommends approval of the Conditional Use Permit (CUP) for a Self-Service Carwash for Kwik Trip, Inc. for property located at N112 W18741 Mequon 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 and project narrative dated October 14, 2024, and October 17, 2024, and supporting site plan documents revised dated September 5, 2024. Days and hours of operation shall be in accordance with 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 use 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 (CUP) 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 use 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 building and canopy construction. Contact SAFEbuilt staff in Inspection Services at Village Hall prior to any work for more information.
7. No overnight parking of semi-trailer trucks shall be permitted on site.
8. 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 Kwik Trip, Inc. for a 12,167 square foot convenience food store with 2-bay attached carwash, gas and diesel fuel canopies, parking lot and driveway improvements, and landscaping installation for property is located at N112 W18741 Mequon Road, subject to the following conditions:

1. This approval is for the various plan sheets that comprise the site development 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:

- a. Civil engineering plans dated October 9, 2024.
- b. Landscaping plans dated October 9, 2024.
- c. Photometric lighting plan dated October 9, 2024.
- d. Architectural rendering set received October 21, 2024 (3 pages).

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. Taller landscape plantings (i.e. trees) shall be installed in front of the retaining wall along Lannon Road to better screen/buffer the view of the wall from drivers on Lannon Road.
- b. Identify if the trees off the southeast edge of the storm pond will be removed. If not, the grade changes to accommodate the pond, and planting a new border of trees under the canopy of the existing trees will negatively impact the health of the existing trees.
- c. Consider the following alternatives for maple trees, white spruce, and black hills spruce.
 - i. Deciduous trees (maple alternatives)
 - ☐ Kentucky Coffeetree (*Gymnocladus dioicus*)
 - ☐ London planetree (*Platanus x acerifolia*)
 - ☐ Tuliptree (*Liriodendron tulipifera*)
 - ii. Evergreen Trees (spruce alternatives)
 - ☐ Norway spruce (*Picea abies*)
 - ☐ Serbian spruce (*Picea omorika*)
 - ☐ Concolor fir (*Abies concolor*)

3. The technical issues and plan revisions identified in the November 26, 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).

4. 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.

5. Site plan shall be revised (or clarified) to denote a 40-foot maximum width for the driveway openings at the right-of-way line pursuant to Code Section 17.45(4)(c). This applies to the driveway entrances to and from the site at Maple Road and Mequon

Road. 6. Site plan shall be revised (or clarified) to verify the proposed retaining wall meets minimum setback requirement from the base of the wall to the property line at all points. A fence or other barrier structure shall be added to the top of the retaining wall to prevent drivers from inadvertently driving over the wall.

7. Per the Village's Superintendent of Wastewater Utility, the existing sample manhole shall be reconstructed to current Village requirements and detail.

8. The final architectural building/canopy plans shall include brick work on the gas and diesel canopy support poles extending to the base of each canopy roofline.

9. Applicant/owner/operator shall construct a right turn northbound lane at the driveway entrance approach off Maple Road. An agreement for work within the Village right-of-way shall be signed and executed between the applicant/owner/operator and Village prior to work commencing, subject to Village Attorney review and approval.

Staff recommends approval of the Sign Plan for Kwik Trip, Inc. for property located at N112 W18741 Mequon Road, subject to the following conditions:

1. Applicant/owner shall obtain electrical/building permits from Building Inspection Services for sign installation.

2. Prior to permit issuance and sign installation, applicant/owner shall submit a revised sign plan illustrating that the wayfinding/directional signs comply with code and are no higher than four (4) feet from grade (as applicable to each sign).

Based discussion and testimony at its November 25, 2024, meeting, the Groundwater Technical Review Committee recommended to APPROVE the Conditional Use Permit (CUP) to allow a Motor Vehicle Filling Station 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 on-going 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. To the extent feasible, based upon scientific, engineering and economic factors, all site, building and other improvements shall be repaired, rebuilt, expanded, relocated, or substituted using best management practices, designs and technologies which are state of the art, such that they diminish the potential for wellhead contamination. 6. To the extent feasible, based upon scientific, engineering, and economic factors, the replacement, substitution, or augmentation of equipment and machinery and the installation thereof shall utilize state of the art equipment and machinery which diminishes potential for wellhead contamination.

7. The relocation of pre-existing uses or facilities is allowed provided all the following are met:

a. The pre-existing use or facility is relocated within the same Groundwater Protection Overlay District.

b. The new location meets all applicable separation distance requirements set forth under subsection 17.40.09.

- c. The use or facility can obtain all applicable Federal, State and Local approvals and permits.
- d. The owner of the property or current site from which the pre-existing use or facility is relocating from records a deed restriction against the property that prohibits future uses and/or facilities that require a conditional use permit under subsection 17.40.11 or are listed as a prohibited use in subsection 17.40.11. A copy of the recorded deed restriction shall be submitted to the Village.
- e. The owner of the property or operator of the pre-existing use or facility being relocated causes the property and all structures, equipment, and systems located thereon to be altered and/or restored to a physical condition that can be reasonably expect to not cause groundwater contamination, including but not limited to the removal of storage tanks, pipes, and systems that previously contained or utilized hazardous, flammable, or other liquids or materials that had the potential to contaminate the Village's groundwater resources. Such alteration and restoration shall meet all applicable Federal, State, and Local agency requirements (e.g. Wisconsin's Cleanup Rules and Laws). Documentation providing proof of meeting this condition shall be submitted to the Village.

Chairman Wolter opened the Public Hearing at 9pm. The following residents spoke: Melanie Smythe who lives on Cedar Lane stated she thinks the canopy is top-heavy and blocks the building. She doesn't agree with adding brick along the columns, and she thinks traffic will be a problem.

Lynn Bednarz who lives on Pawnee Circle, stated that she thinks their current location is safer and also thinks traffic will be a problem.

Nancy Lowander who owns the adjacent land with a rental unit on it, is against this proposal because no one will want to live in her rental property if they build a Kwik Trip right next door. She believes there will be more light pollution and increased traffic.

David Kasinskis who owns a business on Kleinmann Drive is concerned about increased traffic and thinks this is better suited right off the highway.

Steve Shellen is the owner of the PNC Bank property and has seen the decline of the building for many reasons. The property taxes have doubled and is making it impossible for him as the owner to make enough to pay the taxes.

Steve Weselowski who lives on Pheasant Run is not against the project but he thinks traffic is a concern at Kleinmann and would like to see the retaining wall made out of nice lannon stone.

Public Hearing was closed at 9:27pm.

Motion 1: Approve Rezone as presented with no conditions

Motioned By: David Baum

Seconded By: Bridget Henk

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

No: None

Abstain: None

Motion 1 Passed (Yes 6, No 0, Abstained 0)

Motion 2: Approve CUP for self-service Car Wash with 8 conditions 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 2 Passed (Yes 6, No 0, Abstained 0)

Motion 3: Approve Sign Plan with 2 conditions and add a 3rd condition for the plans to be modified to include the property address at the bottom of the proposed ground signs.

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

Motion 4: Approve CUP to allow a motor vehicle filling station within the Groundwater Protection Overlay District with 7 conditions 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 4 Passed (Yes 6, No 0, Abstained 0)

Motion 5: Amend Motion 4 to add an 8th condition to add the Village of Germantown as additional insured on Kwik Trip's pollution liability policy

Motioned By: Robert Williams

Seconded By: David Baum

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

No: None

Abstain: None

Motion 5 Passed (Yes 6, No 0, Abstained 0)

Motion 6: Approve Site Development and Building Plans with 5 conditions as presented

Motioned By: David Baum

Seconded By: William Shadid

Motion 7: Amend Motion 6 to add/modify a 6th condition stating the Village reserves the right to make future public road alterations and/or improvements in the form of traffic signals, allowed turning movements, and traffic flow patterns as it pertains to the driveway entrances to/from the site and the surrounding roadways of Maple Road and Mequon Road in general. Any proposed alterations/improvements shall be based off the Manual on Uniform Traffic Control Devices (MUTCD) standards.

Motioned By: David Baum

Seconded By: Bridget Henk

Discussion followed. Retzlaff stated that we are essentially putting Kwik Trip on notice that if traffic reaches a problem at that intersection, we may, at our choosing, put in some sort of median treatment to assist with traffic. Troy Mleziva representing Kwik Trip spoke regarding the traffic issues. He thinks they should be able to operate the way it is today as this is no different from any other traffic issue, they will work with the Village toward a solution. Tarantino asked if there would be signs directing trucks on the direction to turn. Troy stated yes and they design the sites with box trucks in mind. Retzlaff asked how the truck parking area would work as the arrows are pointing southwest. Mleziva stated that folks access the sites for meals and those are places for them to park. We could look at striping it differently, in a different direction, if the Village feels it would work better. Retzlaff is there maneuverability for trucks to swing around the islands and head back out north the way they came in? Jeff Osgood with Kwik Trip stated that those arrows are more for directional purposes, planning and discussion. He discussed a diagram included in the packet showing truck movement within the site and how a semi can fuel up, park and then swing around to exit. Retzlaff stated that there would be no overnight parking allowed, and they would sign something to that affect.

Results of Motion 7:

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

No: None

Abstain: None

Motion 7 Passed (Yes 6, No 0, Abstained 0)

Motion 8: Amend Motion 6 to add/modify a 7th condition stating the site plan shall be revised (or clarified) to verify the proposed retaining wall meets minimum setback requirements from the base of the wall to the property line at all points. A fence shall be added to the top of the retaining wall to prevent drivers from inadvertently driving over the wall. Final construction plans for the retaining wall, its material, and associated fence shall be stamped by a Professional Engineer (PE) and reviewed/approved by the Village Engineer.

Motioned By: David Baum

Seconded By: Bridget Henk

Discussion followed: Osgood stated that they could possibly do a 2 tiered retaining wall or some other design, but that would limit the landscaping. Typically, they would install a metal wrought iron railing at the top.

Results of Motion 8:

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

No: None

Abstain: None

Motion 8 Passed (Yes 6, No 0, Abstained 0)

Motion 6 Discussion:

Baum stated that the canopy is an issue. He would like to get rid of the roof on the canopy completely. Jeff Osgood stated that they typically don't put a roof on their canopies, so they would be fine with removing the roof and it would be a cream color. They don't normally put brick on the canopy columns either.

Results of Motion 6:

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

No: None

Abstain: None

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

Motion 9: Amend Motion 6 to add/modify the 8th condition (new condition 9) listed in packet stating the canopy structures shall be modified by removing their proposed asphalt shingle roof above the traditional horizontal canopy roofline.

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

Discussion followed. Williams asked whether the old Kwik Trip was operating with a CUP? Yes. Is the CUP moving with the landowner? No. The use as a gas station predated the wellhead protection ordinance. Williams wants to know who is responsible for monitoring to make sure that no gas station goes back into the original site. Osgood stated that they would put a deed restriction on the sale of the land.

- C. Village of Germantown Community Development Department - Proposed Text Amendments to Section 14 (Building Code), Section 17 (Zoning Code), and Section 18 (Subdivision & Platting Code) of the Village of Germantown Municipal Code.(STAFF REQUEST TO TABLE PRESENTATION & PUBLIC HEARING TO JANUARY 13, 2025)

Motion: Table until January 13th, 2025

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)

- D. Briohn Building Corp. Agent for TDC Willow Creek LLC Property Owner - N102 W19200 Willow Creek Way. Site Development & Building Plan Application for a 1.55-acre Outdoor Storage Area. (ACTION)

Director Retzlaff went over the history of the proposal, which is within the Willow Creek Business Park in TID6. The business park was created in 2016 and included protected covenants which were accepted between MLG Investment and the Village of Germantown with enforcement by the property owner association led by MLG. The business park covenants prohibit outdoor storage; section 7.01 screening, states that no items shall be kept outdoors or exposed to view, but it also states that a written variance may be reviewed for a waiver of the covenant. Xylem is the prospective tenant who has asked for a 1.5 acre outdoor storage area for pumps, pipes and racks of a height not to exceed 8' with a chain link fenced enclosure. There would be no

pump testing, assembly or repair conducted outside. Retzlaff discussed the proposed improvements, site plan and the outdoor storage area. MLG Investment and the review board have indicated that a variance will be granted. Additional landscaping consisting of evergreen trees has been proposed, as well as the expansion of the existing storm water basin and a new drive-up ramp with an overhead door. Retzlaff is concerned that this will set a precedent for other tenants in locations that are not so easily screened.

APPROVE the site development plan for a 1.55-acre outdoor storage enclosure in the rear yard of the multi-tenant industrial building located at N102 W19200 Willow Creek Way in the Germantown Willow Creek Business Park subject to the following conditions:

1. 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 architectural and engineering plans unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:
 - a. Civil engineering plans dated November 11, 2024;
 - b. Storm water management plans dated November 11, 2024;
 - c. Architectural plans dated October 29, 2024;
 - d. Landscaping plans dated November 7, 2024
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.
3. 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.
4. The Developer shall coordinate with the Village Fire Department to provide the means of emergency access to the outdoor storage area enclosure.
5. The Developer shall be responsible for ongoing and regular maintenance of the emergency access driveway as needed to keep the driveway accessible at all times of the day and through the year.
5. The enclosed outdoor storage area shall be used exclusively for the storage of pumps, pipes, hose, parts and other equipment used in the conduct of the business. No testing of pumps, assembly, repairs, or other activities and services shall be conducted outside the building or within the enclosed storage area.
6. The owner shall provide written proof required under Section 4.01 of the Willow Creek Business Park covenants that a variance from Sections 5.06 & 7.01 of the Business Park covenants has been granted. Said document shall be provided to the Community Development Department prior to the issuance of any Village permit needed to commence construction of the outdoor storage area (excluding any building permit required for buildout of the tenant building space).
7. The Village Engineer and Public Works Department has not completed its review of the civil plans, sewer & water easement utility realignment or storm water management plan and report (copy enclosed dated March 9, 2023). Consequently, no permits shall be issued by the Village for construction of the building until such time as

Public Works & engineering staff have reviewed and approved the civil engineering, utility, and storm water management plans and reports for Village and other applicable code compliance (excluding “early start” site clearing and footing/foundation work approved by the Village and/or WI DSPS).

7. State agency (DSPS) approved plans and a \$20,000 occupancy bond are required by Inspection Services at the time of building permit application required for the tenant space buildout. 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.

8. All proposed exterior signage, including temporary, monument and wall-mounted signs, require review and approval by the Village staff or the Plan Commission.

9. A storm water maintenance agreement, erosion control plan and permit, and all plan corrections and issues identified by the Village Engineer in the December 5, 2024 review memo shall be addressed and approved by the Village Engineer prior to commencement of construction of and issuance of an erosion control permit for the outdoor storage area.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: Bridget Henk

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. Monches Engineering, Agent for Store Master Funding XIII LLC, Property Owner and Systems LLC - W194 N11481 McCormick Drive. Revised Site Plan Application for a 21-stall parking lot expansion and outdoor storage area improvement. (ACTION)

Associate Planner Yanke went over the background for the revised site plan which is needed for a change to the parking stall layout. The 21 additional stalls have been modified to 3 fewer parking stalls than the original due to the A&R Pipeline easement running through the rear portion of the lot.

Staff recommends the approval of the site development plan for the new construction of twenty-one (21) 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 conditions:

1. Approval is for the site plan with revised date October 30, 2024, grading plan dated December 3, 2024, and landscaping plan with revised date November 8, 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 December 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 an Erosion Control Permit.
3. The landscaping plan shall be subject to final approval/acceptance from the Village Forester prior to commencing construction activities.

4. Applicant/owner shall remove the first two (2) parking stalls in the far northwestern corner of the existing parking lot leading to the proposed expansion area.

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)

- VI. 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.)*

Residents who spoke included:

Melanie Smythe who lives on Cedar Lane

- VII. ANNOUNCEMENTS:**

None.

- VIII. ADJOURNMENT:**

President Wolter adjourned the meeting at 10:23pm.