

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, April 28, 2025 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 Soderberg called the meeting to order at 6:30pm.

 - II. **ROLL CALL:**
Chairman Soderberg and Committee Members Warren, Tarantino, Williams, Shadid (via Webex) and Henk were all present, Ewert was absent excused. Also present were Community Development Director Retzlaff, Associate Planner Yanke, Administrator Kreklow and Administrative Coordinator Remich (via Webex).

 - III. **APPROVAL OF MINUTES:**
 - A. PC Minutes 4/14/25
Motion: Approve as presented
Motioned By: Josh Tarantino
Seconded By: William Shadid
Yes: William Shadid, Robert Williams, Bridget Henk, Josh Tarantino
No: None
Abstain: Bob Soderberg, Robert Warren
Motion Passed (Yes 4, No 0, Abstained 2)

 - 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.) Comments that may be injurious to village personnel or other individuals will not be allowed.*
Motion: Move Citizen Input up to first on the Agenda
Motioned By: Bob Soderberg
Seconded By: Robert Warren
Yes: Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Bridget Henk, Josh Tarantino
No: None
Abstain: None
Motion Passed (Yes 6, No 0, Abstained 0)
- Citizens that spoke included:
Sarah Larson who lives on Butternut Road.

Lynn Bednarz who lives on Pawnee Court.
Melanie Smythe who lives on Cedar Lane.
Scott Hefle who lives on Old Farm Road.
Ellen Welden Crisci who lives on Juniper Drive.

IV. NEW BUSINESS:

- A. Josh Tarantino, Agent for LAW Development, Property Owner, and Wendland Nursery & Wendland Landscape Services, Inc.; Amendment to Conditional Use Permit (CUP) No. 06-1989 allowing horticultural services and the retail sale of products not grown on the property; and Site Plan Review for a proposed 2,560 sqft square greenhouse on the property located at W172N10415 Division Road. (PUBLIC HEARING & ACTION)

Josh Tarantino recused himself for this proposal and stepped down from the dais.

Associate Planner Yanke went over the background of the business and outlined the proposed updates to the CUP from 1989. Several smaller buildings (3) will be taken down, and a new greenhouse will take their place on the property. Discussion followed. Warren asked about the two driveways, their usage, and the possibility of eliminating one of them. Yanke stated that the driveway issue is independent of tonight's action and that there is an ongoing discussion between the Village Engineer and Wendland. Josh Tarantino stated that the two driveways are critical, but the placement is not, but that will not be formally decided on until a later date during the reconstruction of Division Road. Williams asked about the CUP's perpetuity and if the Village could add a condition stating that if the ownership changes, the new owner would need to apply for their own CUP (i.e. non-transferable) unless it is a member of the current owner/operator's family. Retzlaff stated that yes, that could be added.

Chairman Soderberg opened the public hearing at 6:57pm.

Residents who spoke included:

Lynn Bednarz who lives on Pawnee Court stated that she agrees that this business needs 2 driveways for ease of entry and exit.

Scott Hefle who lives on Old Farm Road stated that he supports this and that the business owner has always helped the community.

Justin Schweiger who lives on Whitetail Run stated his support for this proposal.

Marcy Lindgren who lives on Whitetail Run stated that they support these changes.

Nick Gearhard who lives on Pinewood Court stated that he agrees that the business needs 2 driveways and supports this proposal.

Chairman Soderberg read aloud 3 emails in support of this proposal.

Chairman Soderberg closed the public hearing at 7:06pm.

Staff recommends approval of the amendment to Conditional Use Permit (CUP) No. 06-1989 allowing horticultural services and the retail sale of products not grown on the property for the parcel located at W172 N10415 Division 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 supporting site plan documents dated February 24, 2025. 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 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 uses 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 demolition of buildings and new building (i.e. greenhouse). 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 plan and building plans submitted by Josh Tarantino of Wendland Nursery for a 2,560 square foot greenhouse for property located at W172 N10415 Division Road, subject to the following conditions:

1. This approval is for the site plan sheets submitted with the site plan application dated February 24, 2025, and for various plan sheets that comprise the building plans prepared by the Wisconsin Greenhouse Company, dated February 10, 2025. If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.
2. Site plan shall be revised to denote correct setback distances from Structures 1, 2, 4, 6, and the greenhouse, from the front/eastern property line. Site plan shall

also be revised to denote correct setback distances from Structures 3 and 5 from the southern property line.

3. One (1) ADA parking space shall be installed to meet accessibility standards. The site plan shall be revised to show the additional ADA space.
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. Property Owner/Operator shall work with the Village to remove/relocate any identified encroachments emanating from the project site into the right-of-way abutting the property to the south at a time that the Village improves the right-of-way.
6. Property Owner/Operator acknowledges a planned roadway project for Division Road and that a new right-of-way plat along Division Road where the project site is located will be established.

Motion 1: Approve CUP as presented

Motioned By: William Shadid

Seconded By: Robert Williams

Motion 2: Amend to include an additional condition stipulating the CUP is non-transferable to a new owner unless it is transferred to a member of the current owner/operator's family.

Motioned By: Robert Williams

Seconded By: Bridget Henk

Yes: Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Bridget Henk

No: None

Abstain: Josh Tarantino

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

Results of Motion 1:

Yes: Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Bridget Henk

No: None

Abstain: Josh Tarantino

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

Motion 3: Approve Site Plan

Motioned By: Robert Warren

Seconded By: Bridget Henk

Yes: Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Bridget Henk

No: None

Abstain: Josh Tarantino

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

- B. Paul & Christine Ryan, Property Owners, W168N12394 Century Lane.
Conditional Use Permit (CUP) Application for a Mother-In-Law Suite. (PUBLIC HEARING & ACTION)

Associate Planner Yanke went over the background of the proposed Conditional Use Permit for a "Mother-In-Law Suite" accessory dwelling unit within an existing residence

on the 5.26-acre parcel. The Mother-In-Law Suite will include two bedrooms, kitchenette, a shower, and is intended for occupancy by the owner's parents.

Chairman Soderberg opened the public hearing at 7:15pm.

No residents came forward to speak

Chairman Soderberg read aloud 5 emails in support of this proposal.

Chairman Soderberg closed the public hearing at 7:20pm.

Staff recommends the approval of the Conditional Use Permit (CUP) for Paul and Christine Ryan to allow a "Mother-In-Law Suite" accessory dwelling as part of the single-family dwelling located at W168 N12394 Century Lane, subject to the following conditions:

1. The MILS shall be constructed consistent with the building/floor plan revised dated March 3, 2025, 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 of an ongoing basis.
3. The property owner shall notify the Community Development Director/Village Zoning Administrator if/when use of the lower level 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 Ryan family.

Motion: Approve as presented

Motioned By: Robert Warren

Seconded By: Josh Tarantino

Yes: Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Bridget Henk, Josh Tarantino

No: None

Abstain: None

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

- C. Parish Survey & Engineering, Agent for Matt Seban and TLC Acres, Property Owner W210 N10738 Appleton Avenue. Site Plan Review for a 5,200 sqft building and a Conditional Use Permit (CUP) Application to allow grading & filling within a 25' wetland and 75' navigable waterway setback. (PUBLIC HEARING & ACTION)

Director Retzlaff went over the background of the proposal and some of the history of TLC Acres. There is currently filling and grading being performed in Tier 2 of the property with Tier 1 having been completed in 2018. There is no projected completion date for Tier 2 at this time. The project includes the addition of a 5,200sqft building which will need to be moved to meet the setback requirement, as well as the addition of 11,000sqft of asphalt paving and construction of an onsite stormwater basin. The drainage ditch that runs through the property is considered a navigable waterway per the DNR and additional permits may be required. FEMA floodplain maps have been revised and will go into effect in 2025. This property will have a large portion of it included in the new 100-year floodplain map which will have to be dealt with when the new maps go into effect.

Staff recommends approval of the Conditional Use Permit to allow encroachment into a 25' wetland and 75' navigable waterway setback as presented in the Wetland and Navigable Waterway Setback Compensation Plan (dated January 30, 2025) for the TLC Acres property pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

1. To the extent practicable, CUP #08-2019 should be revised to include approval of the setback encroachment and Wetland and Navigable Waterway Setback Compensation Plan (dated January 30, 2025).
2. 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 cause problems or harmful effects that were not anticipated at the time of approval of this CUP, the conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. The Property Owner shall implement the setback compensation measures as set forth in the Setback Compensation Plan dated January 30, 2025, as part of the site development activities. Any changes to the mitigation plan or changes to any proposed development of the site that impact the ability to implement the mitigation plan shall be reported to the Village.
4. The Property Owner shall prepare and submit an annual monitoring report to the Village concerning the management activities proposed in the CUP narrative, including the planting of native vegetation. Said report shall, at a minimum, detail the type and number of seeding and plantings, activities carried out in the previous year and the observed success (or failure) of previous activities, and detail on the planned activities to be carried out for the coming year. Said report shall be submitted to the Community Development Department annually at the end of each year beginning in 2025 and for a period of three (3) years.

Staff recommends approval of the site development and building plans for a 5,200 sqft accessory building addition 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 plans unless the conditions of approval adopted by the Plan Commission require or necessitate revisions to these plans: a. Architectural, Building & Elevation plans dated March 19, 2024; b. Civil Engineering plans dated January 29, 2025; c. Stormwater Management Report dated January 23, 2025; d. Wetland and Navigable Waterway Setback Compensation Plan (dated January 30, 2025).
2. The proposed building addition, existing hoop storage structure, and re-located shipping container shall be constructed to meet the minimum required 50 feet property line setback from the side yard (north) property line. The Site Plan set shall be revised accordingly to show the minimum required 50' setback line and building/structure locations in compliance with said setback and submitted to

the Village Planner prior to issuance of a building permit for the proposed building addition.

3. CUP #08-2019 shall be revised to include by reference the proposed Site Plan set, including the proposed building addition, asphalt paving, and storm water basin improvements as approved by the Plan Commission.
4. The owner/operator shall submit a revised erosion control permit application to the Village of Germantown as necessary to include the site improvements and other land-disturbing activities approved as part of this Site Plan so the permit and any requirements stipulated in the erosion control permit are accurate and up-to-date. No additional land disturbing activity shall commence until a revised erosion control permit has been issued by the Village.
5. 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.
6. 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.
7. All comments and issues raised in the Village engineer's February 21, 2025, review memo shall be resolved and reflected in additional information and/or revised plans submitted to the Engineer for further review, comment, and approval prior to commencing construction or issuance of building permits (excluding any "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS).
8. The owner/operator is responsible for applying for and obtaining all permits or approvals required by the Wisconsin Department of Natural Resources (WisDNR) for construction of the storm basin and other land-disturbing activities located on the property prior to commencing said construction or land-disturbing activities.
9. At such time as the shipping container is no longer used for farm-related storage purposes, it shall be removed from the property pursuant to Section 17.41(7)(c) of the Zoning Code.
10. The owner/operator is advised that the Village's flood hazard rate maps (FIRMs) that establish the 100-year floodplain boundary used for determining eligibility in the National Flood Insurance Program (NFIP) and by the Wisconsin DNR and Village of Germantown for regulatory purposes, are in the process of being revised. Sometime in 2025, the new FIRMs will become effective, and the Village will update the Floodplain Zoning Code to include the new maps. As a result, portions of the TLC Acres property are expected to become impacted by and subsequently further regulated by the 100-year floodplain boundary and Floodplain Zoning Code. That part of the TLC Acres property will be subject to new and more restrictive floodplain zoning regulations and the proposed grading, filling and other improvements may be impacted by these new regulations to the extent that said improvements may not be allowed after the new FIRM maps and Floodplain Zoning Code are adopted. To the extent provided by law, Village approval of the Site Plans referenced herein does not

provide a vested right to the owner/operator to complete the grading, filling and other improvements set forth in said plans in the event the new FIRMs and resulting 100-year floodplain boundary, revised Village of Germantown Floodplain Zoning Code, or other applicable floodplain regulations effect the TLC Acres property.

Retzlaff introduced Evan Nicodem with Paris Survey and Engineering. Nicodem stated that they have no issues with the conditions as presented. He wanted to make it clear that they are staying away from the wetlands, they are only filling the designated areas within the setbacks from the wetlands. He spoke with Washington County regarding the new floodplain maps and asked when they would go into effect and was told it could be this year or possibly in the first half of next year. They are also waiting for an Erosion control permit from Engineering that will hinge on what happens at this meeting tonight. The committee asked about the area being filled in now and whether the new floodplain would make them have to move it. Retzlaff stated no, they couldn't. The proposed floodplain is quite extensive once the new map becomes effective, but as of now, we can't do anything to stop a property owner from filling in their property as long as they have the proper permits. Evan stated that the property owner does plan to farm this property in some way.

Chairman Soderberg opened the public hearing at 7:40pm.

Residents who spoke included:

Tanya Kapp who lives on Appleton Avenue stated her opposition to this proposal. She feels that this business doesn't do any farming. There are trucks dumping, making noise and dust constantly. She sees no foreseeable end to it, and it affects her life negatively.

Jerome Powell who lives on Appleton Avenue stated that he is against fill being brought into this property as it makes his property lower and wetter. He stated that there are limited plantings on the property and the business seems to be more retail. And he agrees that there is a lot of noise and dust.

Sharon Gleissner who lives on Appleton Avenue stated that she thought this business was supposed to be farming. She says it is extremely noisy with over 100 trucks a day. They were supposed to have end dates to finish filling the tiers on the property. She stated that there are a lot of accidents in front of her home due to all the traffic going to this business.

Bob Lietzau who lives on Oak Lane stated that he hears noise from this business around the clock, even in winter with snowplowing and salt dumping. He feels this business was never a good fit for the property, and they are not good neighbors. They have no bathroom, only a port-a-let which shouldn't be allowed for business. And he agrees that it's on a bad corner.

Lynn Bednarz who lives on Pawnee Court stated her support for these neighbors and their issues.

Michael Kesler who lives on Appleton Avenue is also concerned about where all the water is going to go if they keep filling this property. And he agrees with the other neighbors.

Angela Galaszewsky who lives on Mountbrooke Drive stated that she wonders how this filling will affect her well and yard. She knows this is supposed to be agricultural and they aren't growing anything. With all the buildings and paving, where is the

agriculture going to happen? She would like to see a traffic study done for increased traffic.

Tom Steinbach who lives on Hilltop Drive stated that this affects his quality of life as he has been affected by the noise and vibrations for years. He feels the neighbors deserve to know when this is going to end?

Tanya Kapp who lives on Appleton Avenue came back up to state that she is also concerned about her well and her home getting damaged. She has noticed that she has more water on her property. And asked if she should put a sign in her yard to accept fill to make her property higher?

Sarah Bojarski who lives on Oak Lane is against this proposal and is frustrated that this is even being considered for approval. She wants this denied and feels there is a wetland issue and claims there is already flooding issues. The noise and dirt pollution is out of control and we want more regulations put in place to manage this.

Chairman Soderberg closed the public hearing at 8:11pm.

Committee members discussed:

Is there a history of violations or complaints about the business? No. And there are no restrictions on truck traffic.

Could a CUP be used as a vehicle to try to encourage them to address these issues? Yes.

Is the purpose of filling tier 2 to get the area above floodplain elevation? Yes, and it's only going to get worse as the deadline nears.

Is there an urgency with the filling due to the floodplain changes coming? Yes.

Hours of operation are tied to the landscaping operation on the CUP only, not the filling operation, which is the problem. It's not subject to anything other than the erosion control permit and those conditions are simply making sure there are measures in place to protect the soil from leaving the site.

Are there any engineering summaries that pertain to the groundwater/flooding issues? No.

Is it possible to deny this in order to make them address these issues? As the main complaints are noise/dirt and trucks can't be silenced. They could possibly mitigate some of the dust by sprinkling. Could we regulate/control it through the erosion control permit? Maybe. Yes, a denial would get their attention.

Retzlaff read a condition from the original CUP which pertained to noise affecting neighbors and stated that the owner shall work with the village to control such issues.

An attorney drafted another condition that has appeared on most of our CUPs since 2014, and it states that if what we are told isn't true and getting worse, we can call back the property owner and add new conditions or terminate their CUP. Which gets convoluted because unless you can tie the filling of the site to the operations of the landscaping operation you can't use the CUP to say you can't haul in any more fill. But you could make that recommendation to the Village Board.

There has been no confirmation from the Police Department regarding an accident problem at that location or any noise complaints.

Having no stop date for the filling is a problem. Wouldn't the hard stop for that work be when the new FEMA maps are put into effect? Yes, technically.

Doesn't the noise violate the Village's noise ordinance? Any calls to the police they would address, and we have not heard of any. There is an acceptable decibel level, but that is only for Manufacturing Districts.

Williams stated that the noise from the trucks dumping the fill onto the site is a right as

a business owner, but as he reads the CUP the 2nd condition addresses trucks and that is what is contributing to the noise. How would we determine that the noise is only from the fill dumping trucks and not the other trucks bringing in landscape materials? Soderberg stated that he can't in good conscience approve this after all these neighbors have come forward against it. He wants to support the business, and it would have been better if he had been here to address these concerns. He plans to make a site visit and feels this CUP needs a lot of rework. Henk asked if we were to vote to postpone this decision, could we bring the property owner in to address these issues? Yes.

Motion: Postpone until further notice, so the property owner can address the comments from the public hearing

Motioned By: Bridget Henk

Seconded By: William Shadid

Yes: Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Bridget Henk, Josh Tarantino

No: None

Abstain: None

Motion (Yes 6, No 0, Abstained 0)

D. Discussion of a Potential Policy on the Amount of Multi-Family Housing Development in the Village of Germantown (DISCUSSION)

Administrator Kreklow went over some statistics and the percentages of single-family and multifamily housing within Germantown and comparable areas. Soderberg stated that he is very data-driven and feels this is a good start. He doesn't know if we need more multifamily or not, and he would like to find out that answer.

Discussion Points:

The commission would like more specific definitions of the terms being used including high-density and multifamily. Do we want to divide out the numbers by rental vs owner occupied instead?

What exactly is our population by age since that last census? It was brought up that we are losing our young people. We would like to see if data supports that. Would that age data point to needing more apartments with an older population or less? Where is the demand at?

Kreklow stated that in Wisconsin as a whole the birth rates are declining and the number of people in the age range for having families is declining. He believes that most communities in the state are getting older.

We have existing multifamily units now. It would be interesting to find out their vacancy rates, what age the residents are in those apartments, do they have a lot of turnover, are people waiting for apartments? Retzlaff agreed and stated that the issue of demand is very important. What we have heard from various sources is that there is high demand for high-density, multifamily structures and rentals. Housing costs have gone up, which creates a demand for residences that are affordable. If we are looking to place a cap on rental and multifamily units, we need to know what exactly we are placing a cap on.

Soderberg stated that this is the first step of many, and he would like more information be brought back to this commission. Who can then make recommendations to the Village Board. Retzlaff stated that there is a housing element in the 2050 plan with

objectives and action items and if we are going to move in the direction of adopting a specific policy that places a cap on the maximum number of multi-unit structures in the Village, that section would be a good place to state what that cap is and also put in an action step that requires some sort of regular review and recalibration of what those numbers are, so we know where we are at from year to year. Soderberg agreed and would like to do an annual review of the 2050 plan. Other communities have limitations such as this, and we should look at their data. This is the beginning of a fact-finding expedition.

- E. Vincent Hallmann, Property Owner. Zoning Permit application to install a 6' fence in a public drainage easement on property located at N106 W16331 Fieldstone Pass. (ACTION)

Associate Planner Yanke went over the background of the proposed fence. Staff recommends approval of the zoning permit application to install a 6' white cedar privacy fence within the storm drainage easement along the southern lot line of property located at N106 W16331 Fieldstone Pass, subject to the following conditions:

1. It shall be the responsibility of the homeowner to maintain a free flow of water within the easement at all times. The fence shall be installed so that the bottom of the fence panels within the easement area are 3 inches above grade/ground level.
2. A fence permit is required from Building Inspection Services. The property owner is required to contact SAFEBuilt for more information.
3. The property owner and/or fence installer shall be liable for all site restoration within the easement.
4. The property owner shall enter into an encroachment agreement with the Village that specifies the property owner assumes responsibility for removing and/or replacing the fence and any other damages or costs if access to or maintenance of the easement is required by the Village.

Vincent Hallmann came forward to answer questions regarding the water level on his property. He stated that the 3" height wasn't a recommendation from the fence contractor due to flow but as a general height for fence placement. Henk stated that 3" was not high enough and thinks that if there is a hard stop such as a fence, water will puddle on the neighboring properties as there is no pipe or overland flow path. Warren is concerned that this is just an arbitrary number and no one has actually done the actual calculations for water flow. Henk stated that if he moved the fence out of the drainage easement he wouldn't need their permission, but it could still cause drainage issues on his property. She recommends having a storm water assessment done.

Motion: Table until property owner comes back with additional information and engineering/drainage evaluation pertaining to the fence within the easement.

Motioned By: William Shadid

Seconded By: Robert Williams

Yes: Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Bridget Henk, Josh Tarantino

No: None

Abstain: None

Motion (Yes 6, No 0, Abstained 0)

- F. Bauer Sign & Lighting, Agent for Kahlid Ahmed, Property Owner W156 N9650 Pilgrim Road; Sign Permit Review for proposed canopy and monument signs for CITGO re-branding of the gasoline convenience & car wash facility located at W156 N9650 Pilgrim Road. (ACTION)

Director Retzlaff went over the background of the proposed signs.

Staff recommends approval of the two (2) proposed monument signs for re-branding the gasoline/convenience store and car wash operation located at W156 N9650 Pilgrim Road subject to the following conditions:

1. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.
2. Landscaping meeting the minimum requirement of Section 17.46(7)(c) shall be installed around the base of the monument sign on County Line Road in accordance with a landscape plan submitted to and approved by the Village Planner prior to installation.
3. Address coordinates meeting the minimum requirements of Section 17.46(7)(c) shall be installed on the monument bases for both monuments signs to be installed on the property.

Staff recommends denial of the three (3) proposed canopy signs proposed pursuant to Condition No. 7 in CUP #07-2004.

Bauer sign representative asked if they could change the CUP to eliminate the canopy sign restriction? Yes they could.

Motion: Approve 2 monument signs as presented

Motioned By: Josh Tarantino

Seconded By: William Shadid

Yes: Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Bridget Henk, Josh Tarantino

No: None

Abstain: None

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

Motion: Table action on canopy signs pending amendment to the CUP

Motioned By: Josh Tarantino

Seconded By: William Shadid

Yes: Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Bridget Henk, Josh Tarantino

No: None

Abstain: None

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

VI. ANNOUNCEMENTS:

None.

VII. ADJOURNMENT:

Chairman Soderberg adjourned the meeting at 9:21pm.