

PLAN COMMISSION MINUTES

October 14, 2013

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:34 p.m.

ROLL CALL: Chairman Wolter, Trustee Representative David Baum, Commissioners Warren, Peck, Yokes and Gray were present. Commissioner Stauffacher was absent and excused. Also present were Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: Trustee Rep David Baum asked if anyone knew what work was being done on Wasaukee Road.

PREVIOUS MINUTES: ***MOTION Peck second Baum to Approve the Minutes from September 9, 2013.***

MOTION carried unanimously.

Richard Andersen – W171 N10667 Aspen Lane. Approval to install/replace a residential fence within an existing storm sewer easement. Planner Retzlaff summarized the proposal.

Richard Anderson said he is replacing an existing fence that has been in place for 20 years with no issues. He said A-1 Fence would remove the fence within 48 hours notice if there was a problem.

MOTION Gray second Baum to Approve the installation of a replacement 4' picket fence in the 10' storm sewer easement located on the property at W171 N10667 Aspen Lane in the Cedar Hills Subdivision with the understanding the owner would remove the fence if needed, at his expense.

Commissioner Yokes said he would not support the fence because future homeowners may not be aware of the issue.

MOTION to Amend Peck second Baum if the fence needs to be removed by Village personnel the owner will bear the expense of the replacement.

MOTION to Amend carried unanimously.

Chairman Wolter said he was at the property and didn't notice any signs of erosion or wet area. He said Mr. Andersen seems to understand the needs of the Village and because the fence has been there for 20 years, he would support approving the fence.

MOTION to Approved carried 5-1 (Yokes)

Ink My Body Tattoo – N136 W21933 Bonniwell Road. Travis Nyholm, new operator, is seeking approval of a new conditional use permit to operate the Ink My Body Tattoo and body piercing establishment. Planner Retzlaff summarized the proposal. He said a new CUP was needed because the original operator was no longer associated with the business and the CUP cannot be transferred to a different owner/operator.

MOTION Gray second Baum to Approve a conditional use permit for the “Ink My Body” tattoo and body piercing establishment from the commercial building located at N136 W21933 Bonniwell Road subject to the following conditions:

- 1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated September 26, 2013 and in the supporting documents and plans made part of the application on file with the Village. , i.e. tattoo, body piercing, and the sale of tattoo and body piercing accessories only. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.***
- 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 and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***
- 3. Copies of all required licenses, including the establishment license and licenses for all practitioners operating from this location shall be submitted to the Planning Department prior to issuing an approved CUP.***
- 4. This establishment and all practitioners shall meet and continuously comply with DHS 173 and other applicable state, county and local regulations. In order to insure ongoing compliance, copies of all current inspection records and compliance reports issued by the WI DHS and/or its agent, Washington County Health Department, shall be provided to the Planning Department prior to issuing an approved CUP.***
- 5. All exterior building modifications (including exterior lighting) and/or site improvements require review/approval by the Village. All exterior signage, including temporary signs, require a permit from the Village.***
- 6. This conditional use permit shall be non-transferable. In the event there is a change in the owner/operator of the tattoo and body piercing establishment receiving this CUP, this CUP shall become null and void. A new CUP shall be required in order for a new owner/operator to commence operation of a tattoo and/or body piercing establishment from this property.***

- 7. The owner/operator shall contact the Fire Department for an occupancy inspection prior to commencing business operations.**
- 8. The business space/property occupied by the owner/operator shall not be used for residential purposes; use of the building for living quarters is not permitted under the Village's Zoning Code.**

MOTION carried unanimously.

James & Diana Prah – Lot 1 of CSM 6183. Approval of a Revised Certified Survey Map Application and private street/shared driveway for a 4-lot land division of 36 acres of land located west of Wasaukee Road north of Lovers Lane. Planner Retzlaff summarized the proposal.

MOTION Baum second Warren to Approve the 4-lot Certified Survey Map land division and private street/shared driveway request for the Prah and Madore properties located west of Wasaukee Road north of Lovers Lane subject to the following conditions:

- 1. Approval of the CSM is contingent upon Village Board approval of a private street (shared driveway) serving Lot 2 and Lot 3 installed within the proposed 30' access easement (previously set aside as a 60' road reservation on Lot 2 of CSM # 6183) by the Village Board pursuant to Section 18.07(1)(d) of the Village Code.**
- 2. Prah and Madore shall initiate the process of vacating the 60' road reservation that currently exists across the easterly edge of the Madore property and be responsible for any/all costs incurred by the Village related to vacating the 60' road reservation.**
- 3. The driveway access easement serving Lot 2 and Lot 3 shall be extended as necessary to accommodate the installation of a cul-de-sac bulb having a minimum radius of 30'.**
- 4. The design and installation of the shared driveway shall be approved by the Village as set forth in a Development Agreement pursuant to Section 18.07(1)(d) of the Village (Subdivision) Code.**
- 5. The Applicant shall create a Homeowner's Association and Covenants or an access easement and maintenance agreement reviewed and approved by the Village Attorney to specifically address the issue of installation and maintenance responsibility of the easement and driveway, as well as, the requirements of Section 18.07(1)(d) of the Village (Subdivision) Code. Said covenants or easement agreement shall be prepared prior to review of the CSM by the Village Board.**
- 6. A wetland delineation of the wetlands located within the environmental corridor area in the west and north portions of proposed Lot 1 and Lot 3, respectively, shall be prepared and approved by the DNR prior to or concurrent with any zoning or other permit applications required by the Village for any development activity proposed within the wetland and associated setback areas adjacent thereto as shown on Lot 1 and Lot 3 of the CSM.**

7. Direct access to Wasaukee Road to/from Lot 2 shall be prohibited.

MOTION carried unanimously.

Tarantino & Company for The Gables of Germantown LLC – N109 W17075 Ava Circle. Request is for approval of a revised storm water plan for the 24-unit Matterhaus Community Based Residential Facility. Planner Retzlaff summarized the proposal. Chris Hitch, RA Smith, addressed concerns from Commissioners.

MOTION Baum second Peck to Approve the revised site development plan (revised plan sheets dated 10/9/2013) for storm water management for the Matterhaus Community-Based Residential Facility (CBRF) on Ava Circle as recommended by the Village Engineer.

Chairman Wolter thanked Mr. Hitch for working with the Village Engineer and coming up with an alternative plan.

MOTION carried unanimously.

Winners Circle Car Wash – W164 N11380 Squire Drive. Nick Dentice, owner/operator of Winner's Circle Car Wash is requesting approval of a replacement monument sign and LED electronic message board for the existing business. Planner Retzlaff summarized the proposal.

MOTION Baum second Warren to Approve the proposed replacement monument sign and electronic message center for the Winner's Circle Car Wash located at W164 N11380 Squire Drive subject to the following conditions:

- 1. Electrical permits shall be obtained from the Building Inspection Department prior to installation.***
- 2. All electronic components shall be inspected and labeled by a licensed lab.***
- 3. The electronic message board display shall: (a) present each message as a static message that does not flash, scroll, move, rotate, flicker, or contain live or taped video, animation or graphics (i.e. text only), (b) display messages for a minimum 30 second time interval before changing messages.***

MOTION carried unanimously.

Fastenal – W188 N11927 Maple Road. Robert Sabatke, agent for Fastenal is requesting approval for wall signage for an existing tenant space in the Alpine Business Center building. Planner Retzlaff summarized the proposal.

MOTION Baum second Peck to Approve the proposed wall signage on both the north and south elevations as proposed for Fastenal located at W188 N11927 Maple Road.

MOTION carried unanimously.

Plastic Components – N116 W18111 Morse Drive. Plastic Components, a new tenant in a portion of the existing industrial building is requesting approval of a sign permit for a new monument sign. Planner Retzlaff summarized the proposal.

MOTION Baum second Warren to Approve the proposed monument sign for Plastic Components on Morse Drive in the Industrial Park subject to the following conditions:

- 1. The sign base shall be constructed and/or treated with the same or similar decorative block as used in the primary building on the property; no smooth-faced block shall be used unless finished as shown on the comparative sign used at the other location.***
- 2. Sign installer to ensure nearest point of sign is setback a minimum of five feet from the nearest property line on Morse Drive.***

MOTION carried unanimously.

Village of Germantown – Lot 41 of CSM 6488 in the Germantown Business Park (SW Corner of Mequon Road @ Eisenhower Drive); Conditional Use Permit to allow development within 25' wetland setback and rezoning application to remove 9,827 sqft from the Shoreland-Wetland Zoning District. Chairman Wolter asked that this item be Postponed.

MOTION Baum second Warren to Postpone this item to a future date.

MOTION carried unanimously.

Village of Germantown Floodplain Zoning Ordinance (Municipal Code Section 23) – Adoption of a Revised Ordinance & updated Flood Insurance Rate Maps (FIRM) for the Village of Germantown.

Planner Retzlaff summarized the revised ordinance, including the updated Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) prepared by FEMA. He explained the Village is required under State Statute and Federal law to adopt the latest flood hazard data and regulations in order to maintain eligibility as a participating community in the National Flood Insurance Program (NFIP). He indicated that FEMA's effort to update the FIS and FIRM's for Germantown involved taking the old floodplain boundaries shown on the current maps and super-imposed them over new aerial photographs. Retzlaff went on to say the Village pointed out a number of discrepancies with the updated FIRMs and objected to FEMA not revising the FIS or FIRMs using two foot contour information. Commissioner Gray asked about the process for a property owner to dispute if their property is in floodplain. Planner Retzlaff said the FEMA website provides information on the process which can be done on-line and, depending what information is required by FEMA, can be free or involve some cost (such as hiring a surveyor).

Commissioner Gray commented if the Village signs off on the new ordinance it will

be like throwing people to the wolves. Planner Retzlaff said the Village would be suspended from the NFIP flood insurance program and residents and some property owners would not be able to obtain flood insurance or file claims if the Village is no longer a participating community. He discussed examples of some properties now being shown in a floodplain when other evidence exists to show that they are not. Commissioner Peck was concerned with the expense for a property owner to file an objection with FEMA. Retzlaff discussed how some financial institutions are using the new maps prematurely before the November 20 effective date. He said the Village will continue to assist property owners who want to dispute the maps by providing whatever information we have that may help them, such as site plans, existing surveys or other topographic information that may be available.

MOTION Gray second Baum to Approve the proposed Floodplain Zoning Ordinance as drafted (which includes by reference the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM's) having an effective date of November 20, 2013.

Chairman Wolter said homeowners are learning they're in a floodplain at the time they sell their house or refinance. He encouraged residents who are concerned to come into the Planning Department to look at the floodplain maps. He said if a property is located in a floodplain it is the homeowner's responsibility to handle the debate with FEMA, not the Village. Retzlaff said the FEMA website is extremely helpful and additional information will be posted on the Village website.

MOTION carried unanimously.

ANNOUNCEMENTS: Commissioner Peck commented he had a friend on the Germantown, Tennessee Plan Commission. He said they had two meetings a month. One meeting is a working session where public is invited but cannot speak and the other meeting is for public input.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant