

PLAN COMMISSION MINUTES

January 27, 2014

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:31 p.m.

ROLL CALL: Chairman Wolter, Commissioners Warren, Stauffacher, Peck and Yokes were present. Trustee Representative David Baum arrived at 6:32 p.m. Commissioner Gray was absent and excused. Also present were Village Planner Jeff Retzlaff, Village Administrator Dave Schornack and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

PREVIOUS MINUTES: ***MOTION Warren second Stauffacher to Approve the Minutes from January 13, 2014.***

MOTION carried unanimously.

Trustee Representative Baum arrived 6:32 p.m.

Airgas – Germantown Business Park. Airgas Safety is seeking approval of site development and building plans for a 253,263 sqft office and distribution center facility. Planner Retzlaff summarized the proposal.

Trustee Baum asked what the Village requirements are for rooftop screening from Mequon Road adding roof top units can be seen from other buildings in the Park. Planner Retzlaff said units are required to be screened from public view. He said this site is located at the entrance to the Business Park and the way it will be graded will be slightly higher than the road elevation but the roof top units will still be visible.

Chairman Wolter questioned if screening is required from all roads or from within the Business Park itself. If the covenants state screening from within, it would be from street level and difficult to show a screening from outside the Park. He questioned if the requirement was put in for curb appeal or for all roads. Planner Retzlaff said the covenants are not clear, but generally, some level of screening for roof tops units is a requirement whether in the Business Park or elsewhere.

Trustee Baum said he had already received calls from concerned constituents across the street. Planner Retzlaff said additional landscaping along the top of berm was also being required to help with screening. Commissioner Stauffacher questioned the height of the roof top units. Peter Kucha, Eppstein Uhen Architects, said it is unclear how high the units will be at this time, but would be between 5 and 8 feet tall. He said the units will be located away from the edge of the building. He said screening the units would add significant cost to the project.

Discussion continued. Mr. Kucha offered to prepare an exhibit that would represent the visibility of the roof top units from Mequon Road. He said they've taken measures by adding substantial landscaping on the berm and by moving the units away from the edge of the building. Trustee Baum said the roof grade has no parapet at all and is completely visible from the road grade. He asked for sight line study from different points on Mequon Road through the berm and trees to the roof top units.

Chairman Wolter said he understands the need to screen, but the topography is difficult for the site because it slopes down. He said other businesses in the Park were not asked to screen their units totally from Mequon Road and doesn't want to put a condition on Airgas that isn't a condition for other businesses in the Park. Discussion continued.

Trustee Baum said the north elevation of the building has no articulation or horizontal plane change and is bland. Mr. Kucha said a good portion of the building is below Mequon Road and won't be visible. He commented the building incorporated clear story windows and color at intervals for articulation. Also a substantial amount of landscaping on the berm is proposed. Chairman Wolter added that this is a warehouse and questioned if we should we ask them to spend additional money to bump walls in and out. Discussion continued. Commissioners agreed more building articulation was needed and wanted to see other options.

Chairman Wolter said this was a challenging site and overcame significant hurdles to get a building on the site. He said there have been multiple meetings and changes were made along the way to get to this meeting tonight. He said he doesn't have a problem with way the building looks and thinks it will work and look nice.

MOTION Peck second Warren to Approve the site development and building plans for the proposed 253,263 sqft office and distribution center facility located on Mequon Road in the Germantown Business Park subject to the following conditions:

- 1. This approval is subject to final approval of the proposed Certified Survey Map (CSM), Shoreland-Wetland rezoning and conditional use permit required for the proposed wetland fill previously approved by the Wis. Dept. of Natural Resources and U.S. Army Corp. of Engineers.***
- 2. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission, approval is granted for the site development and building plan set submitted on 1-23-2014 with plan sheets having a "revision date" of 1-23-2014 (if revised) or a date of 1-13-2014 (if not revised) unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission.***
- 3. 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.***
- 4. The following items shall be provided as required by the Village Fire Department: (a) a monitored sprinkler system per NFPA 13 and a Knox Box; (b) if further review determines that a fire pump is required for the building, direct access from the outside and a second Knox box will be required; (c) the final quantity and location of all fire hydrants serving this facility shall be approved by the Fire Department; (d) elevator(s) shall have a minimum internal dimension/width of 80" x 51" nominal; (e) an emergency evacuation plan shall be submitted to Fire Department for review and approval prior to issuance of an occupancy permit; (f) fire alarm devices (per NFPA 72) will require a plan reviewed and approved by the Fire Department; (g) required fire lanes (per NFPA 1) will require a 50' centerline turning radius to accommodate Fire***

Department equipment.

- 5. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.***
- 6. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***
- 7. All technical corrections raised in the Village Engineer's January 24, 2014 review memo shall be addressed and reflected in a revised set of plans submitted to the Village engineer for review/approval prior to issuance of a building permit.***
- 8. The proposed monument sign base shall be constructed of the same or similar masonry materials and color as the principal building. If the metal sign cabinet is internally illuminated, the face of the cabinet shall be opaque or have a dark background.***
- 9. The landscape plan shall be revised to include: (a) an additional twenty-four (24) street trees consistent with the requirements of the Germantown Business Park covenants; and (b) additional landscaping elements to create a denser buffer along Patton Court adjacent to the south side of the loading area. The revised landscape plan shall be submitted to the Village Planner for review/approval prior to issuance of a building permit.***
- 10. The requirement for architectural and/or landscape screening of the roof-mounted HVAC equipment shall be re-assessed by the Plan Commission within one (1) year after issuance of an occupancy permit. If deemed necessary by the Plan Commission, the owner shall submit plans and renderings for said screening to the Plan Commission for review/approval with any required screening to be installed within two (2) years after issuance of an occupancy permit.***
- 11. The pattern of windows and/or architectural glass found on the east and portion of the north elevation (for the office area) should be continued or repeated in some manner across the north elevation of the building (in lieu of simply painting portions of the pre-cast panels gray). Other architectural devices should also be added to provide further building articulation to break up the building's mass and monotony of the proposed north elevation as required under the Business Park covenants. A revised elevation/architectural plan and rendering shall be prepared and submitted to the Plan Commission for review/approval prior to issuance of a building permit.***

MOTION to Amend Wolter second Warren to Remove Condition #11 from the recommendations.

MOTION Fails (4-2 Wolter, Warren)

MOTION to Amend Baum second Stauffacher to change Condition #10 that the applicant submit renderings and sight line perspectives to illustrate roof top screening compliance from Mequon Road and other adjacent streets.

Jeff Stawicki, representing Airgas, said Airgas was very proud of the building and happy with the architecture. He said he understands the Plan Commission's concerns but they would not be coming back with revised plans.

MOTION carried (4-2 Wolter, Warren)

Chairman Wolter said he feels the building is acceptable for the area and is appreciative of the time and effort Airgas has put in to get to this point. Commissioner Stauffacher asked for a rendering that would show what the north elevation would look like from Mequon Road. Mr. Kucha said a true view from Mequon Road would show a lot of vegetation on the berm which would obscure views of the building. Rick Miller thinks the project can work by adding additional trees to the berm. Mr. Stawicki said Airgas would be willing to come back with some additional landscaping that would help the view from Mequon Road, but will not make changes to the building.

MOTION Stauffacher second Peck to Postpone until February 3rd to provide an opportunity for the applicant to come back with renderings of the north elevation from Mequon Road including the additional landscaping as it will look after it has been installed within one year of planting.

MOTION carried unanimously.

Village of Germantown /Airgas Safety – Lot 41 of CSM 6488 in the Germantown Business Park (SW Corner of Mequon Road and Eisenhower Drive). Request for approval of a rezoning application and conditional use permit regarding 1.055 acres (45,955 sqft) of wetland located on Lot 41 in the Germantown Business Park. Planner Retzlaff summarized the proposal and discussed the history of land acquisition, past wetland delineations, how the original wetland grew into an artificial wetland, and the DNR's issuance of a wetland fill permit in January 2014. Trustee Baum asked if the Village would fill the wetland even if the Airgas project did not proceed. Planner Retzlaff indicated it would.

MOTION Baum second Warren to Approve the Rezoning application to rezone and remove 45,955 sqft (1.055 acres) of area from the Shoreland-Wetland Zoning District as shown in Wetland Exhibit A (dated December 19, 2013) at such time as said area is filled, AND

APPROVE a Conditional Use Permit to allow development up to 6,300 sqft within the 25' wetland setback area as shown in the Site Plan (Sheet L-1.0 with a revision date of January 23, 2014) pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code.

MOTION carried unanimously.

Continental 246 Fund LLC and Riversbend County Club Inc. – N96 W18034 County Line Road. Revised site development and building plans for the re-development of a portion of the Riversbend Country Club golf course property to include a new golf club house, one sit-down restaurant (Buffalo Wild Wings) and a 9,150 sqft multi-tenant retail building. Steve Wagner, Continental Fund, spoke regarding revisions to the plan. John Bieberitz, TADI, went over results from the traffic study saying this sight plan was better than the last one and that traffic lights and signals are still warranted. Kevin Thode, RSP Architects, spoke regarding the Buffalo Wild Wings. He said the building presented is a new proto type for the franchise but functions are the same. Dominic Ferrante, Briohn Design commented on changes to the retail building and presented 3-D renderings of the building and site. Steve Wagner commented on changes to the original plan:

- traffic lights will be synchronized

- increased tree size and density at north parking lot
- low level bushes added to seeded area at retail building
- foundation plantings will be added to the Buffalo Wild Wings foundation area
- bark mulch will be used instead of stone mulch
- dumpster enclosure plans will be provided.

Commissioner Peck questioned the need for the six parking spaces along County Line Road. Mr. Wagner said the spaces would be used for employee parking and delivery trucks. Mr. Bieberitz said traffic lights along County Line Road would be synchronized during certain peak-hour times and use video detection when not synchronized.

MOTION Baum second Warren to Approve the revised Riversbend Planned Development District (PDD) conditions & restrictions resolution (Res. No. 02-13) as appropriate to reflect the revised development plans prior to review and approval by the Village Board.

MOTION carried unanimously.

MOTION Baum second Stauffacher to Approve the 4-lot Certified Survey Map land division for the 41 +/-acre property owned by the Riversbend Country Club Inc. located on County Line road subject to the following:

- 1. All technical corrections identified by the Village Surveyor as set forth in the November 27, 2012 (revised date of December 13, 2013) memo, and, any further review comments and recommended corrections resulting from the Surveyor's review of the revised CSM submitted on January 23, 2014, shall be made prior to recording the CSM.***
- 2. The required cross-access easement agreement(s) for the benefit of Lot 4 shall be shown on the CSM and the access easement agreement shall include provisions addressing the proposed shared parking arrangement. Said easement agreement shall be prepared and submitted for review and approval by the Village Attorney prior to recording the CSM.***

MOTION carried unanimously.

MOTION Baum second Warren to Approve the revised site development and building plans for the proposed development on 3.32 +/-acres of the Riversbend property located on County Line Road subject to the following:

- 1. Subject to further required revision by the Plan Commission, approval is granted for the revised site development and building plan set dated January 23, 2014;***
- 2. Subject to further revision by the Plan Commission, approval is granted for the multi-tenant retail building elevation dated January 23, 2014;***
- 3. Subject to further revision by the Plan Commission, approval is granted for the Buffalo Wild Wings revised elevation and floor plans dated January 23, 2014;***
- 4. Subject to further revision by the Plan Commission, approval is granted for the Rivers Bend Golf Course club house revised building elevation and floor plans dated December 27, 2012;***
- 5. All landscaping, screening, and lighting 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.

- 6. A monitored sprinkler system and Knox Box shall be installed in each of the proposed commercial buildings (Buffalo Wild Wings, multi-tenant building, and Rivers Bend golf course club house) as required by the Fire Department.*
- 7. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.*
- 8. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application for each of the proposed commercial buildings.*
- 9. The landscape berm and evergreen tree buffer adjacent to the northeast corner of the parking area and along the east side of the parking area shall be enhanced with more and larger/taller (min. 10-12' planted height) evergreen and deciduous trees. Additional landscaping comprised of deciduous and evergreen trees and shrubs shall also be installed: (a) around the perimeter of the outdoor patio on the west side of the club house to better buffer the residential area from outdoor club house activity; (b) within the narrow area between the drive-through lane and the frontage road serving the site (shown in the original plan as "seeded lawn"); and in the open area in front of the multi-tenant building. This additional landscape screening shall be shown in a revised landscape plan submitted to the Village Planner for review/approval prior to issuance of an occupancy permit.*
- 10. The applicant shall submit a detailed foundation planting plan for the Buffalo Wild Wings building as either a supplemental plan or revision to the overall landscape plan to the Village Planner for review and approval prior to issuance of a building permit.*
- 11. Complete dumpster enclosure plans shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a building permit. Each enclosure shall be comprised of the same masonry or other comparable materials as their respective principal buildings. Particular attention shall be given to the appearance of the enclosures visible from County Line Road.*
- 12. All technical corrections and issues raised in the Village Engineer's January 6, 2014 memo shall be addressed and reflected in a revised plan set submitted to the Village Engineer for review/approval prior to issuance of a building permit.*
- 13. As set forth in the traffic impact study prepared by Traffic Analysis & Design, Inc. all of the roadway improvements listed on page 8 of their December 20, 2012 memorandum (including installation of a traffic signal and specific turn-lane improvements) shall be installed by the applicant. The list of improvements shall be re-evaluated and either affirmed or revised accordingly as a result of the revised development plans prior to issuance of a building permit. The applicant shall be responsible for 100 percent of the costs used in preparing the Traffic Impact Study and Progression Analysis to the Village of Germantown and any other affected/interested agency having jurisdiction over the maintenance and/or operation of the traffic control devices and right-of-way for the County Line Road corridor from Appleton Avenue to Division Road, in whole or in part, to ensure implementation of the recommended and optimal traffic signal offsets and timing along the corridor.*

- 14. The applicant shall enter into a Developer's Agreement with the Village of Germantown that shall include at a minimum all of the items set forth in the Village Engineer's January 6, 2014 memo. Said Agreement shall be in place prior to issuance of a building permit.**
- 15. Approval is subject to the applicant providing written documentation to the Village reviewed and deemed acceptable to the Village Attorney that indicates all property owners and/or tenants have a legal right to use, modify and improve (i.e. install the recommended traffic control devices) the access driveway/frontage road shared with the Holiday Inn, KFC and Speedway.**

Trustee Baum asked if Continental was OK with the conditions of approval. Mr. Wagner said they were agreeable to all the conditions. Commissioner Peck did not like the wall light sconces on the Buffalo Wild Wings building adding that he thought they looked strange and out of scale. Commissioner Stauffacher commented that he could not support this development because he doesn't support using a PDD to make something happen that is otherwise not allowed.

MOTION carried 5-1 (Stauffacher)

MOTION Baum second Yokes to Approve the proposed common monument sign and individual wall signs subject to the following conditions:

- 1. The monument sign plan dated November 27, 2013;**
- 2. The Buffalo Wild Wings sign "package" dated November 26, 2013, that includes a total of three wall signs to be mounted on the north elevation and one wall sign on the south elevation is approved provided that the total amount of sign area does not exceed the maximum 112.5 sqft allowed per the Village Zoning Code.**
- 3. The Rivers Bend wall sign presented in the "package" dated September 27, 2012, to be mounted above the entrance on the south elevation is approved.**
- 4. The developer/owner of the multi-tenant building shall develop a set of standards to guide the design and installation of the proposed wall signage. At a minimum, wall signage shall be comprised of individual, internally-lit channel letters (no sign cabinets or flush-mounted plastic or aluminum lettering) meeting the Village's sign regulations. Wall signs can be installed on both the north and south elevations provided that the total amount of sign area does not exceed the maximum 180 sqft allowed per the Village Zoning Code.**
- 5. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.**
- 6. All electrical sign components must be listed and labeled by a recognized lab.**
- 7. Sign permits are required for all permanent and temporary exterior signage for all tenants.**

MOTION carried unanimously.

MOTION Baum second Warren to Approve an extension of the 1-year expiration time period in CUP No. 03-13 and revise the reporting period for the required annual monitoring report set forth therein (to start in 2014 vs 2013).

MOTION carried unanimously.

Chairman Wolter said the PDD will go to the Village Board for approval on February 3 and a public hearing is scheduled.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:11 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant