

## **PLAN COMMISSION MINUTES**

June 11, 2012

**CALL TO ORDER:** Chairman Wolter called the meeting to order at 6:32 p.m.

**ROLL CALL:** Chairman Wolter, Commissioners Stauffacher, Peck, Gray, Trustee Representative David Baum and Village Planner Jeff Retzlaff. Commissioners Warren and Mazurek were absent and excused.

**PUBLIC INPUT:** None

**PREVIOUS MINUTES:** *MOTION Baum second Peck to Approve the Minutes from May 14, 2012.*

*MOTION carried unanimously.*

**Advance Auto Parts – N96 W18552 County Line Road.** Site Enhancement Services is requesting approval for replacement signs and exterior elevation (color scheme) revisions for the existing retail store. Planner Retzlaff summarized the proposal. Shawn Smith, SES, addressed concerns.

*MOTION Baum second Stauffacher to Approve the replacement signs and exterior elevation (color scheme) revisions for the existing Advance Auto Parts store located at N96 W18552 County Line Road as proposed and subject to the following conditions:*

- 1. If electrical equipment/components need to be replaced, electrical permits shall be obtained from the Building Inspection Department prior to installation.*
- 2. All electronic sign components shall be inspected and labeled by a licensed lab.*

*MOTION to Amend David second Stauffacher to add a 3<sup>rd</sup> Condition that the color above the red band on the building be a darker tone.*

*MOTION to Amend carried unanimously.*

*MOTION to Approve as Amended carried unanimously.*

**The Pet Chalet – W200 N10290 Lannon Road.** Lisa Dellwo, operator, is seeking approval of a conditional use permit to operate a dog day care establishment from the existing 6,120 sqft commercial building. Planner Retzlaff summarized the proposal. Lisa Dellwo said she planned to revamp the outside of the building and add landscaping. Discussion followed regarding how long dogs would be outside. Ms. Dellwo explained the dogs would be rotated outside and not be kept outside for more than 4 hours total.

Commissioners were concerned with the potential for noise complaints from dogs barking when they are outside and because of the close proximity the outdoor play area is to the Moose Lodge property.

**MOTION Baum second Peck to Approve a Conditional Use Permit for the Pet Chalet dog day care center from the commercial building located at W200 N10290 Lannon Road subject to the following conditions:**

- 1. This permit authorizes the uses and activities as set forth in the conditional use permit application dated May 14, 2012 and in the supporting documents and plans made part of the application dated June 5, 2012. 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 permitted conditional use which causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to mitigate or eliminate harmful effects associated with the use 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. The number of animals kept on site at any one time shall not exceed forty (40).**
- 4. All animals shall be kept under control at all times and not allowed to run at large.**
- 5. Any 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. Interior renovations may require a building permit; the owner is responsible for contacting the Village and obtaining all necessary permits or approvals.**
- 6. Landscaping around the outdoor play area comprised of evergreen and deciduous trees and shrubs shall be installed within one (1) year after permit approval. A detailed landscape plan shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a zoning compliance/occupancy permit.**
- 7. This conditional use permit shall be non-transferable. In the event there is a change in the owner/operator of the dog day care center 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 the dog day care center from this property.**

***MOTION to Amend Stauffacher second Peck to add an 8<sup>th</sup> Condition that a privacy fence be established in the rear to alleviate any visual site lines to the Moose Lodge.***

***MOTION to Amend carried unanimously.***

***MOTION to Approve as Amended carried unanimously.***

**The Glen at Blackstone Creek – River Lane.** Jim Sedgwick, VJS Development for River Lane Holdings is requesting (1) final approval of proposed amendments to the Blackstone Creek Planned Development District (PDD) General Development Plan and Conditions and Restrictions Resolution; (2) approval of a 74 lot final subdivision plat for the single-family residential lots being created in a portion of “The Glen at Blackstone Creek”; and (3) approval of berms proposed along River Lane. Planner Retzlaff summarized the proposal.

Matt Neumann said he was OK with the berm revisions for the north property line.

***MOTION Stauffacher second Baum to Approve the berm enhancements along the north property line as shown in the “Berm Plan” (Sheet 12 dated May 9, 2012) subject to the following condition:***

- 1. The additional evergreen trees to be installed should be Spruce trees.***

***MOTION carried unanimously.***

Discussion followed regarding who would be responsible for the maintenance of the landscaping located in the right-of-way along River Lane. Commissioner Stauffacher suggested the homeowners association maintain the trees for a period of 5 years and then have the Village take over.

***MOTION Baum second Stauffacher to Approve the installation of the berm along River Lane as shown in the Berm Plan (Sheet 12 dated May 9, 2012) and the installation of street trees along River Lane as shown in the revised grading/utility plan sheet (date stamped May 14, 2012).***

***MOTION to Amend Baum second Peck to:***

- 1. Accept the Cleveland Select Pear Tree for the berm***
- 2. The Developer will maintain the berm for the first 5 years***
- 3. The Developer will coordinate with the Public Works Department on the placement of the trees.***

Planner Retzlaff said that if Plan Commission feels the revisions to the berm are sufficient, permits may be pulled without review of a revised landscape plan.

***MOTION to Amend carried unanimously.***

**MOTION to Approve as Amended carried unanimously.**

**MOTION Baum second Stauffacher to Approve the 74-lot final subdivision plat for "The Glen at Blackstone Creek" subject to the following conditions:**

- 1. The minor technical corrections identified by the Village Surveyor in his June 5, 2012 memo shall be corrected and reflected in a revised final plat prior to Village Board approval.**
- 2. The minor technical corrections and issues identified by the Village Planner in his June 8, 2012 memo shall be corrected and reflected in a revised final plat prior to Village Board approval.**
- 3. Receipt of "no objection" letters from the WI Dept of Commerce Plat Review and Washington County prior to Village board approval.**
- 4. The Declaration of Covenants, Conditions & Restrictions for the Glen at Blackstone Creek shall be revised to address the following items/issues and submitted to the Village Planner and Attorney for review/approval prior to Village Board approval:**
  - a. Perpetual maintenance of the 35' and 80' landscape easements located across the rear yards of Lots #1 through #15;**
  - b. Restriction of playground equipment/playsets to locate within building setback area;**
  - c. Prohibit detached accessory structures, e.g. garages, sheds, etc.**
  - d. Revise dog kennel allowance to be more restrictive along side property lines, i.e. not less than 10' setback.**
  - e. Change phrase in Section 2.5(d) from "front yard setback" to "front yard" and include a provision that prohibits privacy fences from being installed along the rear (River Lane) frontage for Lots #1 through #9;**
  - f. Increase minimum requirement for stone or brick to be installed on all street-facing elevations in Section 2.5(a) from 100 sqft to 65 percent of the total elevation surface area;**
  - g. Increase landscaping requirements in Section 6.6(b) to require a minimum of: two (2) deciduous street trees (min. 2.5" caliper); two (2) deciduous ornamental trees (min. 2" caliper); a mixture of seventy-five (75) deciduous and evergreen shrubs (min. 2 gal or 24" height); and an additional one (1) deciduous street tree; one (1) deciduous ornamental tree; and a mixture of twenty-five (25) deciduous and evergreen shrubs along each additional street-facing elevation on double-frontage lots.**
  - h. Revise the requirement for additional architectural features on the rear elevation (i.e. facing River Lane) for Lots #1 through #9 in Section 2.5(c) to require a minimum of: one (1) rear-facing gable; one (1) significant articulation change, e.g. recess, jog, projection, etc. in the rear-facing foundation and building; and two (2) significant architectural features (and not just ornamentation), e.g. bay window or fireplace bump out or similar feature. Also, include a provision that requires Village planner review/approval of the proposed building plans for homes constructed on**

***lots #1 through #9 to ensure consistency with the current PDD intent and requirements.***

- 5. The developer shall submit an additional landscape plan(s) intended to create a buffer in the "transitional" areas between the condo units and the single-family lots. Said plan(s) shall include details regarding: the type, quantity and planting size; where additional landscaping will be installed; and who will be responsible for perpetual maintenance (if not the Homeowner's Association as set forth in the revised deed restrictions). Said plan(s) shall be prepared and submitted for review/approval by the Village Planner prior to the issuance of a building permit for Lots #1, 27, 28, 32, and 54 through 74.***
- 6. The Blackstone Creek Planned Development District (PDD) Conditions & Restrictions Resolution for the "The Glen at Blackstone Creek" shall be amended to reflect any/all changes necessary to ensure consistency with the approved subdivision plat and associated deed restrictions, and, incorporate any conditions of plat approval recommended by the Plan Commission.***

Jim Sedgwick asked if the public access easement as described in condition #4 in the Planner's recommendation could be changed to a reservation. He said the intent of the easement was for a bike path in the event there would be a future park. He said if there is no public park, public access would not be needed. Chairman Wolter said that because Village Board required the easement, they would need to make any change.

***MOTION to Amend Baum second Peck to revise Condition #1 from the Planner's letter of June 8, 2012 to require the 10' setback on lot 33 but not require the 10' setback on lot 32.***

***MOTION to Amend carried unanimously.***

Matt Neumann commented on the conditions in item #4. He said he would make sure the deed restrictions state the homeowners association is responsible if the individual homeowner is not. Planner Retzlaff said language is needed to clearly define the lot owners and the association's responsibility pertaining to the landscape easements including language defining the continued maintenance of the landscaping that is already installed.

Discussion continued with Neumann debating the requirement to increase the minimum for stone or brick to 65 percent as defined in condition 4 (f). Planner Retzlaff explained that the original condominiums were approved with a 75-90 percent requirement for brick or stone on the front façade. He said that when the new models were proposed, the requirement for stone or brick dropped to 40-65 percent, but the amount required was still a significant amount. The current proposal only requires a minimum of 100 sqft stone/brick which indicates the new homes do not provide an equal standard when compared to the condominiums.

Motion to Amend Stauffacher second Baum to revise Condition 4(f) of the Planners Recommendation to increase the minimum requirement for stone or brick to be installed on street facing elevations to 65% of the total elevation surface area excluding all openings, doors and windows.

MOTION to Amend Failed (2-3 Wolter, Baum, Gray)

Commissioner Peck was excused at 8:30 p.m.

MOTION to Amend Stauffacher to Amend Condition 4 (f) of the Planners Recommendations to increase the minimum requirement for stone or brick to be installed on all street facing elevations to 150 sqft of the total elevation surface area.

MOTION Failed no second.

***MOTION to Amend Gray second Wolter to Amend Condition 4 (f) of the Planners Recommendations to require the minimum for stone or brick installed on all street facing elevations to 125 sqft of the total elevation surface area.***

***MOTION to Amend carried (3-1 Baum)***

Discussion continued regarding the Planners Recommendation to increase the landscaping requirements in Section 6.6(6) of the Declaration Covenants. Mr. Neumann said he thinks the amount of landscaping being required will be a burden that homeowners will not be willing or want to pay for. Planner Retzlaff said in previous discussions and in a February 22nd letter from River Lane Holdings, it was stated that the deed restrictions for the single family lots will mirror the standards that were set in the condominium community to create a cohesive theme in the development and in some instances, the restrictions will have additional, more stringent requirements than those already in place. He said he doesn't see the comparable standards that were conveyed. Commissioner Baum questioned why the condominiums have so much landscaping compared to the single family homes. Neumann said that at the time the condos were approved the market was higher.

***MOTION to Amend Gray second Baum to revise 4 (g) of the Planners Recommendations pertaining to Section 6.6(b) of the Declaration Covenants to require (2) deciduous trees and (1) flowering ornamental tree and (16) total shrubs/bushes defined as (8) foundations shrubs and (8) middle to large size shrubs.***

***MOTION to Amend carried. (3-1 Wolter)***

***MOTION to Amend Baum second Gray to accept Condition 4.h. as recommended by the Village Planner with (1) significant architectural feature (and not just***

*ornamental) e.g. bay window or fireplace bump out or similar feature.*

***MOTION to Amend carried unanimously.***

***MOTION to Amend Baum second Gray to OMIT Condition #5.***

***MOTION to Amend carried 3-1 (Stauffacher).***

***MOTION to Approve the Final Plat as Amended carried 3-1 (Stauffacher)***

**Enviro-Safe Consulting – W130 N10500 Washington Drive.** MSI General is seeking approval for revisions to a previously approved Site Plan for the 15,000 sqft office/industrial chemical storage building and tank farm currently under construction. Planner Retzlaff summarized the revisions.

***MOTION Baum second Stauffacher to Approve the revisions.***

- 1. Changing the type/material of fence to be used to screen the tank farm enclosure to a 6' high galvanized, corrugated metal panel (the same used as an accent feature on the west building elevation);***
- 2. relocating the dumpster enclosure from the southeast corner of the site to the northeast corner adjacent to the tank farm enclosure (and extending the screen fence from the tank farm to the building wall to screen the piping system and dumpster);***
- 3. eliminating a portion of the paved parking/circulation lane that connects the parking lot on the south side of the building to the truck dock/loading court on the east side of the building.***

***MOTION carried unanimously.***

Chairman Wolter called a 2 minute recess at 9:45 p.m.  
Meeting reconvened at 9:47 p.m.

**COJO Properties LLC (Technitrol) – W129 N10930 Washington Drive.** MSI General is requesting approval of a modification to the exterior elevation plans recently approved by the Plan Commission for the 23,764 sqft facility expansion.

***MOTION Baum second Stauffacher to Approve the request to change the wall panel enhancements for the North elevation only and remove the 2 blank panels as was approved by Plan Commission on May 14, 2012 as condition #8.***

Chairman Wolter read an email from Jim Feilbach, owner, requesting the change to the north elevation

***MOTION carried unanimously.***

**ANNOUNCEMENTS:** None

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Lori Johnson  
Planning Assistant