

PLAN COMMISSION MINUTES

August 13, 2012

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:30 p.m.

ROLL CALL: Chairman Wolter, Commissioners Stauffacher, Warren, Gray, Yokes, Trustee Representative David Baum and Village Planner Jeff Retzlaff. Commissioner Peck was absent and excused.

PUBLIC INPUT: None

PREVIOUS MINUTES: *MOTION Baum second Warren to Approve the Minutes from July 9, 2012.*

MOTION carried unanimously.

Continental Fund for Riversbend Country Club – N96 W18034 County Line Road - Site Plan Consultation regarding a proposed restaurant development. Planner Retzlaff summarized the proposal. Sara Johnson, Continental Properties, reviewed the proposal and answered questions and concerns. The proposed development would include relocating the golf clubhouse and construction of two sit-down restaurants adjacent to County Line Road with a single shared parking area in the rear. Ms. Johnson said they had conducted two neighborhood meetings regarding the development and the residents concerns included traffic problems and flooding issues. She explained they are working with FEMA and the DNR and should have their approvals by the end of the year. They are also conducting a traffic signal warrant analysis for an additional signal at the entrance that will help alleviate traffic problems.

Plan Commissioners had the following comments and concerns:

- Create one specific entrance for the restaurants and golf course to help direct people
- Does this area need two more restaurants and an additional traffic light
- Market research shows this is a good area for restaurants
- A traffic study is needed. There are three businesses that currently use this access entrance
- Cars will need to be stacked properly waiting to exit; south driveway too close to County Line.
- The building should not be purple
- Residents want more sit down restaurants
- This is a good area for this development
- Consider a counter clockwise exit pattern for traffic
- Traffic issues need to be addressed

This item was for discussion only. No action was taken.

Rao Farms – N136 W21342 Bonniwell Road. Becky Rao, owner of a 46.7 acre parcel is seeking approval of a conditional use permit to operate a commercial stable for boarding horses. Planner Retzlaff summarized the proposal.

MOTION Stauffacher second Baum to Approve a conditional use permit for a commercial stable for Rao Farms LLC from the property and existing facilities located at N136 W21342 Bonniwell Road subject to the following conditions:

- 1. This permit authorizes the uses and activities as set forth in the conditional use permit application dated July 12, 2012 and in the supporting documents and plans made part of the application (including the August 6, 2012 e-mail responses). 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 total number of horses allowed to be kept on site at any one time that are not owned by the property owner shall not exceed twelve (12). Hours of operation shall be Monday to Sunday 7:00 am to 7:00 pm.***
- 4. All manure shall be disposed in a manner that does not create a nuisance affecting adjacent and/or nearby property owners. The spreading of manure on-site or on adjacent land shall be in accordance with accepted practices and all applicable DNR regulations.***
- 5. The property owner shall prepare and submit impervious area calculations for all impervious features (e.g. roof top area, pavement area, and gravel roadways) that have been installed on the property since January 1, 2002. In the event the total amount of impervious area that has been constructed since 2002 exceeds ½-acre, or, 5% of the property owners total land area, a storm water management plan meeting MMSD requirements shall be prepared. In the event storm water management facilities, e.g. swales, ponds, are required by MMSD, said facilities shall be installed in a manner and time table mutually agreed upon with MMSD and the Village Engineer.***
- 6. All exterior signage, including temporary signs, require a permit from the Village.***
- 7. This conditional use permit shall be non-transferable. In the event there is a***

change in the owner/operator of the operation 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 commercial stable from this property.

Commissioner Stauffacher asked Mrs. Rao if she had any concerns with the conditions of approval. Mrs. Rao said she did not and added that a security system had been installed.

MOTION carried unanimously.

Luric & Associates – N118 W18531 Bunsen Drive. Brust Design Associates has submitted site development and building plans for a 3,910 sqft expansion to the existing manufacturing facility. Planner Retzlaff summarized the proposal.

MOTION Baum second Warren to Approve the site development and building plans for the proposed 3,910 sqft building addition to the existing facility located at N118 W18531 Bunsen Drive subject to the following conditions:

- 1. A monitored sprinkler system is required for the new addition as required by the Fire Department.***
- 2. All new exterior doors and loading docks excluding the main entrance shall be numbered in a clearly visible manner with reflective 4" (or larger) numbers for emergency access purposes.***
- 3. State-approved building plans are required and shall be submitted to Inspection Services as part of any building permit application.***
- 4. The Property Owner shall perpetuate existing drainage patterns in a manner that conveys existing storm water runoff capacity. As a condition of allowing pavement within the southerly drainage easement, the Property Owner shall in perpetuity indemnify the Village for any damage caused by the Village during maintenance of the drainage swales situated within the easement.***

MOTION carried unanimously.

Koch Pipeline as agent for Flint Hills Resources Pine Bend – N96 W12730 County Line Road (approximate). Conditional use permit and site plan for the installation of a 70' communication tower. Planner Retzlaff summarized the proposal.

MOTION Baum second Stauffacher to APPROVE a conditional use permit for Flint Hills Resources Pine Bend LLC, pipeline owner/operator, and Wisconsin Central Ltd., property owner, to allow the installation of a 70' free-standing communication tower within the existing fenced compound located in the railroad right-of-way at approximately N96 W12730 County Line Road, subject to the following conditions:

- 1. This permit authorizes the installation of a 70' lattice-type tower as set forth in the conditional use permit application dated July 11, 2012 and in the supporting documents and plans made part of said application. 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 use of the tower and/or operation of the communication equipment supported thereon 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.***

APPROVE the proposed site plan submitted by Koch Pipeline Co., agent for Flint Hills Resources, pipeline operator, and Wisconsin Central Ltd., property owner, for the installation of a 70' communication tower within the existing fenced compound located in the railroad right-of-way at approximately N96 W12730 County Line Road as proposed in the application and supporting documents.

MOTION carried unanimously.

Ellsworth Corporation and Glue Dots International – N117 W18711 Fulton Drive.

Zimmerman Architectural Studios, agent, is seeking approval of site development and building plans for a remodel and 60,613 sqft addition to the existing office and production facility on the 4.36 acre parcel. Planner Retzlaff summarized the proposal.

MOTION Baum second Warren to Approve the site development and building plans for the proposed remodeling and 60,613 sqft building addition to the existing Ellsworth/GDI facility located at N117 W18711 Fulton Drive in the Germantown Industrial Park subject to the following conditions:

- 1. Approval is for the site development and building plan set dated July 16, 2012 (unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein. Approval is granted for Phase I development only. Architectural, building and landscaping plan review/approval is required by the Plan Commission for any future building expansion or site improvements.***
- 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. A monitored sprinkler system and Knox Box shall be installed in the building as required by the Fire Department.***
 - 4. 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.***
 - 5. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***
 - 6. All technical corrections and issues raised in the Engineering Department's July 27, 2012 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.***
 - 7. The proposed 56' wide driveway serving the new 4-bay dock area on Morse Drive is approved as shown on the site plan dated July 16, 2012.***
 - 8. Subject to Plan Commission review, additional screening of some/all of the proposed rooftop-mounted HVAC units may be required. If supplemental screening is required, screen walls or other appropriate complimentary features shall be installed. A revised roof plan and additional specifications for said screening shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a building permit (with installation prior to issuance of occupancy).***

Discussion followed regarding the drive-way width and need for trucks to back into/from Morse Drive. Commissioner Gray was concerned there wasn't adequate area available for snow removal and the consequences of dumping snow on the planting beds. Ric Miller, Construction Consulting, said the owner was very meticulous and mentioned that David J. Frank takes care of the landscaping and snow removal. He said he would mention Commissioner's Grays concerns to them.

Chairman Wolter said Ellsworth maintains excellent sites and thanked them for choosing to stay in Germantown.

MOTION carried unanimously.

Patrick Josten – W172 N12882 Division Road. Conditional Use Permit for a major home occupation to continue operation of short pour ready mix concrete batch and delivery operation. Chairman Wolter indicated that the Village had been contacted by the attorney for the applicant who requested to postpone this matter until the September 10th Plan Commission meeting when he is able to attend.

MOTION Baum second Gray to Postpone until the September 10, 2012 Plan Commission Meeting.

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:26 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant