

## PLAN COMMISSION MINUTES

November 26, 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 and Trustee Representative David Baum. Commissioner Peck arrived at 6:35. Staff members in attendance included Village Planner Jeff Retzlaff, and Planning Assistant Lori Johnson.

**PUBLIC INPUT:** None

**PREVIOUS MINUTES:** *MOTION Stauffacher second Yokes to Approve the Minutes from November 12, 2012.*

*MOTION carried unanimously.*

*MOTION David second Gray to move Items A & B to the end of the agenda.*

*MOTION carried unanimously.*

**Randy & Barbara Riley – N107 W16103 Creek Terrace Court.** The Riley's are seeking approval to install a residential privacy fence within an existing storm sewer easement on their residential lot. Planner Retzlaff summarized the proposal, including the Village Engineer's recommendation to deny the request.

Randy and Barbara Riley said the fence will extend 5 feet into the 10 foot easement. They said their neighbor was willing to give the Village an additional 2 ½ feet on their side to allow accessibility. They explained how a lot of time and effort had gone into the pool design and location. The Riley's said they were agreeable to the demolition of the fence if needed, and would assume all costs associated with removal. A lengthy discussion followed.

Chairman Wolter said he appreciated the Riley's coming forward and that they had talked to their neighbor. He questioned if an official easement is needed from the neighbor if the Riley's understand there is a possibility of the fence being taken down.

***MOTION Stauffacher second Baum to Approve the property owner's request to install a privacy fence 5 feet into the storm sewer easement located on the Riley property located at N107 W16103 Creek Terrace Court in the Brook Hollow Subdivision subject to the following conditions:***

- 1. The homeowner will absorb any cost to the Village for damage during the installation of the fence.***
- 2. Any added cost for taking down the fence for any work within that easement by the Village shall be fully compensated by the homeowner.***

The Riley's commented that they would take the fence down if needed.

***MOTION carried 5-2 (Warren, Yokes).***

**Country Financial – W177 N9886 Rivercrest Drive.** Priority Sign, agent for JBJ Properties is requesting approval of a wall sign for Country Financial in the Fountain Square Office Complex. Planner Retzlaff summarized the proposal.

***MOTION Baum second Yokes to Approve the proposed wall sign for Country Financial in the Fountain Square Office Complex subject to the following conditions:***

- 1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components.***
- 2. All electrical sign components must be listed and labeled by a recognized lab.***

***MOTION carried unanimously.***

**9 Round Fitness – W164 N11269 Squire Drive.** Brian Szohr is requesting approval of a roof mounted sign for 9 Round Fitness in the Germantown Marketplace II complex. Planner Retzlaff summarized the proposal. He said two locations were being proposed: (1) mounted on the gable end above the main entrance or (2) mounted on the roof. He said either location is acceptable but staff recommends the roof location to be consistent with the other businesses. Trustee Baum spoke in favor of the gable alternative, but recommended leaving it up to the owner to decide the location.

***MOTION Baum second Warren to Approve the proposed sign for either location as submitted for the 9 Round Fitness at the Germantown Marketplace II subject to the following conditions:***

- 1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components.***
- 2. All electrical sign components must be listed and labeled by a recognized lab.***
- 3. Sign raceway and other mounting hardware shall be painted to match the roof color.***

***MOTION carried unanimously.***

**Cambridge Major Laboratories – W132 N10550 Grant Drive.** Skyline Development is seeking approval of revised site development and building plans for the previously approved storage tank facility. Planner Retzlaff summarized the proposal.

***MOTION Baum second Yokes to Approve the revised site development and building plans for the proposed tank facility on the Cambridge Major Laboratories property on Grant Drive subject to the following conditions:***

- 1. The applicant/developer is responsible for obtaining all permits and/or approvals required by any other state, county or federal agency, e.g. DNR and EPA. Copies of all such permits/approvals shall be provided to the Village Planning Department.***

- 2. The applicant shall coordinate with the Fire Department and submit revisions to the existing fire and spill control prevention plans required under Section 11.071 of the Village Code.**

**MOTION to Amend Stauffacher second Baum to add Condition #3 that of the approved two additional tank locations only one 8,000 gallon tank can be installed without increasing the capacity of the spill containment.**

Mike Krenz, Skyline Development, said Cambridge understood they can only add one more tank because of the containment limit. Rick Proehl, Cambridge Major Labs, said the increased tank size was to accommodate transportation trucks.

**MOTION to Amend carried unanimously.**

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

**The Glen at Blackstone Creek – River Lane.** Neumann Companies is requesting an amendment to Condition No. 7 of the Blackstone Creek PDD Conditions & Restrictions (Resolution No. 19-12) regarding landscaping requirements for the single-family subdivision lots. Planner Retzlaff summarized the proposal and his recommendation to deny the request.

Matt Neumann said the request to remove the landscaping financial guarantee is for the single family lots only. He feels the single family lots should be treated like other single family lots in the Village that allow the homeowner to install landscaping when they normally would and without a financial guarantee to the Village. He said the HOA requires a \$500 deposit to ensure the landscaping is completed. Discussion followed regarding the amount of money the builder or homeowner would need to escrow to satisfy the landscaping requirement.

Plan Commission had the following comments and concerns:

- This development is not like other single family homes in the Village
- The landscaping for this development was intended to be above and beyond any other development
- The \$500 HOA requirement is intended to insure installation of 2 trees, not the whole package required under the PDD.
- The replacement language falls short of what is called for in the PDD in terms of what the requirement is for the financial guarantee and the overall enforcement authority for doing that
- Approval of the request removes Village authority and oversight to ensure installation.
- Village has no authority over HOA covenants
- The HOA will have oversight of the overall landscape plan
- There should be a time limit when landscaping should be completed
- Landscaping should be completed in 1 year, but 60 days or before occupancy may be too short.

- What will happen if someone does not put landscaping in
- Its hard to figure out a landscaping plan before the house is built
- A public hearing will not be required for this PDD amendment
- The HOA will ensure the landscaping will happen
- The landscaping shouldn't be required before occupancy
- The language should clearly state what is required for condominiums and what is required for the single family lots
- What assurance does the Village have that the landscaping requirements will not be changed in the future
- Will the HOA enforce the requirements
- The Village will oversee the installation of landscaping for the condominiums
- The HOA will oversee installation of landscaping for the single family homes

***MOTION Gray second Baum to Approve the changes to the Blackstone Creek PDD Conditions and Restrictions Resolution No. 19-12 and the Declarations of Covenants, Conditions and Restrictions for the Glen at Blackstone Creek Subdivision as discussed:***

- 1. The \$500 landscape fee will be changed to \$1500***
- 2. The \$1500 will not be refunded until all landscape requirements are complete***
- 3. Section 2.6 (of the HOA Covenants) cannot be further amended without approval from the Plan Commission and Village Board.***
- 4. The proposed amendment is only in effect for the single family lots #1-74.***
- 5. The language is still a part of the PDD for the condominiums***
- 6. Landscaping needs to be completed within 60 days of proper growing conditions from middle April to the middle of October.***

Neumann agreed to make changes to the Declaration of Covenants, Conditions and Restrictions Section 26 sub paragraph 7(i) "Each individual Lot Owner shall be responsible for installing and maintaining vegetative cover (a lawn and landscaping)" . . . and sub paragraph (iii) "This restriction for vegetative cover does not apply during the winter months when growing conditions will not allow the establishment of vegetative cover and landscaping" . . .

***MOTION carried 5-2 (Stauffacher, Peck)***

**WisDot STH 167 (Mequon Road) Corridor Study** Planner Retzlaff said Village staff is looking for feedback regarding the WisDOT's road expansion and other corridor improvements being planned for a 5 mile segment of the STH 167 corridor from Pilgrim Road east to Wauwatosa Road in Mequon.

Plan Commission had the following comments and concerns:

- The timeline for this project is 2030-2040
- Don't need sidewalks, multi purpose path is fine, prefer rural cross section
- No storm sewer needed if curb and gutter not installed
- Urban rural from Pilgrim to Wasaukee with traffic path for pedestrians
- The Village will make a recommendation to the DOT

- Who will maintain sidewalks and medians
- Multi modal path will accommodate bikes
- What development is planned for the future along Mequon Road  
Commercial at Wasaukee Road, Residential at Country Aire Road
- Sidewalk should be on both sides of Mequon Road from Pilgrim Road to Hwy. 145.
- Multi-purpose path on the north side of Mequon Road from Hwy. 145 to Wasaukee Road
- Consider round-a-bout versus traffic signal for the following intersections on Mequon Road:  
Pilgrim Road intersection –signal  
Fond du Lac Avenue – either  
Country Aire Drive – round-a-bout  
Forest Drive – round-a-bout  
Wasaukee Road - signal

This item was to get feedback only. No action was taken.

**Public Works Department – Municipal Code Revision – Chapter 29 (Construction Site Erosion Control).** Planner Retzlaff explained Village staff is recommending amendments to Chapter 29. Plan Commission is required to review and make a recommendation to the Village Board as required pursuant to Wisconsin Statutes for administrative purposes.

***MOTION Baum second Warren to send forward a Positive Recommendation to the Village Board to Approve the proposed amendments to Chapter 29 as drafted by the Village Engineer.***

***MOTION carried unanimously.***

**ANNOUNCEMENTS:** Chairman Wolter said he noticed Carpet City sign on the Gander Mountain side is not justified on the building the way Plan Commission approved it. He asked Commission Peck to check if the sign placement will affect the lights on the building. Planner Retzlaff said he had not done the final inspection and would make sure both were done correctly. He told Plan Commissioners that Gehl's Foods had decided to withdraw their application to amend the conditional use permit for additional hours.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Lori Johnson  
Planning Assistant