

## **PLAN COMMISSION MINUTES**

December 12, 2011

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

**ROLL CALL:** Chairman Wolter, Commissioners Warren, Jex, Stauffacher, Mazurek and Peck. Trustee Representative David Baum was absent and excused. Staff members in attendance included Village Planner Jeff Retzlaff, Village Engineer Brionne Bischke and Planning Assistant Lori Johnson.

**PUBLIC INPUT:** None

**PREVIOUS MINUTES:** *MOTION Mazurek second Warren to Approve the Minutes from November 14, 2011.*

*MOTION carried unanimously.*

**WI Stamping & Manufacturing – N110 W13455 North Patton Court.** Approval of a monument ground sign for the new industrial building. Planner Retzlaff summarized the proposal.

***MOTION Stauffacher second Peck to Approve the proposed monument sign for the WI Stamping & Manufacturing building located at N110 W13455 North Patton Court 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 proposed masonry base needs to be redesigned so the landscaping around the base needs to include more evergreen plantings along with the perennial flowering plants near/around the proposed external lighting to provide more screening (during non-growing season).***

***MOTION to Amend Peck second Stauffacher to change the number of flood light fixtures from 3 to 2.***

***MOTION to Amend carried 5-1 (Wolter)***

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

**Sally Beauty Supply – N96 W18894 County Line Road.** Approval for a wall and monument insert signs for the tenant spaced located in the Germantown Plaza II. Planner Retzlaff summarized the proposal.

***MOTION Mazurek second Warren to Approve the proposed wall and monument signage for Sally Beauty Supply in the Germantown Plaza II located at N96 W18894 County Line Road 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 owner/operator shall obtain a Zoning Compliance permit from the Village***

*prior to commencing operation.*

***MOTION carried unanimously.***

**D&G Transportation – SE Corner of Maple Road and Freistadt Road.** Freistadt All-Temp LLC, property owner, is requesting approval of a CSM to combine 2 adjoining lots into one 9.5-acre lot at the Freistadt Road @ Maple Road intersection in the Germantown Industrial Park. Planner Retzlaff summarized the proposal.

***MOTION Jex second Stauffacher to Approve the CSM subject to the following condition:***

- 1. All technical corrections and issues raised in the Village Surveyor's November 29, 2011 memo shall be addressed and reflected in a revised CSM submitted to the Village Surveyor for review and approval prior to recording.***

***MOTION carried unanimously.***

**Bradley Corporation – N106 W13500 Bradley Way.** The Bradley Corporation is seeking approval of a permit to allow the installation of berms at the manufacturing facility currently under construction in the Germantown Business Park. Planner Retzlaff summarized the proposal.

Commissioner Stauffacher was concerned with the steepness of some portions of the berms and encroachment into the setback areas. Discussion ensued about how and when the berms were proposed. Planner Retzlaff said the Village regulates the removal of top soil from sites and has specific requirements that topsoil stay on the property to the extent possible. He said additional mitigation will be required to accommodate for the additional encroachment into the wetland, and, that the Plan Commission needs to decide if the berms are natural in appearance and meet the other design requirements.

***MOTION Mazurek second Jex to Approve a berm permit for the Bradley Corporation's proposed 190,000 sqft manufacturing facility development located at N106 W13500 Bradley Way subject to the following:***

- 1. Copy of an easement or other agreement between the Bradley Corporation and the adjacent property owner to the south (Waste Management of WI) regarding the encroachment along the common property line west of the Bradley Way cul-de-sac shall be provided to the Village prior to issuance of the berm permit. Said agreement shall be in a form acceptable to the Village Attorney and indicate acceptance of the grading and berm installation across the common property line.***
- 2. As requested by the Village Engineer, better defined swales shall be installed along/around the berms in the northwest and southwest portions of the property to ensure adequate drainage of storm water runoff (see November 18, 2011 memo).***
- 3. The Wetland Mitigation Plan shall be revised to reflect the additional wetland setback encroachment with additional mitigation amounts and areas identified. Said revised mitigation plan shall be reviewed and approved by the Village Planner and Engineer prior to issuance of the berm permit.***

***MOTION carried 5-1 (Stauffer)***

**Life Church – W164 N11325 Squire Drive.** Kubala Washatko Architects is requesting a consultation for a proposed building remodeling and expansion project for the church facility. Planner Retzlaff summarized the proposal. He said the property is in the Germanic Theme area and Plan Commission should consider to what extent it should be incorporated into the design of the building. Pastor Aaron Cole and Vince Micha, Kubala Washatko Architects, spoke regarding the project. Plan Commission had the following comments and concerns:

- The church is a nice addition to the area
- Germanic theme should be incorporated into the design
- The covered walkway is a nice feature
- The building looks industrial – cement block walls are unattractive
- The building is set back from Mequon Road – not concerned with enforcing Germanic theme.
- Liked the overall design, use of glass and overhead doors
- New building does not fit in with other buildings
- Liked the architecture
- Needs differentiation from other buildings
- Do not like oversize cement blocks, would like to see alternatives
- Back wall should be more appealing
- Use more wood
- Raise the roof on the West
- Differentiate building #4 – raise roof elevation

Mr. Micha and Pastor Cole commented that building #4 will eventually be remodeled to look like building #5 but not until after the current leases expire in 2016. Planner Retzlaff said traffic information will be needed. Chairman Wolter congratulated Pastor Cole on the success of Life Church and said he looked forward to reviewing future building plans that will incorporate comments made by Plan Commission.

**Legacy Woods Senior Housing – Main Street and Fond du Lac Avenue.** Mike Lerner, Development Consulting Services is requesting a consultation regarding the potential development of a 66-unit Independent Senior Housing project on a 5 acre parcel behind Jerry's Old Town. Planner Retzlaff reviewed the proposal. He reminded the Commission this property was part of a mixed-use development proposal in 2008 that included a similar independent senior housing component. The proposal was withdrawn by the developer after the Village Board sent the proposal back to Plan Commission for further review and consideration of various issues.

Mike Lerner said senior housing has been very successful in Germantown. He said this location is close to shopping is not on a busy street. He said he had met with the neighbors and understands their concern with traffic. He feels this use would use the least amount of traffic on Main Street.

Plan Commission had the following comments and concerns:

- Plan Commission approved the previous proposal
- Location is good for senior housing
- This development is more dense than previous proposal – that will be an issue
- The development is too close to Main Street
- Stormwater runoff is an issue and needs to be addressed
- Traffic study needed
- Not a good use for senior housing – building doesn't fit in
- Density too high, don't like architecture. Area is not quiet for seniors because of nearby bars and railroad
- Three stories is too high
- 4 a.m. train noise could bounce off buildings and sound louder

Chairman Wolter said he appreciated Mr. Grosenick coming forward with his proposal. He said the neighbors in this area have been very vocal and he should continue to meet with them to address their concerns.

Jerry Grosenick, property owner, said this is a low use for traffic coming and going. He said a commercial use would create more traffic.

Trustee Wing said he had the same concerns with this proposal as with the previous proposal including high traffic and density. He said more communication is needed with the neighbors.

**Discussion of MMSD Policy Proposal to Assess Capital Facility Charges to Property Subject of a Sanitary Sewer Service Area Expansion.** Planner Retzlaff explained MMSD is proposing a policy change to the method for calculating how much capital facility charges a community is assessed on an annual basis for improvements that MMSD makes to their facilities. This change would enable MMSD to retroactively assess capital facility charges for property added to the MMSD District through future sanitary service area boundary expansions. He suggested the Village put together a position statement to MMSD as the policy change moves through the review process. He further explained how the proposal would have a detrimental affect on the Village as significant amounts of vacant land planned for future development pursue sanitary sewer service area expansions in the future.

Brionne Bischke, Village Engineer, said MMSD recently notified the Village of the proposed change that will be acted on by the MMSD Commission next month. He said the Village does not have representation on the Commission and should prepare an argument to respond to the proposed changes and protest the policy change. He said he is a member of the technical advisory team that will meet this Thursday and will give him the opportunity to verbally oppose the policy change to MMSD. A letter from the Village President and action from the Plan Commission should also be used to communicate opposition to MMSD.

Planner Retzlaff said currently there are no penalties to property owners whose land is pulled into the sewer service area. Under the new policy, when land is pulled into the sewer service area, the Village would be subject to a back charge.

Chairman Wolter also expressed his opposition to the policy change. He said it will stifle any opportunity for growth and makes no sense. He said the change will punish anyone who wants to develop in the future.

A lengthy discussion followed. Since the consensus of the Plan Commission was opposed to the policy change, Chairman Wolter said a draft letter should be submitted along with the endorsement of the Plan Commission and put on the Village Board agenda for review.

**ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST:** None

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Lori Johnson  
Planning Assistant