

PLAN COMMISSION MINUTES

August 8, 2011

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

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

PUBLIC INPUT: None

PREVIOUS MINUTES: *MOTION Peck second Baum to Approve the Minutes from July 11, 2011.*

MOTION carried unanimously.

MOTION Stauffacher second Jex to go to Item G on the Agenda.

MOTION carried unanimously.

Hampel Corporation – W194 N11551 McCormick Drive. Site Plan Review for a 6,500 sqft office and warehouse addition to the existing manufacturing facility. Planner Retzlaff summarized the proposal. Eric Neumann, MSI General, explained that because the project is over-budget, changes have been proposed inside and out and may include changing the soffit system and removing the canopy on the south elevation. He said the changes may be insignificant and could possibly be approved at staff level. He said the owner was currently out of town and he did not know what changes would ultimately be made.

MOTION Baum second Peck to Approve the site development and building plans for the proposed 6,583 SF office and shop addition to the Hampel Corporation facility located at W194 N11551 McCormick Drive subject to the following conditions:

- 1. All landscaping, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit for the building addition 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 will be completed within one (1) year after issuance of the first building permit.***
- 2. A monitored sprinkler system shall be installed in the building addition as required by the Fire Department.***
- 3. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***
- 4. All technical corrections listed in the Engineering Department's July 18, 2011 memo shall be corrected and included in a revised plan set prior to issuance of a building permit.***
- 5. Significant changes to the site development and/or building plans shall require review and approval by the Plan Commission.***

Baum said he was OK with some alterations but would like to see what is proposed if the gazebo structure is removed from the center section.

MOTION to Amend Baum second Stauffacher to add a 6th Condition that if the gazebo over the existing office is removed, the proposal needs to come back to Plan Commission for approval.

MOTION to Amend carried (5-1)

Chairman Wolter said the function of this Commission is to review and approve plans in their entirety and now we are being asked to approve plans on things yet to come. Stauffacher said any changes should be required to come back to Plan Commission for approval. Chairman Wolter said he was willing to have Planner Retzlaff consider the changes, but does not want to make this procedure the norm.

MOTION to Approve as Amended carried unanimously.

Panda Express – N96 W17698 County Line Road. Sign Review Application for a new monument, wall and on-site directional signs. Planner Retzlaff summarized the proposal. Joe Funderburk, Anchor Sign answered questions.

MOTION Baum second Peck to Approve the new monument, wall and on-site directional signs as proposed for the Panda Express restaurant to be located on what is now the Equitable Bank property at N96 W17698 County Line Road subject to the following conditions:

- 1. Electrical permits shall be obtained from the Building Inspection Department prior to installation of all signs with electrical components.***
- 2. All electronic components shall be inspected and labeled by a licensed lab.***

Peck suggested the lighting wattage on the drive-thru canopy should not exceed 32 total watts. Warren said more than one arrow is needed to help direct traffic.

MOTION to Amend Warren second Stauffacher to add an additional arrow on the pavement to help direct traffic to the exit.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Michael Ketten for Fabson Engineering – N154 W11421 Fond du Lac Avenue. Conditional Use Permit to operate a specialty automotive engineering and restoration business. Planner Retzlaff summarized the proposal. Michael Ketten answered questions.

Stauffacher was concerned that noise may be a problem. Mr. Ketten said the doors would be kept closed. Retzlaff said that although the current operator never received the proper permits, a similar type activity is currently being conducted on the property without any concerns or complaints. Mr. Ketten referred to Condition #6 requiring installation of a sampling manhole and floor drains. He said there were no floor drains in the building and the condition may be a mute point. Retzlaff said he would check with the Wastewater Superintendent regarding the requirement.

MOTION Baum second Jex to Approve a Conditional Use Permit to allow the operation of an “automotive engineering and restoration” business from the .85 acre property in the B-3 General Business District located at N154 W11421 Fond du Lac Avenue subject to the following conditions and allowing alteration of the floor drain requirement in Condition #6:

- 1. 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 ameliorate or eliminate harmful effects associated with the use but are 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.*
- 2. This conditional use permit shall not be transferable to any subsequent property owner and/or business operator. A new CUP shall be required (but not necessarily approved by the Village) for any new owner, operator or significant change in the type of use or operation.*
 - 3. All commitments made by the Applicant as part of the CUP application and supporting documentation, including the July 26, 2011 e-mail communication providing detailed responses to staff inquiry about the business plan of operation, shall be met on an ongoing basis. Significant changes to the plan of operation and/or nature of the vehicle restoration business shall be reported to the Zoning Administrator for review and the possible need for approval by the Village Board as part of a new or revised CUP.*
 - 4. Test driving of vehicles shall be limited to major roadways, e.g. Fond du Lac Ave, Pilgrim road, and shall not occur on any local residential streets, e.g. Gettysburg, Vicksburg, Potomac, etc.*
 - 5. Engine or other diagnostic testing and/or other repair activities that may create noise that may create a nuisance beyond the subject property shall not occur from 9:00 pm to 8:00 am.*
 - 6. The owner/operator shall install a sampling manhole on the property, and, install or retrofit all floor drains with sump pits with compliant FOG (fats, oils, grease) mitigation practices. The plans and/or Installation for such improvements shall be reviewed and approved by the Village Engineer and Wastewater Utility Superintendent.*

MOTION carried unanimously.

Baumgartner Realty for Coventry Meadows. NW Corner of Freistadt Road and Pleasant View Drive. Four (4) lot Certified Survey Map and Rezoning in order to create two 10 acre agricultural lots and two 8 acre residential lots from a 37.15 acre parcel. Planner Retzlaff summarized the proposal.

MOTION Baum second Jex to Approve rezoning the two 10 acre lots (Lot 1 and Lot 4) from A-1 to A-2, and the two 8 acre lots (Lot 2 and Lot 3) from A-1 to Rs-1; and

Approve the 4 lot Certified Survey Map land division for the 37.15 acre property located on Freistadt Road subject to the following conditions:

- 1. All technical corrections identified by the Engineering Department as summarized in their July 22, 2011 memo shall be made prior to recording the CSM by the Village Board.***
- 2. Access to Freistadt Road shall be restricted to one (1) "Type A" access driveway to/from Lot 4 as permitted by the Washington County Highway***

Commissioner. A copy of the recorded CSM shall be provided to the County.

MOTION carried unanimously.

Plastic Components – N118 W18845 Bunsen Drive – Sign review application for a monument sign. Planner Retzlaff summarized the proposal.

MOTION Baum second Peck to Approve the proposed monument sign for Plastic Components Inc. on Bunsen Drive in the Industrial Park subject to the following condition:

- 1. The sign base shall be constructed of the same or similar decorative block as used in the primary building on the property.***

MOTION carried unanimously.

Roman Berendt for Weber Homes - Virginia Avenue. The property owner is seeking approval of a conditional use permit to allow the development and operation of a 20 bed Community Based Residential Facility to provide assisted living services to residents with dementia on a 2.2 acre parcel located at the west end of Virginia Avenue. Planner Retzlaff summarized the proposal. He said this approval is for the conditional use only and that detailed site development and building plans would follow with all required information including operator, licensing, hours, etc.

Roman Berendt said he does not have an operator at this time. Retzlaff said the applicant could work with the Village Attorney to come up with mutually acceptable language addressing Berendt's concerns with condition #2 since he does not anticipate that the property owner will also be the operator. Baum commented on how many of these types of facilities we need in the Village. He said the Fire Department is overwhelmed with the amount of EMT calls they receive now with senior facilities. Chairman Wolter said Plan Commission should determine if the development is a good fit for the area and if it fits into the 2020 Land Use Plan. He said Village Board will determine what is best for the Village. Retzlaff said if additional information is needed it could be gathered now before Village Board meeting. Baum said he is looking for the market saturation rate and the impact on the Fire Department and EMS calls.

MOTION Stauffacher second Peck to Approve a Conditional Use Permit for Weber Homes Inc., to allow the development and operation of a 20 bed Community Based Residential Facility providing assisted living services to residents with dementia on a 2.2 acre parcel located at the west end of Virginia Avenue subject to the following conditions:

- 1. The principal use of the proposed Community-based Residential Facility (CBRF) shall be limited to providing assisted living services for residents as specified in the Greenbriar CUP application and supporting documents, i.e. primary client groups including residents suffering from the effects of advanced age (60+ years) and/or with irreversible dementia/Alzheimer's, as specified in the required state of Wisconsin license for an ambulatory class CBRF. The use of this property and all facilities thereon for any other purpose shall be prohibited.***
- 2. This conditional use permit shall not be transferable to any subsequent property owner and/or business operator that is not or cannot be licensed to operate a CBRF as permitted under condition 1 above. This CUP shall be transferable to a***

subsequent property owner and/or business operator that are licensed to operate a CBRF as permitted under Condition #1 above. A new CUP shall be required (but not necessarily approved by the Village) for any significant change in the type of use or operation, including but not limited to, CBRF services for residents and clients other than those permitted under Condition #1 above.

- 3. A certified survey map (CSM) and detailed site development and building plans shall be submitted for review and approval by the Village Plan Commission. Said CSM and site plans shall be consistent with the concept plan approved as part of this CUP. Significant changes or deviations from the approved concept plan may result in the need to obtain a revised CUP.***
- 4. This permit shall be deemed null and void if approval of a CSM and site plans required herein is not granted by the Plan Commission, or, development activities have not commenced within 12 months after Village Board approval pursuant to Section 17.42(6) of the Zoning Code.***
- 5. The Owner/operator shall obtain and maintain all applicable state and county licenses, certifications, etc. for the CBRF and adult daycare facilities and operations. Copies of said licenses, certifications, etc. shall be provided to the Village Zoning Administrator prior to and as a condition of issuance of an occupancy permit.***

MOTION to Amend Stauffacher second Baum to add a 6th Condition that requires the developer to provide a market analysis for the needs of these types of facilities and provide a fair market study to determine whether or not the Village has reached the saturation level for the number of facilities.

MOTION to Amend Fails (5-1).

MOTION carried unanimously.

Tarantino & Co. LLC and The Gables of Germantown LLC – N109 W17075 Ava Circle.
This item has been postponed.

Carpet Warehouse – W190 N10800 Commerce Circle. Site Plan Review and Conditional Use Permit for a 12,100 sqft retail flooring store and warehouse. Planner Retzlaff summarized the proposal. Keith Schultz, SchultzWerk Architecture, addressed questions.

MOTION Stauffacher second Baum to Approve a Conditional Use Permit for the operation of an 11,900 sqft retail carpet and flooring/warehouse on the 2.03 acre lot on Commerce Circle subject to the following conditions:

- 1. This permit authorizes the uses, activities and facilities set forth in the conditional use permit application dated August 3, 2011 and in the supporting documents and plans made part of the application, including the site development and building plan sheets (dated July 8, 2011 and date-stamped received on August 3, 2011). All of the commitments made by the Applicant in the application and supporting documents cited herein are deemed 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 ameliorate or eliminate harmful effects associated with the use but are 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.

MOTION carried unanimously.

Stauffacher said the south elevation looks like warehouse and needs details that detract from that appearance. Retzlaff said the Plan Commission had discussed the need for additional architecture on other elevations at the time the development appeared for a consultation review. Baum said the south and east elevations should be enhanced with spandrel glass panels and enhanced landscaping. He also said the gray metal panel on the north and west elevations should be incorporated into the east and south elevations in some manner possibly an accent stripe.

MOTION Baum second Stauffacher to Approve the site development and building plans (dated July 8, 2011 and date-stamped received on August 3, 2011) for the construction of a 11,900 sqft retail carpet and flooring store and warehouse on a 2.03 acre lot on Commerce Circle subject to the following conditions:

- 1. Additional landscaping is required :(1) along the northeast property line (in the yard space between the AmericInn Motel and the subject property); (2) along the south property line (in the yard space between Gander Mountain and the subject property); (3) around the dumpster enclosure and (4) along the south and east elevations as required under Condition #10 below. A detailed landscaping plant schedule needs to be included in the plans with types, quantities, and minimum planting sizes shown (i.e. min. 2.5" caliper for deciduous trees; 8' height for evergreen trees; and min. 24" height and 5 gal. for shrubs). A revised landscaping plan shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a building permit.***
- 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 18, 2011 memo shall be addressed and reflected in a revised plan set submitted to the Village Engineer for review and approval prior to issuance of a building permit.***
- 7. The applicant shall obtain and submit a "concurrence letter" from the DNR***

regarding the wetland delineation conducted on the subject property prior to issuance of an occupancy permit.

- 8. All exterior lighting fixtures, including the flood lights proposed on the south building elevation, shall be or otherwise perform as cut-off fixtures where the light source is not visible from beyond the property lines. Also, the 22' pole-mounted fixtures in the far southeast corner of the loading area shall be set with motion-detection so the lights are only lit when needed.*
- 9. No signage shall be permitted to be installed north or west of Commerce Circle.*
- 10. Three (3) spandrel glass window panels should be added to the south elevation between the 4 pilasters with additional landscaping under the window panels and outside of the two pilasters, and (3) spandrel glass windows on the east elevation to replace the recessed panels with additional landscaping below the windows and in front of the pilasters.*

Baum said he did not like the large expanse of asphalt on the south side of the building. Evan Nicodem said the area is needed for truck turn-around.

MOTION to Amend Peck second Stauffacher that the floodlights should be leaned down.
MOTION to Amend Withdrawn.

MOTION carried unanimously.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST: Chairman Wolter reminded everyone to vote on Tuesday.

ADJOURNMENT: There being no further business the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant