

PLAN COMMISSION MINUTES

June 13, 2011

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:31 p.m.

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

PUBLIC INPUT: None

PREVIOUS MINUTES: *MOTION Baum second Warren to Approve the Minutes from May 9, 2011 and March 28, 2011.*

MOTION carried unanimously.

Wago Corporation – N120 W19129 Freistadt Road. Renewegy LLC, agent for Wago Corporation, is requesting a conditional use permit in order to install and operate one 117' tall 20 kilowatt wind turbine on the property located in the Germantown Industrial Park. Planner Retzlaff summarized the proposal.

MOTION Baum second Stauffacher to Approve a conditional use permit to allow the installation and operation of a 20 kilowatt wind turbine having a maximum blade tip height of 117 feet on the Wago Corporation property located at N120 W19129 Freistadt Road subject to the following conditions:

- 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. Installation and ongoing operation shall comply with all applicable construction and electrical codes.***
- 3. No signs or other advertising shall be displayed on or from any component of the tower or turbine unit except for: (1) manufacturers or installers identification during installation; or (2) appropriate warning signs at the system base.***
- 4. If the system is determined to be abandoned or out-of-service for a continuous period of (12) months, the owner shall remove the system at owners expense.***

Discussion followed regarding whether having the Renewegy logo on the wind turbine would be considered signage and not permitted as stated in the conditions above. Retzlaff said it was not staff's intention to prohibit the Renewegy logo from the turbine. Greg Aykens, Renewegy, and Greg Rinn, Wago Corporation addressed questions. Rinn said they receive the turbine with the decal already installed. He said it is approximately 40" x 8"

and not legible to anyone driving by. Planner Retzlaff confirmed that the proposed system has met all the current standard requirements. He said the Village does not have a specific set of guidelines regarding this type of system and should consider developing their own set of regulations. Warren asked how the system was monitored for safety. Aykens said the system is capable of sensing abnormal vibrations and will shut itself down as part of the control system and can also be shut down remotely if needed. Peck said a maximum wind speed should be included as part of any future ordinance. Wolter agreed the Village should look at creating an ordinance. He thinks we will see more of this type of system in the future and certain criteria should be created for safety purposes.

MOTION carried unanimously.

Panda Express – N96 W17698 County Line Road. HSB Architects, agent for Equitable Bank, property owner and Panda Restaurant Group is requesting approval to rezone the .79-acre parcel from B-1: Neighborhood Business to B-5: Highway Business and approve site development and building plans for a new 2,250 sqft retail commercial building for a restaurant with drive-through facilities. Planner Retzlaff summarized the proposal.

MOTION Baum second Peck to Approve Rezoning the .79-acre property from B-1: Neighborhood Business to B-5: Highway Business and;

APPROVE the site development and building plans for a new 2,250 sqft retail commercial building for a restaurant with drive-through facilities for the .79-acre property located at N96 W17698 County Line Road subject to the following conditions:

- 1. All landscaping and lighting items shown on the plans shall be installed as proposed prior to issuance of an occupancy permit for the building unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs is submitted to the Village as necessary to ensure that the installation of all proposed landscaping features will be completed within one (1) year after issuance of the first building permit.***
- 2. A Knox Box shall be installed as required by the Fire Department.***
- 3. Developer shall obtain final approval of the erosion control plan as part of the Erosion Control Permit issued by the Village Building Inspection Department.***
- 4. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***
- 5. All technical corrections listed in the Engineering Department's June 10, 2011 memo shall be addressed and included in a revised plan set prior to issuance of a building permit.***
- 6. All exterior signage shall comply with the Village sign regulations and be reviewed and approved by the Plan Commission.***
- 7. The trash enclosure shall incorporate exterior materials (e.g. stone, brick or decorative block) and colors complimentary to the principal building on the three wall sides, including a wooden clad gate (vs. the corrugated steel panel proposed). Additional landscaping comprised of evergreen and deciduous trees and shrubs shall be installed around all sides of the trash enclosure and presented in a revised landscape plan for review and approval by the Village Planner prior to issuance of a building permit.***
- 8. Additional landscaping comprised of both deciduous and evergreen trees and shrubs and/or turf grass shall be installed: (a) along the north and east***

property lines; (b) in the southeast corner of the site and along County Line Road and within the island between the two access driveways; (c) and along the building foundation and/or in front of the north, south and west elevations (similar to that provided at the KFC and Arby's restaurants). A revised landscaping plan shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a building permit.

- 9. Revised building elevations reflecting changes made to the exterior materials and/or architectural features shall be submitted to the Village Planner for review and approval. Changes should include: (a) the use of more stone, brick or decorative CMU block or panels on main building elevations in place of the EIFS material, particularly on the south, west and east elevations; (b) an additional architectural feature added to the north and east elevations to break up the building mass and plain appearance; (c) other changes as directed by the Plan Commission.***

MOTION to Amend Stauffacher second Warren to separate the two issues and start with the rezoning.

MOTION to Amend carried unanimously.

Baum commented that residents in the area had previously voiced concern about possible drive-thru speaker noise but he commented that the nearest residential property from the Equitable Bank site is equal or greater in distance from the other existing restaurants in the area like the KFC, Arby's and Wendy's restaurants.

MOTION to Approve the Rezoning carried unanimously.

Mark Russell representing Panda Express addressed concerns regarding the flow of traffic. Stauffacher had concerns with two-way traffic exiting the proposed south driveway from the restaurant to County Line Road. He said there is not enough room to accommodate stacking cars as they exit without impacting the drive-thru. Planner Retzlaff said the Village Engineer had reviewed the plans and did not have any issues or concerns with traffic flow. Baum proposed having right-in only traffic at the south access driveway to alleviate those potential traffic concerns. Mr. Russell said he had done that type of driveway design before but in doing so found it confused customers and caused more problems. He said they would be open to correcting the situation if a problem occurred. The members and Russell discussed potential alternatives to traffic circulation on the site, including the use of "one-way" signage to direct exiting cars to the north access driveway.

MOTION to Amend Stauffacher second Warren to add a condition that a thorough traffic study be procured by the applicants and submitted to the Village for review and approval.

Further discussion followed as to the type of traffic study and who would be responsible for preparing it. It was agreed that an access driveway & intersection turning-movement "level of service" analysis would be required and that the applicant would be responsible for having the study prepared and submit it to the Village for review and approval. It was discussed and Russell agreed that if problems were revealed by the study, further on-site improvements would be investigated, e.g. one-way traffic and signage, right-in/right-out only south driveway, etc.

MOTION to Amend carried 4-1 (Wolter)

MOTION to Approve the Site Plan as Amended carried unanimously.

MOTION Baum second Stauffacher to Reconsider the Site Plan.

MOTION to Reconsider approved unanimously.

Baum requested the trash enclosure be made of something other than EIFS. Mr. Russell agreed to install the same stone as the building on all three walls. Baum also requested something be added to the north elevation like a tower, awning or stone panel; something to get rid of the blank wall. Mr. Russell indicated that they usually don't add a tower feature on that elevation because of the narrow space to the drive-thru. A ¾ or partial tower element or stone panel on the north side of the building was discussed. Russell said he would work with staff on adding an acceptable feature.

MOTION to Amend Baum second Stauffacher to include with Condition #9(b) that an architectural feature be added to the north elevation.

MOTION to Amend carried unanimously.

MOTION to Approve the Site Plan as amended carried unanimously.

Chardan Development LLC (Whirlpool Corp.) – W118 N18631 Bunsen Drive. Briohn Building Corp., agent for Chardan Development, property owner and the Whirlpool Corp, has submitted site and building plans for a 4,440 sqft addition to the existing 10,035 sqft warehouse/storage building. Planner Retzlaff summarized the proposal.

MOTION Baum second Warren to Approve the site plan as proposed for a 4,440 sqft addition to the existing sqft warehouse/storage building located at W118 N18631 Bunsen Drive in the Germantown Industrial Park subject to the following conditions:

- 1. All landscaping and lighting items shown on the plans shall be installed as proposed prior to issuance of an occupancy permit for the building unless a performance bond, cash bond, or letter of credit in an amount equal to 120 percent of the estimated installation and material costs is submitted to the Village as necessary to ensure that the installation of all proposed landscaping features will be completed within one (1) year after issuance of the first building permit.***
- 2. All technical concerns raised by the Engineering Department in their May 20, 2011 memo shall be addressed and approved by the Engineering Department prior to issuance of a building permit.***
- 3. Pending the outcome of a study of the Maple Road/Freistadt Road storm water basin by the Village, the owner may be responsible for the installation of some form of on-site storm water management, e.g. rain garden, infiltration swale, etc., as part of the project.***
- 4. A monitored sprinkler system and occupancy inspection is required for the new addition by the Fire 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.***

MOTION carried unanimously.

Eastern Kettle Moraine Moose Lodge #1238 – W198 N10217 Appleton Avenue.

Bill Numrich, agent for the Moose Lodge is requesting a Conditional Use Permit in order to allow short-term, overnight parking of vehicles by club members on the existing lodge property. Planner Retzlaff summarized the proposal.

Terry Voss, representing the Moose Lodge, addressed concerns. He said the overnight parking would be short-term, occasional parking. He said the parking will not be seen from the street.

MOTION Baum second Stauffacher to Approve a Conditional Use Permit to allow the short-term overnight parking of vehicles by club members on the existing lodge property located at W198 N10217 Appleton Avenue subject to the following conditions:

- 1. The over-night parking of vehicles, e.g. cars, SUV's, campers, motor homes, travel trailers, etc. shall be limited to Moose Lodge members only and not for a period of time longer than 3 days per vehicle per month. Generally, over-night parking should be limited to weekends during the months of March through September. The number of vehicles to be parked over-night shall be limited to not more than three (3) vehicles on the property at any one time.***
- 2. Moose Lodge is responsible for providing adequate sanitary facilities, including indoor bathroom facilities and up to (3) portable toilets. All portable toilets shall be properly cleaned and maintained and removed from the property during the "non parking" months listed in #1 above. Adequate trash receptacles shall be provided on-site.***
- 3. 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.***

Baum questioned if more restrictions should be added. Mr. Voss said overnight parking is allowed at Moose Lodge facilities across the country. He said a set of rules and regulations was being drafted for members to sign before they are permitted to stay overnight.

MOTION to Amend Baum second Warren to add a 4th condition that the Village receive a copy of the Rules and Regulations being drafted for members regarding overnight parking and any electrical work would require a permit from the Building Inspection Department.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Weber Homes – Virginia Avenue. Roman Berendt, agent for Weber Homes, property owner, is requesting a consultation with the Plan Commission regarding plans to develop a 20-unit CBRF Dementia Facility on a portion of their 7.5-acre parcel located at the west end of Virginia Avenue. Planner Retzlaff summarized the proposal. He said the property was previously approved for a senior residential development in 2005. But after the Village Board granted two extensions and denied a request to remove the 55+ age restriction, the project did not proceed and the property reverted back to the original Rs-1 Zoning District.

Dennis Gritzmacher, Weber Homes, answered questions from Plan Commission. He said their research had concluded that the demand for this type of facility is extreme and Washington County has issued grants to support development of this type of facility. He said the facility will have 3 shifts with approximately 7-10 employees. Plan Commission members had the following comments and concerns:

- This road design is better than what was previously approved
- Institutional zoning would be best for Phase II
- The scale of the building is more consistent with the mixed use classification
- The elevation looks good
- It's a nice fit for the area
- Receiving is close to the front entrance – how often are deliveries scheduled
- Emergency services would be increased to this facility
- The location is close to other similar facilities (Virginia Highlands and The Gables)

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

Washington County Farmland Preservation Plan; Resolution to Adopt County Recommended Farmland Preservation Area Map. Planner Retzlaff explained the Village needs to consider the benefits of Wisconsin's new Farmland Preservation and decide if and when the Village will get back into the FP program. He said the Village has been de-certified from the FP program since February 21, 2011. He said the County is requesting that the Village adopt a "resolution of intent" that stipulates the Village's intention that, once the County's FPA map has been approved by the WI Dept. of Agriculture, the Village will revise its 2020 Comprehensive Plan to incorporate the FPA concept and map designations. The resolution will enable the Village to move forward and adopt a farmland preservation zoning district if they choose to do so. It would also enable individual landowners to pursue either the Agricultural Enterprise Area (AEA) program that provides tax credits or the Preservation of Agricultural Conservation Easements (PACE) program that provides for the purchase of conservation easements over land.

Retzlaff said the direction from the State now, is that the conversion fee will be eliminated. Trustee Baum asked why certain areas were selected to be included on the FP map and others not. Retzlaff explained the properties selected met a list of criteria. He said approval of the resolution does not obligate the Village to be a part of the FPA program.

MOTION Stauffacher second Baum to Approve the Resolution of Intent to Incorporate Farmland Preservation areas into the Village of Germantown.

MOTION to Amend Stauffacher second Baum to reword the resolution to "A Resolution of Consideration for the Incorporation of Farmland Preservation Areas into the Village of Germantown 2020 Smart Growth Plan".

Chairman Wolter said the designated areas selected as farmland preservation seem to fit into the Village's current and future Smart Growth plan.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST: None

ADJOURNMENT: There being no further business the meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant