

PLAN COMMISSION MINUTES

February 14, 2011

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

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

PUBLIC INPUT: None

PREVIOUS MINUTES: ***MOTION Baum second Jex to Approve the Minutes from January 10, 2011.***

MOTION carried unanimously.

Village of Germantown – Lot 25 of CSM 6275 – Washington Drive in the Germantown Business Park. The Village of Germantown is requesting approval of a 2-lot CSM creating a 3.0-acre and a 2.6-acre lot on Washington Drive in the Germantown Business Park. Planner Retzlaff summarized the proposal.

MOTION Baum second Stauffacher to Approve the CSM as proposed.

MOTION carried unanimously.

Village of Germantown – Lot 1 of CSM 4969 – Germantown Business Park. The Village of Germantown and the Bradley Corporation are seeking approval of a 4-lot CSM for purposes of re-dividing two existing parcels totaling 63.9 acres in the Germantown Business Park. Planner Retzlaff summarized the proposal.

MOTION Baum second Warren to Approve the CSM as proposed.

MOTION carried unanimously.

Bradley Corporation – N106 W13500 Bradley Way. Bradley Corporation, property owner, is seeking approval of Site Development & Building Plans, a Rezoning Petition and Conditional Use Permit in order to develop a proposed 190,000 sqft. manufacturing and warehouse facility on a 30.6 acre parcel located in the Germantown Business Park. Planner Retzlaff summarized the proposal.

MOTION Baum second Jex to Approve a Conditional Use Permit to allow development within the 25' wetland and 75' navigable stream setback areas as presented in the supporting mitigation plan and exhibits pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

- 1. The Bradley Corporation shall prepare and submit an annual monitoring report to the Village and local DNR staff concerning the various management activities proposed in the mitigation plan, including the planting/restoration of native grasses and the removal of buckthorn and other invasive species from the disturbed and undisturbed wetland setback areas. Said report shall, at a minimum, detail the type and amount of plantings and invasive species removed, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities carried out, and the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2011 for at least three (3) years.**
- 2. Final approval of a Chapter 30 and/or other necessary permits required by the DNR and ACOE to fill up to 10,936 sqft of wetland on the property as proposed. In the event Bradley's wetland fill permit(s) are not approved by the DNR, this conditional use permit approval will be invalid. In the event the wetland fill permit(s) are approved but to a different amount or location than proposed, or, if specific conditions of granting said wetland fill permit(s) requires significant changes to the proposed development, a revised application, including a revised conditional use permit mitigation plan, shall be prepared and submitted to the Village for further review and approval;**
- 3. Approval is granted for Phase 1 development only. A new or revised CUP, including a new or revised mitigation plan, for the planned Phase 2 expansion shall be prepared and submitted to the Village for review and approval.**

A lengthy discussion followed regarding wetland filling and mitigation requirements. Evan Nickodem, McClure Engineering, confirmed that a mitigation plan for the wetland setback impacts has been completed, but that mitigation requirements (if any) for the wetland filling have not yet been determined by the Army Corp of Engineers. He said the DNR does not require on site mitigation for wetland encroachments. Stauffacher insisted that the Village traditionally required a 2 to 1 ratio for mitigation of wetland impacts.

Planner Retzlaff said the Village does not know what the DNR will require for mitigation at this point but that one condition of approval requires the site plan to come back for review/approval if the DNR does not approve what Bradley proposes.

Retzlaff discussed the Business Park wetland mitigation area that the DNR required the Village to create to compensate for road construction across some wetlands was actually over-built with more created wetlands than required. Nickodem said the Village did seek a permit with the DNR for a wetland bank in the Business Park when it was first developed, but the area was never consistently monitored so the DNR doesn't recognize that area as an acceptable mitigation bank. He stated the wetlands on the Bradley property will have a variety of native grasses and plantings.

Nickodem said the streams on the property are dry and the culverts to be installed are 30' in diameter and should be large enough for animals to go through.

Planner Retzlaff said the Village Code does not provide for wetland filling mitigation because only the DNR regulates and allows the filling of wetlands and establishes mitigation requirements.

Chairman Wolter said the building is placed in the corner of the lot, away from the wetland areas. He said the Village had offered Bradley a different lot in the Park but they like the lot and setting of this property.

Chairman Wolter questioned if the wetland fill application to the DNR was for Phase 1 only. Nickodem said the wetland filling was for Phase 1 and 2 but that the Village CUP application was just for Phase 1.

MOTION to Amend Wolter second Baum that the Phase 2 development be included in the CUP approval. A revised mitigation plan should be prepared and submitted to the Village for review.

Chairman Wolter felt it was not necessary for Bradley to apply for second CUP.

MOTION to Amend carried 4-2 (Stauffer & Peck)

MOTION to Approve as Amended carried 5-1 (Stauffer)

MOTION Baum second Jex to Approve the Bradley Corporation's rezoning petition to rezone and remove up to 10,936 sqft of area from Shoreland-Wetland Zoning District as shown in Exhibit WF pursuant to Section 24.07 of the Shoreland-Wetland Zoning Code and subject to the following condition:

- 4. Final approval of a Chapter 30 and/or other necessary permits required by the DNR and ACOE to fill up to 10,936 sqft of wetland on the property as proposed. In the event Bradley's wetland fill permit(s) are not approved by the DNR, this site development and building plan approval will be invalid. In the event the wetland fill permit(s) are approved but to a different amount or location than proposed, or, if specific conditions of granting said wetland fill permit(s) requires significant changes to the proposed development, a revised application and set of development plans (including a revised Shoreland-Wetland rezoning application and conditional use permit mitigation plan) shall be prepared and submitted to the Village for further review and approval by the Village;***

MOTION carried unanimously.

MOTION Baum second Warren to Approve the site development and building plans for the Bradley Corporation's proposed 190,000 sqft manufacturing/warehouse facility located at N106 W13500 Bradley Way proposal subject to the following:

- 5. Approval is granted for Phase 1 development only. Separate site development and building plans (including lighting, landscaping, grading, erosion control, etc) for the planned Phase 2 expansion shall be prepared and submitted to the Village for review and approval;***

6. *Final approval of a Chapter 30 and/or other necessary permits required by the DNR and ACOE to fill up to 10,936 sqft of wetland on the property as proposed. In the event Bradley's wetland fill permit(s) are not approved by the DNR, this site development and building plan approval will be invalid. In the event the wetland fill permit(s) are approved but to a different amount or location than proposed, or, if specific conditions of granting said wetland fill permit(s) requires significant changes to the proposed development, a revised application and set of development plans (including a revised Shoreland-Wetland rezoning application and conditional use permit mitigation plan) shall be prepared and submitted to the Village for further review and approval by the Village;*
7. *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 occupancy permit.*
8. *Final approval of the grading, erosion control shall be obtained from the Village Engineering Department prior to issuance of an erosion control permit (including addressing all items identified by the Engineering Department in their February 4, 2011 conditional approval memo);*
9. *A monitored sprinkler system meeting the requirements of NFPA 13 and Knox Box shall be installed in the building as required by the Fire Department.*
10. *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.*
11. *State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.*
12. *An additional twenty (20) street trees shall be installed along the north side of Bradley Way. A revised landscape plan shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a building permit.*
13. *Revised plans showing the type and location of roof-mounted and ground-mounted HVAC mechanicals shall be prepared and submitted the Village Planner for review and approval. Said plans shall include details on sight lines (if roof-mounted) and the measures to be taken to screen these items from view.*
14. *Final approval shall be granted by the West Shore Pipeline Company for the proposed development to be located within the 50' pipeline easement located on the Bradley property prior to issuance of a building permit. Written documentation of said approval shall be provided to the Village.*
15. *All technical corrections listed in the Engineering Department's February 4, 2011 review memo shall be corrected and included in a revised plan set prior to issuance of a building permit.*
16. *Details on the proposed monument sign shall be submitted as part of a separate sign permit application and reviewed and approved by the Village*

- Plan Commission prior to installation;***
17. Detailed construction plans for the proposed access driveway and parking lot retaining walls and drainage pipes/culverts to be installed in the wetland and intermittent stream shall be reviewed and approved by the Village, DNR, and ACOE (as may be required) prior to installation.

Commission Peck said one lighting fixture on the plan is turned backwards.

MOTION carried unanimously.

Zoning Code Text Amendment – The Village Planner is proposing a text amendment to the A-1: Agricultural Zoning District (Section 17.12) in the Zoning Code. Planner Retzlaff explained the amendment is being proposed in order to officially initiate the process of seeking “de-certification” of our A-1 Exclusive Agricultural Zoning District under the State’s new Farmland Preservation Program.

MOTION Baum second Warren to Approve the text amendment to the A-1: Agricultural Zoning District (Section 17.12) as proposed.

A lengthy discussion followed with the following comments and concerns:

- There are only 9-10 property owners that are currently taking advantage of the Farmland Preservation tax credit.
- Some property owners were unknowingly put in the Farmland Preservation program because they have A-1 Agricultural zoning.
- If the Village retains certification in the Program, a conversion fee would need to be collected for anyone rezoning land out of the A-1 Agricultural Zoning District. If the Village de-certifies from the Program, the tax credit eligibility would expire.
- Even if the Village de-certifies from the Program now, re-entry into the program is possible at a later date.
- The County’s plan needs to show contiguous areas of agricultural land and the Village’s Farmland Preservation Zoning District boundary needs to match the County’s area.
- The Village needs to tell the County which land to include in Farmland Preservation.
- Plan Commission recommended last May to de-certify the Village from the program.

MOTION carried 5-1 (Stauffer)

Planning Department Discussion Regarding 41/45 Commercial Corridor & Rural Land Use North of Freistadt Road. Chairman Wolter said Plan Commission should discuss the future development of land north of Freistadt Road and along the 41/45 corridor. Comments included:

- Look at the rural character north of Freistadt Road
- The commercial corridor along 41/45 is also in the north half of the Village
- State Statutes request the land use plan be reviewed every 10 years
- PC should discuss if the 5 acre minimum lot size is still appropriate
- The policies and maps need to be revised

- Trustee Baum offered to revise the LUP to get discussion started
- Infrastructure should be considered
- Can sewers be expanded
- How much growth does the Village want
- Houses are scattered now throughout the north half of the Village and don't necessarily fit in.
- Jex said the Village should be considerate of how density will affect the schools. He offered to be the liaison with the school board for discussion purposes.

This item will be brought back to Plan Commission for further discussion.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST: Trustee Zabel reminded everyone to vote tomorrow.

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

Respectfully submitted,

Lori Johnson
Planning Assistant