

PLAN COMMISSION MINUTES
February 11, 2019

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

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Tony Laszewski, Peter Nilles, Bill Shadid were present. Commissioner Bob Williams arrived at 6:35 p.m. Commissioner Matt Kimmler was absent and excused. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

APPROVAL OF MINUTES: ***MOTION Baum second Shadid to Approve the minutes from 1-14-19. MOTION carried unanimously.***

PUBLIC HEARINGS:

Kyle Fraser, agent for the Cusatis Trust, Property Owner W213 N11111 Appleton Avenue. Conditional Use Permit for a major home occupation for the operation of a landscape maintenance operation. Planner Retzlaff summarized the proposal. The public hearing held at the January 11th Plan Commission meeting was kept open until additional information was received from the applicant. Chairman Wolter re-opened the Public Hearing. Dennis Meyers, N115 W20309 Woodland Drive, thanked Fraser for locating his business in Germantown. He said Appleton Avenue is a County highway and would be responsible for installing a sign warning of the entrance to this business. He indicated backup beeper alarms could also be a potential problem. Chairman Wolter closed the Public Hearing.

Consideration and Action: Planner Retzlaff explained the conditions of approval address Trustee Myers concerns and stated the site was formerly used by a construction company without any issues or complaints. Kyle Fraser addressed the Commission and explained his business does maintenance and design, not landscape construction. He indicated there would not be much noise generated at the site and added he had only one vehicle with a backup alarm.

MOTION Baum second Shadid to Approve a conditional use permit (CUP) for Kyle Fraser, agent for the Cusatis Trust, property owner for the operation of a “major” home-occupation lawn & landscape maintenance business from the 6.5-acre residential property located at W213 N11111 Appleton Avenue subject to the following conditions:

- 1. The landscape services operation shall operate consistent as described in the application and as described by the operator operational while continuously meeting and comply with all applicable provisions, limitations and regulations in Section 17.61 (Home Occupations and Professional Home Offices) of the Zoning Code; specifically, Section 17.61(5)(b) and 17.61(4)(a) through (q) except (n)1. which shall be as set forth below.***
- 2. Pursuant to Section 17.61(4)(n)1. of the Zoning Code, the maximum time period for which this major home occupation CUP will remain valid shall be ten (10) years from the date of issuance subject to ongoing compliance with all conditions set forth herein.***
- 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 business operation and activities permitted under this conditional use permit that causes special problems or harmful effects associated with the business***

operation, or, where conditions imposed herein that were anticipated to ameliorate or eliminate harmful effects associated with the use but are no longer capable or 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.

- 4. The wholesale or retail sale of plants, stone, mulch or any other hardscape or landscape-related products shall be prohibited from the property.***
- 5. The use and operation of business-related equipment on the property (e.g. back-up warning devices, warm-up and/or maintenance idling) shall be conducted in a manner that does not disrupt the surrounding residential properties. Operations shall be conducted in compliance with all Village Code provisions regarding noise (Section 9.07 Village Code) and other potential nuisances.***
- 6. In the event that the Village and/or Washington County Highway Department determines that the driveway intersection serving the subject property is or has become a danger to or problem for the travelling public as a result of business-related equipment operating on or traveling to/from the property, the owner shall cooperate with said agencies to mitigate said danger or problems (i.e. debris sweeping, warning signage, sight-vision improvements, etc).***

MOTION carried unanimously.

Diversified Engineering Inc., Agent for Waste Management of Wisconsin, Property Owner, N96 W13840, W13600 & W13640 County Line Road. Conditional Use Permit to operate a Truck Maintenance Facility. Planner Retzlaff summarized the proposal. Lynn Morgan, Manager of Public Affairs and Matt McGuren, District Manager for Waste Management spoke on the proposal. Planner Retzlaff indicated the applications are not complete at this time but Waste Management has been responsive to providing the additional information needed. Chairman Wolter opened the public hearing. No one spoke. He asked the Commission if the public hearing should remain open until the March 11th Plan Commission meeting.

MOTION Baum second Laszewski to keep the Public Hearing for Waste Management open until the 3-11-19 Plan Commission meeting and the public hearing notice should be re-noticed.

Discussion followed. Trustee Baum questioned the safety of storing natural gas on the site, noise from the trucks and smells. Lynn Morgan explained compressed natural gas is the same gas used in your home and that Waste Management has been operating natural gas vehicles safely for over 20 years without any incidents. Planner Retzlaff said above ground storage for gas is allowed with a permit and is included in the Conditional Use Permit application. Ms. Morgan said if noise becomes an issue and needs to be addressed, they're proposing a type of backup alarm called a broad-spectrum alarm that greatly reduces the decibel frequency and cone of receptor range. The alarm would be installed on their vehicles if noise becomes an issue. She said there shouldn't be any odor from the natural gas or garbage because this facility will not be used for storing garbage. She added the locations are engineered to manage the gas entirely within the internal system. Ms. Morgan said the pull through stall for the trucks will probably not be able to be used, but the white noise back-up alarms would be a very effective resolution. She said confirmed Waste Management would commit to installing the devices after the Village receives a single noise complaint.

Discussion continued. Chairman Wolter asked about the current truck traffic pattern. Nick Berner, Diversified Engineering, explained 60 to 65 percent of the trucks head south on Boundary Road the rest will head north. At the new facility, 50 percent of the trucks will head toward the Autumn Ridge subdivision and the 50 percent will head east toward Boundary Road. He said when the trucks return, they will receive preventive maintenance if needed but not on a daily basis. He added that this facility will have a truck wash station.

Planner Retzlaff asked if there would be any noise from 10 pm to midnight. Mr. Berner said 90 percent of work being done would be done inside the building. He said the outside lighting is only for the truck maintenance work and then it would be turned down. Chairman Wolter asked of the lighting will be seen from nearby residents. Brian Stull, Diversified Engineering, said the lights will be a full cut off fixture and can be put on a dimmer schedule, or turned off during off hours. Chairman Wolter said residents will probably have an issue with the lighting. Mr. Berner said the building is designed to be operated with the doors shut. Trustee Baum was concerned the doors could be open on a nice night. Planner Retzlaff offered to include a condition of approval that the doors should remain closed when vehicles aren't being brought in and out. Chairman Wolter said he appreciates the additional tax base and jobs this proposal will bring to Germantown.

MOTION carried unanimously.

Verizon Cellular – N112 W16076 Mequon Road. Sign Effectz, agent for DDS Germantown Investment, property owner, is requesting approval for additional wall and monument signs for the new retail store in the Germantown Commons building. Planner Retzlaff summarized the proposal. He stated staff's recommendation is to deny the proposed monument sign addition because it increases the sign height and area beyond the maximums allowed for this multi-tenant building. He further explained if a variance is obtained from the requirements, the sign would be further required to meet the current monument sign requirements including the need to move the sign to meet the setback requirement, add a masonry base, add address coordinates and install landscaping around the base. Discussion followed.

Adam Jacobson, agent for Verizon, said they would be OK moving the sign down but that would take signage away from a future fourth tenant. He indicated they are not interested in an appeal process and would be OK with approval of the additional signage on the west wall.

MOTION Baum second Laszewski to Approve the proposed wall sign for the west elevation as proposed for the Verizon retail store located in the Germantown Commons center located at N112 W16076 Mequon Road subject to the following conditions:

- 1. Electrical permits shall be obtained from the Inspection Services prior to installation.***

And, Deny the proposed monument sign modifications as proposed.

MOTION carried unanimously.

Germantown High School – W180 N11501 River Lane. The School District is seeking approval of revisions to the approved building plans for the high school facility. Planner Retzlaff summarized the proposal requesting that screening the rooftop units not be required. Scott Kramer, Plunkett Raysich

Architects, said a lot of the units are not visible and are 1000 feet from River Lane. He added that the units have been painted to match the walls to blend in. He agreed that the unit on the administrative building should be screened. Discussion followed.

MOTION Baum second Nilles to Approve the School District request to eliminate the rooftop mechanical screen requirement (as shown on Sheets A230 & A420 dated 6/15/18) except for Units RAHU-1, RAHU-2 and RAHU-3 subject to the following conditions:

- 1. The accent lighting at the performing arts center entrance shall either be turned off permanently, or, allowed to be turn on at a reduced intensity (level to be determined in cooperation with Village staff) and only before, after and during scheduled night-time events (up to 30 minutes before and after). If the District chooses to keep the lighting operational, the District shall submit to the Village the detailed specifications and operational characteristics for said accessory lighting for review and approval no later than April 1, 2019.***

Planner Retzlaff stated there was another issue that is part of the staff review and recommendation. At the time of the original site plan approval, there was concern with the floodlight fixtures proposed for the north parking lot. Plan Commission discussed that if the lights were angled, they may create a problem to the surrounding residents; and ultimately that has happened. The complaints describe the lights are too bright, create glare, are on too long and also that the lighting at the Performing Arts Center is very bright. Planner Retzlaff said the school district has re-angled the light fixtures in the parking lot to re-direct light downward and onto the school property. Staff will continue to work with the District to address the issue. The lights on the PAC may need to be toned down or turned off when there isn't a performance, also reduce the brightness, dim them or turn them off altogether. We will need specifications for the lighting to review and approve it accordingly. Trustee Baum said LED lights are very bright and back shields should be put on the north and east sides of the parking lot.

MOTION carried unanimously.

Dheinsville Park – N128 W18780 Holy Hill Road. The Germantown Historical Society is requesting re-approval of site development and building plans for an 11,200 sqft open air pavilion to be constructed within the Village's Dheinsville Park property. Planner Retzlaff summarized the proposal. He explained the original site plan approval expired in September 2018. The Germantown Historical Society is requesting re-approval of the site plan and is proposing to change the west elevation of the pavilion to have a permanent wall versus the previously proposed tent-style removable enclosure.

MOTION Baum second Shadid to Approve the site development and building plans for the proposed 11,200 sqft pavilion to be constructed within the Village's Dheinsville Park property on Holy Hill Road subject to the following conditions:

- 1. Approval is for the site and building plan set dated March 13, 2017 with a requirement that the west elevation be comprised of a solid wall (vs. removable tent or flaps) unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein.***
- 2. State approved plans are required by Inspection services as part of the building permit application. The GHS shall coordinate installation of ADA accessibility improvements with the Village Building Inspector and/or appropriate state agency.***
- 3. A fire lane approved by the Germantown Fire Department is required around the***

perimeter of the building connecting to the parking area or roadway for emergency vehicle access. The GHS shall coordinate the location, design, materials and installation of the fire lane with the Fire Department.

- 4. The GHS pavilion project shall be subject to oversight by the Village's Building Construction Oversight Committee as provided by Village Code.***

Discussion followed. Trustee Baum said he did not want to see cinder block used for the west wall. Jeff Dhein said he didn't know what material would be used because he hadn't received the plans from the builder yet. He commented that the Building Oversight Committee would be reviewing the plans.

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant