

**PLAN COMMISSION MINUTES**  
**March 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, Matt Kimmler and Bob Williams were present. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

**PUBLIC INPUT:** None

**APPROVAL OF MINUTES:** ***MOTION Baum second Laszewski to Approve the minutes from 2-11-19. MOTION carried unanimously.***

**PUBLIC HEARINGS:**

A. 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, Waste Management, said they will comply with the items that were raised by Engineering. She asked that condition #7 under the CUP be changed to 120 days to provide enough time for the wetland delineation. Trustee Baum said sound, odor and noise were concerns that were raised at the last meeting. He asked what will be done to address these issues. Ms. Morgan said they are prepared to install reduced impact alarms on their vehicles. She said they don't expect any odors from this operation but will wash the trucks more regularly to prevent odor from developing. She indicated the LED lights are aimed downward and are very task specific. Planner Retzlaff explained the lights are cut off type fixtures and the brightest levels comply with the Village's guidelines for lighting and will not exceed the 25-foot maximum height allowed. Ms. Morgan said they will submit a lighting plan and would use timers and dimmers to use lights only where and when needed.

The public hearing was opened at 6:52 pm

-Lori Masset, W142 N9802 Amber Drive, said her bedroom faces Waste Management and when her windows are open, she can hear activity. She is concerned the new use will generate more noise and light.

-Lisa, Seven Pines Condominiums, said the proposal won't have a positive effect on anyone in the area.

The public hearing was closed at 6:58 pm.

B. Consideration and Action on Conditional Use Permit for Waste Management

***MOTION Baum second Nilles to Approve a conditional use permit (CUP) for Waste Management of WI (WM), property owner to develop and operate a 35,035 sqft truck maintenance facility from the property located at N96 W13840 County Line Road subject to the following conditions with a change to Item #7 to be 120 days:***

1. ***The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit (CUP) and site plan application materials dated January 4, 2019, and supporting documents including a February 11, 2019 letter from Lynn Morgan, and a March 1, 2019 letter from Diversified Engineering Inc. The physical facilities from which said uses and activities are permitted include those as presented in the detailed site development and building plans dated March 1, 2019. Days and hours of operation shall be limited to those specified in the CUP application and supporting materials submitted to the Village. This permit shall include the right to install and use a 10,000 gal above-ground storage fuel tank (AST) to be installed on the site.***

2. ***All temporary and permanent exterior signs require a permit and shall comply with all current sign regulations. Off-premise advertising and directional signage is regulated by the Village and requires a permit if/when allowed.***
3. ***In the event the Village receives complaints regarding noise negatively affecting the nearby residential areas that is coming from the truck maintenance facility operation, including but not limited to noise from truck-mounted backup alarms, WM will cooperate with the Village in resolving the issue. WM has indicated that they will replace the backup alarms with “white noise” warning devices if this noise becomes a problem.***
4. ***The LED fixtures proposed for installation and use on the building and site have the ability to be dimmed at no or low activity periods during the day. WM shall provide a mutually-agreeable schedule or plan detailing when and to what lighting levels the building and/or site lighting will operate and be dimmed on the site should be prepared and submitted to the Village as part of the operational plan. In the event the Village receives complaints regarding light and/or glare coming from the truck maintenance facility site that is not Village Code compliant or becomes public nuisance negatively affecting the nearby residential areas, WM will cooperate with the Village in resolving the issue.***
5. ***No trash, recyclables or other waste material that may create an odor negatively affecting the nearby residential areas shall be kept on the property or in the waste removal/recycling trucks stored on the property.***
6. ***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 uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***
7. ***WM shall prepare and submit to the Village an updated wetland delineation for the property to ensure site development does not encroach into any wetland or the Village’s 25’ wetland setback. The CSM shall be submitted to the Village within (90) days after Village Board approval of this CUP.***
8. ***WM shall prepare and submit to the Village an updated wetland delineation for the property to ensure site development does not encroach into any wetland or the Village’s 25’ wetland setback. The CSM shall be submitted to the Village within (90) days after Village Board approval of this CUP***

Discussion followed. Trustee Baum expressed concern to Waste Management that the Village will take action right away if there are complaints regarding sound, odor and lights. Chairman Wolter commented on the points discussed at the last meeting including noise, smell and light. He said the smell will always be there as it is now. Light is a concern looking from a lower point to a higher point. The corner is dark now but there will be some light residual. Noise is his biggest concern especially when the operation starts there will be a fair amount of idling trucks. Ms. Morgan explained the truck launch process is very regimented and is a closely monitored and detailed procedure. Planner Retzlaff said all activity on the property is subject to the conditions in the permit and idling trucks during the day is not something we can do anything about. Ms. Morgan said the trucks are equipped with idle shutoffs after 10 minutes.

***MOTION carried unanimously.***

**MOTION Baum second Shadid to Approve the site development and building plans for a 35,035 sqft truck maintenance facility from the property located at N96 W13840 County Line Road subject to the following conditions:**

- 1. This approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the architectural and engineering plan set dated March 1, 2019, and the site plan application materials dated January 4, 2019, and supporting documents including a February 11, 2019 letter from Lynn Morgan, and a March 1, 2019 letter from Diversified Engineering Inc., unless superseded by subsequent plan sheets approved by the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission.**
- 2. All landscaping, screening, grading, paving, storm water management, utility and other improvements that are not fire-safety related as 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. The following items shall be provided as required by the Village Fire Department: (a) a Knox Box shall be located and installed to a mutually-agreeable location approved by the Germantown Fire Department; (b) the maintenance building and office will require fire sprinkler protection per IBC 903.2.9.1; (c) the Fire Department Connection (FDC) location shall be approved by the Germantown Fire Department; (d) a new man gate shall be installed at the southeast corner of the fenced area on the south side of the maintenance parking lot at a mutually-agreed to location and design with the Germantown fire Department; (e) State approval is required for the 10,000 gal above-ground diesel fuel storage tank**
- 4. All exterior doors (except primary entrance) shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.**
- 5. All technical issues, corrections and plan requirements identified by the Village Engineer and Public Works Department staff (see February 12, 2019 Village Engineer memo) shall be addressed and reflected in revised plans and/or supplemental information reviewed and approved by Village staff prior to issuance of a building permit (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS).**
- 6. WM shall cooperate with the Germantown Fire Department and Menomonee Falls engineering and water utility to ensure adequate water supply and fire flow pressure is provided to the proposed maintenance facility, including conducting pressure testing. WM shall install new fire hydrants and/or other water system improvements required by Menomonee Falls.**
- 7. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.**
- 8. WM shall prepare and submit to the Village an updated wetland delineation for the property to ensure site development does not encroach into any wetland or the Village's 25' wetland setback. The CSM shall be submitted to the Village within (90) days after Village Board approval of the CUP. In the event development encroaches into a wetland or 25' wetland setback, WM shall obtain the necessary WisDNR and Village permits, or, modify the site development accordingly.**
- 9. All landscaping, screening, grading, paving, storm water management, utility and other improvements that are not fire-safety related as 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.**

10. ***WM shall revise the landscape plan to address the Village's street tree requirements. At a minimum, additional street trees in an amount equal to one (1) tree per 50 feet of road frontage of the existing Port-O-Let parcel shall be added to the plan and installed in addition to the site landscaping already shown in the landscape plan. Further, the landscape plan specifies 3" caliper White Spruce and Black Hills Spruce trees. Unlike deciduous trees, evergreen trees are typically discussed in terms of total height (vs. trunk caliper) under the Village's landscaping and street tree guidelines. A typical planted size of evergreen trees in Germantown is a minimum of 6-8 feet. If the 3" caliper evergreen trees that WM intends to install as shown on the landscape plan are, in fact, a minimum of 6'-8', nothing more needs to be done. However, if a 3" caliper evergreen tree is less than 6' in height, the landscape plan needs to be revised to reflect a minimum planted height of 6'-8' for evergreen trees.***
11. ***WM shall cooperate with the Menomonee Falls engineering and highway departments to ensure adequate road and intersection capacity and level of service is provided to the proposed maintenance facility and adjacent road system, including the driveway intersections onto County Line road and the Fond du Lac Ave/STH145 intersection. WM shall install and/or contribute to the cost of all road and intersection improvements deemed necessary as a result of or contribution of traffic generated to/from the proposed truck maintenance facility as required by the Menomonee Falls Village Engineer.***

Discussion continued.

***MOTION carried unanimously.***

**PUBLIC HEARING:**

- C. Carity Land Corporation and Neumann Developments, Inc., Agents for Briscoe Development & Management Inc, property owner of a 147-acres located south of Freistadt Road, east of the Canadian National Railroad, North of Mequon Road and west of Country Aire Drive. Proposed Amendments to the Wrenwood Planned Development District (PDD) General Development Plan and Conditions and Restrictions adopted under Resolution No. 28-2018. Planner Retzlaff summarized the proposal.

The public hearing was opened at 7:26 pm

-Sue Bernhard, N120 W14709 Freistadt Road, said there is a 16½ foot right-of-way on the Briscoe land for them to use to gain access to their farm land that doesn't show up on the subdivision plat. She commented that her land is a horse farm that has a lot of smells and flies. She said she wants the right-of-way acknowledged that it does exist and would like a berm installed to separate the houses from the farm. She feels the small lots don't fit the rural feel of the area and said there will be a lot of wear and tear on the roads. Planner Retzlaff said the developer has acknowledged the easement does exist and it will be addressed.

-Marge Miller, W140 N11284 Country Aire Drive, said she likes that there are fewer buildings than what was previously proposed.

-Richard Stahle, W140 N11239 Country Aire Drive, said he was against high density in general and that larger setbacks are needed.

-John Schaetzel, N104 W16033 Donges Bay Road, commented that sidewalks should be considered in the new developments.

-Bruce Bernarde, N120 W13645 Freistadt Road, said sidewalks would be a good idea.

-Josh Tarantino, W148 N12067 Pleasant View Drive, asked how the acceleration and deacceleration lanes will look so close to Pleasant View.

The public hearing was closed at 7:52 p.m.

Steve DeCleen, Neumann Development, responded to the comments received. He said they do acknowledge the right of way exists and a new CSM will be filed and the easement will be shown. He said he'd like to be grading in June of 2019 and construction to begin on the condos and single-family homes before the end of the year. And in about 24 months move to the northern section of the development. He said the County requirement will be met for accel and deacceleration lanes. Planner Retzlaff said sidewalks were addressed for this project as part of the preliminary plat and were left for the Public Works Committee to decide. He said the Plan Commission recommended sidewalks be installed along Freistadt Road and Country Aire Drive.

D. Consideration and Action on the proposed amendments to the Wrenwood Planned Development District and General Development Plan and Conditions & Restrictions Resolution.

***MOTION Baum second Shadid to Approve the proposed amendments to the Wrenwood Planned Development District (PDD) General Development Plan AND Conditions & Restrictions Resolution as proposed subject to the following conditions:***

- 1. The clubhouse is not made available for commercial purposes;***
- 2. The building design, architecture and materials are comparable to those used for the condominium buildings;***
- 3. Construction of the clubhouse commences no later than occupancy of the 22nd condominium dwelling unit.***
- 4. The "Proposed Site Plan" dated 1-18-2019 shall be made part of the General Development Plan (GDP).***

***FIND that the proposed amendments collectively constitute a substantial change such that a public hearing of the proposed amendments is warranted as a prerequisite for any Village Board consideration and action on the proposed amendments.***

***MOTION carried unanimously.***

**New Business:**

A. David Leszczynski, applicant and property owner of Germantown Acquisitions LLC, W124 N11749 Wasaukee Road. Preliminary Subdivision Plat for Woodland Ponds Estates, a 16-lot residential subdivision. Planner Retzlaff summarized the proposal. Mr. Leszczynski said he had no problems with any of the conditions and indicated the issues had been worked out already. But he did not agree with adding pathways and sidewalks as was recommended by the Park Commission. He explained that he went with straight zoning in order to eliminate installing pathways as part of the PDD process. Discussion continued.

Planner Retzlaff said when the PDD was originally proposed, the path was used an amenity to provide pedestrian accessibility from the north to the south. He said Harvest Hills did not propose any pedestrian paths, but the Village required the developer to provide a pedestrian connection along Elm Lane in the right of way to provide access to the Park. He said the Park Commission has now requested that this developer install a pedestrian path along Elm Lane. However that segment doesn't show up on the Village's sidewalk plan and the public works department said this road reconstruction is for a rural cross section and sidewalks aren't included. He commented that requiring this developer to provide a pedestrian piece wouldn't complete a trail. Mr. Leszczynski said

it would be difficult to go back at this point and recreate a pathway. A lengthy discussion continued with where a path could be located. Trustee Baum said he'd like to provide access to the park. Planner Retzlaff said trying to wedge a pedestrian access across the lots that are proposed seems extremely difficult with the wetland running through it and the lots being at the minimum 1-acre lot size doesn't leave a lot of room for a pedestrian access across someone's parcel. And the way the mounds need to be laid out and the building pads there just isn't a lot of room. Chairman Wolter suggested going through outlot 1 to Wasaukee Road. Trustee Baum said he wasn't comfortable with his kids walking down Wasaukee Road because it's a 45-mph road.

**MOTION Baum second Shadid to Approve the Woodland Ponds Estates preliminary subdivision plat subject to the following 10 conditions and remove condition #9:**

1. ***Developer shall enter into a Development Agreement with the Village pursuant to Section 18 of the Village Code (Subdivision and Platting), as well as, the preparation of detailed plans for the installation of public utilities and improvements including, but not limited to public street improvements (including a proportionate share funding contribution for all costs associated with the re-construction of Elm Lane as determined by the Public Works Director), storm water management facilities, master grading plan and erosion control, trails, landscaping & street trees, open space, lighting and signage.***
2. ***The street tree landscape plan dated October 9, 2018 shall be approved by the Village Forester prior to installation of any street trees within the development. Street trees shall be installed close to the front/street yard property line. The timing of installation of the street trees and common open space landscaping shall be determined as set forth in the Development Agreement. The Developer shall revise the landscape plan to incorporate additional street trees required on the Taylor Trail cul-de-sac and Wasaukee Road.***
3. ***All of the comments, outstanding issues, construction plan details and corrections, and plat preliminary corrections identified by the Village Engineer in the February 25, 2019 review memo, and by the Village Surveyor in a January 23, 2019 review memo, shall be addressed prior to executing the Development agreement and/or commencement of construction as appropriate.***
4. ***The Development Agreement shall include a requirement that subdivision deed restrictions and covenants be submitted to the Village prior to final plat submittal that include a requirement that each individual lot contain the minimum landscaping required under Section 17.43(5).***
5. ***Preliminary plat approval is subject to receipt of a "non-objection" letter from the WI Department of Administration-Plat Review Agency.***
6. ***The Developer shall revise the landscape plan to incorporate additional street trees required on the Taylor Trail cul-de-sac and Wasaukee Road. Final approval of the street tree landscape plan shall be granted by the Village Forester prior to installation of said street trees.***
7. ***If the developer is unable to provide proof that the shared driveway would not be under water in a flood event, the preliminary plat be approved with a notation on the face of the plat that stipulates Lot 8 and Lot 9 cannot be included in a final plat nor allowed to be developed unless and until adequate proof is provided to and approved by the Village Engineer.***
8. ***If additional WisDNR permitting is required in order to replace the existing 15" culvert with a larger diameter culvert for any reason, Lot 8 and Lot 9 cannot be included in a final plat nor allowed to be developed unless and until said WisDNR permitting has been approved.***
9. ***The Developer shall install: (a) a pedestrian trail linking the north and south development areas through Outlot 3 from the Forest Hill Road cul-de-sac to the Harvest Hills cul-de-sac (Taylor Trail); and (b) a paved pedestrian path in or adjacent to the Elm Lane public right-of-way as mutually agreed to with the Village Public Works Director to provide pedestrian accessibility from Woodland Ponds Estates development to a similar pedestrian path provided by the Harvest Hills subdivision to the west.***
10. ***The shared driveway to Lots 8 and 9 shall be constructed within a 30' wide easement and meet the minimum requirements for accessibility under NFPA 1 Chapter 18 which includes a minimum 20' wide hard surface driveway capable of supporting 60,000 lbs. of fire apparatus***

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***with a minimum of 13.5' overhead clearance.***

Mr. Leszczynski confirmed lots 10,11 and 12 would be a part of the Harvest Hills Subdivision and lots 1 through 9 would be a part of the Woodland Ponds Subdivision and their homeowner's association and subject to their covenants and restrictions. He said there would not be a new monument sign for the new subdivision.

***MOTION carried unanimously.***

**ANNOUNCEMENTS:** Commissioner Nilles, Laszewski and Shadid said they would not be available for the March 25<sup>th</sup> Plan Commission meeting.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 8:44 p.m.

Respectfully submitted,

Lori Johnson  
Planning Assistant