

**PLAN COMMISSION MINUTES**  
**September 9, 2019**

**CALL TO ORDER:** Chairman Wolter called the meeting to order at 6:30 pm.

**ROLL CALL:** Chairman Dean Wolter, Trustee David Baum, Commissioners Peter Nilles, Bill Shadid, Matt Kimmler, Tony Laszewski and Bob Williams were present. Also present were Community Development Director/Village Planner Jeff Retzlaff, Associate Planner Emily Zandt and Planning Assistant Lori Johnson.

Chairman Wolter announced the Community Wide Survey is now available on the Village of Germantown website for residents to complete.

**PUBLIC INPUT:** None

**APPROVAL OF MINUTES:** *MOTION Baum second Shadid to Approve the minutes from 8-12-19. MOTION carried unanimously.*

**PUBLIC HEARING & ACTION**

**Stonecast Products - N112 W14343 Mequon Road.** Application to create a Planned Development District (PDD) and Rezone 10.6 acres from the M-1: Limited Industrial District into the newly created M-1/PDD. The PDD is intended to only modify the current rear yard setback from 25 to 10 feet in order to accommodate the expansion of an existing panel production building located close to the adjacent railroad right-of-way. Planner Retzlaff summarized the proposal.

Public Hearing was opened at 6:39 pm.

Jim Marriott, Stonecast Products, explained a block wall had been installed at the south property line along the railroad property to prevent encroaching onto the railroad right-of-way.

Public Hearing was closed at 6:41 pm.

Discussion followed. Planner Retzlaff stated the block wall may need to be relocated in order to create a 20-foot pass for emergency purposes.

***MOTION Baum second Shadid to Approve the request to create a M-1: Limited Industrial Planned Development District (PDD) for the 10.6-acre Stonecast property located at N112 W14343 Mequon Road subject to the following conditions:***

- 1. The requested PDD shall be created if the Owner applies for and is denied a rear yard setback variance from the Board of Zoning Appeals, and, the Owner obtains an easement or other agreement with the railroad and/or WisDOT to use a portion of said right-of-way for driveway access/circulation purposes. At a minimum said agreement shall provide for emergency vehicle access and address other Stonecast Products encroachments into the railroad right-of-way.***
- 2. The certified survey map (CSM) that was approved in 2014 to combine two separate parcels owned by SPI Real Estate LLC shall be revised and recorded.***
- 3. Subject to Condition #1 above, if a PDD is created, the list of conditions & restrictions shall include only the rear yard setback reduction as set forth in the PDD application, and, include a provision that states building additions up to 5,000 sqft in area may be approved as a "minor" improvement requiring Zoning Permit approval by the Zoning Administrator pursuant to Section 17.43(9) of the Zoning Code.***

Chairman Wolter commented that a variance probably would not be approved, and that the PDD is the best route for the business to go. Planner Retzlaff said the Board of Zoning Appeals operates

under strict criteria but applying for a variance is still the correct procedure. Commissioner Kimmler agreed saying the request doesn't follow the intended uses of a PDD.

***MOTION carried 5-2 (Baum, Kimmler).***

### **PUBLIC HEARING & ACTION**

**Doctors LLC - W201 N10466 Appleton Avenue.** The property owner is seeking approval of a conditional use permit and site plan application to use an existing 15 stall off site parking area located on a vacant 2.1- acre parcel adjacent to the property. Planner Retzlaff summarized the proposal.

Public Hearing was opened at 6:56 pm.

Public Hearing was closed at 6:57

***MOTION Baum second Nilles to Approve a conditional use permit and the proposed site plan for Mark Brooks and Doctors LLC for the proposed "off-site" parking area on the undeveloped 2.1-acre parcel located adjacent to the restaurant/bar parcel located at W201 N10466 Appleton Avenue subject to the following conditions:***

- 1. This conditional use permit allows the continued use of the existing 4,800 sqft paved area for an off-site parking area as shown in the site plan July 11, 2019, subject to any further requirements and revisions set forth or required herein.***
- 2. Improvements to the existing pavement shall be limited to general maintenance, including but not limited to sealcoating, crack-filling, striping. No expansion or additional off-site parking or other enhancements, e.g. additional lighting, signage, shall be made without obtaining Zoning Permit and/or Site Plan approval from the Village.***
- 3. Expansion of the off-site parking area may be allowed subject to an amendment to this conditional use permit, and, will require re-construction and/or other modifications necessary to make the off-site parking area compliant with all setback, landscaping, and other applicable Zoning Code requirements in effect at that time.***
- 4. The off-site parking area shall be used for parking by the patrons and employees of the restaurant/bar operation during normal business hours. The off-site parking area shall not be used for over-night storage (other than snow storage) of any materials or equipment and shall be kept clean and continuously maintained.***
- 5. In the event that the 2.1-acre undeveloped parcel is developed, the existing paved parking area may be required to be removed or modified to comply with all current Zoning Code requirements in effect at that time. The continued or shared use of the off-site parking area with any development on the 2.1-acre parcel shall be addressed as an amendment to this conditional use permit.***
- 6. Any signage displayed on the off-site parking area shall be reviewed and approved by the Village subject to applicable sign regulations.***

***MOTION carried unanimously.***

**Gehl Foods - N116 W15970, N116 W16060, N116 W16076 Main Street & W160 N11736 Crusader Court.** Rezoning application to create a Planned Development District (PDD) and Rezone 17.36 acres from the B-3: General Business & M-1: Limited Industrial District into the Planned Development District; a Certified Survey Map to combine parcels, and a Site Plan application for a 22,500 sqft addition and parking lot expansion to the production facility. Planner Retzlaff summarized the proposal. He said staff is recommending that action on the detailed site development & building plans be TABLED until Staff has reviewed revised plans and can offer a recommendation to the Plan Commission (tentatively set for a special PC meeting on September 23).

Craig Lemieux, new CEO for Gehl Foods, commented that he wants to be a responsible neighbor and is committed to working with the Village to make it a better community. Tim Preuninger, CFO and Alex Kerr, COO also spoke of their support to the Village.

Discussion followed. Trustee Baum said he was inundated with emails regarding this project, some for and some against, voicing concerns with how the process took place and questioning the properness of the meetings. He is concerned with the PDD and any continued expansion. He asked if there is a mechanism to stop any increased expansion. Planner Retzlaff said the PDD does not have the ability to stop that. The intention is to increase the cap of building and parking expansion up to 85 percent. Chairman Wolter added that any development would still need to come forward to this board. Trustee Baum said Gehl's has made great progress from the last plan, but he questioned how to make sure Gehl's will continue to follow through with the residents' complaints.

Discussion continued. Planner Retzlaff said he believes that Craig Lemieux has a true commitment to follow through and pull together a plan for the Main Street area and be an active participant to make things happen. Trustee Baum commented that the Gehl's plant has been here over 100 years and the likelihood of it leaving is slim to none. He is pleased with where it is going and thinks Gehl's is trying to work with the residents to resolve the issues that were brought up. He said the community store and tourist center will engage the residents of the community. Chairman Wolter said the design and appearance of the building is a positive move.

Commissioner Kimmler said Gehl's has come along way and thanked them for improving the plans. He asked if there was any discussion of completing the Main Street Connectivity Plan. Planner Retzlaff stated the Connectivity Plan are improvements the Village would make and that the plan has not yet been approved. Chairman Wolter added that Gehl's could be a part of that discussion in the future.

**MOTION Baum second Shadid to APPROVE *the proposed Gehl Foods Certified Survey Map (CSM) to combine the two (2) existing residential lots located in the northeast corner of the Church Street @ Main Street intersection with the adjacent production facility property subject to the following conditions:***

- 1. All of the outstanding items and issues identified in the July 26, 2019 memo from the Village Surveyor shall be addressed in a revised CSM submitted to the Village prior to recording the CSM.***

***MOTION carried 6-1 (Kimmler).***

**MOTION Baum second Shadid to Approve *the proposal to create a new "Gehl Foods" Planned Development District (PDD) to include the three (3) Gehl Foods properties as listed herein and rezone these properties and the two additional residential lots to be combined by CSM with the following conditions:***

- 1. The underlying zoning districts currently assigned to each of the three parcels (M-1 and B-3) shall not change. The specific changes to be made to the underlying district regulations/restrictions for each parcel shall be limited to those described herein.***
- 2. A detailed list of the underlying zoning district changes shall be drafted and submitted prior to review and approval by the Village Board.***

***MOTION to Amend Baum second Shadid to add Condition #3 that the Planning Department create a list of all items to be included in the PDD taken from the Gehl Foods Community Commitment statement (page 4) and present to the Village Board.***

***MOTION to Amend carried unanimously.***

***MOTION to Approve as Amended Failed 3-4 (Baum, Nilles, Kimmler, Williams).***

Chairman Wolter was concerned with the future of Main Street and what will happen without the approval. He said Gehl's is willing to improve the community and is willing to sustain the area and give other amenities to the Village including the corner lot. If the proposal is not approved 4 buildings will be left vacant. He stated this company is under new leadership and the proposal will have a positive impact and will build on the promises made.

***MOTION to Reconsider the PDD Baum second Nilles.***

***MOTION carried 5-2 (Kimmler, Williams).***

***MOTION to Approve the PDD carried 4-3 (Nilles, Kimmler, Williams).***

**Central Land Company - W204 N12839 Goldendale Road.** 2-Lot Certified Survey Map application and Site Plan Application for a 250,522 sqft industrial building (Lot 1) and a 130,324 sqft multi-tenant industrial building (Lot 2). Associate Planner Zandt summarized the proposal.

***MOTION Baum second Nilles to Approve the 2-lot Certified Survey Map (CSM) for the 45.46 acres (Lots 2, 3, and 4 of CSM 5959) owned by GGWW, LLC located in the southwest corner of the Goldendale Road and Rockfield Road intersection with the following condition:***

- 1. The CSM shall be revised to reflect the Village Surveyor comments contained in the August 26, 2019 review memo prior to recording the CSM.***

***MOTION carried unanimously.***

***MOTION Baum second Nilles to Approve the site development and building plans submitted by Central Land Company III, LLC for the proposed industrial buildings located in the southwest corner of the Goldendale/Rockfield Road Intersection 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, engineering, and electrical plan sheets dated 7-12-2019 and revised 9-5-2019 and the landscaping plan sheets dated 9-5-2019, unless said plan sheets are revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission.***
- 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. State approved plans and a \$20,000 occupancy bond are required by Inspection services as part of the building permit application.***
- 4. The Developer shall enter into a Development Agreement with the Village pursuant to Chapter 17.43 of the Village Code (Site Plan Approval) as well as, the preparation of detailed plans for the installation of public utilities and improvements including, but***

**not limited to private access drives and storm water management facilities, master grading plan and erosion control, landscaping & street trees, open space, lighting and signage.**

- 5. A revised stormwater management plan shall be submitted and will require final review and approval prior to commencing work onsite.**
- 6. The Village Fire Department shall review and approve the proposed prefabricated liquid chemical storage enclosure (10' x 12') on the southwest side of the building prior to the issuance of a building permit.**
- 7. All proposed exterior signage, including monument and wall-mounted signs, shall be reviewed and approved under a separate application by the Plan Commission.**
- 8. Additional improvements to the site shall be brought before the Village Plan Commission for consideration and approval, including the proposed future construction of the industrial building on the east portion of Lot 2.**
- 9. All technical issues and plan corrections identified by the Village Engineer and Public Works Department staff (see August 15, 2019 memo from the Public Works Director) 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.**
- 10. Knox boxes are required on all buildings at locations to be determined by GFD.**
- 11. 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.**

Discussion followed. Commissioner Kimmler said there are a lot of deciduous type plantings on the berm and he would prefer to see more groupings of evergreens.

**MOTION to Amend Kimmler second Baum to require more evergreens on the berm area along the Goldendale Road portion of the property, revisions to be discussed with Village staff.**

**MOTION to Amend carried unanimously.**

**MOTION to Approve as Amended carried unanimously.**

**Compass Properties - N112 W16200 Mequon Road (Germantown Marketplace).** Tarr Group, LLC is seeking approval of site development and building plans for a 4,324-square-foot dental office building on the 0.87-acre parcel located on the north side of Mequon Road, east of Squire Drive, on the east side of Associated Bank. Associate Planner Zandt summarized the proposal.

**MOTION Baum second Shadid to Approve the site development and building plans submitted by Tarr Group, LLC for the proposed 4,324-square-foot dental office located on Lot 3 in the Pick-N-Save Commercial area 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 & engineering, landscaping, and electrical plan sheets dated 9-3-19 unless said plan sheets are revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission.**
- 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. All proposed exterior signage, including monument and wall-mounted signs, shall be reviewed and approved under a separate application by the Plan Commission.*
- 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 issues and plan corrections identified by the Village Engineer and Public Works Department staff (see August 7, 2019 memo from the Public Works Director) 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.*

Discussion followed regarding the buildings Germanic theme architecture and that it matches the surrounding buildings. Planner Retzlaff stated the traffic study results indicate that traffic from the dental office is minimal and the proposed parking is more than adequate.

***MOTION carried unanimously.***

**North Shore Bank - N112 W16200 Mequon Road.** The application is for approval for site development & building plans for a 2,250 sqft bank on a 0.37 acre out-parcel within the Sendik's Village Centre. Planner Retzlaff summarized the proposal.

Discussion followed regarding the building architecture and if it fits into the Germanic theme.

***MOTION Baum second Nilles to Approve the proposal site development & building plans submitted by MSI General Corp. for North Shore Bank for the development of a 2,250 sqft bank on the .37-acre out-parcel subject to the following conditions:***

- 3. This approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following: civil engineering plan set with PC submittal date/revision date 9-6-9; subject to Condition #2 the architecture plan set dated 9-6-19; the lighting sheet dated 7-12-19; the landscaping plan with a submittal/revision date 9-6-19; the site plan application materials dated 7-15-19 and all supporting documents including a 7-6-19 letter from Eric Neumann, MSI General Corp., unless superseded by subsequent plan sheets approved by the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission.*
- 4. The architectural plans shall be revised to include an architectural design and exterior materials that are reflective of and consistent with the Village's "Germanic Theme" corridor and other surrounding retail buildings along Mequon Road as recommended and approved by the Village's Architectural Review Board (Plan Commission).*
- 5. All technical issues, corrections and requirements identified by the Village Engineer and Public Works Department (see August 15, 2019 memo) and by the Community Development Director (see August 30, 2019 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 any "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS).*
- 6. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.*
- 7. All landscaping, grading, paving, storm water management, utility and other 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.**

- 8. All proposed exterior signage, including monument and wall-mounted signs, shall be reviewed and approved under a separate application by the Plan Commission.**
- 9. Additional landscaping shall be installed in the large, curbed island east of the drive-through lanes. Said landscaping shall be shown in a revised landscape plan reviewed and approved by the Village Planner prior to issuance of a building permit.**
- 10. Supplemental information showing the proposed roof-top HVAC unit and screening shall be submitted for review and approval by the Village Planner prior to issuance of the occupancy permit but soon as said information is available**

**MOTION carried unanimously.**

**Krenz & Company Inc. - W132 N10940 Eisenhower Drive.** The property owner is seeking approval of site development and building plans for a 24,461-square-foot addition to the existing building located on the 9.27-acre parcel at W132 N10940 Eisenhower Drive. Associate Planner Zandt summarized the proposal.

**MOTION Baum second Nilles to Approve the site development and building plans submitted by Krenz & Company for the proposed 24,461-square-foot addition to the existing building located on Lot 43 in the Germantown Business Park 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 & engineering, landscaping, and electrical plan sheets dated 7-12-19 unless said plan sheets are revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission.**
- 2. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application**
- 3. Proposed parking spaces must meet the minimum size of 180 square feet as required by the Village Code. The site plan shall be updated to reflect appropriate dimensions.**
- 4. 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.**
- 5. All technical issues and plan corrections identified by the Village Engineer and Public Works Department staff (see August 7, 2019 memo from the Public Works Director) 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.**

Trustee Baum asked that the windows on the corner elements be removed. Representation from Krenz explained the windows were used to enhance the appearance.

**MOTION carried unanimously.**

**Waste Management - N96 W3840, W13600 & W13640 County Line Road.** Certified Survey Map to combine a total of four (4) parcels totaling 45.8 acres as a prerequisite for the development and operation of a 35,035 sqft truck maintenance facility from the property located at N96 W13840 County Line Road. Planner Retzlaff summarized the proposal.

***MOTION Baum second Shadid to Approve the Certified Survey Map to combine four parcels totaling 45.8 acres from the property located at N96 W13840 County Line Road subject to the following conditions:***

- 1. All technical corrections and requirements identified by the Village Surveyor in a July 16, 2019 memo shall be addressed and reflected in a revised CSM approved by the Surveyor prior to recording the CSM.***
- 2. 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 wetland delineation 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.***

***MOTION carried unanimously.***

**Shaffer Development, LLC for John B Kohl Trust - 42 Acres North of Freistadt Road, West of Hwy 41/45.** The request is for a consultation to obtain feedback concerning a proposed rezoning and creation of a Planned Development District (PDD) for an agricultural neighborhood of approximately 240 rental units on 42.30 acres located west of US Highway 41, east of Townline Road and North of Freistadt Road. Associate Planner Zandt summarized the proposal. Discussion followed.

The following comments were made:

- Units will be \$1.35 to \$1.40 per square feet, and have no underground parking, renting \$900 and up.
- Will it be an active farm, where will equipment be stored - Equipment to be stored on the northwest corner of the property in an outbuilding. A professional farmer will farm the land.
- Will the wetland be expanded with a retention pond?
- Will there be single-family homes - Some single-family planned
- How much land will be farmed - Not known at this time
- Multi-family is not wanted - this was discussed with Developer
- Germantown does not have enough multi-family to keep millennials and there is a need
- Don't see multi-family for this area
- Never have seen a TIF for residential development
- Understands need for infrastructure, could Richfield use and tie together
- This area has never been considered for development
- Likes the concept, struggles with location, bringing water to this area may interest Richfield to expand sewer district
- Will development work without ag component?
- Likes the concept but Village does not want multi-family housing
- Outbuildings usually end up as boxes
- Community outreach is recommended and attendance at land use meetings.
- Will be a struggle to get approved,

- People in multi-family development are against new multi-family development
- No one is around this property to complaint the development
- Use of property works, needs approval process to bring sewer and water and TIF for residential
- Appreciates forward thinking
- Industrial base needs workers to live in Germantown
- Commissioners generally in favor of project
- Community outreach should be done

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

**ANNOUNCEMENTS:** Planner Retzlaff stated a Plan Commission has been scheduled for Monday, September 23, 2019.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 9:56 pm.

Respectfully submitted,

Lori Johnson  
Planning Assistant