

## PLAN COMMISSION MINUTES

April 12, 2021

**CALL TO ORDER:** Chairman Wolter called the meeting to order at 6:32 pm.

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

**PUBLIC INPUT:**

None

**APPROVAL OF MINUTES:**

***MOTION Baum second Laszewski to Approve the Minutes from 3-8-21.***

***MOTION carried unanimously.***

**Jason Boehlke, Property Owner - N120 W13537 Freistadt Road.** Proposed text amendment to Sections 17.15(2) and 17.14(4) of the Village of Germantown Municipal Code to add Construction Services, Contractor Shops, Garden Supplies and Horticultural Services as conditional uses that would be allowed in the Rs-2 Single Family Residential Zoning District. Chairman Wolter stated Mr. Boehlke had contacted him and asked that action, if so moved, be tabled, because he wasn't ready or available to present. He added that because the Public Hearing had been noticed we will proceed with the that. Director Retzlaff summarized the proposal.

Public Hearing opened at 6:47 pm.

Chairman Wolter read the following comments into the record:

- Steve and Jodi Rupnow, N120 W13918 Freistadt Road. Comments were against the request to rezone the property because of construction, traffic and noise.
- Janice Bernarde, N120 W13950 Freistadt Road. Comments against the proposal because of traffic and noise.

The following residents spoke against the proposal:

- Bruce Bernarde, N120 W13645 Freistadt Road - spoke against the proposal, Boehlke running a business without permits and is storing several vehicles on the property, noise, debris.
- Tracy Bernarde, N120 W13645 Freistadt Road - spoke against, said Boehlke does not live on the property, busy landscape business, loud, dusty, business has outgrown the location.
- Sally Wenzelow, N120 W13282 Freistadt Road - spoke against, sees vehicles and equipment, noise.
- Tanya Kapp, W210 N10735 Appleton Avenue - lives across from TLC landscape business, vehicles coming in and out, trucks dumping, hydraulic noise, distracting, dust, driveway covered in stones, loud.
- Sharon Gleissner, W210 N10743 Appleton Avenue - lives across from TLC landscape business, brings a lot of dirt and mud, dump trucks all day, devaluing housing, a nuisance.
- Art Zabel, N97 W15737 Burr Oak Road - do not amend the zoning code, uphold staff recommendation, property is zoned residential, don't need tailgate banging or backup alarms, vehicle noise.

Public Hearing closed at 7:11 pm.

***MOTION Shadid second Baum to Table.***

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

Chairman Wolter explained the motion to Table is to give Mr. Boehlke a chance to speak in regard to his text amendment proposal and address any concerns. The proposal will most likely be heard at the next Plan Commission meeting on May 10th. The Public Hearing will remain open.

**Sundance, Inc., Agent for Marshall & Diane Peebles, Property Owner - N96 W18058 County Line Road.** Application to Rezone 4.91 acres from B-1: Neighborhood Business to the B-5: Highway Business District; a Conditional Use Permit to allow development within a 25' wetland and 75' navigable waterway setback; and a Site Plan application for a 1,786 sqft Taco Bell Restaurant with drive-through facilities. Director Retzlaff summarized the proposal. Tim Krause, Sundance, addressed questions. Mike May, Professional Engineer for TADi, provided additional information. He said implementing the modifications as outlined by Dir. Retzlaff will make the driveway safer including moving the curb and guardrail and maintaining the vegetation. He continued with additional information stating other improvements could be implemented in the future if needed.

Jason Daye, Excel Engineering, stated Sundance has complete control of when their deliveries arrive stating they will be done during off hours. He said Sundance is willing to go under an agreement of understanding if there are future concerns with the intersection and that they will work together with the County to mitigate them. Mr. Krause explained the architecture of the building is a prototype.

Public Hearing opened 7:56 pm.

Chairman Wolter read the following comments received into the record:

- Shirley Engelman, W180 N9843 Riversbend Cir W, comments against the proposal, concerned with the wetlands and flow of the Menomonee River, too many food choices on Hwy. Q.
- Joseph Pintor, N98 W18032 Bramblewood Ct, comments against, heavy burden on County Line Road.
- Merton & Starteen Troeger, W180 N9909 Riversbend Cir W, comments against, traffic and noise.
- Gerald & Joan Winkler, W180 N9918 Riversbend Cir W, comments against proposal.

The following residents spoke against the proposal:

- Corrine Ehmke, W178 N9712 Riversbend Cir W, Taco Bell has a lot of garbage, doesn't clean up the site, dumpster gates are open, its gross and disgusting.
- Susan Lazarski, W180 N9867 Riversbend Cir W, spoke against, traffic, crime in the area, concerned with wetland and lighting.
- Doug Loman, W180 N9881 Riversbend Cir W, spoke against, too many traffic lights,
- Triffina Gomolla, W180 N9923 Riversbend Cir W, spoke against, concerned with wetland, traffic.
- Jan Miller, W151 N10297 Windsong Cir W, in agreement with Village staff recommendations. Property is too small, infringes on wetland and waterway setback area, deny all 3 applications.

Public Hearing closed at 8:14 pm.

***MOTION Baum second Williams to Approve the Rezoning application to rezone the 4.9-acre subject property from the B-1:Neighborhood Business District to the B-5: Highway Business District.***

Trustee Baum said this proposal is not right for this location. Traffic at the current location is horrendous. He agreed with comments that garbage is all over the place and will end up in the creek. The architecture is abominable, and he will not support it. Comm. Shadid said he feels the same way, doesn't like the traffic pattern on County Line Road or the wetland intrusion and is opposed to all three applications. Comm. Nilles questioned the traffic analysis asking if deliveries were overlaid with the traffic signal improvements. He said it would be very difficult to support the proposal. Discussion continued regarding truck deliveries. Comm. Kimmler agreed with the traffic issues and was concerned with the garbage issues due to the proposal being next to a major waterway. Mr. Daye stated they would enter into a maintenance agreement to keep the site clean. He added they are not filling wetlands or floodplain and are cleaning up stormwater and introducing a filter strip, mitigating native species along the corridor.

Chairman Wolter said he can see the site is difficult and wished they could create a back door out instead of 1 traffic pattern in and out. He asked why Sundance is not considering their current site. Mr. Krause said that site is currently leased and they would like to own the land. Dir. Retzlaff asked Mr. Krause if he believed this site was more appropriate and beneficial from a community wide standpoint with traffic and service than the existing location that has 2 ways in and out? Mr. Krause stated the existing site is better.

***MOTION Failed unanimously.***

Chairman Wolter said this site is difficult and asked Sundance to look at again to maybe resolve the issues. He would like Sundance to reconsider where they were located now because it is a popular area and works well adding that maybe they could use the access to the river to their advantage. He appreciates them wanting to enhance their business.

***MOTION Baum second Laszewski to not continue on with the CUP or Site Development and Building Plans review at this time.***

***MOTION carried unanimously.***

**Village of Germantown Department of Public Works - Presentation and request for feedback on replacement streetlights for Mequon Road.** The Public Works Committee has contracted with Traffic Engineering Services to design a new lighting system for Mequon Road between Division Road east to Pilgrim Road that will replace the existing failing lighting system that is currently owned and maintained by WE Energies. The lighting project has been discussed with the Public Works Committee and it was decided that it was in the Village's best interest to construct a new lighting system in the corridor that will be owned and maintained by Village staff. The Department of Public Works is looking for input from the Plan Commission on the style and color selection of the new materials to be used during the project. Interim Highway Superintendent, Scott Anderson, said staff had made a recommendation on the pendant style fixture and black textured paint but are open to input from the Plan Commission. Wayne Higgins, Traffic Engineering Services, answered questions. Discussion followed.

Mr. Higgins explained the pendant style fixture will divert light to the sidewalk where it is needed. The LED bulb will reduce glare, provide the distribution and better performance. Dir. Retzlaff was concerned that because the light is being diffused outward to the sidewalk, we may get complaints from residents in that area because of more glare. He questioned if that had been considered in the

design. Mr. Higgins said we will have control over the glare and have a good result. Discussion continued. Dir. Retzlaff asked if the lights could be lowered so it feels more comfortable. Mr. Higgins stated you need the height to get the light. Chairman Wolter and Trustee Baum preferred fixture option 3 with black textured paint and warmer light.

**MSI General for Turn Key Solutions - N117 W19345 Fulton Drive.** Site Plan application for a 10,000 sqft industrial building and parking lot addition. Director Retzlaff summarized the proposal. Jeremy Flint and John Kutz, MSI General, were available for questions.

***MOTION Baum second Shadid to Approve the site development & building plans for a 10,000 sqft addition to the existing 20,050 sqft building located at N117 W19345 Fulton Drive in the Germantown Industrial 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 following plans unless superseded by subsequent plan sheets approved by the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission:***
  - a. Architectural plan set dated January 15, 2021 & March 10, 2021 revisions***
  - b. Civil Engineering plan dated January 15, 2021 & March 26, 2021 revisions***
  - c. Landscaping plan dated January 15, 2021***
  - d. Exterior Lighting plan dated January 15, 2021***
  - e. Storm Water Management Plan revision dated March 26, 2021***
- 2. All landscaping, grading, paving, storm water management, utility and other improvements shown on the approved site plans shall be installed as approved 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 and improvements will be completed within one (1) year after issuance of the occupancy permit.***
- 3. All plan revision, technical corrections and storm water management comments discussed by the Public Works Director in the April 9, 2021 review memo shall be addressed and reflected in revised plans and/or supplemental information reviewed and approved by the Village Engineer prior to issuance of a building permit (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS).***
- 4. Right-of-way permits are required for any/all construction conducted in the McCormick or Fulton Drive right-of-way. Contact the Public Works Department/Village Engineer for details.***
- 5. The Water Utility is requiring the following:***
  - a. The owner shall contact and coordinate with the Village's Water Utility a few weeks prior to installing water laterals to the buildings (262-253-8254). If the curb stops are determined to not function, then a cost estimate for the materials and work necessary to replace the curb stops is required prior to full replacement. Once the estimate is received by the Water Utility, approval will be granted to proceed. If the curb stops need to be replaced, the work shall be done prior to occupancy. The Water Utility will provide all curb stop materials only. Turn-Key Solutions will provide all the necessary labor and equipment to dig and replace the curb stops in the street and or turf. If Turnkey Solutions is going to have an asphalt paving company onsite, the curb stops if located in asphalt will be paved and cost born by Turnkey Solutions.***

6. **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.**
7. **State agency (DSPS) approved plans and a \$20,000 occupancy bond are required by Inspection Services at the time of building permit application. The Village of Germantown is an authorized delegated agent of DSPS to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.**
8. **Parking spaces are required to be a minimum of 180 square feet in size (vs. the 162 sqft stalls proposed). The site plan shall be updated to show that the proposed parking spaces meet this minimum size requirement (10' x 18').**
9. **The landscaping plan shall be revised to include the items previously approved in the July 2008 Site Plan but not installed (i.e. and not existing today). Said plantings shall be installed as part of this building expansion. Said plan shall be submitted to the Village Planner/Zoning Administrator for review and approval prior to issuance of an occupancy permit.**
10. **The dumpster pad constructed since 2017 is required to be enclosed and screened from view. A revised or separate site and building elevation plan showing the type of dumpster enclosure and landscaping shall be prepared and submitted to the Zoning Administrator for review and approval. The enclosure and landscaping shall be installed concurrent with construction of the building addition and completed prior to issuance of an occupancy permit.**

Chairman Wolter extended his thanks to Turn Key Solutions for considering this enhancement to their business and for staying in Germantown in the industrial park.

**MOTION carried unanimously.**

**Signarama, Agent for Meridian Germantown, Property Owner of Walmart - W190 N9855**

**Appleton Avenue.** Sign Review application for a wall-mounted tenant sign for Subway Restaurant. Director Retzlaff summarized the proposal.

**MOTION Baum second Laszewski to Approve the proposed wall-mounted Subway sign for the Walmart property located at W190 N9855 Appleton Avenue.**

Trustee Baum said he would not support the sign because it is just another directional sign. Chairman Wolter suggested putting the sign on the Walmart monument sign. Rod, Signarama, explained the business was struggling and the owner had an idea to get people to the store with the sign. He said he will tell him about putting the Subway sign on the monument sign.

**MOTION FAILED unanimously.**

**ANNOUNCEMENTS:** Director Retzlaff said a meeting is planned for April 26th regarding the 2050 Comprehensive Plan update.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 9:19 pm.

Respectfully submitted,  
Lori Johnson, Planning Assistant