

PLAN COMMISSION MINUTES
June 10, 2019

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:32 p.m.

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

PUBLIC INPUT: None

APPROVAL OF MINUTES: ***MOTION Shadid second Nilles to Approve the minutes from 5-13-19. MOTION carried unanimously.***

PUBLIC HEARING/ACTION

TLC Acres LLC/Matthew & Amy Seban – W210 N10738 Appleton Avenue. The property owners of the 53.4-acre property are requesting approval of a rezoning from A-1: Agricultural to A-2: Agricultural which will allow “Horticultural Services”. Planner Retzlaff summarized the proposal.

Chairman Wolter opened the Public Hearing at 6:38 pm.
No one spoke. The Public Hearing was closed at 6:46

MOTION Laszewski second Nilles to Approve the proposed rezoning from A-1: Agricultural to A-2: Agricultural or the 54.4-acre property located at W210 N10738 Appleton Avenue.

MOTION carried unanimously.

PUBLIC HEARING

Germantown Historical Society for Frank & Irene Blau – W148 N12297 Pleasant View Drive.

The property owners are seeking approval of the Village’s Historic Designation for the former Friedrich Groth farmhouse. Planner Retzlaff summarized the proposal. He asked that the Plan Commission table action on the request until the Historic Preservation Commission has provided a recommendation.

Chairman Wolter opened the Public Hearing at 6:44 pm.
No one spoke. The Public Hearing was closed at 6:46.

MOTION Shadid second Laszewski to TABLE action on the requested Historic Designation for the Irene & Frank Blau farmhouse located at W148 N12297 Pleasant View Drive until such time as a recommendation on the application has been provided by the Village’s Historic Designation Preservation Commission.

MOTION carried unanimously.

PUBLIC HEARING/ACTION

Heritage Park Development – Dan Barnes Agent – 30.65 acres east of Division Road, south of Larkspur Lane, north of Revere Lane, west of Gunflint Trail. The request is for a Conditional Use Permit to permanently encroach within the required 25’ setback from the identified wetlands for

Plan Commission

June 10, 2019

Page 2

grading of stormwater management facilities in the Heritage Park North Subdivision. Associate Planner Zandt summarized the proposal.

Chairman Wolter opened the Public Hearing at 6:54 pm.

- Matt O'Neill, 1911 N. Hi Mount Blvd., Milwaukee, Attorney representing Kathy Coakley, W166 N10081 Santa Fe Court stated she is against the CUP because the mitigation plan does not address her concerns or the water runoff issues and how they will impact homes in the area.
- Heidi Kennedy, 501 Maple Avenue, Delafield, spoke on behalf of SEH. She was involved with the wetland delineation and said the current vegetative buffer is not high quality and the plan is to restore it.
- Ralph Zak, N100 W16800 Revere Lane. Said he has an easement on the back of his property and is concerned he will have more water issues because of any grading. He also had concerns with blasting that may occur.
- Greg Kamps, N100 W16762 Revere Lane, said he has deep ruts in his yard from the runoff on his property. He said he opposes the construction because of blasting and wants there to be a precheck before. He also said there is a gas pipe in the area.
- Jay Knight, W168 N10247 Bittersweet Trail, said he was against the CUP because he was concerned with filling the wetlands and blasting.
- Barry Humiston, N102 W16853 Bittersweet Tail, said his concerns were the same as Ms. Coakley and was concerned with the depth of the blasting
- Marilyn Drewek, N100 W16826 Revere Lane, had concerns with blasting, the impact on the school system and traffic on Division and Donges Bay.
- Kathy Coakley, W166 N10081 Santa Fe Court, had concerns with blasting and the wetlands and did not a vote taken tonight.

Chairman Wolter explained the Plan Commission gives a recommendation to the Village Board who will take action on the CUP. He said all other areas of this development had already been approved.

The Public Hearing was closed at 7:25 pm.

MOTION Laszewski second Kimmler to Approve the requested conditional use permit for encroachment into the required 25-foot setback from an identified wetland including 435 square feet of permanent encroachment for the entrance road to the Heritage Park North Subdivision and approximately 50,465 square feet of temporary encroachment for grading for stormwater management and the construction of an equalizer pipe within the wetland area to connect two stormwater basins subject to the following conditions:

- 1. The Stormwater Management Plan and the Construction Plans must be approved by the Village Engineer.***
- 2. Prior to any grading, the boundary of the wetland must be staked and marked with orange construction fencing. All erosion control measures shall be installed outside of the construction fencing. There shall be no grading work or heavy equipment inside the designated wetland areas.***
- 3. Restoration work shall be completed and wetland impact shall not exceed that submitted in the application and supporting information dated June 3, 2019.***
- 4. SEH and Heritage Park Development Corporation shall monitor the site as needed and submit a letter/report to the Village to provide an update on the status of the restoration work and what, if any additional measures will be taken to ensure the successful restoration of the area. The letter/report shall be submitted annually beginning July 2020 for three (3) years.***

Discussion followed. Planner Retzlaff explained the encroachment is within the 25' wetland setback area and not in the wetland area. He said there is a provision in the code to allow encroachment with a conditional use permit, but compensation to enhance the area needs to be provided. Ms. Kennedy confirmed there would not be blasting with the wetland mitigation.

Trustee Baum arrived 7:35.

MOTION carried unanimously. (Baum abstained)

PUBLIC HEARING/ACTION

Techplex LLC, property owner and Ethoplex LLC, tenant – N115 W19150 Edison Drive. The request is for approval of a conditional use permit, site plan and wall signage for the installation of a 195' lattice tower on the 1.58 property in the Germantown Industrial Park. Associate Planner Zandt summarized the proposal.

Chairman Wolter opened the Public Hearing at 7:45 pm.

Keefe John, Ethoplex LLC, spoke. He said he is a local company that has been in Germantown for 12 years and is building the tower to support the growth of his business and new building. He asked if the letter of credit requirement could be a bond instead. Planner Retzlaff explained the Village requires a letter of credit but he will discuss the request with the Village Attorney.

The Public Hearing was closed at 7:50 pm.

MOTION Shadid second Baum to Approve an issuance of a conditional use permit and approve the site plan submitted by Techplex LLC, owner, and Ethoplex LLC, tenant and facility operator, for the installation of a 195' lattice tower on the 1.58-acre property at N115 W19150 Edison Drive.

- 1. This permit authorizes the installation of a 195' lattice tower as set forth in site development and building plan set dated May 6, 2019, and in the supporting documents and plans made part of said application. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.***
- 2. If use of the tower and/or operation of the communication equipment supported thereon 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 use which causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to mitigate or eliminate harmful effects associated with the use but are subsequently 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.***
- 3. Installation and continued operation of the wireless communication facility shall comply with all requirements set forth in Section 17.56 (Wireless Communication Facilities) of the Village Code to the extent that such requirements do not conflict or are inconsistent with Wis. Stat. 66.0404; including, but not limited to the requirement that the***

applicant/owner shall provide an irrevocable letter of credit or cash to the Village in the amount of \$20,000 to guaranty the removal of wireless communication facilities and associated site restoration if/when said facilities are no longer used.

- 4. The Applicant shall provide a final set of stamped and sealed engineering plans and the Engineer's certificate regarding the fall zone of the proposed tower at the time building permit applications are submitted, And,***

Approve the proposed wall sign for Ethoplex LLC with the following conditions:

- 1. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.***

Discussion followed.

MOTION to Amend Shadid second Baum that Condition #3 allow the Planning Department to negotiate how to setup the security deposit.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended.

KinderCare Learning Center – N112 W17060 Mequon Road. The request if for approval for a ground and wall sign for the 10,782 square foot childcare center. Associate Planner Zandt summarized the proposal.

MOTION Baum second Laszewski to Approve the proposed ground and wall signs for the 10,782 square foot childcare center subject to the following conditions:

- 1. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.***
- 2. A detailed landscape plan for the ground sign along Mequon Road shall be provide to the Village Planner for review and approval prior to installing the monument sign.***

MOTION carried unanimously.

Community Development Department – 2050 Comprehensive Plan: Community Engagement Program. Planner Retzlaff explained Wisconsin Statute 66.1001(4)(a) requires all municipalities that are developing and adopting comprehensive plans to prepare and adopt written procedures and/or a plan for including open communication, public participation and other community engagement activities as part of the overall process. Graef, consultant for the 2050 Comprehensive Plan project, developed the Community Engagement Plan that requires Plan Commission to review and recommend adoption to the Village Board. The 2050 Steering Committee reviewed the Community Engagement Plan at their May 22nd meeting.

MOTION Nilles second Baum to Adopt the Community Engagement Plan as presented.

Trustee Baum asked what methods will be used to inform the community of the 2050 Comprehensive Plan project. Planner Retzlaff explained using cable TV, preparing flyers to post at retail establishments, posting notices on the Village website, newspaper and social media. He said we will try to reach out as much as possible but said that mailing notices to property owners will not be done due to the cost.

MOTION carried unanimously.

Saxony Village-Main Street Connectivity Workshop Summary.

Planner Retzlaff summarized the results of the Saxony Village Connectivity Plan that was created in November 2018 after a 3-day workshop in cooperation with Washington County and the U.S. Environmental Protection Agency. It was part of a technical assistance grant related to the Saxony Village development that was located on a brownfield site. The plan is intended to develop strategies on how to identify improvements within the Main Street district and focused on enhancing pedestrian and bicycle connections within areas of Park Avenue, Main Street, Squire Drive and Pilgrim Road. Secondary street and primary trail connections from Saxony Village to adjacent residential neighborhoods and open spaces were also included. The connection was comprised of a number of important community sites including Haupt Strasse Park, the Main Street District, Fireman's Park and the Gehl Foods Performing Arts Pavilion, Kennedy Middle School, the Senior Center and the Mequon Road commercial area.

Chairman Wolter commented that some of the ideas could be used and that the timing is good in where we are with the 2050 plan process. Trustee Baum said community involvement is needed. Chairman Wolter agreed that input from all areas of the Village is needed. The final report has been submitted to the Village and Washington County for use with any future land use planning, landscaping, wayfinding, signage and infrastructure improvement projects in the study area, and including the Village's 2050 Comprehensive Plan project. The report is for Plan Commission information and consideration. No action is required.

ANNOUNCEMENTS: The next Steering Committee Meeting is scheduled for June 18th and the next Plan Commission meeting is June 24th.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant