

PLAN COMMISSION MINUTES
August 12, 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 and Bob Williams were present. Commissioner Tony Laszewski was absent and excused. Also present were Community Development Director/Village Planner Jeff Retzlaff, Administrator Steve Kreklow, Attorney Brian Sajdak and Planning Assistant Lori Johnson.

PUBLIC INPUT: Trustee Wing asked the people who came to the meeting for the Veridian proposal stay and listen to the Gehl Foods proposal because it affects the downtown area of Germantown.

APPROVAL OF MINUTES: ***MOTION Baum second Nilles to Approve the minutes from 7-8-19. MOTION carried unanimously.***

PUBLIC HEARING & ACTION

Veridian Homes LLC, Agent for the Germantown School District, Property Owner. N104

W14942 Donges Bay Road. Application to Rezone 14.7 acres from A-2:Agricultural to Rs-5: Single-Family Residential Zoning District for a 24-lot residential development. Planner Retzlaff summarized the proposal.

Chairman Wolter opened the Public Hearing at 6:40 pm. The following residents spoke against the proposal:

*Terry Tschetter-W144 N10451 Wilson Drive, the proposal is not consistent with the surrounding subdivisions including lot size and setbacks.

*Kristine Huber-N103 W14960 Windsong Circle E, the proposal is inconsistent with the surrounding neighborhoods.

*Jan Miller-W151 N10297 Windsong Circle W., agrees with others, likes the wetlands on the property.

*Phil Hudson-W150 N10214 Windsong Circle W., the development should match the surrounding developments and does not meet the criteria of low density residential, water basins are included in the lot sizes.

*Brian Dolk- PO Box 44, Germantown, stated a complaint was filed with the State of Wisconsin and Washington County District Attorney against Veridian Homes and the Germantown School District. Said it's not prudent for the Plan Commission to proceed while there is an open investigation and should wait until it's completed.

Speaking in favor of the proposal:

*Bob Sodeberg-W144 N9723 Elmwood Drive, School Board President, represents the taxpayers from all the communities of the Germantown School District and supports the proposal because it is the right thing to do for the community, the taxpayers and kids.

The Public Hearing was closed at 7:07 pm.

MOTION Baum second Shadid to Approve the proposed rezoning of approximately 14.7 acres owned by the Germantown School District from the A-2: Agricultural to the Rs-5: Single-Family District and the proposed 24-lot concept plan dated June 14, 2019 subject to the following conditions:

- 1. The Developer shall install a visual landscaped buffer along the north property line on or adjacent to Lots #1 to #7. The Developer should work cooperatively with the Village to determine said landscaping buffer can be installed within the adjacent drainage easement and/or on the lots. If installed on the lots, said landscape buffer shall be installed within a landscape easement on such lots with a restriction that the landscape***

buffer shall be maintained and/or restored if removed due to regular and necessary maintenance.

- 2. In addition to all required street trees, additional landscaping comprised of berms and/or plantings shall be installed along the back (south) side of Lots #12 through #16 either within or adjacent to the 50' gas line easement; and within the lots and open space outlot abutting both Preserve Parkway and Donges Bay Road. The Developer should work cooperatively with WE Energies to determine if the gas line easement could be enhanced with said additional landscaping.**
- 3. A detailed landscaping & buffer plan shall be prepared and submitted to the Plan Commission for review and approval prior to or concurrent with submittal of a preliminary subdivision plat. Said landscaping & buffer plan shall include the requirements set forth under Conditions #1 & #2 above.**

Planner Retzlaff explained, as stated in the staff report, the potential stormwater basins shown on the concept plan will need to be relocated on outlots and not on individual lots per Village design standards. When the preliminary plat is submitted, stormwater management details will be required that could affect the size, number and layout of the lots. He also said the intention of low density residential is being misstated. The minimum lot size is an average of 20,000, not an absolute minimum and could include some lots larger and some smaller. Discussion followed.

Trustee Baum asked for clarification on building setback requirements and what dictates the setback. Planner Retzlaff said the zoning dictates the setback requirement, but a developer can establish their own minimums that are more stringent. Trustee Baum asked if the Windsong Subdivision requires a 40-foot setback, does the Village recognize that. Planner Retzlaff stated the Village cannot establish a more stringent setbacks on a case by case unless a PDD is created. Trustee Baum also asked if building materials and repetition of the same model is addressed by the Village. Planner Retzlaff said the Village does not set a specific standard for those items and leaves those decisions to the home builder to decide. Trustee Baum said he's gotten input from the residents that aluminum and/or vinyl sided houses are not acceptable to them. Matt Cudney, Veridian Homes, stated vinyl siding will be used on the homes and that Veridian institutes a rule of seven which means the same floor plan cannot have the same elevation or color combination used within 7 homes of each other. Discussion continued.

Commissioner Shadid said he thinks an average lot size of 20,000 square feet is appropriate, but he is having trouble with what people really want for this area. Chairman Wolter said Plan Commission should consider the zoning request and give a recommendation to the Village Board. The possibility of a park is not part of the application proposal being considered. Attorney Sajdak stated the merits of this application should be considered on its own as it is presented before you, not what some other applicant could do with this property. Discussion continued.

Commissioner Williams stated the average lot size in low density residential is estimated to be 20,000 sqft and we're now at 19,191 sqft, and the required lot size in Rs-5 is 15,000 sqft and we're at a minimum of 15,000 sqft. But once the stormwater basins get moved around it's possible the average could drop below the 19,191 square feet, but the smallest lot size cannot drop below 15,000 square feet? He questioned if it's possible the average lot size could be at an average of 17,500 square feet as long as the lots don't drop below the 15,000 square feet minimum? Planner Retzlaff confirmed that was correct. Trustee Baum said the main issues he's heard from residents are pertaining to lot size and is the Rs-5 zoning compatible with the surrounding area zoning. He continued by stating Heritage Hills North has Rs-4 zoning with a PDD and includes some lots that are Rs-6 and Rs-5. Seventy percent of the lots there do not meet the standards for Rs-4, but this subdivision was given

special consideration. He said he is having a problem with whether this zoning is compatible with the surrounding area. Commissioner Shadid agreed but said after hearing the requirements for Rs-5 zoning, there is nothing wrong with what the developer wants to do, and he is having trouble supporting an objection. He added the Village doesn't require a 40-foot setback in the Rs-5 zoning district. Planner Retzlaff indicated the Rs-4 district requires a 40-foot setback and is also consistent with the low-density residential classification. Commissioner Williams said he was struggling with why we identify low density residential as 20,000 sqft but it doesn't fit in with Rs-5 zoning which is acceptable for low density residential. So it's not complying with low density residential but complying with the requirements for Rs-5 zoning. Planner Retzlaff explained the land use plan was adopted after many of these subdivisions were already developed under a variety of zoning districts and are all classified as low density residential. The language in the plan talks about averaging and approximate, which he believes, is intended to address an overall average to account for the differences in subdivisions with different zoning districts in relation to the plan. Discussion continued.

Chairman Wolter said this development is moving in the proper direction from what we first saw and is now closer to reflecting the surrounding area. But he would like to see some changes including larger lot sizes against the park, and when the plat is proposed review the roads, retention ponds and lot configuration when the plat is submitted for review. He said it's starting to fit and he finds it hard to reject it based on the way it's starting to move in a direction of matching the surrounding neighborhoods. He stated we've heard a lot of things tonight and during the public hearing the request to table because of an ongoing investigation is not a correct statement. A complaint was filed but no one has come forward to say there will be an investigation. He said he is looking to consider this matter on the basis as it is presented for zoning on the surrounding neighborhood making it hard to vote against it at Plan Commission. He is open to moving it forward to the Village Board for full discussion and another public hearing so that there can be further input. The Board can consider how it fits with the surrounding neighborhoods and how they'd like to see it changed if possible as the next step.

Trustee Baum said some residents had reached out to him regarding the properties along Kinderberg Park being larger. He said he would be willing to work with the developer to get larger lots along Kinderberg Park.

MOTION carried 4-2 (Nilles, Williams)

PUBLIC HEARING & ACTION

Gehi Foods LLC – N116 W15970, N116 W16060, N116 W16076 & N116 W16150 Main Street & W160 N11736 Crusader Court. Request for a 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 (PDD); a Certified Survey Map (CSM) application to combine parcels and a Site Plan Application for a 22,500 sqft addition and parking lot expansion to the production facility at N116 W15970 Main Street. Planner Retzlaff summarized the proposal.

Chairman Wolter opened the Public Hearing at 7:56 pm.

*Paula Heupel, W156 N11953 Pilgrim Road, said she is passionate about old homes, doesn't think more industrial is congruent with the land use plan, has noise concerns will increase with production.

*Dan Wing, Village Trustee, one of the 4 houses to be razed is his childhood home. Said Gehl's claims they are respectful to neighbors, but said bushes are untrimmed, weeds, junk around property, porch rails scraped and not painted, silos have rust spots. He said there are negative affects of the

smells, 5 more lines will mean more steam and smell. He wants to keep the historic element of Main Street and save the houses by expanding behind them.

*Steven Green, N116 W16033 Main Street, said Gehl's cuts the grass around the old houses but doesn't trim the bushes, taking down the houses will be an improvement over looking at 4 abandoned houses. Paving the parking lot will be an improvement over the stone there now. Some of the smells are good.

*Elizabeth Green, Gehl's has been a very good neighbor, is a good company, families are provided for that work there and is excited about the German design.

*Alisha Mir-Marwood, W162 N11717 Park Avenue, was part of the connectivity plan for Main Street and this expansion was not part of that plan. Should think about plan for Main Street and not add additional industrial. Should think about what we want moving forward, cannot walk on sidewalk from Park to Fond du Lac Avenue on the north side of the street, expanded parking lot on Park and Main extends into the only grassy area left on Main Street, all trees behind houses will be removed.

*Julie Reichert, W156 N11580 Pilgrim Road, the plan for Gehl's is awful, expand plant on Freistadt Road.

*Christine Stuetgen, W162 N11654 Park Avenue, said there is humming all the time, it's so noisy, agrees with Trustee Wing.

*Stephanie Kaiser, N116 W16009 Main Street, just moved in, excited about downtown being revitalized, but plan for Gehl's not what she envisioned for the future.

*Jan Miller, W151 N10297 Windsong Circle, likes the downtown area, doesn't like factory in downtown area, smell is disruptive, Gehl's should be in an industrial area, agrees with Trustee Wing and wants a downtown area with warm, retail and restaurants/

*Ted Maris, W161 N11695 Church Street, noise from silos is very loud, safety is an issue with trucks coming down Church Street.

The Public Hearing was closed at 8:36 pm.

Trustee Baum said at the last Plan Commission meeting Gehl's was told to come back with an inspired design that will make Main Street spectacular. But the plan presented is lacking, bland and troublesome. He is opposed to combining the parcels and feels it would set a precedent for Gehl's to buy more land to expand. He added the houses are run down and falling apart and the smells have been around for many years. He said he won't support the request. Discussion continued.

Commissioner Kimmler said he was part of the connectivity plan that came up with some exciting ideas for Main Street. He asked when will Gehl's stop expanding. It takes away from the potential of what Main Street could be and doesn't fit in with the zoning in the area.

Chairman Wolter said Gehl's has made some efforts to come forward and fix issues including noise complaints in the past. He stated Gehl's is the biggest customer of the Village and largest employer. He said they will not be adding a steam line with the expansion. They have a heavy investment in automation at his plant and they are here and not going away. He is always willing to discuss options to vitalize the downtown area and it's nice to hear about the new businesses in the area. But Gehl's is a strong part of the community and the only area to grow on Main Street is on the opposite side of the street. He added Gehl's brings a lot to the community in tax base and sewer and water fees and as an employer. He said these are facts and not his opinion.

MOTION Baum second Shadid to Table action until all the outstanding items and issues identified are addressed.

MOTION carried 5-1 (Wolter).

PUBLIC HEARING & ACTION

Matthew & Michelle Stephan - Rockfield Road ½ Mile West of Goldendale Road. The property owners are seeking approval to rezone the property from the A-2 Agricultural District and the Rs-1 Single Family Residential District back to the A-1 Agricultural District. The Stephan's have decided to construct a single-family dwelling on the entire 19.8-acre parcel rather than divide the property as previously approved. Planner Retzlaff summarized the proposal.

Chairman Wolter opened the public hearing at 8:49 pm. No one spoke.
The public hearing was closed at 8:50 pm.

MOTION to Approve rezoning the 19.8-acre parcel from Rs-1 Single-Family Residential and A-2 Agricultural to the A-1 Agricultural District as proposed.

MOTION carried unanimously.

KinderCare Learning Center - EIG14T Development - N112 W17060 Mequon Road. The request is for approval of revised building plans for the 10,782 sqft childcare center. Planner Retzlaff summarized the proposal.

MOTION Baum second Nilles to Approve the window frame color change to "Desert Tan" as proposed.

MOTION carried unanimously.

Top Leaf Development LLC for Harvest Hills Subdivision & Alan & Lynda Luther - 107 acres south of Freistadt road, North of Elm Lane and West of Wasaukee Road. The request is for approval of the final subdivision plat for Harvest Hills, a 75-acre, 37-lot residential development. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the final subdivision plat for the 37-lot Harvest Hills residential subdivision south of the Freistadt Road, north of Elm Lane, and ¼ mile west of Wasaukee Road subject to the following conditions:

- 1. To meet the criteria that a final plat shall "substantially conform" to an approved preliminary plat, the final plat shall be revised to include the entire 35.21 acre "Outlot 8" shown on the preliminary plat as either a lot or an outlet.***
- 2. The final plat shall reflect the correct dedication of right-of-way for Elm Lane (40 feet north of the ¼ section line) including along the 35.21-acre Outlot 8;***
- 3. A Letter of "no objection" from the WI Department of Administration (DOA) shall be submitted to the Village prior to recording the final plat.***
- 4. Final inspection and confirmation shall be received from the Public Works Department/Village Engineer that all road, storm water and other improvements in the subdivision are complete and developer requirements satisfied prior to recording the final plat.***

MOTION carried unanimously.

Ryan Companies US Inc. - N102 W19200 Willow Creek Way. The request is for approval of site development and building plans for a 243,419 square foot industrial building located on Lot 4 in the Willow Creek Business Park. Planner Retzlaff summarized the proposal.

MOTION Baum second Williams to Approve the site development and building plans submitted by Ryan Companies for the proposed 243,419-square-foot warehouse located on Lot 4 in the Willow Creek 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 plan sheets dated 5-7-18, the landscaping plan sheets dated 5-4-18, and the electrical plans dated 6-19-19 unless said plan sheets are revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission.**
- 2. An Access Easement must be recorded for the shared access drive located on Lot 3 of the Willow Creek Business Park within 90 days of the site plan approval by the Plan Commission.**
- 3. Ryan Companies shall coordinate with the Village Public Works and Fire Department to design and install a secondary access driveway for emergency vehicle access within the 30' wide public sanitary & water main easement from the Willow Creek Way cul-de-sac to the west parking lot. In the event said emergency access driveway is not installed within one (1) year after issuance of the first occupancy permit, or, not allowed as planned within the ATC-WE Energies 125' power line easement and/or the ANR-TransCanada 100' pipeline easement, Ryan Companies shall cooperate with the Village to identify a mutually acceptable location and design for the required emergency access driveway to Appleton Avenue, Maple Road or other location. Once details on the final location and design for the emergency drive have been determined, Ryan Companies shall prepare and submit a revised site plan indicating how the emergency drive will interface with the parking lot to the Village Fire and Public Works Departments for review and approval.**
- 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. A State approved fire sprinkler and fire alarm systems are required to be installed in compliance with the requirements for each specific tenant occupancy class.**
- 6. The Developer shall provide a detailed plan or set of specifications for what type, i.e. design, materials, color, etc. of roof-mounted mechanical screening will be installed in the event that screening is required at the time one or more tenants apply for building permits and occupancy from the Village, and, submit said specifications to the Village Planner for review and approval prior to issuance of an occupancy permit for multi-tenant industrial building.**
- 7. A supplemental site plan showing proposed dumpster enclosures, which meets the Village's design guidelines shall be submitted and approved by Village staff prior to the issuance of a building permit.**
- 8. The height of the proposed light fixtures shall not exceed 25'. The proposed height should be reduced from 30' to 25'.**
- 9. 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.**
- 10. All technical issues and plan corrections identified by the Village Engineer and Public Works Department staff (see July 25, 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.

- 11. All proposed exterior signage, including monument and wall-mounted signs shall be reviewed and approved under a separate application by the Plan Commission.*
- 12. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.*

MOTION to Amend Baum second Shadid to add Condition #13 that the exit doors on the north side of the building have sidewalks if required by State code.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Ryan Companies - N102 W19300 & W19200 Willow Creek Way. Request of approval for a monument ground sign to serve both the existing multi-tenant industrial building on Lot 3 and the proposed multi-tenant industrial building located on Lot 4 to the south in the Willow Creek Business Park. Planner Retzlaff summarized the proposal.

MOTION Baum second Nilles to Approve the proposed ground sign for the Ryan Companies properties subject to the following conditions:

- 1. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.*
- 2. Landscaping must extend at least 3 feet from all sides of the proposed ground sign.*
- 3. The ground sign shall be located at least 5 feet from the property line to the northwest.*
- 4. Address coordinates for the building(s) to be served shall be installed on the sign base and be a minimum of 5" height.*
- 5. The background for all sign panels displayed in the proposed sign cabinet shall have an opaque or dark background panel to prevent glare.*

MOTION carried unanimously.

Motis Brands (formerly Discount Ramps) - N102 W19400 Willow Creek Way. The request is for approval of a wall sign. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed wall sign for the Motis Brands (formerly Discount Ramps) property subject to the following conditions:

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

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:17 pm.

Respectfully submitted,

Lori Johnson
Planning Assistant