

PLAN COMMISSION MINUTES
January 14, 2019

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:31 p.m.

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Tony Laszewski, Peter Nilles, Bill Shadid and Matt Kimmler were present. Commissioner Bob Williams arrived at 6:35 p.m. 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 12-10-18. MOTION carried unanimously.*

PUBLIC HEARINGS:

D. Lynn Luckow, Redline Training Center and Behavioral Consultation, LLC, Agent for Ozaukee Development Corporation, Property Owner, 188 N11786 Maple Road. Application for a Conditional Use Permit for the operation of a dog training facility. Planner Retzlaff summarized the proposal. Chairman Wolter opened the Public Hearing. Trustee Baum asked how loud it would get inside the facility. Ms. Luckow said there would be some barking, and explained her business is a training facility and not a daycare where there are multiple dogs on the premise at one time. Chairman Wolter closed the Public Hearing.

Habitat for Humanity of Washington and Dodge Counties, Wis, Inc. Property Owner, W190 N10768 Commerce Circle. Conditional Use Permit to operate a Habitat for Humanity Restore secondhand store. Planner Retzlaff summarized the proposal. Chairman Wolter opened the Public Hearing. Barbara Van Engel, N112 W21591 Mequon Road asked if the applicant would be paying property taxes. Bernard Hletko, Agent for Habitat for Humanity, stated they are tax exempt but was unsure of the current tax status of the property. Chairman Wolter closed the Public Hearing.

Kyle Fraser, agent for the Cusatis Trust, Property Owner W213 N11111 Appleton Avenue. Conditional Use Permit for a major home occupation for the operation of a landscape maintenance operation. Planner Retzlaff summarized the proposal. He asked that the Plan Commission table action on the application because he is waiting for additional information but recommended the public hearing be held because it had been advertised. Chairman Wolter opened the Public Hearing. Ken Van Engel, N112 W21591 Mequon Road, questioned if there would be filling on the property. Ray Kulenske, N112 W21498 Mequon Road, questioned if there would be a shop on the property for working on equipment and if there would be any chipping or storage of any stone or mulch. He was also concerned if equipment would leave debris on the Appleton Avenue. Brian Buchholz, N112 W21469 Mequon Road, asked if there would be customers coming to the property. He mentioned the entry onto Appleton Avenue from this property can be dangerous with trucks coming in and out. Chairman Wolter closed the Public Hearing.

NEW BUSINESS:

D. Lynne Luckow, agent for Redline Training Center and Behavioral Consultation – W188 N11786 Maple Road. The applicant is seeking a Conditional Use Permit for a dog training and education facility in the Germantown Industrial Park. Planner Retzlaff reviewed the proposal.

MOTION Baum second Laszewski to APPROVE a conditional use permit for the operation of a dog training and education facility in the existing building located at W188 N11786 Maple Road (Alpine Business Center Suite 2, 3 & 4) in the Germantown Industrial Park subject to the following conditions:

- 1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated December 5, 2018 and in the supporting documents made part of the application on file with the Village. 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 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 activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects 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. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements shall be submitted to the Village as part of a building permit application.**
- 4. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.**
- 5. The owner/operator shall coordinate with the Fire Department to properly post the tenant space with a maximum occupancy of 49 persons. In the event that the maximum capacity of 49 persons is exceeded on a regular basis as determined by the Fire Department, the owner/operator will be required to re-classify the occupancy type from "business" to "assembly" and, as a result, install any additional, necessary fire-safety measures required by the Fire Department, or, discontinue operation.**
- 6. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.**
- 7. All exterior signage, including temporary signs, require a permit from the Village.**
- 8. If the Village receives any complaints regarding noise generated from barking dogs, the owner/operator shall install sound-deadening materials, e.g. sound absorbing acoustic panels, or implement other sound-proofing measures within the tenant space.**

Discussion followed. Trustee Baum said other canine developments in the Village have all come with sound issues. Planner Retzlaff said this development is unique because it is a controlled environment

and is not a dog daycare. He said Condition # 8 addresses how to deal with noise issues. Ms. Luckow stated the facility is for agility training and not intended for use as a dog daycare.

MOTION carried unanimously.

Habitat for Humanity – W190 N10768 Commerce Circle. Request for approval of a Conditional Use Permit to operate a Habitat for Humanity Restore operation from the existing 3.3 acre, 31,080 sqft commercial property. Planner Retzlaff reviewed the proposal.

MOTION Baum second Shadid to Approve a conditional use permit (CUP) for the proposed 31,080 sqft Habitat for Humanity restore operation proposed for the commercial property located at W190 N10768 Maple Commerce Circle subject to the following conditions:

- 1. This permit authorizes only the uses and activities set forth in the conditional use permit application dated December 10, 2018 and in the supporting documents made part of the application on file with the Village. 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. The Restore second-hand store shall meet and continuously comply with all applicable B-1: Neighborhood Business District requirements and all nuisance and property maintenance provisions, limitations and regulations in Section 10 (Public Nuisances) of the Municipal Code.***
- 3. If the use, activities and/or operation subject of this permit falls out of conformity with the operational characteristics stated in the application and supporting information dated December 10, 2018, 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 ameliorate or eliminate harmful effects associated with the use but are 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.***
- 4. All temporary and permanent signs require a permit from the Village Community Development Department. All signs shall comply with current sign regulations under Section 17.46 of the Zoning Code.***
- 5. All site and building improvements, including but not limited to: building additions & renovations, accessory structures, increased impervious area, exterior lighting, fencing, require Zoning Permit or Site Plan approval from the Village.***
- 6. Outside storage is prohibited. Items donated during or after business hours shall be moved into the building the same day (but not later than the next business day after) said items are dropped off. Items not intended for or capable of being sold secondhand shall be removed from the property and stored inside until removed. Items that may be incapable of being stored inside due to size, condition or potentially harmful impacts resulting from said items may be kept outside in the rear yard area east of the building provided said items are secured in an approved/permitted enclosure until removal from***

the site. The operator shall take whatever reasonable actions or means necessary to prohibit the dumping or keeping of trash, debris and other junk (as defined in the Municipal Code) on the property. The outside display of items offered for sale is prohibited.

- 7. The operator shall obtain and maintain all licenses required for second-hand dealers by the State of WI, Washington County and/or Village of Germantown.***

Trustee Baum asked that Planner Retzlaff check on the tax status of the building and to have the information for the Village Board meeting.

MOTION carried unanimously.

Kyle Fraser, Agent for the Cusatis Trust, Property Owner – W213 N11111 Appleton Avenue.

Request for approval of a Conditional Use Permit to operate a major home-occupation lawn & landscape maintenance business from the 6.5-acre residential property. Planner Retzlaff reviewed the proposal and indicated he did not sufficient information to determine if the proposed operation would be compliant with the Zoning Code requirements for a major home occupation and asked that the action be tabled until the next Plan Commission meeting.

MOTION Baum second Shadid to keep the public hearing open and allow it to be further heard at the next available meeting (but will not be re-noticed).

MOTION carried unanimously.

MOTION Baum second Shadid to Table until the February 11, 2019 Plan Commission meeting.

MOTION carried unanimously.

Neumann Development, Agent for Wrenwood Subdivision – 146.5- Acres South of Freistadt Road, West of Country Aire Drive, North of Mequon Road. The request is for approval of amendments to the Wrenwood Planned Development District General Development Plan, Conditions & Restrictions and preliminary subdivision plat affecting the single-family residential development areas. Planner Retzlaff summarized the proposal and said the staff recommendation is to Deny the proposed amendments. Bryan Lindgren, Neumann Development, said the intent of the proposal was to offer affordable new homes in the area. He said there are no changes to the number of lots that were already approved.

MOTION Baum second Shadid to Approve the redrafting of the master plan as presented.

Trustee Baum stated he will not support this motion because the residents will not support the smaller lot sizes. Steve DeCleene, Neumann Companies, explained the impact for reducing the lot sizes will have very little infrastructure change, but would allow a \$400,000 home versus a \$500,000 home.

Planner Retzlaff explained the overall proposal and number of lots is not changing and they are not proposing to build as many units as ideally could be allowed under the zoning district. Discussion continued. Chairman Wolter said we just went through a huge battle with neighborhood residents

and smaller lot sizes that were being proposed. He would like to see this development completed the way it was proposed originally and wishes they could work within the structure of the Rs-5 zoning which takes is out of the realm of the public hearing process. He agrees with the continuity of the proposal but said this will be a tough road and is fresh off the Kinderberg Development discussion. He said the outcry will be substantial because of past meetings and discussions and the battle will be with the smaller lot size. He needs to provide the opportunity for the residents to speak and discuss their concerns in an open meeting.

MOTION to Amend Baum second Shadid to find 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 an action on the proposed amendments.

MOTION to Amend carried unanimously.

Discussion continued.

MOTION to Approve as amended carried unanimously.

MOTION Baum second Shadid to send the proposed modifications to the Wrenwood Planned Development District and Preliminary Subdivision Plat to the Village Board with a recommendation to Deny the amendments.

Commissioner Kimmler stated he agrees that the 12,000 sqft lot size is too small for this area.

MOTION carried 6-1 (Wolter).

Douglas Cook – N120 W15170 Freistadt Road. The property owner is requesting approval of a site plan for an earth berm to be installed within the street yard of his property. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the site plan/berm permit for the proposed berm on the Cook property located at N120 W15170 Freistadt 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 site plan, grading plan and landscaping plan submitted with the application dated October 17, 2018, unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission;***
- 2. The owner is required to: (a) notify Village staff when the berm is finish graded, but prior to installation of any landscaping in order to provide for a pre-approval inspection of the berm and any changes required as a result; (b) obtain pre-approval from the Plan Commission prior to making any modifications to an approved berm after completion; and (c) maintain all road drainage systems, storm water drainage systems, and utilize best management practices during and after construction that may be identified in the berm plan, Plan Commission approval and/or erosion control permit.***

- 3. The owner shall work with the Village Engineer and County Highway Department going forward to determine if any fill already deposited on the site has encroached beyond the minimum 5' setback or into the Freistadt Road right-of-way, and if so, remove/relocate said fill to ensure that the minimum 5' setback from Freistadt Road is achieved and continuously maintained.**
- 4. Staff recommends that the grading plan be revised to include more and greater vertical and horizontal changes in topography visible from the public right-of-way.**

MOTION carried unanimously.

Ellsworth Corporation – W88 N11614 Maple Road. The property owner has offered to purchase a 3 x 270' (810 sqft) parcel currently owned by the Village of Germantown in the Germantown Industrial Park. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the sale of the 3 x 270' (820 sqft) parcel to the Ellsworth Corporation as requested with the following recommended condition (which is not a municipal code requirement).

- 1. Ellsworth dedicate the additional 27' of right-of-way necessary to complete the full 60' wide right-of-way needed for Maple Road (currently only 33' exists across the 1.0-acre parcel).**

MOTION carried unanimously.

Village of Germantown – W204 N12333 Goldendale Road. The Germantown Public Works Department is requesting approval for site development and building plans for a 1,040 sqft water system pressure booster/reducer station on a .28-acre parcel. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the site and building plans A (metal roof option) for the proposed water system booster/reducer station facility located at W204 N12333 Goldendale 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 plans dated January 2019, unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission;**
- 2. The Village Public Works Department staff shall coordinate installation of the proposed landscaping trees along the north/common property line with the property owner located at W204N12377 Goldendale Road prior to installation.**

Chairman Wolter questioned if this application fell under the Building Oversight Committee. Trustee Baum said he would coordinate with the Public Works Director to schedule a meeting. He indicated he liked option B better because option A has more character and will draw more attention. Public Works Director Larry Ratayczak commented that option A blends in more with the area because it has a gabled roof. He said flat roofs require some maintenance.

MOTION carried unanimously.

ANNOUNCEMENTS: Chairman Wolter said Washington County is having a public open house to comment on the preliminary draft of the Washington County Multi-jurisdictional Comprehensive Plan on January 23rd from 4 to 6:00 p.m.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant