

PLAN COMMISSION MINUTES
February 26, 2018

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:30 p.m.

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Bob Williams, Peter Nilles, Tony Laszewski, Bill Shadid and Mary Ellen Gray were present. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: The following residents spoke against extending Elm Lane to the west: Richard Boehlke- N116 W13321 Elm Lane, Todd Johnson-N116 W13444 Elm Lane, Ron Peterson-W132 N11267 Forest Drive, Steve Zainer-W132 N11290 Forest Drive, Vicki Worth-N116 W12711 Elm Lane, John Simerlein-N113 W12930 Crestview Drive, Dave Brobert-W132 N11533 Forest Drive, Garrett Bradley-W132 N11239 Forest Drive, Bruce Bernarde-N120 W13645 Freistadt Road (wetland concern).

APPROVAL OF MINUTES: ***MOTION Baum second Gray to Approve the minutes from February 12, 2018.***

MOTION carried unanimously.

Top Leaf Development LLC & Alan & Lynda Luther – 107-Acres south of Freistadt Road, North of Elm Lane and West of Wasaukee Road. The property owners are requesting approval of a revised rezoning application concept plan for a residential subdivision with 42 single-family lots. Planner Retzlaff summarized the proposal. He said the zoning can be developed in the Rs-3 zoning district. Chairman Wolter explained a new public hearing has been posted, but because the zoning will be in the Rs-3 zoning district, a new public hearing will not be required but it will appear on the Village Board agenda and the public will be able to give their comments.

MOTION Baum second Gray to Approve the revised concept plan as presented.

Discussion followed. Trustee Baum said the only thing in question at the last meeting was the 700-foot connection of Elm Lane. He said in general planning terms you don't want a lot of dead end streets. There will be additional development coming to the area that will add more congestion and traffic. Commissioner Shadid asked if it would be a problem for the west end of the subdivision if the 700 feet didn't connect. Chairman Wolter said he was in favor of the road extension when there were smaller lots on the west side, but now that the plan was changed to keep the wetlands out of the parcels and in out lot areas, the lots are now larger. He doesn't see the need to connect Elm at this time but wants to keep the right of way and easements on the property so when we are ready to connect we don't need to buy additional land.

MOTION to Amend Shadid second Baum to amend the concept plan by removing the 700 feet of connectivity of Elm Lane.

Commissioner Laszewski asked when Elm Lane would be connected. Planner Retzlaff said there is no specific development that would trigger the connection of Elm. It's a matter of practice to have developers build their roads to the end of their property to aid in traffic circulation and accessibility to the property. When the opportunity presents itself, the roads should be connected. He said there are

property owners interested in developing land to the east and to west that could benefit from an improved circulation system through the entire section of this area of the Village. Commissioner Williams asked if the road is developed in the future who is responsible for payment. Will the burden be on the taxpayers? Planner Retzlaff said the Village would ultimately be responsible for the cost. He said if the road is not required to be connected, the Village should at least require some paved pedestrian accessway to make the connection for accessibility to the lands north, south and west. Chairman Wolter explained some Village Board members will be in support of the road connecting because they feel this is the time to connect because the developer is responsible for the cost. Commissioner Gray said it makes sense to connect the road.

MOTION to Amend Failed 3-4 (Gray, Laszewski, Nilles, Williams).

MOTION to Approve carried unanimously.

Zoromski Construction LLC, agent for M&J Donges Bay LLC, property owner – N144 W15825 Donges Bay Road. The request is for approval of a 2-lot Certified Survey Map (CSM) to divide the parcel into two (2) lots for single-family residential development. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the 2-lot Certified Survey Map land division for the .73-acre M & J Donges Bay LLC property located on Donges Bay Road subject to the following conditions:

- 1. All technical corrections identified by the Village Surveyor as summarized in the February 6, 2018 memo shall be made prior to recording the CSM by the Village Board.***
- 2. A note shall be added to the CSM indicating that access to Lot 1 is restricted to Mohawk Drive with the nearest point of a driveway located not less than fifty (50) feet south of the northwest corner of Lot 1 along Mohawk Drive.***
- 3. A note shall be added to the CSM indicating that access to Lot 2 is restricted to the existing access driveway location on Donges Bay Road.***
- 4. A note shall be added to the CSM indicating that the extension of water and sewer service to Lot 1 and Lot 2 will be at the owner's expense and subject to the requirements of and approval by the Public Works Department, and, a plan for extending water and sewer services to both Lot 1 and Lot 2 shall be prepared by the Applicant and submitted for review and approval to the Public Works Department prior to issuance of a building permit for new construction on either lot. If service is extended across Lot 1, an easement shall be granted to Lot 2 prior to issuance of a building permit for new construction on either lot.***

MOTION carried unanimously.

Quarles & Brady LLP, agent for SMV Germantown LLC, property owner, Virginia Avenue & Division Road W173 N10915 Bernies Way. The request is for approval of a 2-lot Certified Survey Map (CSM) land division to divide their 15.6-acre Virginia Highlands property. Planner Retzlaff summarized the proposal.

Eric Van Schyndle, Quarles & Brady, commented that there were no plans for developing the site at this time.

MOTION Baum second Shadid to Approve the 2-lot Certified Survey Map land division for the 15.6-acre property owned by SMV Germantown LLC subject to the following conditions:

- 1. All technical corrections and issues raised by the Village Surveyor in the February 6, 2018 memo shall be addressed and/or corrected prior to recording the CSM.**
- 2. A note shall be added to the CSM indicating that “Development of Lot 2 shall be consistent with the adopted Virginia Highlands EH Zoning District General Development Plan and comply with all applicable requirements, allowances and limitations of the Village’s EH Zoning District”.**
- 3. A note shall be added to the CSM indicating that a storm water easement & maintenance agreement to be recorded along with the CSM shall be submitted to the Village for review and approval prior to recording the CSM.**

MOTION carried unanimously.

Carity Land Corporation for Briscoe Development – 147-acres south of Freistadt Road, north of Mequon Road, west of Country Aire Drive. The request is for approval of amendments to the 2020 Future Land Use Plan map and rezoning application to create a Planned Development District (PDD) for purposes of developing a 147.2-acre residential development of 142 single-family lots and 60 multi-family condominium units. Planner Retzlaff summarized the proposal.

Discussion followed. Bill Carity, Carity Lan Corp. asked for some flexibility with the plan and said the multi-family condo units would be low rise and 2 to 4 family buildings. He said all the added features, including walking paths and street lights, are still in the plan. He said a community center was proposed on a previous plan but is not part of this plan. The plan will also include extensive landscaping, picnic areas and fishing opportunities. The park area is not intended to be an active park but a conservation area with trails.

MOTION Baum second Nilles to Approve the following changes to the 2020 Land Use Plan (LUP) map classifications for the Briscoe property:

- 1. Re-classify the additional area in the northern part of the property from “Agricultural/Conservation Residential” (green) to “Low Density Residential” (orange);**
- 2. Add this same area to the Village’s Sanitary Sewer Service Area (SSA);**
- 3. Re-classify the additional area in the southern part of the property from “Agricultural/Conservation Residential” (green) to “Low Density Residential” (orange);**
- 4. Reconfigure the area classified as “Medium Density Residential” (light brown) around the proposed condominium portion of the development;**
- 5. Re-classify the 3.5 acre “Commercial” (red) area to “Medium Density Residential” (light brown) in the southern part of the property along Mequon Road.**

MOTION carried unanimously.

MOTION Gaum second Gray to APPROVE the A-1: Agricultural to Rs-5: single-Family and A-1: Agricultural to Rm-2: Multi-Family rezoning as proposed and summarized herein, and, the

creation of a PDD for the entire 147.2-acre Briscoe property subject to the Applicant incorporating the following changes to the proposed development and general development plan:

- 1. Prepare a separate "General Development Plan" sheet presenting the general road and lot layout, open space areas, etc. for attachment to the PDD ordinance and conditions resolution;**
- 2. Create a minimum 30' wide buffer area between the railroad right-of-way and Lot Nos. 22 and 23 similar in width to the minimum buffer provided along the north residential area;**
- 3. Create a minimum 25' wide landscaped buffer area within the lots (or create an outlot) along Freistadt Road and Country Aire Drive;**
- 4. Provide a detailed plan for landscaping within the landscape buffer areas required under #2 above, and, a detailed plan for the proposed pedestrian trails, central park, ponds, and other amenities discussed the Applicant's Wrenwood PDD" narrative.**

MOTION to Amend Baum second Shadid to add Condition #5 that in the multi-family section only 2, 3 or 4-unit buildings will be acceptable.

MOTION to Amend carried unanimously.

Motion to amend Baum to add Condition #6 that all the amenities as previously presented be maintained and that a community center be considered when bringing the plan forward for the multi-family. Bill Carity said he will commit to street lights, uniform mail boxes and trails as part of the PDD document. Motion to amend Withdrawn.

MOTION to Approve as amended carried unanimously.

Virtus Development for Victory Center LLC – W140 N10385 & W140 N10393 Fond du Lac Avenue. The request is for approval of a rezoning application to create a Planned Development District (PDD) and a site Plan for a 4,220 sqft restaurant and coffee shop. Planner Retzlaff summarized the proposal.

Trustee Baum recused himself. Greg Nagel, Virtus Development, answered questions. Discussion followed.

MOTION Gray second Shadid to Approve creating a B-3/PDD (the "Kuhberg District") as proposed by Victory Center LLC for their .43-acre parcels located on Donges Bay Road subject to the following requirements and conditions:

- 1. The B-3: General Business Zoning District regulations shall constitute the specific conditions and restrictions for the PDD as amended in the Developer's PDD Application (dated January 8, 2018) and summarized herein;**
- 2. Subject to revision required by the Plan Commission, plan sheet GD100 dated February 23, 2018 shall constitute the General Development Plan required under Section 17.27 of the Zoning Code;**

- 3. The Developer shall provide one complete and accurate legal description for all the land to be included in the PDD boundary prior to review of the PDD application by the Village Board.**
- 4. The PDD conditions & restrictions resolution shall contain a requirement that a certified survey map (CSM) land combination shall be completed and approved to combine the two subject parcels and adjust the property line along the west boundary prior to issuance of any building permit(s) for building renovation. The CSM will need to include all of the parcels affected, including the residential parcel to the west.**
- 5. The PDD boundary for the "Kuhburg District" shall be expanded in the future if the Developer acquires additional land to accommodate an expanded parking area. Said PDD boundary expansion shall be processed as a separate PDD application in accordance with all requirements and procedures at that time.**

Commissioner Nilles said he appreciated the challenges on the site but was concerned with eliminating the setbacks and it will cause any concern with the DOT. Chairman Wolter said removing the setbacks with the PDD is the best tool for this development to occur. He liked that the school building is being preserved and that this next phase of development will bring people back to this area.

MOTION carried unanimously.

MOTION Shadid second Gray to Approve the site development and building plans for the coffee shop and restaurant development proposed by Victory Center LLC on their .43-acre parcels located on Donges Bay Road subject to the following:

- 1. Subject to further revisions required by the Plan Commission, approval is granted for the site development and building plans dated January 8, 2018 (including Sheets GI001, C101, E001, E002, E003, A101, A102, A103, A300 and A700), February 20, 2018 (including Sheets C102, C103, C104, AS100, AS101, A200, A201), and Sheet L100 (Planting Plan) dated February 16, 2018. Separate Site Plan review and approval by the Plan Commission is required for any additional or expanded parking lot improvements.**
- 2. Site Plan approval is subject to creation of the "Kuhberg District" Planned Development District as proposed by Victory Center LLC.**
- 3. All landscaping, parking lot, screening, and lighting 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.**
- 4. An emergency access Knox Box shall be installed at a location determined in cooperation with and approved by the Germantown Fire Department.**
- 5. Any fire protection equipment to be installed or relocated shall be installed at a location in cooperation with and approved by the Germantown fire Department.**
- 6. Bi-annual fire safety inspections will be conducted by the Germantown Fire Department.**
- 7. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.**

- 8. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department prior to the issuance of a building permit application for either of the proposed building renovation projects.**
- 9. A certified survey map (CSM) land combination shall be completed and approved by the Village to combine the two subject parcels and adjust the property line along the west boundary prior to issuance of any building permit(s) for building renovation. The CSM will need to include all of the parcels affected, including the residential parcel to the west.**
- 10. Any off-site parking intended to serve the coffee shop and restaurant development shall be reviewed and approved in accordance with all applicable Zoning Code requirements and procedures.**
- 11. All temporary and permanent exterior signs require a permit. A permit for the three (3) proposed monument signs shall be reviewed and approved by the Plan Commission in accordance with all applicable Zoning Code requirements and procedures.**
- 12. The Developer shall install additional landscaping along the north side of the property. The Developer should work with the Village Public Works Department and/or WisDOT to investigate the possibility of obtaining an easement for landscaping materials to be located in the right-of-way adjacent to the property and submit a revised plan for staff review and approval (if determined to be feasible). As an alternative, if landscaping cannot be installed in the ROW, the Developer should remove the two northernmost parking stalls on either side of the driveway entrance and replace them with landscaping if/when additional parking is constructed along the south side of the property in the future. A revised or supplemental landscaping plan shall be submitted to the Village Planner for review and approval prior to installation of additional landscaping not already subject of an approved landscape plan.**
- 13. The Developer shall be responsible for making any necessary adjustments to the exterior, pole-mounted light fixtures after installation to eliminate any glare or view of the light source affecting the residential neighbor to the west. The Developer shall contact and coordinate with said neighbor to resolve any complaints or issues with said lights impacting the residential property.**
- 14. All technical corrections and issues raised in the Public Works Department/Village Engineer's February 23, 2018 memo shall be address and, if necessary, reflected in a revised plan set and/or other supporting documents submitted to the Village Engineer for review/approval prior to issuance of a building permit.**

Commissioner Gray addressed Condition #12 regarding revisions to the landscape plan. She explained that because of all the hard surface at this location, it is necessary that the landscaping do some serious work and said the daylilies and Russian sage currently on the plan do nothing to flatter the building. She wants to see at least 3 street trees added, a decorative fence around the patio or planters with sections of fence so it feels enclosed and much stronger, larger accent plants to tie the buildings together.

MOTION Gray second Nilles to Amend Condition #12 that the landscape plan come back to the Plan Commission with a much more complimentary plan.

Commissioner Gray explained the plan should include street trees along the edge to add some height, something to enclose the patio, maybe a hedge, a fence and planters to finish the around the corner, taller shrubs in places and not just perennials. Mr. Nagel said they originally proposed more landscaping, but the right of way is very large. He said they will continue discussions with the Village and DOT to see what they can do to add more landscaping to the plan. Chairman Wolter said additional enhancements could be made at the time when a second phase occurs as additional parking is proposed. Mr. Nagel asked that the building across the street finish their landscaping to enhance the area.

MOTION to Amend carried unanimously.

Discussion continued on the building renovations. Mr. Nagel said the existing siding will be removed and the hope is to find wood siding underneath. If that is not available, they will replace with wood siding and use metal shingles on the roof. Chairman Wolter said he is concerned with parking on the site, but knows they are looking to address that. He likes the development and the idea and supports it.

MOTION to Approve as Amended carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant