

PLAN COMMISSION MINUTES
March 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 Peter Nilles, Tony Laszewski, Bill Shadid, Mary Ellen Gray and Bob Williams were present. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: The following residents spoke in support of the Metro Cigars Conditional Use Permit application: Bob Warren, W168 N10766 Juniper Drive, Jim Dawson, W232 N9200 Wooded Ridge Trail, Colgate, Rick Miller, N120 W15241 Freistadt Road.

APPROVAL OF MINUTES: ***MOTION Baum second Shadid to Approve the minutes from February 26, 2018.***

MOTION carried unanimously.

St. Boniface Parish – W204 N11940 Goldendale Road. Bill Neureuther, Director of Administrative Services and agent for the St. Boniface Parish, property owner, is seeking approval of a new monument and wall-mounted signage for the existing facility. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed monument and wall-mounted signs for the St. Boniface Parish facility located at W204 N11940 Goldendale Road subject to the following (4) conditions:

- 1. A separate electrical/building permit shall be obtained from Inspection Services prior to installation of the monument sign.***
- 2. All electronic components shall be labeled by a licensed lab and inspected prior to or concurrent with installation.***
- 3. The Parish shall ensure the monument sign location on the property meets the minimum five (5) feet property line/right-of-way setback by surveying and staking the sign location as necessary. The Parish shall coordinate with Staff once the location is staked for field verification.***
- 4. A landscape plan shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a building/electrical permit for the monument sign. All landscaping shall be installed around the base of the monument sign in compliance with the Village's monument sign landscaping requirements under 17.46(7).***

Commissioner Gray said the proposed landscaping doesn't do anything for the plan. She said someone needs to design a plan with something creative and interesting and that includes perennials, stronger shrubs and a flowering or weeping crab to make the space more attractive.

MOTION carried unanimously.

Metro Cigars – W182 N9606 Appleton Avenue. Paul & Jennifer Groh, owner/operators of Metro Cigars, are seeking approval of a Conditional Use Permit (CUP) to operate a cigar store and bar/lounge, and Site Plan and Sign Permit applications for a proposed 3,700 sqft retail building

located on a 2.08-acre lot in the Willow Creek Business Park (Lot 5). Planner Retzlaff summarized the proposal and recommendation to deny the conditional use permit and site plan applications.

Discussion followed. Commissioner Laszewski asked if was necessary to build into the 25-foot wetland setback area. Planner Retzlaff said he didn't know why, but there is some latitude for the Willow Creek Business Park Review Board to push the building into the 25-foot parking setback so the building may have an opportunity to be relocated. Commissioner Nilles inquired if a legal opinion was received from the Village Attorney regarding the smoking ban. Planner Retzlaff said he had not heard back from the Village Attorney and is looking for confirmation that a business can move a pre-existing smoking business under the smoking ban from one place to another.

MOTION Baum second Shadid to Approve the Conditional Use Permit application filed by Paul & Jennifer Groh, owner/operator of Metro Cigars, to operate a cigar store and bar/lounge from the property located on Lot 5 in the Willow Creek Business Park subject the following conditions:

- 1. The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit application (CUP) and supporting materials dated February 26, 2018. The physical facilities from which said uses and activities are permitted include the existing and proposed buildings specified in the CUP application and supporting materials. Days and hours of operation shall be limited to those specified in the CUP application and supporting materials submitted with the CUP application.***
- 2. Site Plan review and approval from the Village is required prior to construction of the proposed Metro Cigar facility on Lot 5 of the Willow Creek Business Park.***
- 3. All temporary and permanent exterior signs require a permit and shall comply with all current sign regulations. Off-premise advertising and directional signage is regulated by the Village and requires a permit if/when allowed.***
- 4. 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 permitted conditional uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***

Commissioner Shadid said he is a sales representative and has used Metro Cigars as a meeting place. He considers it an asset as a Germantown resident. Planner Retzlaff explained in the M-1 zoning district, B-2 uses are allowed if they support other businesses in the Park not just other patrons around the Park. Commissioner Laszewski said he goes off site to meet as well but asked if it would be a smoky atmosphere. Paul Groh, Metro Cigars, explained the air purification system for the business. Commissioner Williams said he can't conclude if this business would benefit the Park because he doesn't have the demographic information for the Park. He commented that he drove through the Industrial Park and isn't sure how an indoor volleyball club directly benefits an Industrial

Park. And if we allow a Surge Martial Arts center or Adversity Volleyball Club to be located in the Industrial Park, why not allow a cigar/bar to be in the Industrial Park. Commissioner Gray agreed with Planner Retzlaff's comments. She said she would never go to a place that has smoke in it. It's excluding a huge number of people who won't go in and she feels it's not the right place for it and would prefer to see something else there.

Trustee Baum asked Barry Chavin, MLG Commercial, if the businesses in the park would support the business or will it have a negative impact. Mr. Chavin said he doesn't feel it will be detrimental, some people will use it, and some will not. He said he thought after the consultation meeting it was his understanding that the use would be acceptable as long as the size of the building was increased, and conference rooms were added. He said the size of building has increased from 2,600 to 3,700 square feet. He stated MLG had similar concerns as the Planner and consulted with Stephen Perry Smith, Review Board Coordinator for MLG who recommended providing concrete curbing around the parking lot and is happy with the brick around the building. Mr. Smith said he was fine with the architecture. The site is tricky at 1.3 acres and not many people can afford to build on a small lot. He stated the size is important to the increment in order to retire the debt and MLG thinks it's a good use and is in favor of the business.

Chairman Wolter said we've stretched other businesses in other areas in the Industrial Park in the past. This is a strong business in Germantown and is well served and he commended the owners for wanting to take on this lot. He said people come here because of the business model previously and it works for Metro Cigars and would probably not work for other business. This is a bonus lot for the Village and he feels we should take advantage of the increment for this TIF. He said he supports the use and feels its one of the few things that could actually work at this location. Commissioner Gray commented that the business brings people from all over the place, having very little to do with supporting anything in the Business Park. Chairman Wolter said he understands why she would say that, but those that want to go there, don't have a problem going to an establishment like this.

MOTION carried 6-1 (Gray).

MOTION Baum second Shadid to Approve the site development & building plans and sign permit for the proposed 3,700 sqft retail building for a retail cigar shop and bar/lounge on Lot 5 in the Willow Creek Business Park subject to the following:

- 1. Subject to further revisions required by the Plan Commission, approval is granted for the site development plans dated March 14, 2018, Site Photometric plan dated January 24, 2018, and the architectural plans dated March 12, 2018.***
- 2. Site Plan approval is subject to the granting of a conditional use permit (CUP) by the Village Board for the operation of a cigar store and bar/lounge from the property located on Lot 5 of the Willow Creek Business Park.***
- 3. Site Plan approval is subject to the granting of a conditional use permit (CUP) by the Village Board for a proposed encroachment into the 25' wetland setback with site grading and fill as shown on the proposed Grading and Erosion Control Plan (Sheet 6). Prior to issuance of a building permit, the Applicant is responsible for securing said CUP approval required pursuant to Section 24.04(3)(c)5. Of the Shoreland-Wetland Zoning Code.***

- 4. 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.**
- 5. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components for the proposed wall-mounted sign. All electrical sign components must be listed and labeled by a recognized lab.**
- 6. An emergency access Knox Box shall be installed at a location determined in cooperation with and approved by the Germantown Fire Department.**
- 7. Bi-annual fire safety inspections will be conducted by the Germantown Fire Department.**
- 8. 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.**
- 9. 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.**
- 10. The Applicant shall submit a revised plan containing details of the proposed dumpster enclosure to the Village Planner for review and approval prior to issuance of a building permit. Said enclosure shall comply with the location, design and material requirements set forth in the March 26, 2018 Village Staff report and recommendation.**
- 11. All technical corrections and issues raised in the Public Works Department/Village Engineer's March 21, 2018 memo shall be addressed 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.**

MOTION to Amend Baum second Shadid to include the comments from MLG written by Stephen Smith as presented in the March 23, 2018 letter. Prior to commencement of construction, you will need to do the following:

- 1. Please comply with the requirements noted below and in the Review Board checklist dated 3/23/18 including providing concrete curbing around the parking lot and a dumpster enclosure around the trash/recycling dumpsters.**
- 2. Obtain all necessary State of Wisconsin Department of Commerce and Village of Germantown, approvals and permits.**

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

William H. Wetterau, W204 N12541 Goldendale Road & W204 N12660 Goldendale Road. The property owner is seeking approval of a 2-lot Certified Survey Map (CSM) and rezoning application to re-divide two parcels on 40.1 acres of land. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the 2-lot Certified Survey Map and proposed Rs-2 & A-1 to Rs-1 & A-2 rezoning for the Wetterau properties located on Goldendale Road subject to the following conditions:

- 1. All technical corrections identified by the Village Surveyor as summarized in the March 16, 2018 memo shall be made prior to recording the CSM.***

MOTION carried unanimously.

Trio Engineering, Agent for the Germantown School District, property owner of the Germantown High School – W180 N11501 River Lane. The property owner is seeking approval of a Certified Survey Map (CSM) to combine four existing parcels that comprise the Germantown High School property totaling 73.7 acres. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the Certified Survey Map land combination for the four parcels owned by the Germantown School District for the high school property located at W180 N11501 River Lane subject to the following conditions:

- 1. All technical corrections and issues raised by the Village Surveyor in the March 16, 2018 memo shall be addressed and/or corrected prior to recording the CSM.***

MOTION carried unanimously.

ANNOUNCEMENTS: Chairman Wolter said there is an election in one week. Commissioner Gray said she waited a half an hour to vote at the last election. Clerk Deanna Boldrey explained the turnout was higher than expected. Commissioner Laszewski said the state of pollinators is in a sad state and asked if there was a way to promote more Wisconsin plants in landscape plans. Planner Retzlaff offered to build in more stringent landscape requirements. Trustee Baum commented that could be very expensive, but he is in favor of standards, so the Plan Commission doesn't get a little hand sketched landscape drawing. Chairman Wolter agreed to look at something to help support pollinators and bring back what's been removed.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant