

PLAN COMMISSION MINUTES
May 11, 2020

CALL TO ORDER: Chairman Wolter called the meeting to order at 7:08 pm. The meeting was held as a virtual WebEx meeting.

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

PUBLIC INPUT: None

APPROVAL OF MINUTES:

MOTION Baum second Shadid to Approve the minutes from 4-13-20.

MOTION carried.

Waste Management - N96 W13840, W13600 & W13640 County Line Road. The applicant is requesting an amendment to Conditional Use Permit (CUP) No. 4-2019 to operate a truck maintenance facility and Site Plan Review for revised plans for a 29,760 square foot truck maintenance facility. Planner Retzlaff summarized the proposal.

Public Hearing opened at 7:20 pm.

- Don Smith, Waste Management, stated he would answer questions and clarified that Condition #7 be corrected to say compressed gas contain the same odorant found in gas supplied to homes and businesses.

- Richard and Sue Wruck, N96 W14193 Knollcrest Circle. Planner Retzlaff read their letter into the record citing concerns with generator noise, truck traffic noise and County Line Road deteriorating.

Public Hearing closed at 7:27 pm.

MOTION Baum second Shadid to Approve a conditional use permit (CUP) for Waste Management of WI (WM), property owner to develop and operate a 29,760 ~~35,035~~ sqft truck maintenance facility from the property located at N96 W13840 County Line Road subject to (7) 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 (CUP) and site plan application materials dated January 4, 2019, and supporting documents including a February 11, 2019 letter from Lynn Morgan, and a March 1, 2019 letter from Diversified Engineering Inc. The physical facilities from which said uses and activities are permitted include those as presented in the detailed site development and building plans dated February 28, 2020 ~~March 1, 2019~~. Days and hours of operation shall be limited to those specified in the CUP application and supporting materials submitted to the Village. This permit shall include the right to install and use a 10,000 gal above-ground storage fuel tank (AST) to be installed on the site.***
- 2. 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.***
- 3. In the event the Village receives complaints regarding noise negatively affecting the nearby residential areas that is coming from the truck maintenance facility operation, including but not limited to noise from truck-mounted backup alarms, WM will cooperate with the Village in resolving the issue. WM has indicated that they will replace the backup alarms with "white noise"***

warning devices if this noise becomes a problem.

4. *The LED fixtures proposed for installation and use on the building and site have the ability to be dimmed at no or low activity periods during the day. WM shall provide a mutually-agreeable schedule or plan detailing when and to what lighting levels the building and/or site lighting will operate and be dimmed on the site should be prepared and submitted to the Village as part of the operational plan. In the event the Village receives complaints regarding light and/or glare coming from the truck maintenance facility site that is not Village Code compliant or becomes public nuisance negatively affecting the nearby residential areas, WM will cooperate with the Village in resolving the issue.*
5. *No trash, recyclables or other waste material that may create an odor negatively affecting the nearby residential areas shall be kept on the property or in the waste removal/recycling trucks stored on the property.*
6. *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.*
- ~~7. *WM intends to combine a series of adjacent parcels pending approval of the CUP and site development and building plans. WM shall file the certified survey map (CSM) for purposes of combining their parcels within (90) days after Village Board approval of this CUP.*~~
- ~~8. *WM shall prepare and submit to the Village an updated wetland delineation for the property to ensure site development does not encroach into any wetland or the Village's 25' wetland setback. The CSM shall be submitted to the Village within (90) days after Village Board approval of this CUP.*~~
7. *WM indicated at the February 11, 2019 public hearing that the compressed natural gas (CNG) to be stored and dispensed on the property does not contain the same odorant found in gas supplied to homes and businesses. WM shall ensure that the storage and use of CNG at this facility does not create an odor or safety issue affecting employees on the site or residents and property owners in the surrounding area.*

MOTION to Amend Baum second Nilles to clarify condition #7 by taking out the word not -“the compressed natural gas stored and dispensed on the property does not contain the same odorant”.

Discussion followed. Don Smith, WM, said compressed natural gas vehicles would be extremely quiet. He explained the trucks would hook up to a hose at the end of the day so they are ready in the morning. Maria, TruStar Energy, explained the compressors have low level noise and would not all run at the same time. Commissioner Williams asked if the Village of Germantown is listed on their pollution liability policy including the onsite cleanup pollution liability policy. Mr. Smith agreed to set that up.

MOTION to Amend carried unanimously.

MOTION to Amend Williams second Baum to require Waste Management to add the Village of Germantown as an additional insured on the pollution liability policy as well as the excess pollution liability policy.

MOTION to Amend carried unanimously.

MOTION to Approve the CUP as Amended carried unanimously.

MOTION Baum second Shadid to Approve the site development and building plans for a 29,760 ~~35,035~~ sqft truck maintenance facility from the property located at N96 W13840 County Line Road subject to (11) 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 plan set dated February 28, 2020 ~~March 1, 2019~~, and the site plan application materials dated ~~January 4, 2019~~, and supporting documents including a February 11, 2019 letter from Lynn Morgan, and a March 1, 2019 letter from Diversified Engineering Inc., unless superseded by subsequent plan sheets approved by the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission.**
- 2. All landscaping, screening, grading, paving, storm water management, utility and other improvements that are not fire-safety related as 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.**
- 3. The following items shall be provided as required by the Village Fire Department: (a) a Knox Box shall be located and installed to a mutually-agreeable location approved by the Germantown Fire Department; (b) the maintenance building and office will require fire sprinkler protection per IBC 903.2.9.1; (c) the Fire Department Connection (FDC) location shall be approved by the Germantown Fire Department; (d) a new man gate shall be installed at the southeast corner of the fenced area on the south side of the maintenance parking lot at a mutually-agreed to location and design with the Germantown fire Department; (e) State approval is required for the 10,000 gal above-ground diesel fuel storage tank.**
- 4. 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.**
- 5. All technical issues, corrections and plan requirements identified by the ~~Village Engineer and Public Works Department~~ staff (see March 24, 2020 February 12, 2019 Village Engineer memo) 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 (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS).**
- 6. WM shall cooperate with the Germantown Fire Department and Menomonee Falls engineering and water utility to ensure adequate water supply and fire flow pressure is provided to the proposed maintenance facility, including conducting pressure testing. WM shall install new fire hydrants and/or other water system improvements required by Menomonee Falls.**
- 7. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.**
- ~~8. WM shall prepare and submit to the Village an updated wetland delineation for the property to ensure site development does not encroach into any wetland or the Village's 25' wetland setback. The CSM shall be submitted to the Village within (90) days after Village Board approval of the CUP. In the event development encroaches into a wetland or 25' wetland setback, WM shall obtain the necessary WisDNR and Village permits, or modify the site development accordingly.~~**
- ~~9. All landscaping, screening, grading, paving, storm water management, utility and other improvements that are not fire-safety related as 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.~~

8. **WM shall revise the landscape plan to address the Village's street tree requirements. At a minimum, additional street trees in an amount equal to one (1) tree per 50 feet of road frontage of the existing Port-O-Let parcel shall be added to the plan and installed in addition to the site landscaping already shown in the landscape plan.**
9. **WM shall cooperate with the Menomonee Falls engineering and highway departments to ensure adequate road and intersection capacity and level of service is provided to the proposed maintenance facility and adjacent road system, including the driveway intersections onto County Line road and the Fond du Lac Ave/STH145 intersection. WM shall install and/or contribute to the cost of all road and intersection improvements deemed necessary as a result of or contribution of traffic generated to/from the proposed truck maintenance facility as required by the Menomonee Falls Village Engineer.**
10. **The paving options shown on Sheets C1.10 and C1.11 include an option for a crushed limestone aggregate surface course for the drive areas around the building and truck parking areas. The Village Code requires bituminous concrete or concrete pavement on non-residential parking areas and drive lanes. The crushed aggregate alternative shall not be installed. WM shall consult with the Village Engineer to investigate acceptable alternative paving options prior to installation of the parking areas and drive lanes if necessary.**
11. **The landscape plan shall be revised as recommended by the Village Forester to: (a) replace White Spruce with Norway Spruce; and (b) replace Balsam Fir with Concolor Fir.**

MOTION carried unanimously.

Menard Inc. - W186 N9754 Appleton Avenue. The property owner has submitted Rezoning, Conditional Use Permit and Site Development and Building Plan applications in support of a proposed storage yard expansion, warehouse addition, building addition and exterior remodeling to the existing store. Planner Retzlaff summarized the proposal.

Public Hearing opened at 7:58 pm.

-Tyler Edwards, agent for Menard Inc., said they were excited to move forward with expanding the store and would answer any questions.

Public Hearing closed at 8:04 pm.

MOTION Baum second Laszewski to Approve the request to rezone and remove 39,833 sqft (.914 acres) of filled wetland from the Shoreland-Wetland Zoning District as shown in the detailed site plans subject to one (1) condition:

1. **Menards shall provide a legal description of the wetland fill area to Village staff prior to scheduling the rezoning application for Village Board review.**

MOTION carried unanimously.

MOTION Baum second Shadid to Approve a Conditional Use Permit to allow development within the 25' wetland setback area pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code as presented in the revised Site Plan set dated March 5, 2020 (Sheet C1.3).

MOTION carried unanimously.

MOTION Baum second Shadid to Approve a revision to Conditional Use Permit (CUP) #7-2002 to increase the size of retail building to 169,300 sqft with an additional warehouse area of

51,750 sqft consistent with the proposed facility expansion presented in the Site Plan set dated March 5, 2020 (Sheet C1.3).

MOTION carried unanimously.

MOTION Baum second Shadid to Approve a revision to Conditional Use Permit (CUP) #8-2002 to increase the size of the enclosed storage yard to 3.85 acres as shown in the Site Plan set dated March 5, 2020 (Sheet C1.3).

MOTION carried unanimously.

MOTION Baum second Laszewski to Approve the site development and building plans for the proposed storage yard expansion, warehouse addition, building addition & exterior remodeling to the existing Menards home improvement and retail store located at W186 N9754 Appleton Avenue 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 development and building plan set dated as set forth below unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission:**

Landscaping & Lighting Plans dated October 15, 2019

Architecture & Building Elevation Plans dated October 3, 2019

Engineering Plans dated February 24 & March 5, 2020

- 2. All landscaping, screening, grading, paving, storm water management, utility and other improvements that are not fire-safety related as 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.**
- 3. 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.**
- 4. All technical issues and plan corrections identified by the Public Works Department/Village Engineer in the November 11, 2019 review letter, including final approval of the engineering plans and stormwater management report, shall be addressed and reflected in revised plans and/or supplemental information reviewed and approved by the Public Works Department prior to issuance of a building permit (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS).**
- 5. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.**
- 6. Relocation of the storage yard access gate/canopy to the southeast side of the retail building requires the construction of a wall or fence between the existing building and the gate/canopy structure. Menards shall install the same 14' high wood "privacy" fence/wall that is installed around other portions of the storage yard. Menards shall be responsible for the installation and ongoing maintenance of the approved landscaping along the outside of the wall to ensure the appearance of the fence/wall does not become dilapidated or a visual eyesore (as a result of staining, mold, etc.).**

Trustee Baum stated he has a problem with accessing the rear lot on the east side of the property. He said that combined access to Appleton Avenue is the busiest access point and there are cars

backed up in all directions and now it will be compounded with cars waiting and staging to get to the back yard. He asked if there was another solution to access the back yard. Mr. Edwards explained how the new gate with three lanes would expedite entering the yard area. Trustee Baum said that won't help because most people use the shared entrance as the primary entrance and not the center one. He commented that on a Saturday people are cutting each other off and the left turn lane will queue up with people coming from Menards and Steins with 10 to 12 cars stacked up forming a Y. He said the issue needs to be resolved with this operation. Chairman Wolter agreed saying he frequents both retail outlets and it can be a congestion point. He said the middle entrance is not used as often as it should be and the heaviest entry point is coming in the far southern entrance. Mr. Edwards explained products will be in the approximate same locations. He explained they want to move the heavier truck and vehicle traffic away from the garden center to help with safety.

***MOTION to Amend Baum second Nilles that the fencing choice is the wood plank fence.
MOTION carried unanimously.***

Discussion continued. Mr. Edwards said yard traffic is significantly less than the general traffic to the parking lot and there will not be a significant increase of people coming in from the street driving into the gate. Trustee Baum said he has encountered traffic backed up going out and inbound and the tie up station in the parking lot creates more congestion. He said there is too much happening in one spot. Mr. Edwards offered to move the tie down area inside the yard with a dedicated space and not cause further congestion in the parking lot. Planner Retzlaff asked if there was a way to modify the island as it enters into the parking lot to separate traffic better with more queuing area. Mr. Edwards commented there may be an opportunity to connect the islands so there are not so many entrances converging on one.

***MOTION Baum second Laszewski to Postpone the Site Plan approval until Menards comes back with an alternative for the Steins shared entry and it is resolved to a satisfactory condition to allow better traffic flow.
MOTION carried 5-1 (Nilles).***

Planner Retzlaff said staff would work with Menards on alternatives. Chairman Wolter said he appreciates Menards coming forward and expanding their business in Germantown.

All Terrain Construction - N112 W14972 Mequon Road. Scott Morgan, property owner, is requesting approval of a Conditional Use Permit (CUP) to operate a Construction Services Contractor Shop. Associate Planner Zandt summarized the proposal.

Public Hearing opened at 8:38 pm

- Frederick Gierach, N128 W19157 Holy Hill Road, Richfield, WI - Chairman Wolter read his letter into the record. Mr. Gierach indicated he did not object to the proposed use but questioned the capability of the property being able to support the business.

Public Hearing closed at 8:45 pm

MOTION Baum second Shadid to Approve a conditional use permit (CUP) for Scott Morgan and All-Terrain Construction to allow the operation of a construction services contractor shop at the property located at N112W14972 Mequon Road subject to 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 (CUP) application and supporting documents dated February 26, 2019. The size and relative location of those***

- areas within the property from which said uses and activities are permitted are limited to that presented in the detailed site plan and description submitted with the supporting documents. Days and hours of operation shall be limited to those specified in the CUP application and supporting documents submitted to the Village. The Owner/Operator is responsible for reporting any significant changes in the type, intensity, amount or location of the land uses and activities, days and hours of operation, size or location or other operational characteristics of said uses and activities authorized under this CUP to the Village Planner.**
- 2. A Site Plan shall be reviewed and approved by the Plan Commission for a paved driveway and parking area, accessory building in the rear of the existing building, and the modified front paved area/driveway modifications within three (3) months of CUP approval. This approval shall include all items deemed necessary by the Village Public Works Department as outlined in the memo dated March 25, 2020 and any other information requested by Village Staff. The paved driveway and parking area shall be installed no later than six (6) months from the date of site plan approval. The accessory building shall be constructed within one (1) year of site plan approval.**
 - 3. The existing pavement in the front yard shall be reduced in size to come into conformance with current driveway width (maximum 40' at road right-of-way) and residential setback requirements from a residential district (50'). Subsequently, the number of driveways shall be reduced to one, which meets current Village Public Works Department and/or WI Department of Transportation (WisDOT) driveway requirements. Pavement for the existing sidewalk shall also be extended and/or replaced at that time. All listed improvements included in this condition shall be completed no later than two (2) years from the date of site plan approval in accordance with Village Code (Chapter 17.43 Site Plan Approval Requirements).**
 - 4. The outdoor storage of construction vehicles, equipment, and materials between the front of the existing residential dwelling and Mequon Road shall be prohibited. All storage of construction vehicles, equipment and materials shall be limited to the rear and/or side yards of the property and be enclosed and screened from view by adjacent properties.**
 - 5. In the event the Village receives complaints regarding outdoor storage, noise, dust, odor, vibration or other negative impacts on surrounding neighborhood and properties, the Owner/Operator shall work cooperatively with the Village to mitigate and resolve the issue.**
 - 6. Temporary company vehicle parking may be permitted in the front of the property for up to six (6) months from the date of Site Plan Approval by the Village Plan Commission to accommodate the construction of the proposed driveway and parking area in the rear of the property. Temporary company vehicle parking may also be permitted and during construction of the accessory structure in the rear of the property. Once completed, there shall be no parking of company vehicles or other storage in the front of the property.**
 - 7. All nonconforming signage shall be removed from the property. All temporary and permanent exterior signs require a permit and shall comply with all current sign regulations.**
 - 8. Site improvements, buildings, signage, exterior lighting and any other improvements on the property that are necessary for the land uses and activities authorized under this CUP shall be reviewed and approved by the Village through the Zoning Permit or Site Plan application process as determined by the Village Zoning Administrator. If required, Site Plan review and approval will include Plan Commission review and approval.**
 - 9. 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.

Discussion followed. Trustee Baum stated he did not have a problem with the use and indicated it would be better if the accessory building was constructed sooner than later to avoid the backyard getting cluttered with junk. Associate Planner Zandt commented that staff tried to address outdoor storage in condition #4 by stating no vehicles can be stored in the front yard. Chairman Wolter asked if there were plans to remove any trees on the lot. Mr. Morgan said a majority of the trees would need to be removed to provide enough room for parking. He said he may not be able to complete the driveway before winter because the front of the property needs to be redone including removing a large section of asphalt, eliminating one entrance, repaving everything in the front including the sidewalk and curb and extending the watermain. He stated he would be willing to put shrubs in along the apartment line as a privacy screen that would be located on an earth berm on the apartment property to create more separation and privacy. He would also install a berm along the back of the property on the east. He explained his business is seasonal and plans to construct the accessory building in fall when his season is over.

MOTION carried 5-1 (Nilles)

Redline Canine Training Center - W188 N11786 Maple Road. Lynne Luckow, operator, is seeking an amendment to the existing Conditional Use Permit (CUP #01-19) for the dog training and education facility. Associate Planner Zandt summarized the proposal. She explained Ms. Luckow had spoken with her about increasing the occupancy limit in the building and said staff believes that is addressed in Conditions #4 and #5 in the existing CUP, per the requirements of the fire department. Chief Delain said he had spoken to Ms. Luckow about changing use of the building to a class b kennel that would change the occupancy limit to up to 130 people ratio and that would be allowed with the conditions in place.

Lynne Luckow explained she had reached out to the fire department to discuss adding the additional space and if he had any additional concerns. Associate Planner Zandt stated Condition #4 and #5 do not limit the number of people allowed to 49 people but allow the option to work with the Fire Department regarding maximum capacity. She added there was nothing in the existing conditions that would limit the ability to do so. Chief Delain stated a change in capacity would be approved at staff level to reclassify the occupancy from class B to kennel.

Public Hearing opened at 9:16 pm.

Public Hearing closed at 9:18 pm.

MOTION Baum second Williams to Approve a conditional use permit amendment 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) to include the space in Suite 1, expand hours of operation to 24 hours/day 7 days/week and to add canine massage to the list of available services subject to all conditions of CUP #01-19 and the addition of the following condition:

- 1. This permit authorizes limited uses and activities as set forth in the conditional use***

permit amendment application dated February 3, 2020 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.

MOTION to Amend Baum second Shadid to revise Condition #5 of the existing CUP #01-19 to “re-classify the occupancy type from business to kennel”.

MOTION to Amend carried unanimously.

MOTION to Approve as amended carried unanimously.

Enviro-Safe Consulting - W130 N10500 Washington Drive. The request is for approval of site development and building plans for a 29,746 sqft expansion to the existing hazardous/non-hazardous processing, transfer, storage and recycling facility. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the site development & building plans for a 29,746 sqft expansion to the existing Enviro-Safe facility located on the 5.6-acre parcel at W130 N10500 Washington Drive in the Germantown Business Park subject to the following (11) 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 plan set dated February 4, 2020 and supporting documents including a February 3, 2019 letter from Michael Krenz, Skyline Development Corp., unless superseded by subsequent plan sheets approved by the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission.***
- 2. All landscaping, screening, grading, paving, storm water management, utility and other improvements that are not fire-safety related as 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.***
- 3. All technical issues, corrections and plan requirements identified by the Public Works Department staff (see April 9, 2020 letter from Troy Hartjes, RA Smith, and an April 3, 2020 Village Surveyor Engineer memo) 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 or as may be mutually agreed to with the Public Works Director (excluding “early start” site clearing and footing/foundation work approved by the Village and/or WI DSPS).***
- 4. Enviro-Safe shall re-evaluate and update the Closure Plan required under Condition #5 in Conditional Use Permit #6-15 given the significantly larger amount of storage capability for both hazardous and non-hazardous material and adjust the financial surety amount accordingly. Results of said re-evaluation shall be submitted to the Village Planner for review and approval within six (6) months after the date the occupancy permit is used for the proposed building expansion.***
- 5. Enviro-Safe shall re-evaluate and update the Spill Prevention, Control and Countermeasure Plan (SPCC) required under Condition #1 in Conditional Use Permit #6-15 given the significantly larger amount of storage capability for both hazardous and non-hazardous material. Results of said re-evaluation and updated SPCC shall be submitted to the Village Fire Chief for review and approval within six (6) months after the date the occupancy permit is used for the proposed building expansion.***

6. ***The landscape plan shall be revised as recommended by the Village Forester to: (a) identify the tree species, size and future location of the transplanted removed trees on the landscape plan; (b) identify the quantities for each new plant species that will be installed on the plant schedule; and (c) install/replace an alternative species to one of the two Maple tree varieties proposed to promote diversity.***
7. ***Additional landscaping shall be installed in the northwest corner of the site and along the north elevation to further enhance the appearance of the north elevation and provide a better visual screen of the loading dock area on the north elevation. Said landscaping shall include evergreen trees & shrubs like those previously installed along the north elevation that are now proposed to be relocated, A revised landscaping plan shall be prepared and submitted to the Village Planner for review and approval prior to issuance of an occupancy permit.***
8. ***State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application (in addition to the bonding requirements of Section 11.071).***
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. ***Enviro-Safe shall coordinate an inspection of the existing sampling manhole. If said manhole is found to not be code compliant, Enviro-Safe shall upgrade the manhole to current Code in coordination with the Wastewater Utility.***
11. ***Pursuant to the provisions and requirements of Section 24.04 of the Shoreland-Wetland Code, Enviro-Safe shall obtain a conditional use permit for the proposed driveway encroachment into the 25' wetland setback prior to commencing construction of said driveway. In the event that the wetland associated with the regional storm basin is determined to be an "artificial wetland" (and consequently exempt from regulation) by either the WisDNR or Village of Germantown, this requirement shall not apply.***

Commissioner Williams asked if the Village is listed as an additional insured on the Enviro Safe pollution control policy. Mr. Vilione said he would list the Village as an additional insured on the policy.

Chairman Wolter stated Mr. Vilione has run an exemplary service for what he does and has proven it's a top-notch service without any issues. He congratulated him on his success and the need to expand his business. Chief Delain added that the business has been run excellent and has given the fire department everything they need to do their job.

MOTION carried unanimously.

Bliffert Lumber - N116 W16474 Main Street. The property owner is seeking approval of site development and building plans to enclosed approximately 3,800 square feet in the front area of the existing building (already covered) for additional retail space as well as the addition of an entrance tower and front porch area. Additional customer parking spaces will also be marked in the front of the building. Associate Planner Zandt summarized the proposal.

MOTION Baum second Laszewski to Approve the site development and building plans for the proposed 3,800 square foot enclosure, entry tower, and porch area to the existing facility located at N116 W16474 Main Street subject to the following conditions:

1. ***Approval is for the site development and building plan set dated April 23, 2020 (unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein or by the Plan Commission).***
2. ***All information and revised plans including, but not limited to, the items identified in the Memo from the Public Works Director dated May 7, 2020 must be submitted to the Village Public Works Department staff for review and approval prior to the issuance of***

- a building permit for the proposed work. This shall include either the widening of the existing driveway or a connection between the existing residential driveway to the west and the Bliffert commercial property.*
- 3. A landscaping plan, meeting the requirements of Chapter 17.43(5) Site Plan Approval Requirements shall be submitted and approved by the Village Arborist and Planning Staff prior to the issuance of any permits for the proposed work.*
 - 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. State approved plans and a \$20,000 occupancy bond may be required by Inspection Services as part of the building permit application.*
 - 6. If proposed in the future, all exterior signage and exterior lighting will require separate review and approval by the Plan Commission.*

Trustee Baum asked which access alternative was preferred. Josh Brown, Bliffert Lumber, said they would prefer to widen the drive in the event the residential property is ever sold off and to not inconvenience any tenants. Fire Chief Delain stated the department had initially required a fire hydrant be added to the site to help suppress any fires in the lumber yard, but there were concerns with flooding the adjacent property. He explained widening the driveway and gate would allow the fire department to get appropriate apparatus to that area. Chairman Wolter said he appreciates the proposed changes and for enhancing the building and area.

MOTION carried unanimously.

Zilber Property Group - W210 N13150 Gateway Crossing. The request is for approval of Site Development and Building Plans for the fourth phase of development in the Germantown Corporate Park which includes a 146,000 square foot industrial building. Associate Planner Zandt summarized the proposal.

MOTION Baum second Shadid to Approve the site development and building plans for Zilber 4 (146,000 square foot industrial building) in the Gateway Corporate 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 following architectural and engineering plans unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:*
 - a. "Onsite Civil Engineering and Infrastructure Plans for the Zilber Industrial 4 at Germantown Corporate Park" dated April 16, 2020.*
 - b. Architectural plans labeled "Zilber Industrial 4" dated March 25, 2020 and revised April 10, 2020;*
- 2. 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.

3. *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.*
4. *All outstanding items and issues identified by Village Staff in the following review memos shall be resolved and reflected in additional information and/or revised plans submitted to Staff for further review, comment and approval prior to issuance of a building permit for the Zilber 4 building (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS):*
 - a. *March 24, 2020 memo from Public Works Director, Larry Ratayczak*
5. *State approved plans and a \$20,000 occupancy bond are required by Inspection services as part of the building permit application.*
6. *The following items shall be provided as required by the Village Fire Department:*
 - a. *An approved water supply with fire hydrants required at intervals of approximately 400' apart.*
 - b. *Fire Sprinkler and alarm systems shall be installed as required by IBC based on occupancy class (currently unknown). Locations of fire protection equipment is subject to approval of GFD.*
 - c. *Knox boxes will be required on each building at locations to be determined by GFD.*
7. *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 the Zilber 4 building.*

MOTION carried unanimously.

Germantown Dental Care - N112 W16286 Mequon Road. The request is for approval of two wall signs. Associate Planner Zandt summarized the proposal.

MOTION Baum second Shadid to approve the proposed wall sign on the south elevation for the Germantown Dental Care property subject to the following condition:

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

MOTION carried unanimously.

MOTION Baum second Shadid to approve the proposed wall sign on the west elevation for the Germantown Dental Care property subject to the following condition:

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

MOTION carried unanimously.

American Parts Equipment Supply - W188 N10707 Maple Road. The request is for approval of a wall sign. Associate Planner Zandt summarized the proposal.

MOTION Baum second Shadid to Approve the proposed wall sign for the American Parts Equipment Supply subject to the following condition:

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

MOTION 5-1 (Williams)

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:04 pm.

Respectfully submitted,

Lori Johnson

Planning Assistant