PLAN COMMISSION MINUTES
October 12, 2015

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

ROLL CALL: Chairman Dean Wolter, Trustee Representative David Baum, Commissioners Bill Shadid, Tim Yokes, Mary Ellen Gray, Peter Nilles and Tony Laszewski were present. Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson were also present.

PUBLIC INPUT: None

PREVIOUS MINUTES: ***MOTION Baum second Shadid to Approve the minutes from 9-14-15.***

MOTION carried unanimously.

Brian & Kevin Kazmierczak – N128 W21030 Holy Hill Road. The property owners of an 18.78 acre parcel located on Holy Hill Road ½ mile east of US 41/45 are requesting approval of a rezoning and 2-lot Certified Survey Map (CSM) in order to create one (1) 5-acre parcel containing an existing farm dwelling and buildings. Planner Retzlaff summarized the proposal. The staff recommendation is to deny the rezoning and the certified survey map because the proposal is inconsistent with the land use plan map and will make it difficult to develop into a mixed use development by fracturing the area and by creating a separate 5 acre parcel.

Brian Kazmierczak said he is selling this property to the farmer across the street for him to be able to store his machinery. He realizes the land has a greater use potential down the road and as a condition of the sale, he has a buy back provision with the buyer. If development occurs and he needs to buy the property back, it is something he will be able to do at any point. Discussion followed. Planner Retzlaff said the Village has no control over the buy back feature and asked what would preclude Mr. Kazmierczak from leasing the buildings to the farmer for his use. Mr. Kazmierczak said he does that now but does not want the tax or building liability. He said he would prefer to split off a smaller lot but the Village requires a 5 acre lot size in this area. Planner Retzlaff said he is eligible to petition for rezoning and land division consistent with the land use plan, but the area is classified as mixed use and is intended for non-residential uses and higher density multi family and single family. Chairman Wolter questioned if the property needed to be rezoned to Rs-1. He said the owner is stuck in our zoning code to create the 5 acre parcel. Planner Retzlaff reasoned that it didn't make sense to split off a separate parcel because a preferred, mixed used proposal may come in that would then need to work around the 5 acre tract. Mr. Kazmierczak said he doesn't want to create that kind of problem for future development either. Trustee Baum said he was satisfied with the buy back provision because the big picture is more valuable to the owner.

MOTION Baum second Shadid to Approve the proposed A-1 to Rs-1 Rezoning for the proposed 5-acre parcel (Lot 2 on the proposed CSM); and

Approve the proposed 2-lot Certified Survey Map (CSM) as drafted subject to the following conditions:

1. ***All requirements and technical corrections identified in the Village Surveyor's September 21, 2015 memo shall be addressed in a revised CSM prior to Village Board approval.***

2. ***A note shall be included on the CSM indicating that "Lot 1 shall not be further divided or developed with any habitable structures until such time as soil evaluations indicating that the land can support an on-site septic system have been submitted to the Village of Germantown (unless Lot 1 is served by municipal sanitary sewer).***

Commissioner Shadid said he didn't understand the need for the rezoning. Planner Retzlaff explained the Village of Germantown has a zoning district requirement, but said the parcel could remain agricultural. Chairman Wolter said keeping the agricultural zoning would keep the property cleaner.

MOTION to Amend Shadid second Laszewski to leave the zoning at A-1.

Mr. Kazmierczak said he is doing everything possible to make sure someone can buy this property. Planner Retzlaff said he'd rather not create the future problem and avoid the remnant situation now.

MOTION to Amend carried. (6-1 Baum)

MOTION to Approve as Amended carried unanimously.

Henry & Julie Schlee – W148 N12455 Pleasant View Drive. The property owners of a 43.3 acre parcel have requested a consultation with the Plan Commission to discuss a potential 3-lot Certified Survey Map (CSM) and rezoning in order to create three (3) parcels. Because of the limited amount of frontage on Pleasant View Drive, the owner's only option is to pursue a shared driveway for the 3 parcels. Plan Commission should discuss if additional road right of way or road reservation should be required in the event Lovers Lane Road would be extended. Planner Retzlaff summarized the proposal. Mr. Schlee answered questions.

Plan Commission had the following comments and concerns:

- Trustee Baum would support a gravel driveway over 1200 sqft with a 30 foot diameter cul de sac at the end as requested by the owner. Mr. Schlee questioned where the cul de sac should be located because it is not known where the house will be.
- Is there a legal requirement to observe the 80' right of way that could have happened years ago. The road could be developed at some time in the future.
- A fire truck will not go down the driveway
- Leave the easement for the road – don't extend – leave it as is. Additional 7 foot road reservation not required.
- A 40 foot future road reservation should be shown on the CSM.

This item was a consultation. No action was taken.

Machining Concepts – W188 N12050 Maple Road. Germantown Realty Investments LLC, property owner, is requesting sign approval for the recently completed manufacturing facility. Planner Retzlaff summarized the proposal.

MOTION Baum second Yokes to Approve the proposed monument and directional signs for Machining Concepts located at W188 N12050 Maple Road.

Trustee Baum asked if the sign caused any sight line issues at the intersection. Wayne Beebot, owner, said the grading had been changed and the sign location was moved to address the sight line issue.

MOTION carried unanimously.

MOTION Baum second Shadid to go to Item E on the Agenda

Community Development Department – Discussion of 2015 Community Survey Results.
Planner Retzlaff reviewed the Community Survey process and results. He said 1,542 responses were completed on-line for a total of 42 percent response rate. A summary of the survey answers and responses to the essay questions 8 and 9 asking what caused the quality of life to change in the Village and what 1 thing would they change, were given to Commission members to review.

Commissioner Gray asked if there was a way to give a percentage of the same answer. Planner Retzlaff said the comments were summarized but a specific number of the same comment was not done. Commissioner Yokes said road improvements, a pool, a community center, full time fire department and K-4 were the most frequent comments. More family style restaurants was also a common response and well as preferring single-family housing and no multi-family development.

Planner Retzlaff asked what further analysis should be done with the data. He said the general reaction to multi-family development in the future did not get positive support. And he added that answers regarding future development questions differed depending what zone the response was from. Age range, relative location, how long someone has lived here or owned property here responses could be looked at closer for further analysis.

Commissioner Laszewski was surprised how many people support the Germanic themed architecture. Planner Retzlaff said 41 percent said to continue the requirement along Mequon Road and 30 percent wanted it applied throughout the Village. He said he could analyze comments by zone regarding preserving the rural character of the Village.

Chairman Wolter said he's interested in the data breakdown at the Holy Hill interchange area where development may occur next and see what people are looking for in regards to the type of development they want to see and how they feel about the 5 acre requirement or if that's too restrictive. He said a fair amount of the responses, approximately 75 percent, are against multi-family development becoming more dense. Planner Retzlaff said it is a balancing act between what the Village wants and possibly what the federal government might tell us to provide in our community. Chairman Wolter said he'd also like to see a breakout of how landowners north of Freistadt feel regarding land use versus those landowners south of Freistadt Road. Planner Retzlaff said 45 percent of the respondents want a more conservation design subdivision that are single family developments.

Commissioner Laszewski said he'd like to see a breakdown by zone how residents feel about future growth and what they want at the Holy Hill interchange area and along Freistadt Road. Chairman Wolter said the survey is a good tool for the future and allows us to get information as we look at different areas and developments that come through.

Community Development Department – Discussion and action on possible Zoning Code amendments regarding Planned Development District (PDD) provisions, density and lot size definitions. Planner Retzlaff said at the Plan Commission meeting in September, zoning code definitions and PDD provisions for surrounding communities was reviewed. It was agreed our code needs to be revised and build in some solid definitions and calculations. Planner Retzlaff said he tweaked the net acre definition that Plan Commission recommended last month to make it clearer. He agrees with the concept of excluding unbuildable lands from the calculation of density as a base in our general zoning districts, but said we need to have a provision in our plan development district regulations that allows the ability for the Village to be more flexible. The proposed language provides for the Village to negotiate density with a developer depending on the benefits the developer proposes. Discussion followed. Chairman Wolter said not all developments fit straight zoning and the PDD allows that flexibility of give and take. But the PDD overlay is what gets confusing. Planner Retzlaff said you need to start somewhere, and then re-write what needs to be changed to accommodate the development. Commissioner Gray said the new net acre definition and what it excludes is very strict. The ability to negotiate is necessary. Trustee Baum said the PDD can undo what the straight zoning requires, through negotiation, and could allow something different from what is permitted, to offset costs for the developer. Trustee Zabel said his understanding of a PDD is that the underlying zoning density still applies and that building materials, type of buildings or type of development are arbitrary. Planner Retzlaff said the proposed PDD definition creates a provision that enables the Village to increase density to some amount or percentage on a case-by-case basis given the size, location, type of development, quality of building materials, type and amount of amenities proposed by a developer.

MOTION Baum second Shadid to accept the new definition of Acre, Net 17.08(2a) as defined by the Village Planner.

17.08(2a) Acre, Net.

A measure of developable land area computed by subtracting unbuildable features including: ~~after excluding~~ dedicated rights-of-way required for existing streets and highways, 100 percent of area in navigable water bodies, rivers and streams ~~surface water~~, 100 percent of area in delineated wetlands, and 100 percent of area in the 100-year floodplain ~~areas~~. Area subject to more than one unbuildable feature shall be subtracted only once.

MOTION carried unanimously.

MOTION Baum second Shadid to accept the definition for 17.27(2)(d) Density as written by the Village Planner.

17.27(2)(d) Density.

The Planned Development District may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. ~~However, the density of use shall not exceed the density permitted in the underlying existing zoning district.~~ The Village may increase density, i.e. allowable development units greater than the amount allowed in the underlying zoning district, after considering the community benefits to be derived from the development based on the size, location, type of development, quality of building materials, and type and amount of

aesthetic, architectural, and recreational features and amenities proposed for the development.

Trustee Baum asked for confirmation that the definition could allow a change to density. Chairman Wolter confirmed that density could be negotiated.

MOTION carried unanimously.

ANNOUNCEMENTS: Trustee Baum said the Building Construction Oversight Committee and the Park and Recreation Commission will be meeting Wednesday, October 14, 2015 at 5:30 p.m. at the Senior Center to discuss the location and aesthetics for the band shell.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant