

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, March 21, 2016 7:00 p.m.

LOCATION: Germantown Village Hall Board Room

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **PRESIDENT'S REPORT**
- V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS:**
The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney and Village Clerk.
- VI. **CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:**
Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes)
- VII. **CONSENT AGENDA:**
 - A. Accounts payable/payroll
 1. March 10, 2016 Accounts Payable \$ 427,612.47
 2. March 8, 2016 Payroll (hourly) \$ 211,743.51
 3. March 15, 2016 Payroll (salary) \$ 80,159.00
 - B. Operator Licenses: March 22, 2016 – June 30, 2016: [Recommended Approval]
Shannon M. Roark
- VIII. **UNFINISHED BUSINESS:** None

IX. PUBLIC HEARINGS – 7:00 P.M. OR LATER: *The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).* None

- A. Josh & Kate Wirth, Agents for Steve & Victoria Wirth, Property Owners of a 14.7-acre Parcel located at N116 W12711 Elm Lane (Parcel GTNV#244-982); Conditional Use Permit (CUP) Application to allow the operation of a “Major” Home Occupation (Landscape & Hardscape Services Operation)

X. NEW BUSINESS:

- A. **Conditional Use Permit:** Josh & Kate Wirth, Agents for Steve & Victoria Wirth, Property Owners of a 14.7-acre Parcel located at N116 W12711 Elm Lane (Parcel GTNV#244-982); Conditional Use Permit (CUP) Application to allow the operation of a “Major” Home Occupation (Landscape & Hardscape Services Operation)
- B. **Certified Survey Map:** Tim Hiller, Agent for Steven Stoffel, Property Owner of a 7.14-acre Parcel located on Donges Bay Road ¼-mile west of STH145 (Parcel GTNV#351-990); Certified Survey Map (CSM) to create four (4) residential parcels in an existing Rs-4: Single-family Zoning District
- C. Animal Fancier License thru December 31, 2016:
John Swartz, W140N13914 Country Aire, Germantown
- D. Approval to Fill Vacant Position of Village Engineer
- E. Change Order Recommendation Visu-Sewer-Manhole Lining

XI. ADJOURNMENT

The next Village Board meeting will be on April 18, 2016 at 7:00 p.m.

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For Additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

IX. A
X. A

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: March 21, 2016

AGENDA ITEM: Public Hearing & New Business (CONDITIONAL USE PERMIT)

ITEM TITLE: Josh & Kate Wirth, Agents for Steve & Victoria Wirth, Property Owners of a 14.7-acre Parcel located at N116 W12711 Elm Lane (Parcel GTNV#244-982); Conditional Use Permit (CUP) Application to allow the operation of a "Major" Home Occupation (Landscape & Hardscape Services Operation)

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department 

SUMMARY EXPLANATION:

Josh & Kate Wirth, agents for Steve & Victoria Wirth, property owners of a 14.7-acre parcel located on Elm Lane are requesting approval of a Conditional Use Permit (CUP) to operate a "major" home-occupation landscaping services business from the property. Wirth Services Inc. is currently operating from an existing shed on the property. Wirth Services Inc. provides landscape and hardscape (patios, decks, fireplaces, arbors, etc.) design, installation and maintenance services. Hours of operation are generally 7:00am to 5:00pm. Wirth Services employs 4 part-time and 2 full-time employees.

Note: In addition to their CUP application, the Wirth's originally submitted CSM and rezoning applications with the intention dividing the 14.7-acre parcel and create a separate 5-acre lot for a new home. Those plans have changed and the CSM and rezoning applications have been withdrawn. The CUP application is moving forward in order to properly permit the existing landscaping operation being conducted from the Wirth property.

ATTACHMENTS:

- ◆ 2/8/16 Staff Report
- ◆ 2/8/16 Plan Commission Meeting Minutes
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATIONS:

APPROVE a conditional use permit (CUP) for the existing landscape services operation to operate as a "major" home-occupation subject to the following conditions:

1. The landscape services operation shall meet and continuously comply with all applicable provisions, limitations and regulations in Section 17.61 (Home Occupations and Professional Home Offices) of the Zoning Code.

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, March 21, 2016
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following applicant for: (1) a REZONING application to rezone the following described property from the A-2: Agricultural District to the Rs-1: Single-Family Residential District pursuant to Section 17.14 and (2) a CONDITIONAL USE PERMIT to allow the operation of a "Major" Home Occupation (Landscape & Hardscape Services) pursuant to Section 17.14(1)(b) and 17.61(3)(b) of the Municipal Code on the following described property:

Petitioners: Josh & Kate Wirth, Agents for Steve & Victoria Wirth, Property Owners
Property: N116 W12711 Elm Lane; Tax Key No. 244-982

Lot 2 of Certified Survey Map No. 5785, being a part of the Northeast 1/4 of the Southeast 1/4 of Section 24, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of the Southeast 1/4 of said Section 24; thence S88°20'55"W along the North line of said 114 Section, 272.00 feet; thence S1°49'20"E, 40.00 feet to a point in the South right of way line of Elm Lane, said point being the Northeast corner of Lot 2 of Certified Survey Map No. 5785, and the point of beginning of lands to be described; thence continuing S1°49'20"E along the East line of said Lot 2, 372.97 feet; thence S88°17'56"W along the East line of said Lot 2, 76.48 feet; thence S1°49'20"E along the East line of said Lot 2, 250.00 feet to the Southeast corner of said Lot 2; thence S88°18'47"W along the South line of said Lot 2, 982.34 feet to the Southwest corner of said Lot 2; thence N1°54'58"W along the West line of said Lot 2, 623.65 feet to a point in the South right of way line of Elm Lane, said point being the Northwest corner of said Lot 2; thence N88°20'55"E along said South right of way line, 1059.84 feet the point of beginning. Said lands containing 14.719 acres of land, more or less.

A copy of the application is on file in the Village Planning Department office and is available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

*Dated this 22nd day of February, 2016.
Barbara K. D. Goeckner, Village Clerk*

To Be Published On: March 3rd and March 10th, 2016

CERTIFIED SURVEY MAP (CSM), REZONING & CONDITIONAL USE PERMIT (CUP)

2/8/16 Plan Commission Meeting

Josh & Kate Wirth / Steve & Victoria Wirth

Village Planner Report

Germantown, Wisconsin

Summary

Josh & Kate Wirth, agents for Steve & Victoria Wirth, property owners of a 14.7-acre parcel located on Elm Lane are requesting approval of a rezoning and 2-lot Certified Survey Map (CSM) in order to create two residential parcels. Josh & Kate Wirth are also seeking approval of a Conditional Use Permit (CUP) to operate a "major" home-occupation landscape & hardscape services business.

Location: N116 W12711 & W12535 Elm Lane

Property Owner/

Applicant:

Steve & Victoria Wirth

N116 W12711 Elm Lane
Germantown, WI

Josh & Kate Wirth

N116 W12451 Elm Lane
Germantown, WI

Current Zoning District:

A-2: Agricultural

Proposed Zoning District:

Rs-1: Single-family Residential

Adjacent Land Uses		Zoning
North	Agricultural	A-1/A-2
South	Agricultural	A-2
East	Residential	Rs-3
West	Residential	Rs-2/Rs-3



Proposal

Josh & Kate Wirth, agents for Steve & Victoria Wirth, property owners of a 14.7-acre parcel located on Elm Lane are requesting approval of a rezoning and 2-lot Certified Survey Map (CSM) in order to create two residential parcels.

In addition, Josh & Kate Wirth are also seeking approval of a Conditional Use Permit (CUP) to operate a "major" home-occupation landscaping services business from Lot 1 of the proposed CSM. Wirth Services Inc. is currently operating from an existing shed located on proposed Lot 1 (the Wirth's live on the property immediately east). Wirth Services Inc. provides landscape and hardscape (patios, decks, fireplaces, arbors, etc.) design, installation and maintenance services. Hours of operation are generally 7:00am to 5:00pm. Wirth Services employs 4 part-time and 2 full-time employees. Wirth intends to build a new home Lot 1 in the Spring, 2016.

Staff CommentsConsistency with Village's Land Use Plan.

The Plan map classifies this property as "Low Density Residential" (2 DU per acre density with 20,000 sqft min. lot size). The proposed A-2 to Rs-1 rezoning (1 DU per 5 acre density with a 5-acre min. lot size) is generally consistent with the 2020 Land Use Plan, but is significantly less dense than what is planned by the Village.

Conformance with Zoning District & Subdivision Requirements.

The two proposed lots meet the requirements of the Rs-1 Zoning District. Soil evaluations conducted for Lot 1 indicate that it can support an on-site septic system (POWTS). Lot 2 has an existing and operation system for the existing residence. The nearest public water and sewer facilities are located >1/2 mile away at the Mequon Road @ Eisenhower Drive intersection.

As shown on the CSM, there's a large, almost linear wetland area associated with an intermittent stream that traverses the property and flows from south to north where it crosses Elm Lane. The wetland has been delineated and confirmed by the DNR. A second, smaller wetland is also shown on the CSM immediately south of the existing shed. However, since the wetland delineation and CSM were prepared, the DNR has conducted further site investigation and has determined that this area is actually an artificial wetland; a man-made swale for storm water drainage purposes. As such, this artificial wetland is exempt from DNR and Village regulation. Consequently, the small wetland shown on the CSM needs to be deleted (and a 75' setback shown around the navigable stream within the larger wetland complex).

The Village Surveyor has identified a few technical corrections/issues in his January 8, 2016 review memo (copy attached) that will need to be addressed as part of the final CSM prior to Village Board approval and recording.

Section 17.61 of the Zoning Code provides for and regulates home-occupations. While “minor” home-occupations are allowed in all residential zoning districts “by right” and do not need special permits or approvals, a “major” home-occupation is allowed in only the Rs-1 (5 acre), Rs-2 (2-acre) and Rs3 (1 acre) residential districts. Major home-occupations can be more intense in terms of their operation characteristics, have more employees (up to 5 non-resident employees), can operate from an accessory building, and have outside storage of materials and equipment provided it is screened from the public view.

Village Planner Recommendation

APPROVE rezoning the parcel from A-2: Agricultural to Rs-1: Single-family Residential;

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 January 8, 2016 memo shall be addressed in a revised CSM prior to Village Board approval;
2. The artificial wetland and 25' setback shown on the preliminary CSM shall be deleted from the final CSM, or, clearly noted as being an artificial wetland not subject to DNR and the Village's Shoreland-Wetland Zoning Code.

APPROVE a conditional use permit (CUP) for the existing landscape services operation to operate as a “major” home-occupation subject to the following conditions:

1. The landscape services operation shall meet and continuously comply with all applicable provisions, limitations and regulations in Section 17.61 (Home Occupations and Professional Home Offices) of the Zoning Code.

Steve & Victoria Wirth for Josh & Kate Wirth – N116 W12711 Elm Lane. The property owners of a 14.7 acre parcel located on Elm Lane are requesting approval of a rezoning and 2 lot Certified Survey Map (CSM) in order to create two residential parcels. Josh and Kate Wirth are also seeking approval of a Conditional Use Permit (CUP) to operate a “major” home occupation landscape and hardscape service business. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve rezoning the parcel from A-2: Agricultural to Rs-1: Single-Family Residential.

Commissioner Laszewski asked how home occupations are monitored. Planner Retzlaff explained he does a follow up inspection after any observations in the field or investigates complaints as they come in, or operations self-report like Wirth.

MOTION carried unanimously.

MOTION Baum second Nilles to 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 January 8, 2016 memo shall be addressed in a revised CSM prior to Village Board approval.***
- 2. The artificial wetland and 25' setback shown on the preliminary CSM shall be deleted from the final CSM, or, clearly noted as being an artificial wetland not subject to DNR and the Village's Shoreland-Wetland Zoning Code.***

MOTION carried unanimously.

MOTION Baum second Shadid to Approve a Conditional Use Permit (CUP) for the existing landscape services operation to operate as a “major” home-occupation subject to the following conditions:

- 1. The landscape services operation shall meet and continuously comply with all applicable provisions, limitations and regulations in Section 17.61 (Home Occupations and Professional Home Office) of the Zoning Code.***

Planner Retzlaff confirmed there had been no complaints on this business. He said this property is surrounded by intense vegetation and should not impact the neighborhood.

MOTION carried unanimously.

Steven Stoffel – N104 W14281 Donges Bay Road. Tim Hiller, agent for Steve Stoffel, property owner of a 7.14 acre parcel located on Donges Bay Road, is requesting approval of a 4-Lot Certified Survey Map application for a 7.14 acre parcel. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed 4-lot certified survey map (CSM) subject to the following conditions:

- 1. All requirements and technical corrections identified in the Village Surveyor's January 8, 2016 memo shall be addressed in a revised CSM prior to Village***



Village of



Germantown

Willkommen

Fee must accompany application

☒ \$1460 Paid \$ Date 1-4-16

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1 APPLICANT OR AGENT

Josh and Kate Wirth
1116 W12451 Elm Lane
Germantown WI 53022

Phone (414) 651-9703

Fax ()

E-Mail josh@wirthservices.com

PROPERTY OWNER

Steve and Victoria Wirth
1116 W12711 Elm Lane
Germantown WI 53022

Phone (262) 242-9037

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

Josh Wirth

3 PROPERTY ADDRESS

1116 W12535 Elm Lane
Germantown WI 53022

TAX KEY NUMBER

244982

4 DESCRIPTION OF EXISTING OPERATION

Briefly describe the use as it exists today, including use, size, number of employees, hours of operation, etc. If this permit involves new construction, describe the current status of the property, e.g. "vacant." Use additional pages as necessary.

We operate a small landscape company with a total of 6 employees from the hrs of 7am to 5pm.

5 DESCRIPTION OF PROPOSED OPERATION

Write the name of the proposed conditional use exactly as it appears in the Municipal Code.

Describe the proposed use, including size, number of employees, hours of operation and extent of any new construction/alterations.

Continue to operate landscape company as we have in the past.

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY — REQUIRED

6

Attach pages as necessary.

A division of Lot 2 of CSM No. 5785, Being a part of the
Northeast 1/4 of the Southeast 1/4 of Section 34 Town 9 North
Range 20 East in the Village of Germantown Washington County
Wisconsin

SUPPORTING DOCUMENTATION:

7

- ☐ Site plan and elevations for new construction (can be conceptual)
- ☐ Photos of existing use and/or proposed use operating elsewhere

☐ _____

☐ _____

READ AND INITIAL THE FOLLOWING:

8

JW

I understand that the Village is under no obligation to issue a Conditional Use Permit and will do so only if the applicant successfully demonstrates that the proposed use is harmonious with the neighborhood and the long range goals of the Village.

JW

I will notify the Village if any aspect of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.

JW

I understand that a Conditional Use Permit is valid only if the conditions and restrictions of the permit are met. I understand that failure to comply with any aspect of the permit may result in revocation.

SIGNATURES — ALL APPLICATIONS MUST BE SIGNED BY OWNER

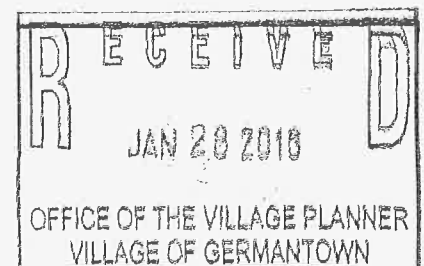
9

Robert S. Wint 12-28-15
Applicant Date

Steve W 1.1.2016
Owner Date

Wirth Services Inc Info

- a. # of Part time employees - 4
of Full Time employees -2
- b. (4) mid size pick up trucks and (1) small dump truck leave in the morning 7-730am and return to office between 3-6pm
- c. Wirth Services Inc provides landscape services including complete lawn care, tree and shrub care, tree and shrub planting and installation of paver patios and walls.
- d. There is no retail sales associated with Wirth Services
- e. Minimal noise in the morning and evening with the loading and unloading of equipment (lawn tractors and skid loaders.



CUP # xx – 16

Document No.

CONDITIONAL USE PERMIT

Document Title

**VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN
CONDITIONAL USE ZONING PERMIT**

Whereas the Applicant & Property Owner:

Josh & Kate Wirth, Applicants
Steve & Victoria Wirth, Property Owners

agrees to comply with applicable Codes and Ordinances of the Village of Germantown, Wisconsin, and further agrees that all work done pursuant to the permission granted herewith will conform with the applications and drawings filed with and approvals granted by officials of the Village for the purpose of obtaining this permit.

Now, therefore, this permit is issued to the Applicants & Property Owners to operate a "major" home occupation landscape and hardscape contracting and services operation located at N116 W12711 Elm Lane pursuant to Section 17.61(3)(b) of the Village Zoning Code.

Name & Return Address:

Village of Germantown
P.O. Box 337
Germantown, WI 53022

Parcel Identification No:

GTNV 244-982

On the following described property located in the Village of Germantown, Washington County, Wisconsin:

Lot 2 of Certified Survey Map No. 5785, being a part of the Northeast 1/4 of the Southeast 1/4 of Section 24, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of the Southeast 1/4 of said Section 24; thence S88020'55"W along the North line of said 114 Section, 272.00 feet; thence S1049'20"E, 40.00 feet to a point in the South right of way line of Elm Lane, said point being the Northeast corner of Lot 2 of Certified Survey Map No. 5785, and the point of beginning of lands to be described; thence continuing S1049'20"E along the East line of said Lot 2, 372.97 feet; thence S88017'56"W along the East line of said Lot 2, 76.48 feet; thence S1049'20"E along the East line of said Lot 2, 250.00 feet to the Southeast corner of said Lot 2; thence S88018'47"W along the South line of said Lot 2, 982.34 feet to the Southwest corner of said Lot 2; thence N1054'58"W along the West line of said Lot 2, 623.65 feet to a point in the South right of way line of Elm Lane, said point being the Northwest corner of said Lot 2; thence N88020'55"E along said South right of way line, 1059.84 feet the point of beginning. Said lands containing 14.719 acres of land, more or less.

Tax Key No: 244-982

Address: N116 W12711 Elm Lane

Pursuant to the following condition(s):

1. The landscape services operation shall meet and continuously comply with all applicable provisions, limitations and regulations in Section 17.61 (Home Occupations and Professional Home Offices) of the Zoning Code.
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 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.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the _____ day of _____, 2016.

ATTEST:

Dean Wolter, Village President

Barbara K. D. Goeckner, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this _____ day of _____, 2016, the above named Dean Wolter, Village President, and Barbara K. D. Goeckner, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

As Agents and Property Owners, we hereby accept the terms and conditions set forth in this Permit and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2016

Josh Wirth, Agent

Kate Wirth, Agent

Steve Wirth, Property Owner

Victoria Wirth, Property Owner

STATE OF WISCONSIN) SS
_____ COUNTY)

Personally came before me this ____ day of _____, 2016, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

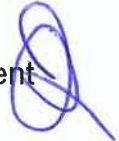
X.B

MEETING DATE: March 21, 2016

AGENDA ITEM: New Business **(CERTIFIED SURVEY MAP)**

ITEM TITLE: Tim Hiller, Agent for Steven Stoffel, Property Owner of a 7.14-acre Parcel located on Donges Bay Road ¼-mile west of STH145 (Parcel GTNV#351-990); Certified Survey Map (CSM) to create four (4) residential parcels in an existing Rs-4: Single-family Zoning District.

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department



SUMMARY EXPLANATION:

Tim Hiller, agent for Steven Stoffel, property owner, is requesting approval of a Certified Survey Map (CSM) to create four (4) residential parcels from the land once approved for a 9-lot residential subdivision known as "Walnut Grove". The property is located in an Rs-4: Single-family Zoning District (not exceeding 2.2 DU's per net acre).

At their meeting in February, the Plan Commission reviewed and passed a recommendation on to the Village Board approving a 4-lot CSM (see Alternative 1) with shared driveways each serving two lots. Based on a series of previous recommendations made by the Public Works Committee, the PC's recommended approval includes a number of conditions, including requirements to: (1) extend public water main through the property to complete a loop into Donges Bay Road; and (2) construct a permanent cul-de-sac closure at the end of Gatewood Place.

Since then, the developer has prepared a revised and preferred 4-lot layout (see Alternative 2 attached) and presented it to the Public Works Committee for further discussion and re-consideration of the requirement to install/extend public water main through the property. At their meeting on March 1, the Public Works Committee has recommended approval of the revised 4-lot layout (Alternative 2), a design of the proposed cul-de-sac closure, and, has rescinded their recommendation to require the extension of water main through the property subject to approval of the 4-lot layout by the Plan Commission.

A this time, given that the Plan Commission does not have a recommendation on the revised 4-lot layout (although different 4 and 5 lot configurations were briefly discussed), Conditions #2, #3 and #5 in the Plan Commission recommendation no longer apply as written. If the Village Board acts to approve the CSM with the revised 4-lot layout, there should be a requirement for a Developer's Agreement with respect to the public right-of-way dedication and road (i.e. cul-de-sac) construction and any other public improvements required under Section 18.08 of the Village Subdivision and Platting Code [e.g. sidewalks per 18.08(6)].

Finally, as directed by the Plan Commission, surrounding property owners who may be affected by recommendation to NOT extend and complete the road connection of Gatewood Place from the existing terminus to Donges Bay Road have been sent a letter explaining the proposal (copy attached).

The letter explains the proposal, includes copies of the alternative 4-lot layouts, and invites property owners to the March 21 Village Board meeting if they feel they have additional information the Village Board should consider before making a final decision concerning the proposed CSM land division and permanent closure of Gatewood Place (comments to be taken during the "Public Input" portion of the meeting).

ATTACHMENTS:

- ◆ 2/8/16 Staff Report
- ◆ 2/8/16 Plan Commission Meeting Minutes
- ◆ Adjacent Property Owner Letter

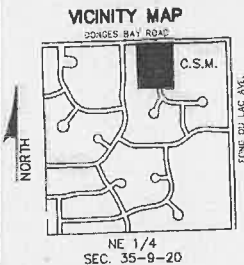
PLAN COMMISSION RECOMMENDATIONS:

APPROVE the proposed 4-lot certified survey map (CSM) subject to the following conditions:

1. All requirements and technical corrections identified in the Village Surveyor's January 8, 2016 memo shall be addressed in a revised CSM prior to Village Board approval;
2. A notation be placed on the CSM prohibiting access to Donges Bay Road from Lot 2 and Lot 3 except for the 20' shared driveway ingress/egress easement as shown.
3. A shared driveway installed within the ingress/egress easement proposed to serve Lot 2 & 3 and Lot 1 & 4 must meet the design requirements in Section 18.07 of the Subdivision Code, including the preparation and recording of a shared driveway/access easement agreement. Said access easement agreement shall be submitted to the Village for approval and recording concurrent with recording of the CSM.
4. The developer shall construct a permanent closure at the end of Gatewood Place and dedicate it to the Village as a permanent closure to the public street. The design of said closure shall be approved by the Village Public Works Department. In the event that said closure requires additional right-of-way to accommodate the design, orientation and/or extent, the right-of-way shall be designed and taken from the subject property and dedicated to the Village. At a minimum, said closure shall be adequate in size, geometry and construction materials to adequately and safely accommodate the Village's emergency and public works vehicles. Said closure should be installed concurrent with the installation of other public utilities, and, prior to the issuance of a building permit for the development of Lot 1 or Lot 4.
5. The developer shall be responsible for installing/extending public water main through the property in the easement as shown on the CSM, and, in compliance with the terms and requirements of a Developer's Agreement between the owner/developer and the Village. Said agreement to be prepared and approved in accordance with Village procedures prior to the commencement of any development activities and/or building permits for any of the four (4) residential lots. Sanitary sewer laterals serving the four lots and connecting to the exiting sewer line in Gatewood Place shall be installed within the easement as shown except that the existing lateral in the line located in the Donges Bay Road right-of-way in the vicinity of Lot 3 may be utilized with approval from the Public Works Department.

RECEIVED
FEB 01 2016
OFFICE OF THE VILLAGE PLANNER
VILLAGE OF GERMANTOWN

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWN 9 NORTH, RANGE 20
EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



CAPITOL SURVEY ENTERPRISES
220 REGENCY CT STE 210
BROOKFIELD, WI 53045
PH: (262)-786-6600
WWW.CAPITOLSURVEY.COM

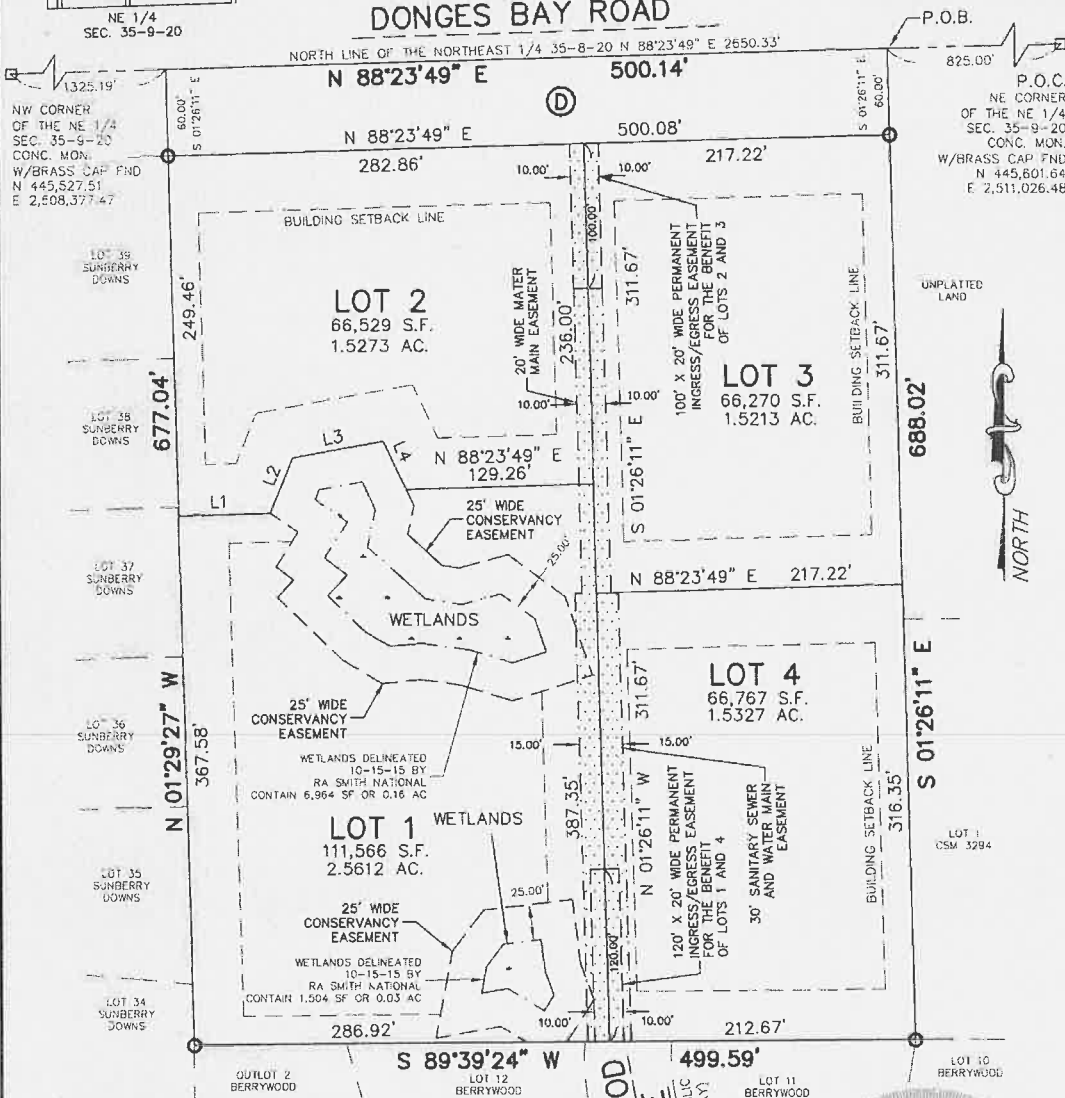
PREPARED FOR:
STEVEN A. STOFFEL
755 FALLS LANDING CT.
ALPHARETTA, GA 30022

SEE SHEET 2 FOR LINE TABLE.

SEE SHEET 3 FOR WETLAND AND
CONSERVANCY EASEMENT DETAIL.

PORTIONS OF SUBJECT PROPERTY
ARE LOCATED WITHIN AN AREA
HAVING A ZONE DESIGNATION X:
AREAS OF 0.2% ANNUAL CHANCE
FLOOD; FROM THE FEDERAL
EMERGENCY MANAGEMENT
AGENCY (FEMA), ON FLOOD
INSURANCE RATE MAP NO.
55133C0216G, WITH A DATE OF
IDENTIFICATION OF NOVEMBER 5,
2014, IN COMMUNITY NO. 550478,
THE CITY OF BROOKFIELD, WHICH
IS THE COMMUNITY IN WHICH THE
SUBJECT PROPERTY IS SITUATED.

DONGES BAY ROAD



ALL BEARINGS REFER TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 35-9-20, WHICH HAS A WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)(REVISION JAN., 2013 DATUM NAD 27) BEARING OF N 88°23'49" E.

○ - 1" IRON PIPE, FOUND

① - INDICATES 30,007 SQUARE FEET TO BE DEDICATED TO THE PUBLIC FOR ROADWAY PURPOSES.

ZONED: RS-4 SINGLE-FAMILY
RESIDENTIAL
SETBACKS:
FRONT = 40'
SIDES = 20'
REAR = 35'

FRONT = 40'
SIDES = 20'
REAR = 35'

GRAPHIC SCALE



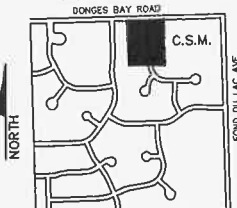
1 inch = 100ft.



CERTIFIED SURVEY MAP NO.

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

VICINITY MAP



CAPITOL SURVEY ENTERPRISES
220 REGENCY CT STE 210
BROOKFIELD, WI 53045
PH: (262) 786-6600
WWW.CAPITOLSURVEY.COM

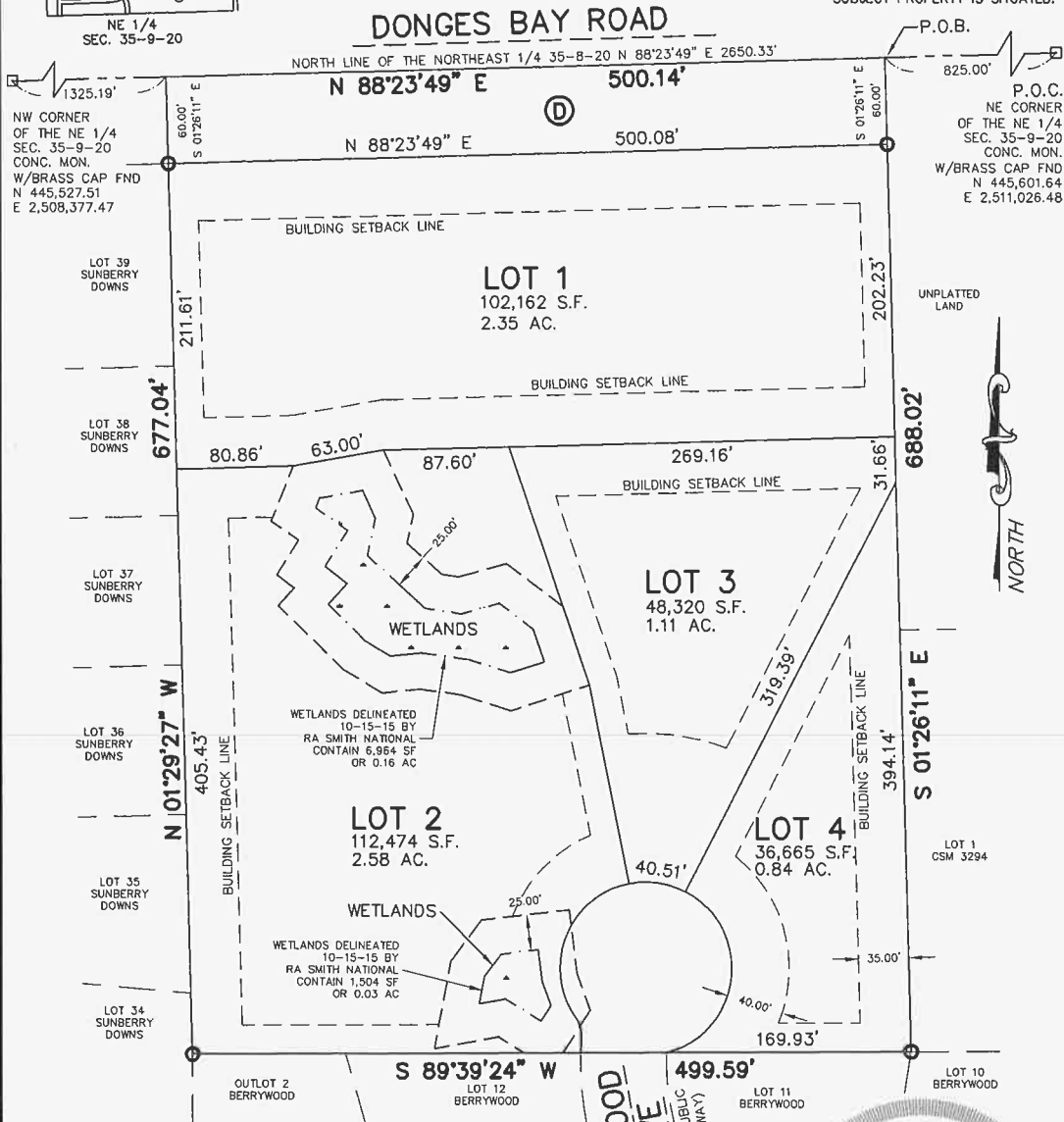
PREPARED FOR:

STEVEN A. STOFFEL
755 FALLS LANDING CT.
ALPHARETTA, GA 30022

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FLOOD; FROM THE FEDERAL
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ALL BEARINGS REFER TO THE NORTH LINE OF
THE NORTHEAST 1/4 OF SECTION 35-9-20,
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COORDINATE SYSTEM (SOUTH ZONE)(REVISION
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88°23'49" E.

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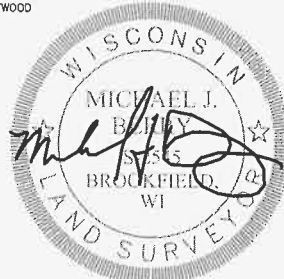
ⓓ - INDICATES 30,007 SQUARE FEET TO BE
DEDICATED TO THE PUBLIC FOR ROADWAY
PURPOSES.

ZONED: RS-4 SINGLE-FAMILY
RESIDENTIAL
SETBACKS:
FRONT = 40'
SIDES = 20'
REAR = 35'

GRAPHIC SCALE



1 inch = 100ft.





Village of



Germantown

Willkommen

Community Development Department

Jeffrey W. Retzlaff, AICP, Director

N112 W17001 Mequon Road P.O. Box 337

Germantown, WI 53022-0337

(262) 250-4735 direct line

(262) 253-8255 fax

Property Owner(s):

You are receiving this notice because you own property in the vicinity of a 7.14-acre property located on the south side of Donges Bay Road that is subject of a residential development proposal that may be of interest to you.

The development proposal discussed herein will be considered for approval by the Village Board on Monday, March 21, 2016 (meeting to be held in Village Hall starting at 7:00 p.m). While the Village Board's review of this proposal does not require a public hearing, the Plan Commission has recommended that surrounding property owners be notified and given an opportunity to provide feedback regarding the proposal at the Village Board meeting.

While currently undeveloped, the subject property received Village approval back in 2007 for a 9-lot residential subdivision known as "Walnut Grove". At that time, the development included an extension of Gatewood Place from Donges Bay Road to the northern edge of the Berrywood residential subdivision. Because of the financial crisis in 2008 and other related reasons, the owner/developer of the property did not commence development and let the various permit and plan approvals expire.

At this time, the owner/developer is proposing to divide the 7.14-acre property into four (4) lots, and, NOT extend Gatewood Place to Donges Bay Road. Under the owner/developer's proposal (a copy of two alternative site plans are included on the back of this notice), a permanent cul-de-sac would be added to the end of Gatewood Place within a portion of the existing right-of-way and onto the 7.14-acre property as needed (see enclosed site plans).

At the meeting, the Village Board will review the owner/developer's 4-lot development proposal, the Plan Commission's recommendation (to approve Alternative 1), and other information they feel is important to consider before making a decision. For that reason, you are invited to attend the Village Board meeting and provide your opinion or other feedback you feel the Board should consider. Comments on this proposal will be received during the "Citizen Input" portion at the beginning of the meeting. As an alternative, you are welcome to provide feedback in writing by letter or e-mail addressed to the Community Development Department (address above) or to your Village Trustee.

Please visit the Village website for Trustee e-mail addresses: www.village.germantown.wi.us

If you have any questions or concerns please contact Lori at (262) 250-4735 or by e-mail at: ljohnson@village.germantown.wi.us.

Respectfully,

Jeffrey W. Retzlaff, AICP
Director, Community Development Department
Village Planner/Zoning Administrator

CERTIFIED SURVEY MAP (CSM)

2/8/16 Plan Commission Meeting

Steven Stoffel / Hiller Company

Village Planner Report

Germantown, Wisconsin

Summary

Tim Hiller, agent for Steven Stoffel, property owner of a 7.14-acre parcel located on Donges Bay Road is requesting approval of a Certified Survey Map (CSM) in order to create four (4) residential parcels under the existing Rs-4: Single-family Zoning District.

Location: Donges Bay Road (1/4 mile west of STH 145/Fond du Lac Ave)

Property Owner/

Applicant:

Tim Hiller
Hiller Company
Milwaukee, WI

Steve Stoffel
Alpharetta, GA

Current Zoning District: Rs-4: Single-Family (2.2 units/acre)

Adjacent Land Uses		Zoning
North	Residential	Rs-6
South	Residential	Rs-4
East	Institutional	I
West	Residential	Rs-5



Background

The subject parcel is classified as "Low Density Residential" on the Village's 2020 Future Land Use Plan map. These areas are intended to develop with single-family residential uses at a density of approximately 2 DU's per acre or a minimum lot size of 20,000 sqft. It is intended that new development in these areas *"... should be required to develop or connect to the existing system of collector and local roads... and not have direct access to arterial roads"*.

Consistent with that classification, the parcel is located in an Rs-4: Single-family Zoning District that allows single-family lots as small as 20,000 sqft. The 7.14-acre parcel was previously approved for residential development in 2007. At that time, the "Walnut Grove" subdivision plat was approved for a total of nine (9) single-family lots ranging in size from 20,000 sqft (.46 acres) to 34,701 sqft (.80 acres). The proposed development included: the extension of Gatewood Place through the property from the south to Donges Bay Road (see attached plat); three (3) outlots for storm water management basins; and the extension of water and sanitary sewer to serve the development. Although a preliminary plat and Developer Agreement were approved by the Village, the Walnut Grove development never commenced with all approvals expiring in 2010.

Proposal

At this time, Tim Hiller, agent for the property owner is requesting approval of a Certified Survey Map (CSM) in order to create four (4) residential parcels under the existing Rs-4: Single-family Zoning District. As shown on the preliminary CSM, the owner is proposing to divide the parcel into four (4) single-family lots with shared driveway access. Lots 1 & 4 would be served by a shared driveway constructed from the end of Gatewood Place, and, Lots 2 & 3 served by a shared driveway from Donges Bay Road. The extension of Gatewood Place is NOT proposed under this plan. Also, as discussed with the Public Works & Highway Committee, the developer will provide a 20' wide easement for the extension/looping of a water main between Donges Bay Road and Gatewood Place, and, a 30' wide easement for sanitary sewer to Gatewood Place.

As explained at the Plan Commission consultation in January, infrastructure and other development costs related to complying with storm water management and wetland regulations have made developing the land with more lots and the extension of Gatewood Place cost-prohibitive for the property owner.

Staff CommentsConsistency with Village's Land Use Plan.

The existing Rs-4 zoning and 4-lot layout are generally consistent with the general intent of the 2020 Land Use Plan map "Low Density Residential" classification, but not consistent with the density and lot sizes of the other pre-existing development in the same "low density residential" area. Arguably, this property is the last large, undeveloped parcel in this particular neighborhood with the adjacent land to the south developed in a manner and served by a public street that logically could and should be extended into through this 7-acre parcel. Like the other surrounding developments, this parcel is intended to be served by public water, sanitary sewer and other utilities that

are already in place and adequately sized and located to serve this "in-fill" parcel. Not to mention, that development of this parcel with an extension of Gatewood Place would "do its part" to complete and enhance circulation and accessibility for the benefit of entire area much like the pre-existing developments did when they were developed. Developing this parcel with less density than the existing infrastructure is set up to accommodate only makes this 4-lot development less cost-effective than it could/should be, and, increases the likelihood that the demand for new residential lots will have to be satisfied elsewhere in the Village where infrastructure and services are not already in place. While certainly an important consideration for the property owner, financial hardship for an owner should not be the Village's reason for compromising its land use plan.

Conformance with Zoning District Requirements.

The proposed lots meet the minimum bulk requirements of the Rs-4 Zoning District.

Conformance with Subdivision Requirements.

With respect to utilities, all four lots will be served by water and sewer by way of existing facilities in the vicinity. Further, as summarized by the Village Engineer, at their meeting on January 5, 2016 regarding potential development of this parcel, the Village's Public Works Committee is recommending the following:

1. All connections to utilities in Donges Bay Road shall be installed before or during the Village's Donges Bay Road reconstruction project in 2016 at the developer's expense (special assessment would be acceptable);
2. Public water main shall be extended through the property from the existing public water main in Gatewood Place and connect to the public water main in Donges Bay Road at developer's expense;
3. Sanitary sewer connection from the four lots shall be to the existing stub in Gatewood Place (no determination was made whether the sanitary shall be private or public, so this could be at the developer's discretion);
4. The wastewater utility will entomb the existing sanitary lateral in Donges Bay Road during the "cured-in-place" pipe project presently underway upon written permission from the developer/property owner;
5. No recommendation was made regarding whether to extend Gatewood Place as a public street through the property to Donges Bay Road was made.

With respect to street access, shared driveways between adjacent lots or parcels is permitted. However, when a shared driveway is proposed in a situation where the construction or extension of a public street is planned, Section 18.07 of the Subdivision regulations needs to be considered. Section 18.07(1)(d) provides that shared driveways (listed as one type of a "private street") may be permitted by the Village Board provided that certain criteria and design standards are met. In this case, it's difficult for staff to find that all of the criteria can be met under the owner's 4-lot development plan.

Specifically, Section 18.07(1)(d)4. provides the following:

Private streets shall NOT be allowed under any circumstances when:

- a. The proposed private street will replace or otherwise conflict with a designated public street set forth in the Village's official map, Comprehensive Plan, or other official state, regional, county, or village transportation plan;*
- b. The Village determines that construction of a public street would be in the best interest of the Village and that a public (vs. private) street is determined to be needed for: (1) providing access to adjacent lands having the potential for future development; or (2) public circulation by way of connecting to or extending from an existing or future public street;*
- c. The proposed private street connects 2 or more public streets or highways where the connection would further the pattern and function of the public street system; or*
- d. The proposed street will or has the potential to provide access to more than 15 residential lots, or, has the potential to provide (or is needed for) access to future development of adjacent land.*

With respect to the above criteria, the extension of Gatewood Place is a planned extension. The Berrywood subdivision to the south was approved for development in 2004 with cul-de-sacs that exceed the maximum 500' length requirement. That development was only allowed to proceed given another provision in the Subdivision regulations that allows cul-de-sacs greater than 500 feet in length if the road is extended to the property line adjacent to another property such that the road can be further extended and connected to another roadway such that the resulting cul-de-sacs (once all are completed) do not exceed a length of 500 feet.

Both the Public Works and Fire Departments are recommending that Gatewood Place be completed/extended through to Donges Bay Road to provide improved access to the subject parcel and to the existing residential area to the south (Berrywood and beyond). However, in the event the road extension is not required, both departments are recommending that a permanent road closure be installed at the end of Gatewood Place with a design that is properly sized and configured to more easily accommodate the operation of fire trucks, snow plows and other large vehicles than the sub-standard, temporary closure that exists today. Because of the wetland location near the end of Gatewood Place, some sort of modified turn-around/cul-de-sac design would have to be agreed to with Public Works and the Fire Department.

With regard to the two (2) existing wetlands on the property (8,467 sqft or .19 acres), the owner proposes to include both wetland areas (and the 25' setback) within Lot 1 in an effort to address the Land Suitability provisions of the Subdivision Code that prohibit wetlands from being included in lots less than 2 acres in area.

The Village Surveyor has identified a few technical corrections/issues in his January 8, 2016 review memo (copy attached) that will need to be addressed as part of the final CSM prior to Village Board approval and recording.

Village Planner Recommendation

DENY the proposed 4-lot certified survey map (CSM) as proposed; however, if the Plan Commission chooses to recommend **APPROVAL**, staff recommends that the proposed 4-lot CSM be subject to the following conditions:

1. All requirements and technical corrections identified in the Village Surveyor's January 8, 2016 memo shall be addressed in a revised CSM prior to Village Board approval;
2. A notation be placed on the CSM prohibiting access to Donges Bay Road from Lot 2 and Lot 3 except for the 20' shared driveway ingress/egress easement as shown.
3. A shared driveway installed within the ingress/egress easement proposed to serve Lot 2 & 3 and Lot 1 & 4 must meet the design requirements in Section 18.07 of the Subdivision Code, including the preparation and recording of a shared driveway/access easement agreement. Said access easement agreement shall be submitted to the Village for approval and recording concurrent with recording of the CSM.
4. The developer shall construct a permanent closure at the end of Gatewood Place and dedicate it to the Village as a permanent closure to the public street. The design of said closure shall be approved by the Village Public Works Department. In the event that said closure requires additional right-of-way to accommodate the design, orientation and/or extent, the right-of-way shall be designed and taken from the subject property and dedicated to the Village. At a minimum, said closure shall be adequate in size, geometry and construction materials to adequately and safely accommodate the Village's emergency and public works vehicles. Said closure should be installed concurrent with the installation of other public utilities, and, prior to the issuance of a building permit for the development of Lot 1 or Lot 4.
5. The developer shall be responsible for installing/extending public water main through the property in the easement as shown on the CSM, and, in compliance with the terms and requirements of a Developer's Agreement between the owner/developer and the Village. Said agreement to be prepared and approved in accordance with Village procedures prior to the commencement of any development activities and/or building permits for any of the four (4) residential lots. Sanitary sewer laterals serving the four lots and connecting to the exiting sewer line in Gatewood Place shall be installed within the easement as shown except that the existing lateral in the line located in the Donges Bay Road right-of-way in the vicinity of Lot 3 may be utilized with approval from the Public Works Department.

Steve & Victoria Wirth for Josh & Kate Wirth – N116 W12711 Elm Lane. The property owners of a 14.7 acre parcel located on Elm Lane are requesting approval of a rezoning and 2 lot Certified Survey Map (CSM) in order to create two residential parcels. Josh and Kate Wirth are also seeking approval of a Conditional Use Permit (CUP) to operate a "major" home occupation landscape and hardscape service business. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve rezoning the parcel from A-2: Agricultural to Rs-1: Single-Family Residential.

Commissioner Laszewski asked how home occupations are monitored. Planner Retzlaff explained he does a follow up inspection after any observations in the field or investigates complaints as they come in, or operations self-report like Wirth.

MOTION carried unanimously.

MOTION Baum second Nilles to 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 January 8, 2016 memo shall be addressed in a revised CSM prior to Village Board approval.***
- 2. The artificial wetland and 25' setback shown on the preliminary CSM shall be deleted from the final CSM, or, clearly noted as being an artificial wetland not subject to DNR and the Village's Shoreland-Wetland Zoning Code.***

MOTION carried unanimously.

MOTION Baum second Shadid to Approve a Conditional Use Permit (CUP) for the existing landscape services operation to operate as a "major" home-occupation subject to the following conditions:

- 1. The landscape services operation shall meet and continuously comply with all applicable provisions, limitations and regulations in Section 17.61 (Home Occupations and Professional Home Office) of the Zoning Code.***

Planner Retzlaff confirmed there had been no complaints on this business. He said this property is surrounded by intense vegetation and should not impact the neighborhood.

MOTION carried unanimously.

Steven Stoffel – N104 W14281 Donges Bay Road. Tim Hiller, agent for Steve Stoffel, property owner of a 7.14 acre parcel located on Donges Bay Road, is requesting approval of a 4-Lot Certified Survey Map application for a 7.14 acre parcel. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed 4-lot certified survey map (CSM) subject to the following conditions:

- 1. All requirements and technical corrections identified in the Village Surveyor's January 8, 2016 memo shall be addressed in a revised CSM prior to Village***

Board approval;

- 2. A notation shall be placed on the CSM prohibiting access to Donges Bay Road from Lot 2 and Lot 3 except for the 20' shared driveway ingress/egress easement as shown.***
- 3. A shared driveway installed within the ingress/egress easement proposed to serve Lots 2 & 3 and Lots 1 & 4 must meet the design requirements in Section 18.07 of the Subdivision Code, including the preparation and recording of a shared driveway/access easement agreement. Said access easement agreement shall be submitted to the Village for approval and recording concurrent with recording of the CSM.***
- 4. The developer shall construct a permanent closure at the end of Gatewood Place and dedicate it to the Village as a permanent closure to the public street. The design of said closure shall be approved by the Village Public Works Department. In the event that said closure requires additional right-of-way to accommodate the design, orientation and/or extent, the right-of-way shall be designed and taken from the subject property and dedicated to the Village. At a minimum, said closure shall be adequate in size, geometry and construction materials to adequately and safely accommodate the Village's emergency and public works vehicles. Said closure should be installed concurrent with the installation of other public utilities, and, prior to the issuance of a building permit for the development of Lot 1 or Lot 4.***
- 5. The developer shall be responsible for installing/extending public water main through the property in the easement as shown on the CSM, and, in compliance with the terms and requirements of a Developer's Agreement between the owner/developer and the Village. Said agreement to be prepared and approved in accordance with Village procedures prior to the commencement of any development activities and/or building permits for any of the four (4) residential lots. Sanitary sewer laterals serving the four lots and connecting to the exiting sewer line in Gatewood Place shall be installed within the easement as shown except that the existing lateral in the line located in the Donges Bay Road right-of-way in the vicinity of Lot 3 may be utilized with approval from the Public Works Department.***

Discussion followed. Commissioner Shadid said he didn't feel good about closing Gatewood Place. Planner Retzlaff said a cul de sac bulb was discussed with the Department of Public Works and they will try to stay out of the wetland setback. Chairman Wolter said he had talked to some residents from the area and those that live further away from the end of Gatewood Place always assumed the street would go through while those that live closer do not want the road to go through. Discussion continued. Commissioner Gray was in favor of the road going through and would like to see a fifth lot. Planner Retzlaff explained going from 4 to 5 lots would require subdivision plat approval. Mr. Hiller said a five lot configuration won't happen because it would be a financial constraint for the developer. Planner Retzlaff commented that the CSM would require Village Board approval without a public hearing unless the Plan Commission wants that. Chairman Wolter said a lot of people remember the last plan and noticing the neighbors would inform them of the new plan and how it impacts their property. He understood the expense is limiting the development. Planner Retzlaff said the wetland regulations state wetlands now need to be located on a separate outlot unless

the lot is over 2 acres in size and the location of the wetlands on this property are restricting the number of lots that can be developed. Chairman Wolter asked if smaller lots were considered. Mr. Hiller said smaller lots were considered but the cost versus sales didn't justify the change. Planner Retzlaff explained a Planned Development District could be created to be more flexible but rezoning to a higher density may not be consistent with the Land Use Plan. Chairman Wolter said he understands why the property is being developed this way but is it the best plan for the Village. He indicated he is torn between forcing someone to do something on their property that doesn't give them any value but is a better plan for the Village. Commission Laszewski said the plan is not that out of character with the neighborhood and the property may sit for another 20 years if this proposal is not approved. Planner Retzlaff asked how many of these properties do we give up on in exchange for some development. Trustee Baum commented that these remnant infield lots are always a problem and the economics never work. Commissioner Gray said this development doesn't belong in this place. Chairman Wolter said it ties into the larger lot properties on Fond du Lac Avenue.

MOTION to Amend Wolter second Baum to send notice to the people in the area before the Village Board meeting, within 300 feet, so they are aware of any change that is happening.

MOTION to Amend carried unanimously.

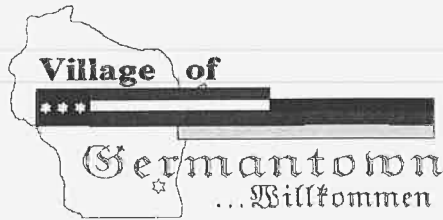
MOTION to Approve as Amended carried (4-2 Nilles, Gray).

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant



Engineering Department Memorandum

To: Jeff Retzlaff Village Planner

CC:

From: Bob Beilfuss, PLS, Village Surveyor

Date: January 8, 2016

Re: Stoffel CSM
Jeff,

Here are my review comments for the CSM received 2-1-2016.

Certified Survey Map

Applicant or Owner: Steve Stoffel

Land Surveyor/Firm: Mike Berry, PLS Capitol Survey Enterprises

Current Zoning: RS-4

1. The planning commission secretary is Lori Johnson.
2. The Village no longer requires the line tables for the wetland delineation as shown on sheet 3 of 4 as long and the wetland lines are tied to either existing or proposed lot lines with a bearing and distance. The surveyor can remove these tables if need be.
3. Termination of Gatewood Drive to be determined after I receive a copy of the CADD file from the surveyor and can show a proposed offset bulb.
4. Revise Owner and Village Board certificate to reflect text in red shown below:

Owner's Certificate

- ☐ Complete statements per Chapter 236.34.
- ☐ Date and signature of all owners and all parties with an interest in the property.
- ☐ Notary statement, seal, signature and date.

The Village of Germantown requires all lands abutting a public road be dedicated to the ultimate right of way. If a road right of way dedication is required as part of the survey, include the following paragraph in the Owner's Certificate:

"As Owners, we hereby dedicate that part of (*street name*) to the Village of Germantown for public road purposes as represented on Sheet ____ of ____ of this Certified Survey Map."

Mortgagee's Certificate (Required if land is mortgaged)

- ☐ Complete statements per Chapter 236.21(2)(a)
- ☐ Lending institution name, signature of bank officer and date.
- ☐ Notary statement, seal, signature and date.

January 8, 2016

The mortgage certificate requirement is waived if owner can provide written proof of ownership that the property is free of mortgage from the lending institution.

Village of Germantown Board Approval

This Certified Survey Map, being a division of (¼ ¼ Section __, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved and *(the dedication of that part of (insert street name) for public road purposes as shown on Sheet __ of __ is hereby)* accepted by the Village Board of Trustees of the Village of Germantown on this __ day of ____, 2012.

Dean Wolter, Village President

Date

Barbara K.D. Goeckner, Village Clerk

Date

No further review comments.

Document Submittals and Data Conversion

As of October, 2005, the Village of Germantown requires a digital copy of all Certified Survey Maps, Condominium Plats and Subdivision Plats in addition to the documents as required by Wisconsin Statute and Village Ordinances as part of the land division approval.

Prior to Recording the Certified Survey Map, the professional land surveyor is responsible for submitting a copy of the AutoCad drawing file (.dwg) of the document in version 2007 on compact disk (CD) or via email to the Village Surveyor.

All digital professional land surveyor seals and signatures will be purged from the digital copy prior to submittal.

The model space of the drawing will be done in Wisconsin State Plane Coordinate System, South Zone (NAD 1927 datum) and the Grid Bearing basis.

Prior to Recording the Certified Survey Map, the Village Engineering Department will verify that the boundary markers have been installed as described on the submitted map. All boundary corners are to be clearly marked in the field by the professional land surveyor of record.

VILLAGE OF GERMANTOWN
OFFICE OF THE VILLAGE CLERK
N112 W17001 MEQUON ROAD, P.O. BOX 337
GERMANTOWN, WI 53022
PHONE: (262) 250-4740 FAX: (262) 253-8255

RECEIVED

JAN 08 2016

OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

X.C
Paid
1-8-16
\$25.00

APPLICATION FOR ANIMAL FANCIER'S ESTABLISHMENT

Chapter 12.16 of the Municipal Code

Annual Fee: \$25.00

NAME: JOHN SWARTZ

ADDRESS: W140 N13914 COUNTRY AIRE

CITY, STATE, ZIP CODE: GERMANTOWN, WI

Home Phone No. 1-262-923-0574 Date of Birth: _____

Zoning of Property: RS-2 ** See back of form for Zoning Limitations**

Please Note: Animal Fancier's License will not be issued unless all of the individual cat or dog licenses are paid and issued prior to December 31st.

Purpose of requesting an animal fancier's permit:

HISTORICAL FARM LAND w/ BARN & ACREAGE
ALWAYS HAD ANIMALS DEB PECK COMPLAINED
USED POLICE TO INCITE THIS REQUEST.

Listing of each animal:

	NAME	MALE/ FEMALE	COLOR	BREED	RABIES TAG NO. & EXPIRATION DATE:
DOG	<u>JULIE</u>	<u>FEMALE</u>	<u>MIX</u>	<u>MIX</u>	<u>NEED TO UPDATE FOR 2016</u>
DOG	<u>TAD</u>	<u>MALE</u>	<u>MIX</u>	<u>MIX</u>	<u>NEED TO UPDATE FOR 2016</u>
DOG	<u>PUPPY</u>	<u>MALE</u>	<u>MIX</u>	<u>MIX</u>	<u>...</u>
AT	<u>SALVADOR</u>	<u>MALE</u>	<u>BLACK/WHITE</u>	<u>MIX</u>	<u>NEED TO CATCH & UPDATE</u>
AT	<u>RACK</u>	<u>FEMALE</u>	<u>MIX</u>	<u>MIX</u>	<u>NEED TO CATCH & UPDATE</u>
					<u>FOR 2016</u>

If there are more animals, attach a separate sheet or use the back of this form giving required information. Also, attach a copy of the plot plan showing dog runs, etc., if applicable.

NAME OF VETERINARIAN: ANIMAL DOCTORS BETSY

ADDRESS: HARTFORD

CITY, STATE, ZIP CODE: _____

PHONE NO.: _____

Signature of Owner: [Signature] Date: 1-8-2016

PERMIT NO. _____ DATE ISSUED: _____

See back of form for Zoning Limitations

N140 W13843 Cedar Lane
Germantown, WI 53022
January 25, 2016

RECEIVED

JAN 27 2016

Office of the Village Clerk
Germantown, WI 53022

OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

To the Members of the Public Safety Committee:

I am contacting you today to ask that you deny the application by John Swartz, et al, for an Animal Fancier's License.

They currently have 3 large unneutered male dogs that live on a second story outdoor deck. The dogs have viciously attacked each other several times and injured the owner so seriously that a neighbor had to drive her to the Urgent Care Clinic.

I witnessed one of these attacks a few weeks ago when I responded to screams for help from the owner and her young daughter who were trapped amidst the fighting dogs. The scene was horrific. Blood was spattered everywhere and on everyone. The owner could not stop the fight, even using a shovel.

Just 3 days ago the young daughter was outside alone with the pit-bull cross. It was not on a leash! It came onto my property under my horse pasture fence and was stopped by our dog's yard fence. The pit-bull was barking aggressively the entire time until the owner finally came to get the dog. Their dogs coming on our property are a danger to my horse and to me when I ride.

We often exercise our dogs in our front yard, and other neighbors do likewise. We now fear for our pets' safety. According to noted experts, once a dog has attacked other dogs with that level of intent, neutering will not keep it from repeating the attacks.

Unfortunately, over the years they have repeatedly let their animals "run at large" including goats, pigs, horses, and a cow, often causing property damage and a hazard on the road. While we are glad they no longer let their dogs continually roam the neighborhood, I feel their dogs can be dangerous and can't be allowed off leash at any time. If you'd seen what I'd witnessed you would agree.

Being animal lovers, we have been tolerant of the frequent dog barking when no one is home, and of the numerous wild unneutered cats that they feed, but this underscores a lack of good animal husbandry.

From our perspective, they are not responsible pet owners and their request for an Animal Fanciers License should be denied.

Sincerely,



Debra D. Peck

X.D

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: March 21, 2016

AGENDA ITEM: New Business

ITEM TITLE: Approval to Fill Vacant Position of Village Engineer

SUBMITTED BY: Lawrence W Ratayczak, P.E., Director of Public Works

SUMMARY EXPLANATION:

Due to the recent departure of the Village Engineer the position of "Village Engineer" is now vacant. The position of Village Engineer is the direct manager of the Department of Engineering and is therefore, a vital position within the Village Staff. This position, in part, is responsible for performing/reviewing design of all road/utility projects, inspection of projects during construction, interfacing with governmental agencies and assisting the Planning Department for development reviews. This position covers for the Director of Public Works as Required.

The Public Works and Highway Committee has approved filling the position of Village Engineer.

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER____

NONE

RECOMMENDATION:

The Director of Public Works, along with the Public Works and Highway Committee, recommends the Village Board to approve filling the vacant position of Village Engineer

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

EMPLOYEE VACANCY JUSTIFICATION WORKSHEET

All positions left vacant by retirement, quitting, or termination need to complete the following worksheet before the vacant position may be advertised or filled. This worksheet shall not pertain to temporary, seasonal, and sworn public safety employees.

Vacancy Justification Worksheet

Position to be filled: Village Engineer

Department: Engineering / Depart of Public Works

Pay: (PS# 23): \$76,698 (min.) to \$86,743 (mid-point)

How long was the previous personnel in position: 7 years

Can the Position be:

Deferred for a period of time? ☐ Yes ☒ No:

Why: This position is a vital link with other departments within the Village. Work load is of a constant nature with other departments dependent on this position.

Transferred or shared with existing staff: ☐ Yes ☒ No:

Why: This position is a professional position requiring licensing from the State of Wisconsin. No other engineering department staff possess professional license.

Consolidated with another position? Yes ☐ No: ☒

Why: Workload is such that this position cannot be consolidated with another position within engineering

Privatized/Contractual?: ☒ Yes ☐ No:

Why: Position could be privatized, but the cost for utilization of private consultants would increase cost by approximately 50% and availability/responsetime would be dramatically reduced. The responsetime would have an effect on other departments.

** Attach current job description and department organizational chart and submit to

Lawrence W. Rataygok

Department Director

Signature/approval

Dan Schorn

Village Administrator

Signature/Approval

3/16/2016
Date

3-16-16
Date

VILLAGE ENGINEER

GENERAL STATEMENT OF DUTIES:

The Village Engineer will perform and/or direct engineering work involving design, review, investigation, development, maintenance, and construction of public works projects within the Village of Germantown. The Village Engineer acts as a technical resource to the Village Board and associated government committees. The Village Engineer assists the Public Works Director with Public Works Committee meetings. The Village Engineer is responsible for directing work for the engineering staff and working with the Public Works Department.

DISTINGUISHING ABILITIES:

The Village Engineer must be able to apply professional engineering knowledge and skills for the design and implementation of public works projects. The Village Engineer must act in a professional manner with respect to the Village staff, the public, the elected officials and other appointed commissioners. The Village Engineer must have the ability to communicate clearly and concisely either verbally or in written form.

ESSENTIAL KNOWLEDGE AND SKILLS:

The following is a list of the essential knowledge, skills, and registrations needed for the Village Engineer position:

- Ability to communicate in a professional manner and maintain working relationships with staff;
- Thorough knowledge of principles and practices of civil engineering;
- Understanding of use of construction materials and approved standards of safety;
- Application of engineering principles and standards with design and construction of public works projects;
- Ability to tactfully secure cooperation and strict adherence to construction plans, specifications, and codes from outside contractors;
- Ability to prepare a variety of technical reports, specifications, and contracts for public works projects;

- Computer skills such as using word processors, spreadsheets and engineering software including AutoCAD.
- Ability to direct and instruct departmental staff

DESIRED EXPERIENCE AND TRAINING:

The Village Engineer shall be a graduate of an accredited college or university with a major in civil engineering, or have the equivalent experience necessary to obtain professional registration. Registration as a professional engineer in the State of Wisconsin is required. The Village engineer must have considerable experience in progressively responsible civil engineering work and have experience managing large construction projects and a variety of staff.

EXAMPLES OF DUTIES PERFORMED: (Illustrative Only)

- Supervise and delegate work to engineering staff;
- Establish criteria for design and construction of public works projects;
- Perform design work and field investigation on in-house design projects for street and utility system expansions, replacements, or upgrades;
- Confer with developers to relate Village requirements for expansion of streets and utilities within proposed subdivisions or other developments;
- Coordinate work performed by engineering consultants for the Village;
- Receive complaints and problems from residents and work to resolve problems if possible;
- Attend the Village Planning Commission meetings;
- Attend the Public Works Committee meetings;
- Attend various other public meetings as needed;
- Conduct informational meetings as needed for public works projects;
- Schedule the construction of public works projects;
- Maintain documentation of public works construction projects;
- Assist with the preparation of the annual capital and operating budget;
- Prepare ordinance amendments as needed;
- Review subdivision plats, certified survey maps, and site development plans for compliance with Village standards and ordinances;

- Solicit engineering firms and/or contractors for completion of public works projects;
- Supervise site inspection services for development projects;
- Work with Building Inspectors as needed prior to issuance of building permits;
- Coordinate permits and review for public works projects with the State regulatory agencies;
- Attend training programs and seminars and promote the professional development of staff

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of this job.

While performing the duties of this job the employee may be required to climb ladders, climb stairs, walk through construction sites, and walk over irregular surfaces. May be required to visit sites or perform work outside during adverse weather conditions.

The employee must occasionally lift and/or move up to 50 pounds. Bending and twisting is also frequently required. Sitting for long periods during plan reviews and public meetings is also required.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

Prepared by: Administrator Office

May 5, 1982

Updated: November 25, 1996

Reviewed: September 4, 2001 - PW Committee

Revised: July 2, 2002

Revised: January 12, 2009 – Village Administrator

X.E

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: March 21, 2016

AGENDA ITEM: New Business

ITEM TITLE: Change Order Recommendation Visu-Sewer- Manhole Lining

SUBMITTED BY: Public Works and Highways Committee

SUMMARY EXPLANATION:

Village contract number 1501 with Visu-Sewer includes unit pricing for manhole rehabilitation in the amounts of \$132.00 per vertical foot for both cementitious and epoxy. These unit prices are very favorable to the Village. State law allows for up to a 15% addition to the value of a contract for additional work under the current unit price. \$125,000.00 is budgeted in the 2016 Wastewater Utility Budget for miscellaneous manhole rehabilitation throughout the Village. The \$125,000 represents approximately 950 vertical feet of additional manhole rehabilitation

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER_____

RECOMMENDATION:

It is the majority recommendation of the Public Works and Highway Committee, to Amend by Change Order Village contract #1501 for the amount not to exceed \$125,000.00. And to forward this recommendation to the Village Board for approval. Money to be utilized for the rehabilitation of select sanitary manholes on Kurt Drive, Crusader Court, Fireman's Park Easement, Park Avenue, and Division Road. All money remaining after targeted manholes are completed would be utilized for the interceptor manholes on Donges Bay Road. Money is budgeted in the 2016 Wastewater Utility Line Item: 60-180-182-3110 Collecting System Capital

BOARD ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.