

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
August 29, 2016**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Campbell, Hughes, Kaminski, Miller, Warren and Zabel. Trustee Myers absent and excused. Also present: Attorney Sajdak, DPW Director Ratayczak, CDD/Planner Retzlaff, Fire Chief Weiss, and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: Moving wall opening at 8:30-9:30 a.m. on Thursday morning to Kennedy Middle School and opening ceremony at 6:00 p.m. Please stop to see the wall and exhibit. Second Annual 9/11 Memorial/Remembrance Ceremony at Fire Station 2 at 8:30 a.m.

APPOINTMENTS

- | | | |
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| 1. <u>General Government & Finance</u> | | |
| Trustee | Alan Campbell | 08/29/2016 – 04/17/2017 |
| 2. <u>Public Safety</u> | | |
| Trustee | Alan Campbell | 08/29/2016 – 04/17/2017 |
| 3. <u>Economic Development Committee</u> | | |
| Trustee – Chair | Jeff Hughes | 08/29/2016 – 04/17/2017 |
| Trustee | Alan Campbell | 08/29/2016 – 04/16/2018 |
| 4. <u>Senior Center Advisory Committee</u> | | |
| Trustee – Chair | Dennis Myers | 08/29/2016 – 04/16/2018 |
| Trustee | Alan Campbell | 08/29/2016 – 04/16/2018 |

MOTION (Zabel/Baum) to approve all as presented, carried.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees announced upcoming meeting dates and times.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing: None.

CONSENT AGENDA:

- A. Approval of Village Board Minutes: July 18, 2016, August 1, 2016 and August 15th Special Village Board
- B. Accounts payable/payroll
 - 1. August 23, 2016 Payroll (hourly) \$ 292,977.93
- C. Operator Licenses: August 30, 2016 to June 30, 2017:
Joshua Fedele; Tyler Deida; Carol A. Phillips [Recommended Approval]

MOTION (Baum/Miller) to approve items A-C. Trustee Zabel requested to pull the minutes from August 1st. **By roll call vote, carried.** **MOTION (Zabel/Miller) to amend minutes of August 1, 2016 on Page 1 under Announcements, to remove the word 'boy' and replace with the name of Jessie Thielke, carried.**

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).*

- A. Presbyterian Homes of WI Inc., Petitioner and Agent for Germantown Commerce Center LLC, Property Owner and Romano & Schmidt LLC, Property Owner and applicant for (1) to rezone from the Rd-2/PDD District to the B-1/PDD District under the Blackstone Creek Planned Development District (PDD); and (2) Amendments to the Blackstone Creek PDD General Development Plan and list of Conditions and Restrictions that Would Allow the Development of a 190-Unit Senior Living Community Proposed by Presbyterian Homes of Wisconsin Inc. the following area Located at Approximately N112W17300 Mequon Road, Tax Key Nos. 211-985 and 211-986

Community Development Director Retzlaff presented information on the application and request with background of subdivision development and area. Proposal for senior housing community from portions of golf course property, to include apartments and memory care units. Phase 2 would be second separate building with independent apartment units. Golf club and clubhouse would remain where they are. Golf club owners have committed to making improvements to club and grounds comprised of exterior modifications to buildings on site. Renderings of facility were shown and Senior Housing Partners provided presentation and introduced members of their team. Gave statistics and reasons for wanting to develop this type of plan in Germantown. Senior housing need and would have a positive impact. Discussed questions and considerations encountered throughout process.

(Note: Camera operators had to restart Livestream production at this point 7:27 p.m.)

CDD Retzlaff covered the 5 approvals and their specifics before the board tonight along with Plan Commission recommendations and amendments.

President Wolter opened the Public Hearing at 7:35 p.m.

The following parties spoke at the public hearing:

Joe Cowan – W179N11481 Blackstone Creek – In favor of project but not location

Marilyn Molter – N114W17861 Blackstone Circle – opposed to project

Charlie Hargan – W169N11504 Biscayne Drive – opposed

Brian Pinter – N114W17863 Blackstone Circle – opposed

Judith Kucharik – W179N11651 Augusta Court – opposed

Nancy Potter – W179N11649 Augusta Court – opposed

Charlene Brady – N109W16620 Hawthorne Drive – opposed

Judy Kind – N109W17334 Virginia Ave. – opposed

Everett Frenz – 6115 Lydell Avenue, Whitefish Bay – Owns property within Village that would fit this development

Letter from Robert Soderberg, President Germantown School Board read into record - opposed

President Wolter closed the Public Hearing at 8:20 p.m.

NEW BUSINESS:

- A. Presbyterian Homes of WI Inc., Applicant and Agent for Germantown Commerce Center LLC and Romano & Schmitt LLC, Property Owners, N112W17300 Mequon Road; Rd-2/PDD to B-1/PDD; Ordinance Rezoning and Amendments to the Blackstone Creek Planned Development District (PDD), and a 2-Lot Certified Survey Map (CSM);
Trustee Zabel: B-1 District should be underlying zoning. Should have asked for a senior housing zoning. CDD Retzlaff: PDD allows board to grant changes/flexibility within the PDD. B-1 does not require strictly retail use, allows for other uses. Discussion regarding road. **MOTION (Hughes/Baum) to accept the rezoning from RD-2 PDD to B-1 PDD under the Blackstone Creek Planned Development District.** President Wolter asked Attorney Sajdak to speak further regarding Trustee Zabel's opinion of underlying zoning. Attorney Sajdak: His argument previously related to underlying standards vs this time is opposed to a particular use allowed in the zoning. This is a permitted use. Further discussion of permitted uses, underlying zoning provisions, regulations within elderly housing, special districts such as PDD, mixed compatible uses, if zoning is approved but project is not approved zoning would stay. Further discussion of B-1 zoning and earlier changes, suggested retail use on property, height of buildings allowed and for what type of building/business, specific uses allowed in Blackstone Creek PDD – condos, lots, golf course, bank with drive through lanes, funeral home, assisted living and other permitted uses listed under B-1 neighborhood district. Further requirements for plan approval once a project is considered/presented, what changes would be required. Golf course owners want to continue using golf course. Discussion of existing areas and changes, development plan for project, floodplain impediments for any development within this property, senior housing element added in 2012. If zoning change denied other requests don't happen either unless proposal is changed. **Roll call vote, 3 in favor (Baum, Hughes, Kaminski), 5 opposed and 1 absent. Motion fails.** Discussion of next options.
- B. **Resolution** Amending No. 19-12(As Amended) Continuing Conditions and Restrictions for the Blackstone Creek Planned Development District (PDD); Amending Certain Conditions Contained Therein Pertaining to the Development of a 190-Unit Senior Living Community by Presbyterian Homes of WI Inc.; and Granting an Exception to the Location Restriction for Community-Living Facilities Under Wis. Stats. Chapter 62.23(67)(i)
Discussion of whether to proceed as individual items or put motion on table. **MOTION (Baum) to approve Community Development Director Retzlaff's recommendation for the PDD with proposed amendments.** Discussion. **Motion fails for lack of a second.**
- C. Charles Rusch, Property Owner of a 34.8-acre Parcel Located at N144W16300 Pioneer Road (1/4-mile east of CTH G; Parcel GTNV#031-990); 2-Lot Certified Survey Map (CSM)
Community Development Director Retzlaff: Applicant seeking approval of 2-lot CSM. **MOTION (Kaminski/Baum) to approve as presented, carried.**

NEW BUSINESS continued:

- D. 2017 COW Budget Review Dates
MOTION (Baum/Campbell) to hold first meeting September 20th at 6:00 p.m. taking Village Board and Administration items first, carried.
MOTION (Baum/Campbell) to hold second meeting October 5th at 6:00 p.m., carried.
MOTION (Baum/Miller) to hold third meeting October 12th at 6:00 p.m. covering Police and Emergency Government, carried.
MOTION (Zabel/Baum) to schedule fourth meeting, only if needed, after third meeting, carried.
Trustee Hughes left the meeting at 9:21 p.m.
- E. Create Phasing of Approved Development Agreement Saxony Village
MOTION (Zabel/Baum) to postpone item until we hear back from DPW, carried.
- F. Application for Public Grant Program – Kiwanis Club of Germantown
MOTION (Baum/Zabel) to approve application for grant program as presented, carried.
- G. **MOTION (Kaminski/Warren) to go into closed session at 9:32 p.m. per Wi. Stats. §19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, when competitive or bargaining reasons require a closed session and may re-enter open session to take such action as it deems appropriate, and include the Village Attorney, Village Administrator and Village Clerk, regarding The Germantown Professional Police Association Local 306, by roll call vote, carried. (Trustees Hughes & Myers absent)**

ADJOURNMENT

There being no further business, the meeting adjourned at 9:42 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk