

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

MEETING:	PLAN COMMISSION
DATE AND TIME:	MONDAY, FEBRUARY 12, 2018 6:30 p.m.
LOCATION:	Germantown Village Hall Board Room

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with Wisconsin Statutes, Section 19.83 and 19.84 in such form that will apprise the general public and news media of subject matter that is intended for discussion and action.
- II. **ROLL CALL**
- III. **PUBLIC INPUT/PUBLIC APPEARANCE:** Please be advised per §19.84(2) that information will be received from the public, however, no action will be taken at this time.
- IV. **APPROVAL OF MINUTES:** January 8, 2018
- V. **NEW BUSINESS**
 - A. Georgene & Scott Sommer, Property Owner's, W148 N12696 Pleasant View Drive. Conditional Use Permit for a Farm Kitchen, Sausage and Brewery Operation
 - B. Baudhuin Surveying & Engineering, Agent for Top Leaf Development LLC and Alan & Lynda Luther, Property Owners – 107 Acres South of Freistadt Road, North of Elm Lane and West of Wasaukee Road. Rezoning Application & Revised Concept Plan (A-1 to Rs-1 & Rs-3).
 - C. Community Development Department – Proposed Zoning Code Amendment – Section 17.41 (Residential Accessory Use, Building and Structure Restrictions).
- VI. **ANNOUNCEMENTS:**
- VII. **ADJOURNMENT:**

The next Plan Commission Meeting will be on February 26, 2018 at 6:30 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. Notice is given that a majority of the Village Board may attend this meeting to gather information about an item over which they have decision making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v. Greendale Village Board, even though the Village Board will not take formal action at this meeting.

PLAN COMMISSION MINUTES
January 8, 2018

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

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Bob Williams, Peter Nilles, Tony Laszewski, Bill Shadid and Mary Ellen Gray were present. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT:

Bruce Bernarde, N120 W13645 Freistadt Road, spoke regarding the Top Leaf Development proposal. He was concerned with water runoff.

Bob Aiken, W140 N11660 Country Aire Drive, was concerned with water runoff for the Top Leaf Development proposal. He said if the developer receives a variance for the wetland setback, he will want one too when he decides to subdivide his property.

Marcus Stern, W132 N11550 Forest Drive, spoke on the Top Leaf Development proposal. He was also concerned with water runoff, lot sizes and traffic.

Chairman Wolter said the rezoning application for Top Leaf Development will be on the January 15th Village Board agenda and there would be a chance for the public to speak at the meeting.

APPROVAL OF MINUTES: *MOTION Baum second Shadid to Approve the minutes from December 11, 2017.*

MOTION carried unanimously.

Zoning Code Amendments – Residential Accessory Uses, Buildings and Structures.

Planner Retzlaff explained the Plan Commission recommended approval of three amendments at the November 13th Plan Commission meeting, but tabled action on this amendment, pending the submittal of optional language for the Commission to consider regarding “temporary storage structures”. This amendment creates a new section in the Code that establishes some basic restrictions on the use, duration and location of these types of structures on residential property.

Discussion followed regarding what defines a lawn mower shed or a kit from Menards as being a permanent or temporary structure. Planner Retzlaff said a building permit is required if the structure is permanent and a permit is required if it is a temporary installation. The intention is to address those situations that are truly temporary in nature. The duration of time and size of the structure will define which permit is required. He said we are trying to come up with something to hang our hat on in a more legally defensive manner to address issues that come up.

Chairman Wolter said it would be difficult to define the first 30 days adding that a complaint would probably come in from a neighbor. He said this topic has the potential to become a hot ticket item because these units are so readily available. He understands the reason of wanting to define and manage them but said there are rights of private property. He added that some properties might have subdivision covenants to address them. Planner Retzlaff agreed saying it's a complaint driven system because we're not out there looking for code violations and right now there is no specific regulation to prohibit someone from putting temporary structure on their property to address if it's being abused. He said we need to have something in place to use in order to address where its being abused to back our level of enforcement without trying to take away private property rights.

And the allowance for using these types of structures would come with some limited conditions or restrictions in place.

Planner Retzlaff explained we need to have something in place for where it is being abused and to use for enforcement. Commission Gray asked what restrictions we have now. Planner Retzlaff said permanent structures require a building permit and must meet setback and yard requirements and if over 200 square feet material requirements. If the use is for less than 30 days, it can be put anywhere on the property and would not require any permit. Temporary structures installed for 30 to 90 days would require a permit and may be located in a side or rear yard of property. Long term temporary uses, 90 to 180 days, would be required to be located in side or rear yards and need to meet building setback requirements.

MOTION Baum second Gray to Approve the Amendment to Section 17.41 (7) (Temporary Storage Structures) as follows where words that are stricken are deleted and words that are underlined are to be added:

SECTION 7. That Section 17.41(7) (TEMPORARY STORAGE STRUCTURES) is created as follows:

17.41(7) TEMPORARY STORAGE STRUCTURES.

- (a) For purposes of this section, a “temporary storage structure” is defined as a building or other enclosed or covered structure intended for the shelter, storage and/or conveyance of vehicles, equipment, building materials, household or personal items, junk and trash, etc. on a short-term or long-term basis. Examples of “temporary storage structures” include, but are not limited to, portable storage containers sold or rented under the business name “UNITS” and “PODS” and all other similar structures, freight-type shipping containers, metal-frame and/or fabric-covered canopies, vehicle shelters or carports, “hoop” buildings, and dumpsters.***
- (b) Temporary storage structures intended for may be permitted in any Single-family or Two-family Zoning District (including the Rs-1 through Rs-7 and Rd-2 Districts), provided that:***
- 1. temporary storage structures may be installed on a property for a period not to exceed thirty (30) consecutive or cumulative days without a permit or approval from the Village if said structure is used for storing or moving vehicles, equipment, building materials, household or personal items while the property owner is moving to/from the property, the property is being renovated, or for any emergency or other reasonable purpose deemed acceptable by the Zoning Administrator. Temporary storage structures allowed under this provision may be located in a front, side or rear yard of a property;***
 - 2. temporary storage structures installed on a property for a period greater than thirty (30) but less than ninety (90) consecutive or cumulative days may be allowed with a “Temporary Storage Structure-Zoning Permit” issued by the Village. Temporary storage structures allowed under this provision may be located only in a side or rear yard of a property;***
 - 3. temporary storage structures installed on a property for a period greater than ninety (90) but less than (180) consecutive or cumulative days may be allowed as a “temporary use” subject to the Temporary Use Permit requirements under Section 17.07(2a). Temporary storage structures allowed under this provision may be located only in a side or rear yard of a property and meet applicable building setback requirements;***
 - 4. Property owners/tenants who want to install a temporary storage structure on a***

property for a period greater than (180) consecutive or cumulative days can only do so if more than one Temporary Use Permit is issued by the Village pursuant to section 3. above.

MOTION carried unanimously.

St1x Golf Entertainment Bar – W164 N11271 Squire Drive. Ryan Hughes, agent and operator is requesting approval for a wall mounted sign and monument sign panel for St1x, a new tenant in the retail center in the Germantown Marketplace II. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed wall-mounted sign and monument sign panel for St1x Golf entertainment in the Germantown Marketplace II subject to the following conditions:

- 1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components.***
- 2. All electrical sign components must be listed and labeled by a recognized lab.***

Ryan Hughes said the new business would have golf simulators, a putting green, and will sell beer and wine. Golf lessons will also be offered.

MOTION carried unanimously.

Metro Cigars LLC – Germantown Business Park – Lot #5 Willow Creek Way. Paul and Jennifer Groh, owners and operators of Metro Cigars are requesting feedback for a proposal to re-locate their tobacco store and lounge/bar to a new building in the Willow Creek Business Park. Planner Retzlaff summarized the proposal. He explained lot 5 is the smallest lot in the park and is approximately 2 acres but because of easements and wetlands on the property it has a restricted buildable area of approximately 1.3 acres. In the M-1 limited industrial zoning district it's unlikely that a site of this size would have an industrial development on it and would probably have a retail office type activity. He said the Groh's intend to build a 4,000 sqft building. He further explained in this district, retail uses are allowed with a Conditional Use Permit that are listed in the B-2 zoning district provided that the Plan Commission determines the use is supportive of the park. He said the park has covenants and requirements for minimum building square footage and acceptable exterior building materials. The minimum building square footage for this lot would be 5,000 square feet.

Paul Groh said the move to this new location will accommodate the growth of his business and will accommodate the business park. It will be a place where people can enjoy a cigar, relax and enjoy a beverage and conference room. He explained the exemption on the smoking ban would allow him to move to a new location and continue his business.

The following comments and concerns were discussed:

- No cigarette smoking will be allowed; cigar smoke will be sent through filtration systems to the outside
- The business currently has approximately 30 to 50 customers per day
- Their existing liquor license will move with them to the new location
- Owner likes being on Appleton Avenue and remaining close to existing customers.
- A retail establishment would be a better use for this location and could serve many people in the business park, more than a cigar store could
- Not sure if the entrance to the business park is the best location for a retail establishment

- Thin argument that this business would directly support the business park
- The presented 2500 square foot building is smaller than the minimum 5200 square foot building that would be required per the park covenants.

Barry Chavin, MLG Commercial, said they would like to see a building closer to 5,000 square feet but would allow some latitude. He said because the lot is relatively small, they envisioned a retail/office type use but are OK with this use. They want a nice, quality building that because of quality materials could generate comparable "increment" for the TID. Planner Retzlaff said it would be beneficial to maximize the buildout with some other uses to add to the overall supportive type environment. He said it is a use issue; is it appropriate in the M-1 Industrial Zoning district? Trustee Baum said he was more supportive of the business after learning of the bar function and conference/banquet facilities and he can see it supporting the business in the park. Trustee Shadid said he's a customer of this business has conducted business there. He said it's a very well-run business. Planner Retzlaff said the Commission needs to determine whether or not this activity directly supports the business in the park and can be integrated into an over plan. Commissioner Laszewski commented that a retail over the counter business is less compelling, but with a conference room that could serve the business park as a go to networking location to discuss plans is more compelling. However, he does not want a cheap, retail look. Chairman Wolter said this would be a premier new start building and he doesn't think they will be looking for an inexpensive building. He said Barry will hold them to the building standards.

Chairman Wolter said based on comments, as long there is a conference room used as place to meet and not just a place to buy and sell cigars the use could be more acceptable. He mentioned other businesses that have been approved in the past in the Industrial Park including the indoor playground and karate business. Commissioner Gray said this is different because it is a new building and is not as useful as a building could be if another tenant were there. She said there should be more use of the land. The consensus was as long as the use is in support of the business park it could be an acceptable use but preferably with a larger building in size closer to full buildout based on the 1.3 net buildable acres.

This item was for discussion only. No action was taken.

Top Leaf Development – 107-acres South of Freistadt Road, North of Elm Lane and West of Wasaukee Roads.

Alan & Lynda Luther, property owners are requesting approval of a revised rezoning application concept plan for a 107-acre residential subdivision with 47-single family lots. Planner Retzlaff summarized the proposal that is requesting the Plan Commission to grant a waiver to the 25-foot wetland setback area requirement for 7 lots. Discussion followed regarding the wetlands on the property. Pete Hurth, Baudhuin Surveying, stated they hired a company that does wetland delineations and comes out to the site and determines what's wetland and upland and then does a detailed report. Commissioner Gray questioned how the wetlands are determined and questioned if they are looking at soil type, there could be no standing water or vegetation there. Mr. Baudhuin said the Village's storm water standards are very stringent and the calculations are reviewed by the Village Engineer. Planner Retzlaff explained the Village code goes above and beyond what the DNR requires and is based on avoiding wetlands by requiring a 25-foot setback. Discussion continued.

Mr. Hurth stated the current plan presented addressed the Plan Commission concerns and said that no lots will have wetlands on them and no house will be placed within the 25-foot wetland setback.

Shari Waggoner, Top Leaf Development, stated the side setback is 20 feet so there is nothing being built closer than 20 feet to the lot line and offered to make it condition of these 7 lots to change the side setback to 25 feet. She said they're still meeting the requirement, it's the setback area that is not entirely in an out lot.

Planner Retzlaff said staff's recommendation is to enforce what is in the code and not approve the wetland setback areas to be outside of the outlot areas. He said if the Plan Commission approves the setback areas to go into the lots, the building setback lines should be beefed up to make it equal to the wetland setback to make sure no development takes place in the wetland setback.

Discussion continued. Chairman Wolter asked why they couldn't come up with something in between 43 lots and 47 lots that would get most of the wetland onto the outlots. Mr. Hurth said the direction they got from Plan Commission was they wanted to see smaller 1 acre lots on the west side and to not do the 3 acre lots. He said building a portion of Elm Lane was also factored in to the plan.

Planner Retzlaff said he'd received feedback on the rezoning application because of the notices that were sent out. One of the owners was a rep from MMSD who owns the property immediately north of the west 40-acre parcel. He explained that because of the way MMSD acquired the land, it's part of their Greenseams Program and there is no chance they will be developing that property or sell it for development purposes. So, at this point there is no need to extend the west road to the property line because the road will never be extended. Discussion continued. Ms. Waggoner said if a cul-de-sac is required, they would lose lots and probably wouldn't develop the west side. Trustee Baum said the Village code requires a road to end in a cul-de-sac or a hammer head and not just dead end.

MOTION Baum second Shadid to Approve the revised concept plan subject to the owner/developer revising the plan such that all wetland setback areas be contained in outlots.

Discussion continued. Ms. Waggoner stated depending on how many lots they lose, they will probably be scrapping the west area with small lots and will not be extending Elm Lane to the west or the west road to the north. She said it won't be feasible to make the plan work if the wetland setbacks need to be in the outlots and said they would need to come back with a new plan.

Planner Retzlaff explained the process is somewhat backward because the public hearing is before the Village Board meeting and the Plan Commission doesn't have the benefit of hearing the public comments. He said it may make sense to table action on the concept plan until after we get the public hearing comments that may further influence the lot layout. Chairman Wolter agreed and said it should be something we look at as a procedural change. Mr. Hurth stated they may not be asking for Rs-3 zoning on the west. Planner Retzlaff said to present 2 plans to the Village Board to receive feedback on both.

MOTION Baum second Shadid to Table until the next Plan Commission meeting and after the Public Hearing.

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:04 p.m.

Respectfully submitted,
Lori Johnson, Planning Assistant

CONDITIONAL USE PERMIT APPLICATION
2/12/18 Plan Commission Meeting

Scott & Georgene Sommer

Village Planner Report

Germantown, Wisconsin

Summary

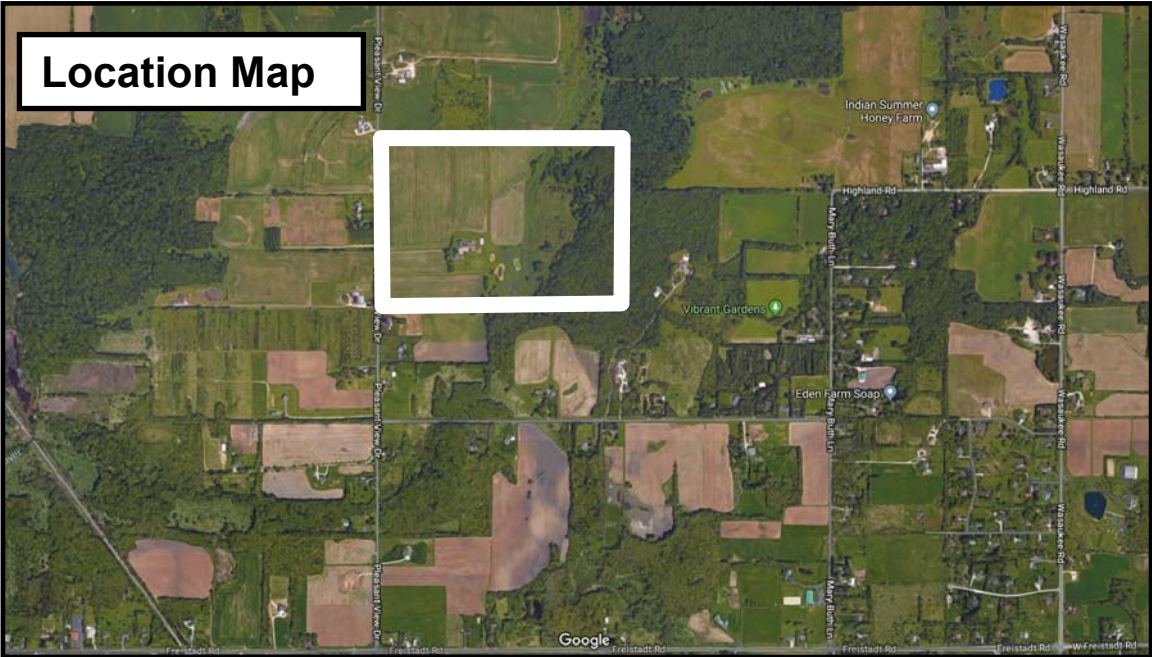
Scott & Georgene Sommer, property owners of a 120-acre farm located at W148 N12696 Pleasant View Drive are requesting approval of a Conditional Use Permit (CUP) to allow the operation of a farm kitchen, brewery and sausage production facilities on their property in an A-1: Agricultural Zoning District.

Location: W148 N12696 Pleasant View Drive

**Applicant/
Property Owner:** Scott & Georgene Sommer
W148 N12696 Pleasant View Drive
Germantown, WI

Current Zoning: A-1: Agricultural

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



Proposal

Scott & Georgene Sommer, property owners of a 120-acre farm located at W148 N12696 Pleasant View Drive are requesting approval of a Conditional Use Permit (CUP) to allow the operation of a farm kitchen, brewery and sausage production facilities on their property in an A-1: Agricultural Zoning District.

As presented to the Plan Commission in December 2017, the Sommer's intend to create a unique "agri-tourism" destination on their 120-acre farm. Highlights of the proposed "Old Germantown" include:

- Construction of a new 6,000 sqft commercial-grade, metal-sided/roof barn-style building for use as a farm kitchen w/ sit-down restaurant, small retail shop, sausage production, micro-brewery;
- Renovation of an existing 3,200 sqft shed for cold storage, produce and grain processing uses;
- Year-round operation w/ variable days & hours of operation depending on the season:
 - o May 15 to Oct 31 (Summer) Tuesday through Sunday
 - o Nov 1 to May 14 (Fall-Winter-Spring) Thursday through Sunday

The overall operation is intended to educate, display and promote local food production and historical traditions with locally produced grains, pastas, preserves, sausages, small-batch beer and sodas, wood-fire grill, oven and a smokehouse.

Staff Comments

The 120-acre Sommer property lies outside of the Village's Sanitary Sewer Area (SSA) and in an area designated on the 2020 Land Use Plan as "Agricultural/Conservation Residential". The land is currently zoned A-1: Agricultural. The land surrounding the Rivera property is currently used for agricultural and/or hobby farm-type uses. The surrounding zoning is either A-1: Agricultural, A-2: Agricultural or Rs-1: Single-Family.

While components of the Sommer's proposal are specifically identified as being permitted uses in the Village's A-1 Zoning District, e.g. retail sales of farm products, the café, small-batch brewery and sausage production components could be allowed under a conditional use permit as part of a "farm market".

Without question, this type of agri-tourism operation is the type of agricultural use that is more likely to be proposed in the future vs. traditional family or corporate farm operations and uses specifically called out in the A-1 District list of uses. However, as a relatively "new" use for Germantown, Staff is recommending specific conditions of approval intended to ensure compatibility with the surrounding agricultural area.

Fire Department

Approval recommended with following conditions/requirements:

1. Building shall be designed to meet all fire protection requirements under applicable IBC for A-3 occupancy and use classification.
2. Access driveway and new parking area shall meet NFPA 1 Chapter 18 access requirements.
3. Septic holding tank shall not be installed in a location where fire vehicles might need to drive over for emergency access purposes unless said tank is designed, constructed and approved for heavy vehicle loads.
4. Bi-annual fire safety inspections will be conducted by Germantown Fire Department.

Village Planner Recommendation

APPROVE a conditional use permit for Scott & Georgene Sommer to operate a farm kitchen, brewery and sausage production facilities from their 120-acre property located at W148 N12696 Pleasant View Drive subject to the following conditions:

1. The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit application (CUP) and supporting materials dated January 8, 2018. The physical facilities from which said uses and activities are permitted include the existing and proposed buildings specified in the CUP application and supporting materials. Days and hours of operation shall be limited to those specified in the CUP application and supporting materials dated January 8, 2018.
2. The brewery operation has been described as and is intended to be a “small batch” operation with production occurring within an approximate 1,100 sqft area located in the proposed “farm market” building. This CUP is granted with the understanding that the brewery will operate as a “nano brewery” and “brewpub” with production not to exceed 1,000 barrels/year with at least 25 percent of the beer produced sold in/from the farm market. The purpose for these limitations is to address concerns regarding water consumption and to ensure the brewery remains an accessory use and integral component to the overall farm market concept. In the event the owner/operator seeks to expand brewery production and/or add or eliminate other uses and activities to the overall farm market business plan for which this CUP has been issued, the owner/operator shall submit an amended plan of operation to the Village for review and consideration as part of an amendment to this CUP to be reviewed and processed following the typical CUP procedures.
3. Site Plan review and approval is required prior to construction of the new 60' x 100' (6,000 sqft) building in accordance with Village Zoning Code requirements.
4. A temporary use permit may be required for special events involving attendance by the public depending on the type and extent of activities, days, hours and duration of the event. The owner/operator is responsible for contacting the Community Development Department for information and permitting requirements (if any) prior to scheduling any special events involving special or extraordinary advertising or promotion, events occurring for 2 or more consecutive days, or when the number of visitors for an event is expected to exceed three-hundred (300) persons per day.

Village Planner Recommendation (cont.)

5. Building permits are required for all internal and external building renovation and improvements.
6. The No vehicle parking shall be permitted on or along Pleasant View Drive; all parking associated with the operation shall be accommodated on the property.
7. All permanent and temporary exterior signage along or facing Pleasant View Drive requires a sign permit and shall comply with all current sign regulations. Off-premise advertising and directional signage is regulated by the Village and requires a permit if/when allowed.
8. The owner/operator is required to obtain all applicable permits, approvals, licenses, etc. from the Village of Germantown, Washington County, State of Wisconsin and any federal agencies prior to commencing operations of the café/restaurant, meat production, and brewery, including, but not limited to: liquor licenses for the sale and consumption of alcohol; brewery/brewpub licenses for the production and distribution of alcohol; restaurant and food licensing for the production, sale and consumption of retail food products, sausage and other meat production; septic/holding tank and other waste processing permits for the storage, transportation and/or processing of wastewater and other by-products associated with the production of sausage, beer, soda, etc. The owner/operator shall provide copies of all required permits to the Community Development Department.
9. The processing and ultimate disposal of all wastewater and other by-products associated with the production, processing and packaging of meat, beer and other products should occur off-site and in a licensed facility. In the event the processing and/or disposal of wastewater and other by-products associated with meat and beer production is handled on-site, e.g. composting, the owner/operator shall prepare and submit a detailed plan addressing the processes and procedures that will be used, and, that specifies how concerns such as odor control, soil and groundwater contamination will be addressed and mitigated. Said plan shall be submitted to the Village of Germantown and any county and state agencies regulating said waste processing and disposal.
10. All new and renovated buildings shall be designed to meet all fire protection requirements under applicable IBC for A-3 (or applicable) occupancy and use classification.
11. The access driveway and new parking area shall meet NFPA 1 Chapter 18 access requirements.
12. The septic holding tank shall not be installed in a location where fire vehicles might need to drive over for emergency access purposes unless said tank is designed, constructed and approved for heavy vehicle loads.
13. Bi-annual fire safety inspections will be conducted by Germantown Fire Department.
14. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the permitted conditional uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.



Village of

Germantown

Willkommen

Fee must accompany application



\$1460

Paid

Date

1-8-18

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

Georgene & Scott Sommer

W148N12696 Pleasant View Dr
Germantown, WI 53022

Phone (414) 322-5872

Fax ()

E-Mail Sommer@oldgermantown.com

PROPERTY OWNER

Georgene & Scott Sommer

W148N12696 Pleasant View Dr
Germantown, WI 53022

Phone (414) 322-5872

2

TO WHOM SHOULD THE PERMIT BE ISSUED?

Georgene & Scott Sommer

3

PROPERTY ADDRESS

W148N12696 Pleasant View Dr

TAX KEY NUMBER

141-996

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.

Part of 120 acre Farm and home.

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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.

- Added an Addition to house a restaurant, brewery, Farm Kitchen & CAFE in a new 6000 sq. ft. Farm style building. Two full-time employees, Seasonally Variable Number of part-time employees. New parking lot. Sausage Making, Sausage Maker

Hours: May 15 - Oct. 31: Tues & Wed. 3-7 PM, Thurs-Fri. 10am-8:30 PM, Sat. 8am-8:30 PM, Sun. Noon-6 PM

Nov 1 - Mar 14: Thurs-Fri. 4-8:30 PM, Sat. 8am-8:30 PM, Sun. Noon-6 PM

* Community, Club activities, classes, private meetings meet on Mondays - Wednesday nights, occasional private breakfast, lunches during weekdays, all closer to public, water used before 8am, closer by 8:30 PM.

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY — REQUIRED

6

Attach pages as necessary.

Please see attached site map, describing construction area
of 40-acre parcel, Tax ID 191-996.

SUPPORTING DOCUMENTATION:

7

- ☒ Site plan and elevations for new construction (can be conceptual)
- ☐ Photos of existing use and/or proposed use operating elsewhere
- ☐ Previously Submitted Business Plan Presentation
- ☐ _____

READ AND INITIAL THE FOLLOWING:

8

SJS

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.

SJS

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.

SJS

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!

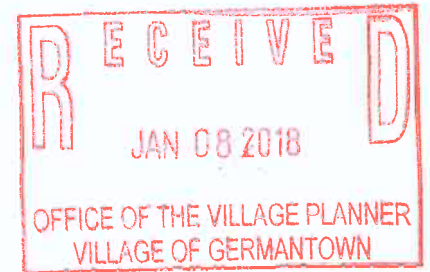
9

SJS
Applicant

5/17/2018
Date

Debrae Sommer
Owner

1/7/18
Date



MISSION: PROMOTE LOCAL FOOD AND THE HISTORICAL TRADITIONS OF FARM-MADE AMERICAN HERITAGE PRODUCTS.

PROMOTE LOCAL PRODUCE, PROCESS FARM PRODUCTS, INCLUDING GRAINS, PASTAS, AND PRESERVES. MAKE SMALL BATCHES OF TRADITIONAL SAUSAGES, SODAS, LAGERS AND ALES. SERVE FARM TO TABLE CAFE MENU, USING WOOD FIRE GRILL, SMOKEHOUSE AND WOOD FIRE BRICK OVEN.

TRAVEL WISCONSIN — .COM —

Agricultural tourism, craft breweries, wine makers and specialty cheese makers are rapidly growing in both urban and rural areas.

Family-oriented, these destinations promote local traditions, history and educational experiences.



2017: Purchased European Homemade Sausage Shop, from Frank Jakubcza, Milwaukee's respected south side sausage maker of specialty European sausages including Polish Kielbasa, Kiszka, Slovenian and Krakowska. We plan to continue to serve the demand of his loyal customers.

More about Frank:

- History Channel Meat America

<https://www.youtube.com/watch?v=aHU0Jg6lcUY>

- Wisconsin Foodie

<https://vimeo.com/35598156>

- Radio Milwaukee

<http://www.eurosausage.com/Pages/Media.aspx>

- Edible Milwaukee

[http://digitaleditions.sheridan.com/publication/index.php?i=158510&m=&l=&p=15&pre=&ver=html5#{"page":14,"issue_id":158510}](http://digitaleditions.sheridan.com/publication/index.php?i=158510&m=&l=&p=15&pre=&ver=html5#{)



Old Germantown Farmstead will be a community partner

- Germantown Recreation Dept.: Offer classes in cooking, food preservation, sausage making, beer-making and other farm-crafts.
- Agricultural programs for local schools and clubs.
- Organizations such as the Sons of Norway for their annual Spring festival.
- Supporting local growers by providing a point of distribution outside the weekly farmer's market.
- Outdoor fairs for local artisans and producers.

Construction Plans:

- New 6,000 sq. ft. building to be built over 1,000 ft. from road. Visibility partially obscured by existing barn and ruins of a fallen barn.
- Existing 3,200 sq. ft. shed remodeled and modernized for cold storage, produce and grain processing.
- Existing driveway to be widened for two-way traffic. New access drive to be added near existing barn.
- Gravel parking lot added to the north of existing barn and new building.
- Produce and farm production accessible for public interaction.
- Three-phase electric power installed.
- Septic: Request for variance. Install 4-6,000 gallon holding tank due to processing meat and yeast products.
- Signage at entrance to comply with village guidelines.

Old Germantown Farmstead will operate in ways that are compatible with the community

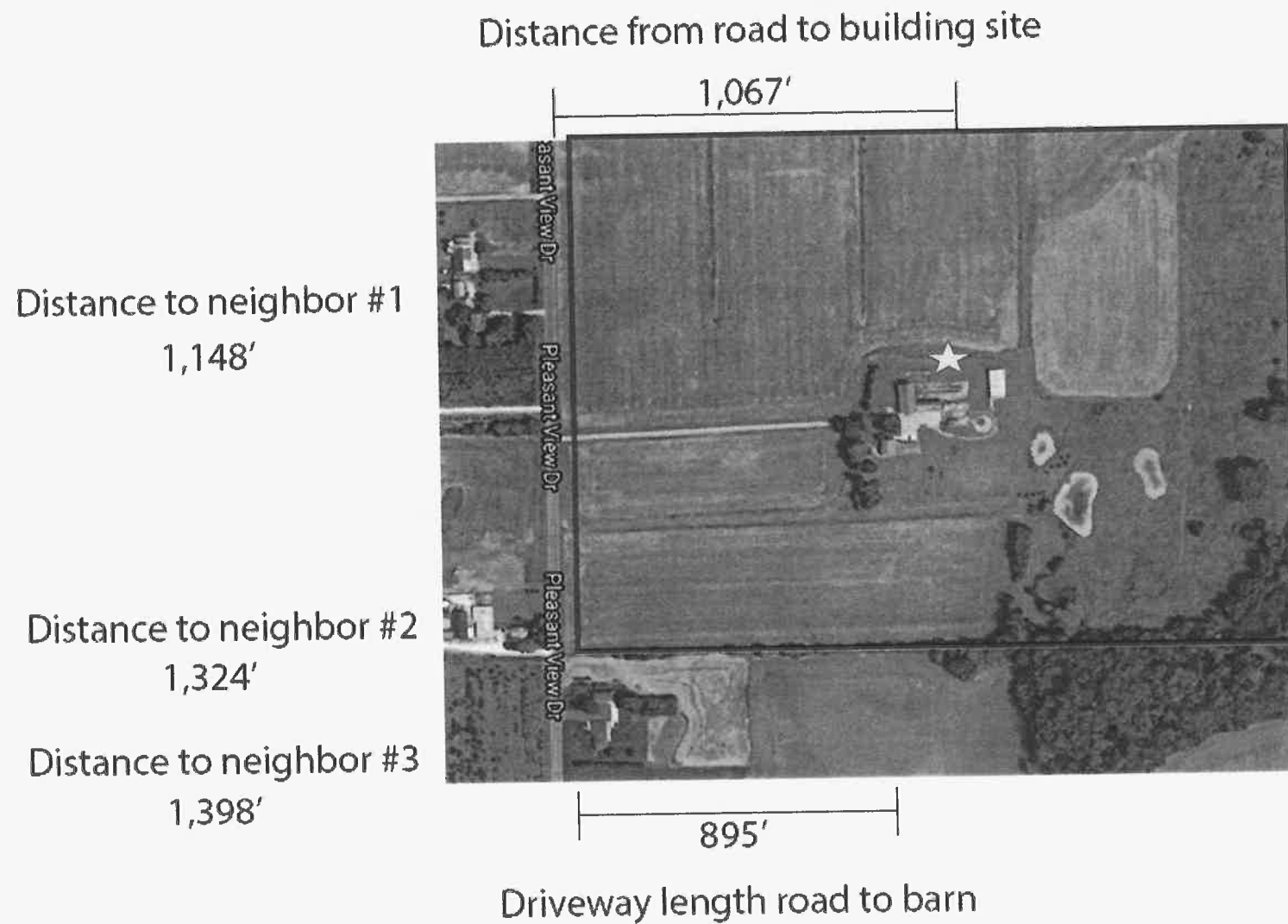
No changes to the main vista of the farm.

No activities that create an environmental pollution risk.

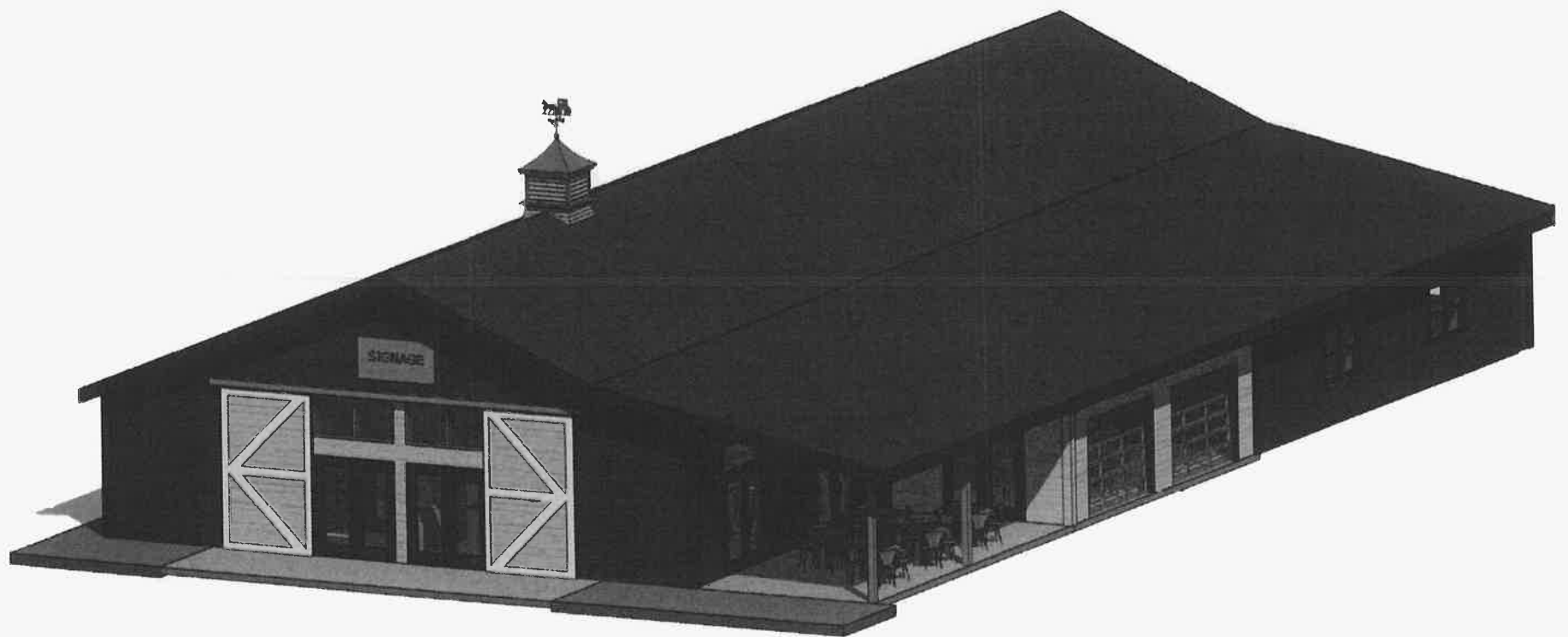
No business activities that require late night or early morning commercial traffic.

Traffic increases to be seasonal and comparable to other area retail farm sales operations.





West View: Main Entrance



Proposed hours of operation:

May 15 – Oct. 31:

Monday: Closed

Tuesday - Wednesday: 3 –7 pm

Thursday - Friday: 10 am-8:30 pm

Saturday: 8 am - 8:30 pm

Sunday: 12 - 6 pm.

Nov. 1 – May 14:

Monday-Wednesday: Closed

Thursday - Friday: 4 pm-8:30 pm

Saturday: 8 am - 8:30 pm

Sunday: 12 - 6 pm

Open New Years Eve until 8:30 pm.

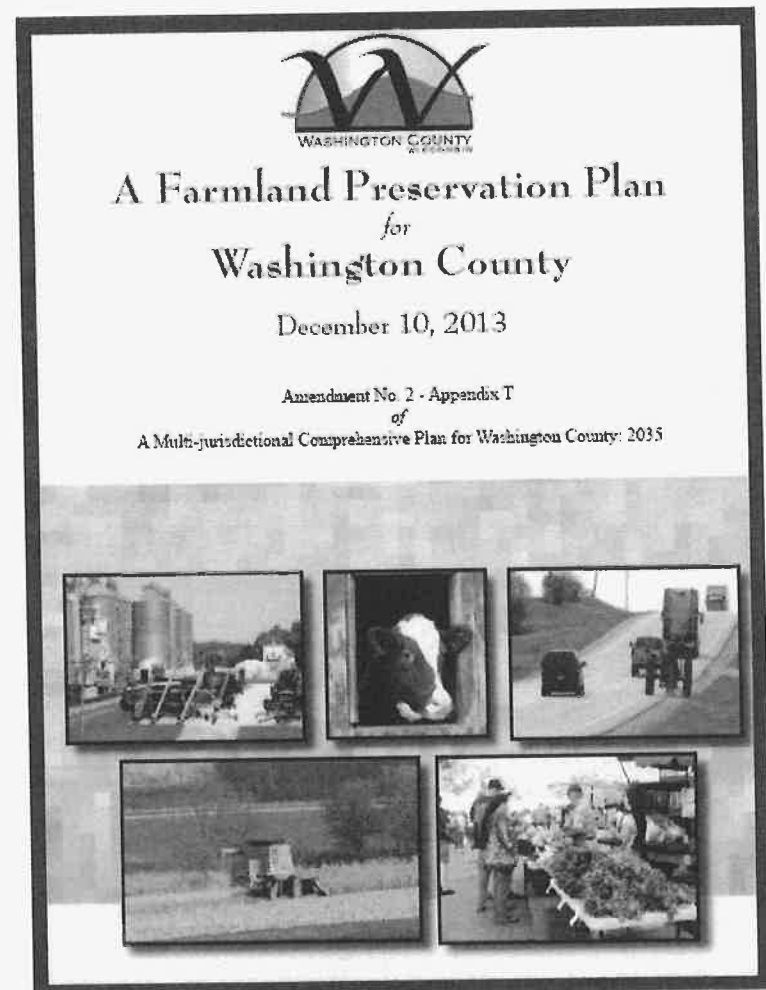
Closed: Thanksgiving, Christmas Eve, Christmas Day, New Years Day, Easter.

****Community or club meetings and/or classes may meet on Monday, Tuesday and Wednesday evenings, but will be closed to the public.***

***How we comply to
Germantown and Washington
County planning***

Germantown and Washington
County have a plan for growth
and the goal of preserving
agricultural land.

The Farmland Preservation Plan
includes the Working Lands
Initiative



Agricultural, Natural, and Cultural Resources Element: Goals & Objectives

Goal: Promote the preservation of existing natural features of the Village which add to the community identity, historic ways of life, economic base, and unique character of Germantown.

Goal: Provide Village residents with access to natural areas and open spaces.

Goal: Promote the preservation of agricultural land use in those areas where the most favorable environmental features will prolong the use of the land for agriculture.

Objective: Encourage the use of any organization that promotes the preservation of natural features.

Objective: Preserve and promote the registration of historic structures and farmsteads, which contribute to the cultural heritage of the Germantown area.

Objective: Identify and preserve important scenic vistas that contribute to the authenticity of the Village's historic farmsteads and settlements.

Objective: Explore and promote the use of any techniques which facilitate the preservation of agricultural land uses and unprotected natural features from development pressure by creating a viable economic option for land owners.

Goal: *Promote the preservation of existing natural features of the Village which add to the community identity, historic ways of life, economic base, and unique character of Germantown.*

Old Germantown Farmstead will....

...be preserved for future generations

...continue to be a living example of an original Germantown farmstead.

...provide economic benefits through agricultural/historical tourism and value-added processing of local products.

Objective: Preserve and promote the registration of historic structures and farmsteads, which contribute to the cultural heritage of the Germantown area.

Old Germantown Farmstead will....

...preserve the original 1858 farmstead and return to the original purpose of the community farm. Maintain a living connection to the cultural and historical heritage of Germantown.

Objective: Explore and promote the use of any techniques which facilitate the preservation of agricultural land uses and unprotected natural features from development pressure by creating a viable economic option for land owners.

Old Germantown Farmstead will....

...follow other community models that support small farming practices. Produce quality locally produced products and open their property to the public.

Examples of similar operations

Brewery Terra Firma is a production brewery, tap room, and MAEAP-certified farm located on 10 acres in residential area of Traverse City, Michigan.

2959 Hartman Rd, Traverse City, MI 49685

breweryterrafirma.com

Hours:

- Mondays-Saturdays: 10 am to 10 pm
- Sundays: 2-9 pm.



Examples of similar operations

Hop Lot Brewery is a production brewery, tap room, and restaurant in Suttons Bay, MI, north of Traverse City.

2959 Hartman Rd, Traverse City, MI

<http://hoplotbrewing.com/>

Hours:

- Mon.-Wed. 12-9 pm
- Thurs.-Sat.: 12-10 pm
- Sundays: 12-8:30 pm



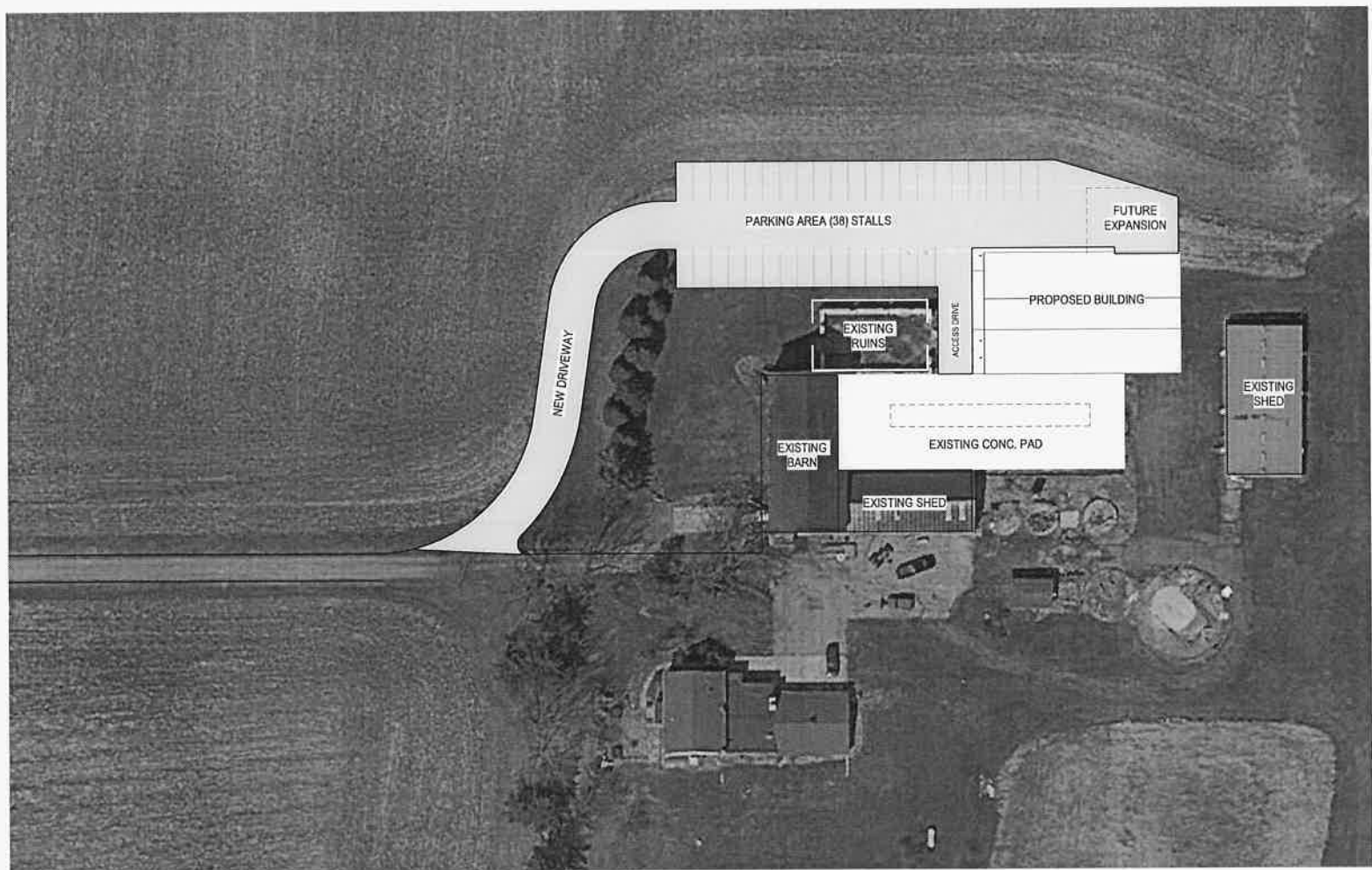
Old Germantown*

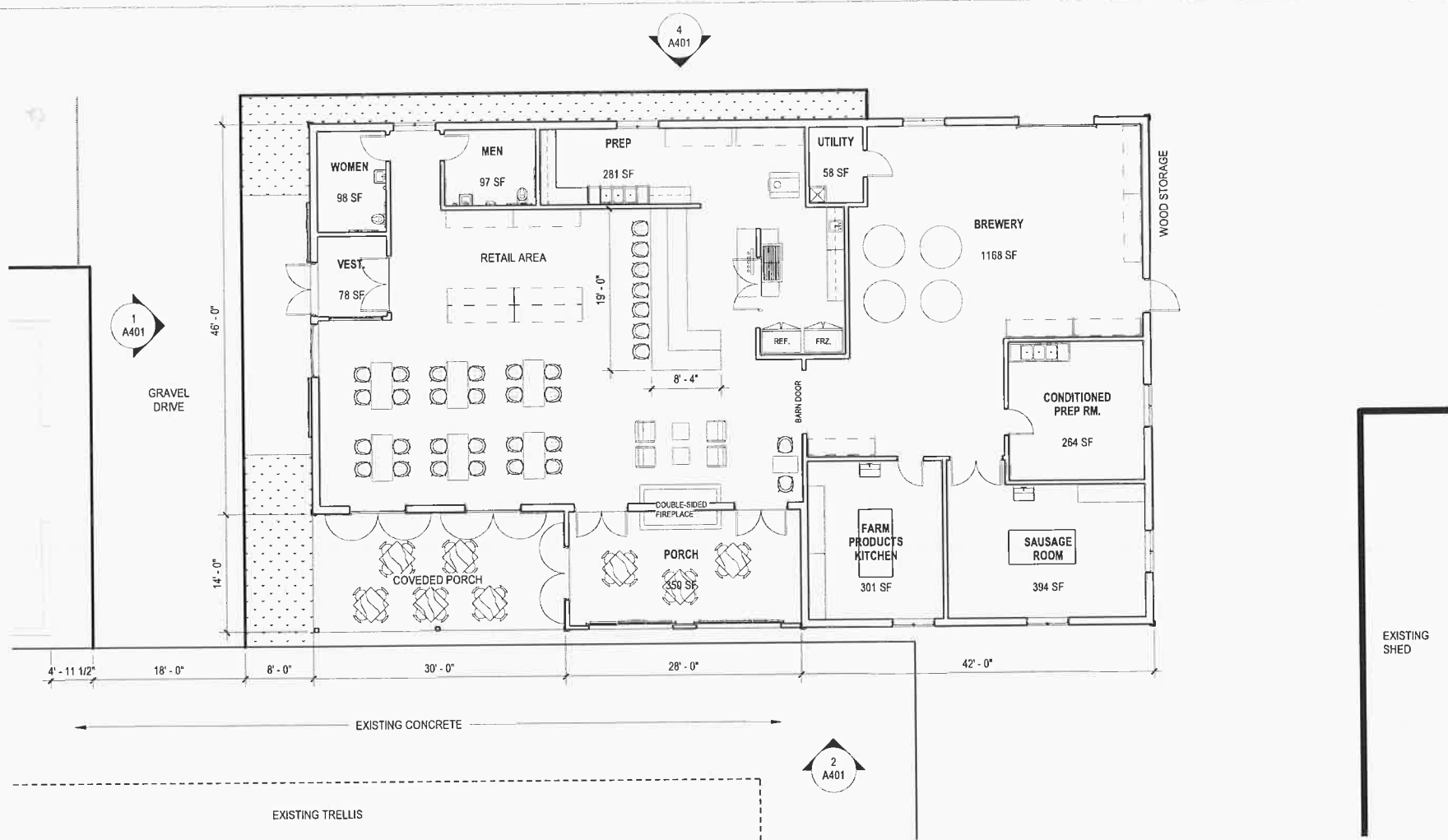
*Please note name change from earlier submission. "Farmstead" is a protected and registered trademark, not available for our use.

Farm Kitchen, sausage & Brewery

We promote local food and the traditions of
farm-made American heritage products

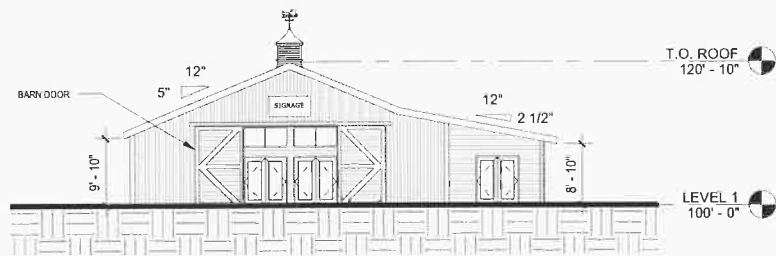
Old Germantown LLC W148N12696 Pleasant View Drive
Germantown, WI 53022



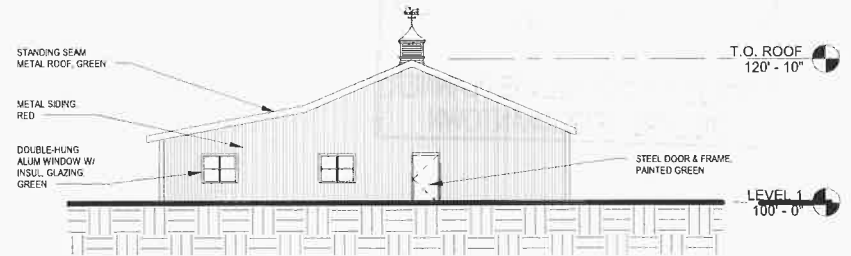


OLD GERMANTOWN FARMSTEAD
10/28/2017 Scale 3/32" = 1'-0"

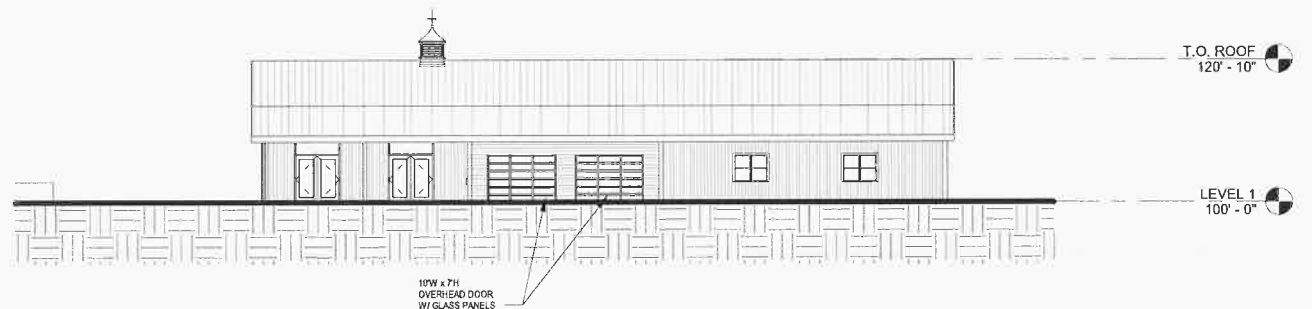
LEVEL 1 - OVERALL FLOOR PLAN



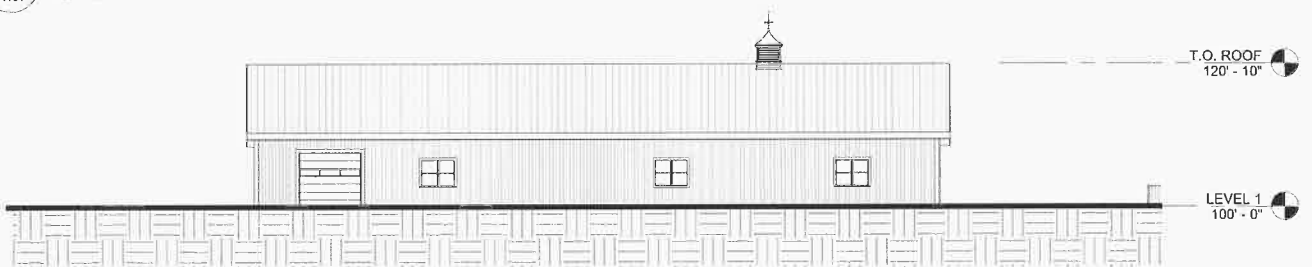
1
A401
EXTERIOR ELEVATION - WEST
1/16" = 1'-0"



3
A401
EXTERIOR ELEVATION - EAST
1/16" = 1'-0"



2
A401
EXTERIOR ELEVATION - SOUTH
1/16" = 1'-0"



4
A401
EXTERIOR ELEVATION - NORTH
1/16" = 1'-0"

REVISED REZONING CONCEPT PLAN

2/12/18 Plan Commission Meeting

Baudhuin Surveying & Engineering / Top Leaf Development LLC

Village Planner Report

Germantown, Wisconsin

Summary

Pete Hurth, Baudhuin Surveying & Engineering, and Top Leaf Development LLC and Alan & Lynda Luther, property owners, are requesting approval of a REVISED rezoning application concept plan for a 107-acre residential subdivision with 47 single-family lots south of Freistadt Road, north of Elm Lane and west of Wasaukee Road.

Property Location: Freistadt Road, Elm Lane and Wasaukee Road

Applicant/

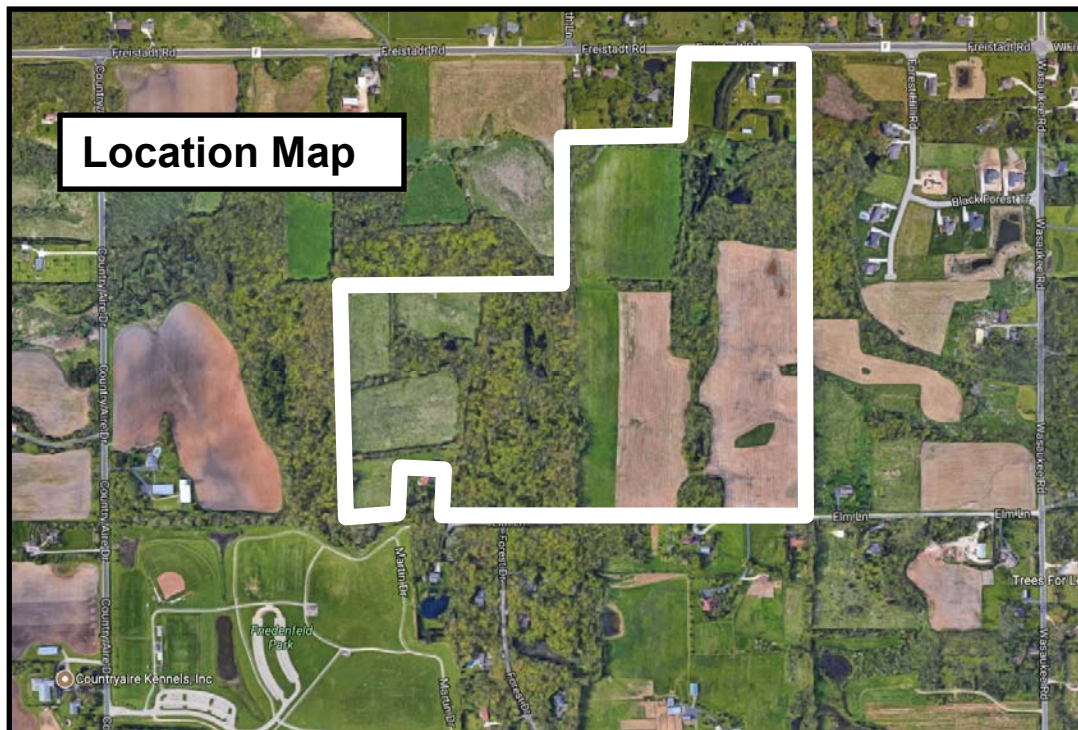
Property Owner: Pete Hurth
Baudhuin Survey & Eng
312 N 5th Ave
Sturgeon Bay, WI

Shari Waggoner
Alan & Lynda Luther
Top Leaf Development LLC
Colgate, WI

Current Zoning: A-1: Agricultural

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

Location Map



Update

At the January 8, 2018 meeting, the Plan Commission discussed the latest revised concept plan for the 47-lot subdivision proposal. A motion was initially made to approve the requested rezoning (A-1 to Rs-3) and the 47-lot concept plan subject to revising the lot layout so that all wetlands and the 25' wetland setback areas were all contained in outlots (consistent with the Village's subdivision regulations). In response, the Applicant indicated that it would not be feasible to do so and, as a result, they would likely scrap the concept of developing small lots on the west side of the property, not extend Elm Lane to the east to connect with the north-south road, not extend Elm Lane to the west and north of the park, and, come back with a revised concept plan that may not require rezoning to Rs-3 on the west side.

It was pointed out that a public hearing of the proposal was scheduled for the January 15 meeting and that it may be beneficial to get feedback from the public and Village Board before the Plan Commission considers any further changes to the concept plan or making a final recommendation on the rezoning or concept plan. The Plan Commission then passed a motion to table discussion and action until the next meeting and after the Village Board public hearing on January 15.

At the January 15 meeting, 17 members of the public spoke during the public hearing (see meeting minutes attached), many with concerns about the extension/connection of Elm Lane, wetland protection, larger vs. smaller lots on the west side, existing storm water run-off and high groundwater issues, and a few who are simply opposed to the overall development. The Village Board did not take any action and sent the rezoning request and concept plan back to the Plan Commission for further review and consideration of the public hearing comments.

Revised Proposal

At the January 15 meeting, the Applicant provided a revised concept plan for discussion (see attached plan date stamped February 2, 2018; hereafter the "revised plan"). Like the original concept plan presented last year, the revised plan divides the property into an east and a west development area. The east development area requires rezoning into the Rs-3 District (1-acre min lot size) and contains a total of thirty-seven (37) lots accessible by a north-south public roadway extending from Freistadt Road south to Elm Lane (with a proposed 250' extension from and connection to the existing Elm Lane to Wasaukee Road). The 37 lots would be created by subdivision plat. The west development area requires rezoning into the Rs-1 District (5-acre min lot size) and contains four (4) parcels accessible by a shared, private driveway extending north & west from the existing Elm Lane to Forest Drive. These 4 parcels would be created separately by certified survey map. A total of seven (7) outlots with 21 acres of undeveloped land area are interspersed throughout the property.

It should be noted that, under the revised plan, approximately 7.1 acres of the total 10.6 acres (67 percent) of delineated wetland on the property would be included within the boundaries of the four proposed Rs-1 parcels in the west development area, including a 6.8-acre wooded wetland area often referred to as the "Schoessow Woods".

As we discussed at the January 7 Plan Commission meeting, Staff obtained clarification of the wetland and wetland setback requirements under the Village's Subdivision Code; specifically, Section 18.02(6) as shown below.

(6) **LAND SUITABILITY.** No land shall be subdivided or developed which is determined to be unsuitable for its proposed use by the Plan Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village. In addition:

(a) **No lot or parcel 2 acres or less in area shall include floodplain or wetlands,** and all lots or parcels more than 2 acres in size shall contain not less than one acre of land which is at an elevation at least 2 feet above the elevation of the 100-year floodplain or, where such data is not available, 5 feet above the maximum flood of record. **Generally, floodplain and wetlands within a parcel of land subject of a subdivision plat or certified survey map "minor" land division and the area within any required setbacks extending outward from any such floodplain or wetlands should be platted so as to be included in open space or other outlots and not within or part of a developable lot or parcel.** (Cr. Ord. #09-08)

The Village Attorney agrees that the terms “generally” and “should” as used in Section 18.02(6) provide the Plan Commission some latitude in terms of enforcement. By comparison, where “shall” is typically taken to mean something is compulsory or mandatory, words such as “may” or “should” are typically taken to mean something is permissive or recommended, but not necessarily required.

Given that the four Rs-1 parcels exceed 2 acres in in area (5, 6.4, 8.6 and 13.9 acres respectively), and, given the Village Attorney's opinion summarized above, it appears that the Plan Commission could allow the latest revised plan to move forward even though a significant number of delineated wetlands and the associated 25' wetland setback is located within the four Rs-1 parcels.

The reasoning behind the requirement under 18.02(6)(a) that all wetlands and wetland setbacks should be contained in open space outlots comes down to enforcement issue. The Village determined long ago that the protection of wetlands is important, and, that the “standard” protections available through DNR regulations are not sufficient. Consequently, the Village adopted its own 25' wetland setback requirement in the Shoreland-Wetland Zoning Code to effectively prohibit any land development activity (e.g. from grading and filling to building construction) within 25 feet of a delineated wetland. While there is a provision in the Shoreland-Wetland Code that allows development within a 25' setback area with a conditional use permit (along with a specific compensation plan), the 25' wetland setback requirement has been an effective “no development zone” protecting wetlands throughout the Village.

However, with respect to enforcement, it is/would be extremely difficult and cost-prohibitive to monitor all development activity within the multitude of wetlands and wetland setback areas throughout the Village, particularly if those wetland setback areas encroach into or across thousands of parcels in the Village.

As a result, in an effort to limit the extent or number of parcels subject to the development restrictions associated with a 25' wetland setback, the Village added the provisions in 18.02(6)(a) that prohibit the creation of lots 2 acres or less in area with any wetlands or floodplains within its boundaries, and, to "require" wetlands, floodplains and any required setback areas to be located within open space outlots and NOT part of a developable lot.

With regard to this property, the delineated wetland areas comprise approximately 10.6 acres or 10 percent of the total parcel, and, include a significant part of the "Schoessow Woods" natural area as designated by SEWRPC. Since the last PC and VB meetings in January, Staff has contacted the local office of the Conservation Fund, agent and program coordinator for the Milwaukee Metropolitan Sewerage District (MMSD) Greenseams Program. As discussed in January, MMSD acquired the 34.5 acre parcel that lies north and west of the Top Leaf Development property (access from Freistadt Road). David Grusznski, Program Director for the Conservation Fund indicated that the Greenseams Program is interested in acquiring all or a portion of the 35 +/- acres that comprises the "west development area" of the Top Leaf property including the 20-acre area within which the Schoessow Woods and wetland area is located. As discussed, the Greenseams Program is voluntary on the part of the property owner and neither the Village, MMSD nor Conservation Fund has the ability to compel an owner to sell or otherwise transfer ownership of their property.

Like all "Environmental Corridor/Isolated Natural Areas" designated on the Village's 2020 Land Use Plan map, the wetlands on this property are subject to applicable development policies and regulations contained in the Village's 2020 Comprehensive "Smart Growth" Plan, Shoreland-Wetland Code, Floodplain Zoning Code, General Zoning Code, and the Subdivision Code. Collectively, Village policies and regulations prohibit the development of wetlands and discourage development of adjacent and surrounding land around wetlands that may negatively impact those wetlands.

With that said, Staff recommends that the Plan Commission NOT approve the latest revised plan that results in wetlands and the associated 25' setback areas being included in parcels proposed for development. Specifically, Staff recommends that the "west development area" shown in the revised plan be revised (again) such that all the wetlands and 25' setback areas in the west development area (i.e. Wetland #15 through #19) be included in undeveloped outlots that are NOT part of a larger parcel subject to development. Like Wetlands #1 through #14, ownership of these outlots may be private (e.g. Homeowner's Association) or public (e.g. Greenseams Program, Village).

As presented in the January 8 concept plan, it may be possible to create buildable single-family lots under the Rs-3 District that avoid the wetland and 25' setback areas while also protecting those wetlands by including them in an outlot(s). Obviously, doing so also creates the need to provide roadway access to the west development area. If necessary, the Applicant and Village could work together on developing a Planned Development District (PDD) alternative with modified lot size or other standard requirements for the west development area (or entire development if necessary), that

enables the Applicant to develop a cost-effective development while simultaneously protecting the wetland features on the property.

If that is not possible, then the overall development may need to be revised to reflect rezoning and development under the Rs-3 District for just the east development area in the near term and leave the west development area “as is” with no rezoning and no development plan until such time as an acceptable development plan (if any) can be presented.

At this time, the Plan Commission needs to reconsider their recommendation to APPROVE rezoning the entire property from A-1: Agricultural to the Rs-3: Residential Single-Family District. A second public hearing before the Village Board has been tentatively scheduled for March 5. It is anticipated that the Plan Commission will forward a recommendation regarding the rezoning request (the same or revised) and concept plan to the Village Board for consideration at that time.

- A. Baudhuin Surveying & Engineering, Agent for Top Leaf Development LLC and Alan & Lynda Luther, Property Owners – 107 Acres South of Freistadt Road, North of Elm Lane and West of Wasaukee Road (including N120 W12851 Freistadt Road). Rezoning Application from A-1: Agricultural to Rs-3: Residential Single-Family Zoning District and a Concept Plan for a 47-lot Single-Family Residential Subdivision. (Tax Key: GTNV 241-997; GTNV 241-998; GTNV 242-999)

The Community Development Director / Planner, Jeff Retzlaff reported on the items and reviewed the rezoning concept plan application. Aerial views and graphics of the area were shown. The 2020 land use map with the property highlighted was shown. Since September there have been five alternative concept plan reviews at four different Plan Commission meetings. The prior options were reviewed. A new plan that was received last week was distributed. The Plan Commission sent the item to the Village board for the Public Hearing on the Concept Plan. The Concept Plan with wetland delineation was presented to the Plan Commission. The Plan Commission wanted public input on the development and postponed action on the concept plan until the meeting in February. Issues include the access roads, the accommodation of the wetlands and the soils for the onsite septic systems. The Plan Commission did recommend the rezoning from the October meeting.

Pres. Wolter opened the public hearing and read the public hearing notice at 7:34 p.m.

Todd Johnson of Elm Lane came forward. He gave family history to the property. The homestead home was used for a fire department training exercise. He noted access to the park near their property. Mr. Johnson stated that he is not opposed to the development but has several concerns. He is not in favor of extending or reconstructing Elm Lane or additional park parking. He prefers to see larger lots. Mr. Johnson opposes granting a waiver of wetland setback and questioned the size of the retention ponds. The existing fields to the East are tiled. He and his family enjoy the wildlife and questioned if the trees would be moved. He questioned if there would be a developer's agreement.

Bruce Bernarde of Freistadt Road commented his concern of water run off and waiver of the 25 foot set back.

Marcus Stern of Forest Drive commented on water run-off and traffic on Forest Drive. He also commented on wells and wetlands. He also commented on SEWRPC.

Caroline Metternich of Freistadt Road commented on water run-off and preservation of wetlands. She would like a swale directing the water to her pond.

Rickard Boehlke of Elm Lane lives across from the Johnsons. He spoke of the wetlands and he agrees with the easement as he previously had to install a hammerhead.

David Broberg of Forest Drive distributed packets to the board that included maps from the smart growth plan. He spoke for the wetlands.

Ron Peterson of Forest Drive spoke for a through road to Mequon Road. He commented on a recent septic that failed.

Tom Isaac of Freistadt Road spoke for the wetlands and that the property is identified on the DNR's Natural Heritage Database as Schessler natural area for special identified plants. They have sump pumps that are very active.

Blake Hutchinson of Elm Land spoke in regards to water issues in the area. He also commented on well issues.

Dominic Augustine of Crestview Drive spoke in disappointment to the development.

Matt Bennett of Forest Drive spoke for the quiet roads and is opposed to the development.

Garrett Bradley of Forest Drive commented on the narrowness of the road and the school buses. He has three sump pumps that are very active.

Jim Marlesky Forest Drive commented on the park and dead-end street.

Todd Jernberg of Freistadt Road gave history of the property. He spoke in favor of the wetlands and wildlife. He suggested larger lots.

Kathy Henning of Elm Lake commented of concern of the access and narrowness of roads and the buses.

Arthur Bognar of Crestview Drive commented in favor of large lot sizes and quiet neighborhoods. He does have two sump pumps.

Brittany Weidman of Crestview Drive commented in favor of the wildlife and the quite neighborhood.

Peter Herth of Baudhuin Surveying & Engineering and Shari Waggoner of Top Leaf Development LLC came to the podium.

The current plan does not ask for a set-back variance. The current plan takes into consideration the placement of septic on every lot. There have been three holes dug per lot in regards to soil testing for the septic. This has been approved by the state.

The wetlands have been delineated. Wetland delineation in the State of Wisconsin are valid for five years.

The current plan does allow for larger lots to the West, as four lots that are five acres or greater. There is 107 acres and proposing 41 lots, which is an average of 2.9 acres per lot.

Discussion of access is shown off of Elm. Stormwater ponds have been proposed and need to be approved by the DNR. There would be a Homeowners Association.

An unknown person commented with concern of the west side with larger lots and the access for the larger lots.

Pres. Wolter closed the public hearing at 8:40 p.m.

- B. Amendments to the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.41 (Residential Accessory, Use, Building and Structures); and 17.49 (Architectural Control) affecting the size, location and exterior materials of residential accessory structures.

Jeff Retzlaff, Community Development Director and Planner, reviewed the draft ordinance and changes as drafted. The ordinance change is due to type of requests that have come forward through the Zoning Board of Appeals and Plan Commission. The amendment creates definition and categories.

Pres. Wolter opened and read the public hearing notice at 8:41 p.m.

Marty Meyers of W140 N13721 Country Aire Drive spoke in favor of the ordinance change due to his experience of wanting to build a garage or building in the front of his home and was denied by the Board of Zoning of Appeals.

A resident was against a portion of the amendment as it is not one size will not fit all.

Pres. Wolter closed the public hearing at 8:54 p.m.

NEW BUSINESS:

- A. Ordinance 01-2018, Rezoning from A-1: Agricultural to Rs-3: Residential Single-Family Zoning District. Baudhuin Surveying & Engineering, Agent for Top Leaf Development LLC and Alan & Lynda Luther, Property Owners – 107 Acres South of Freistadt Road, North of Elm Lane and West of Wasaukee Road (including N120 W12851 Freistadt Road). (Tax Key: GTNV 241-997; GTNV 241-998; GTNV 242-999)

MOTION (Baum/Zabel) to approve Ordinance 01-2018 as presented. The site plan is still up for discussion. Access points are still up for discussion. The public hearing was held to get public input and then go back to Plan Commission. Discussion ensued of the lot sizes.

The land to the North will be part of the MMSD Greenseams program. The zoning proposed is Rs-3. The stormwater management plan and retention ponds were discussed in detail to the current ordinance. The wetland setbacks will remain. Discussion ensued of the wells. Well permits are issued by the DNR. Discussion ensued of the density of the plan.

By a show of hands most in the gallery preferred the larger lots.

Discussion ensued of the traffic / road plan and connections.

MOTION to amend (Zabel/Kaminski) and to send the Ordinance back to Plan Commission. Motion as amended carried.

The next Plan Commission meeting is on February 12th at 6:30 p.m.



Village of

Germantown
Willkommen

FEES MUST BE PAID AT TIME OF APPLICATION

- ☐ \$200 Plan Commission Consultation
- ☒ \$1,085 Rezoning
- ☐ \$1,240 PDD < 5 acres
- ☐ \$2,095 PDD 5-20 acre site
- ☐ \$3,460 PDD > 20 acre site

Date Paid: _____ Received by: _____

REZONING & PDD APPLICATION

Pursuant to Section 17.51 of the Municipal Code

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

1 APPLICANT OR AGENT <u>PETE HURTH, P.E.</u> <u>BAUDHUIN SURVEYING & ENGINEERING</u> <u>312 N. 5TH AVE</u> <u>STURGEON BAY, WI 54235</u> <u>Phone (920) 743-8211</u> <u>Cell (920) 495-9101</u> <u>E-Mail phurthebaudhuin.com</u>	PROPERTY OWNER <u>SHARI WAGGONER OF TOP LEAF DEVELOPMENT, LLC</u> <u>FOR ALAN & LYNDIA LUTHER</u> <u>342 HILLSIDE RD</u> <u>COLGATE, WI 53033</u> <u>Phone (262) 923-0469</u> <u>topleafdevelopment@gmail.com</u>
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2 PROPERTY ADDRESS OR GENERAL LOCATION <u>107 ACRES SOUTH OF CTH F, NORTH OF ELM LAKE,</u> <u>1/4 MILE WEST OF WAUSAUKEE RD</u>	TAX KEY NUMBER <u>241997, 241998</u> <u>242999</u>
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3 REZONING REQUEST			
<table border="1" style="display: inline-table;"><tr><td>FROM <u>A-1</u></td></tr></table>	FROM <u>A-1</u>	<table border="1" style="display: inline-table;"><tr><td>TO <u>RS-3</u></td></tr></table>	TO <u>RS-3</u>
FROM <u>A-1</u>			
TO <u>RS-3</u>			

4 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY - REQUIRED
Attach pages as necessary <u>NW & SW 1/4 OF NE 1/4, SECTION 24 AND SE 1/4 OF NW 1/4</u> <u>SECTION 24, VILLAGE OF GERMANTOWN</u> <u>REFER TO REZONING MAP FOR LEGAL DESCRIPTION.</u>

PURPOSE OF REZONING REQUEST

Briefly describe why the applicant is rezoning the property. Include a description of the proposed use, including any new construction and number of employees, if applicable.

REZONING TO CREATE A RURAL RESIDENTIAL SUBDIVISION
WITH LOTS 1 ACRE OR GREATER IN SIZE. ALL LOTS
TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
WETLANDS TO BE PRESERVED BY PLACEMENT IN OUTLOTS.

6 SUPPORTING DOCUMENTATION:

- ☐ Plat of Survey (1:100)
- ☐ Site Plan and elevations for new construction (can be conceptual)
- ☒ CONCEPT PLAN
- ☒ NARRATIVE

7 READ AND INITIAL THE FOLLOWING:

PH I understand that the Village is under no obligation to rezone property and that density and lot coverages provided in the Zoning Code are maximums. Actual build out will depend on myriad factors including topography and other natural conditions, surrounding neighborhood context and the detailed design of a project.

PH I understand that Village Staff, Plan Commission and/or Village Board may request additional information to properly evaluate this request and failure to provide such information may in itself be sufficient cause to deny the petition.

PH I am aware that this rezoning shall go into effect immediately upon the final approval of the Village Board and its execution of the rezoning ordinance

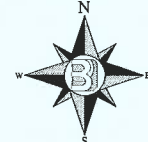
8 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

[Signature] 11/7/17
Applicant Date

Owner Date

SITE PLAN

LOCATED IN:
THE NW 1/4 OF THE NE 1/4, THE SW 1/4 OF THE NE 1/4,
AND THE SE 1/4 OF THE NW 1/4
ALL IN:
SECTION 24, TOWNSHIP 3 NORTH, RANGE 20 EAST,
TOWN OF GERMANTOWN,
WASHINGTON COUNTY,
WISCONSIN.

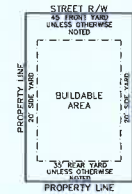


1" = 100'
0 50 100 200 300 400
FEET

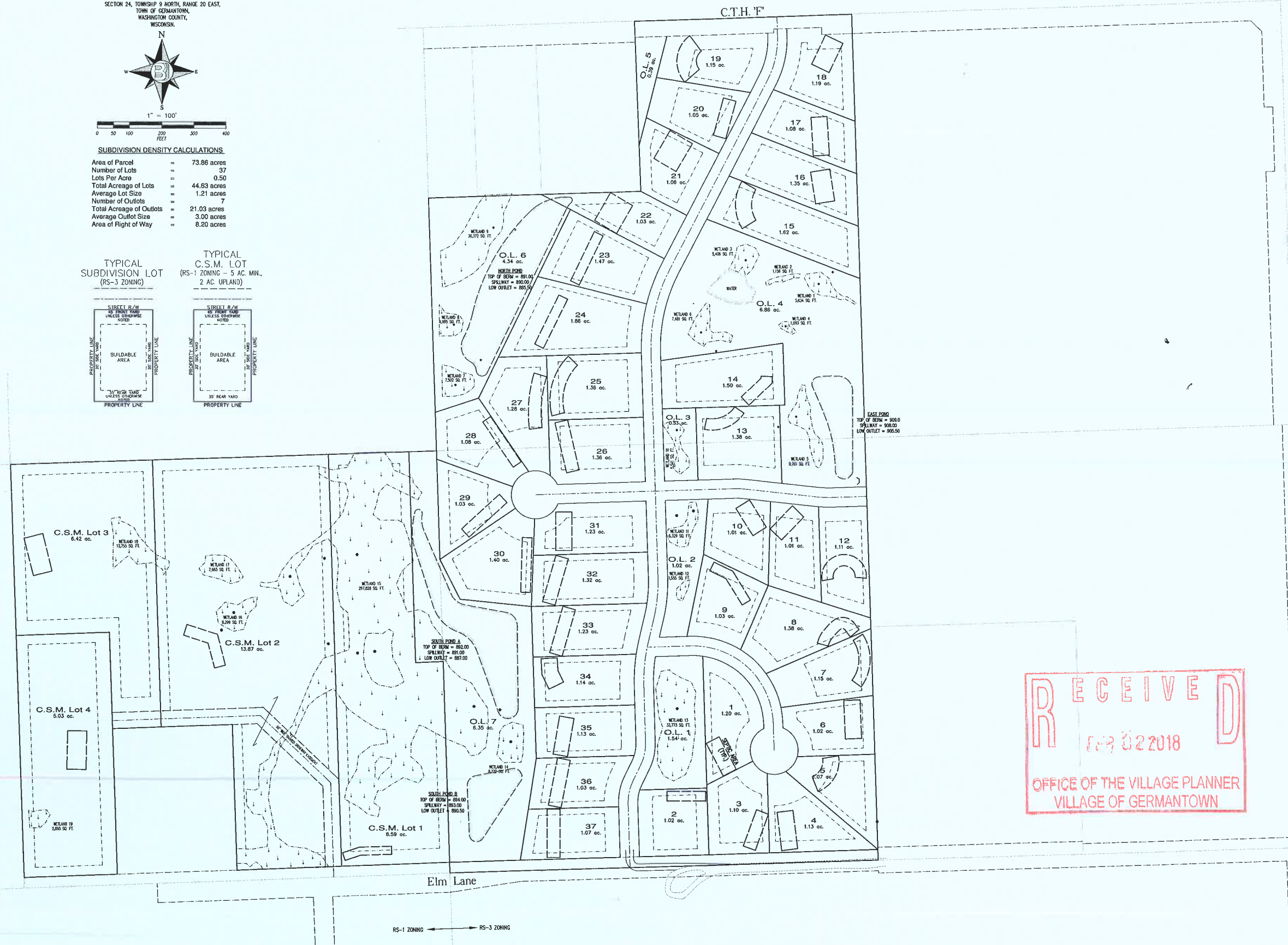
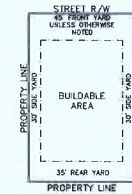
SUBDIVISION DENSITY CALCULATIONS

Area of Parcel	=	73.86 acres
Number of Lots	=	37
Lots Per Acre	=	0.50
Total Acreage of Lots	=	44.63 acres
Average Lot Size	=	1.21 acres
Number of Outlots	=	7
Total Acreage of Outlots	=	21.03 acres
Average Outlot Size	=	3.00 acres
Area of Right of Way	=	8.20 acres

TYPICAL SUBDIVISION LOT (RS-3 ZONING)



TYPICAL C.S.M. LOT (RS-1 ZONING - 5 AC. MIN., 2 AC. UPLAND)



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Schoessow Woods SEWRPC Natural Area



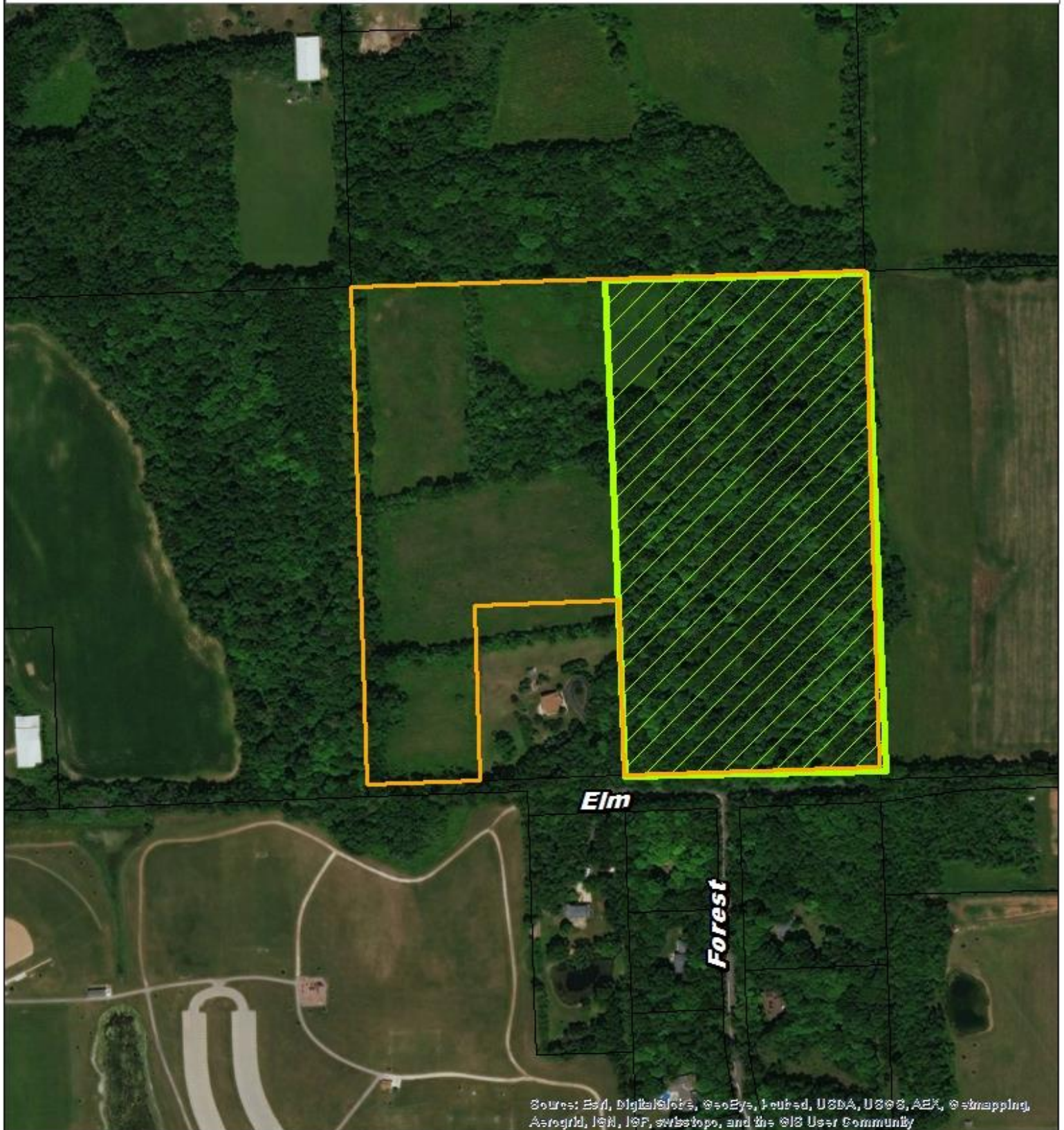
35+/- Subject Property



20 Acre Greenseams Area of Interest



0 125 250 500 750 Feet



Sources: Esri, DigitalGlobe, GeoEye, IGN, USDA, USGS, AEX, ©strapping, Aerogrid, IGN, IGP, swisstopo, and the ©IS User Community

ZONING CODE AMENDMENTS

2/12/18 Plan Commission Meeting

Germantown Community Development Department

Village Planner Report

Germantown, Wisconsin

Summary

The Community Development Department is proposing a series of amendments to the allowances, limitations and restrictions regarding residential accessory buildings.

Update

At their January 15, 2018 meeting, the Village Board tabled action on a series of amendments regarding the allowable location for a detached accessory building in the Rs-1: Residential Single-Family District. The Board sent the amendments back to the Plan Commission for further consideration. Although the Board thoroughly discussed the issue including the use of two example proposals (both subject of variance appeals that were eventually denied by the Board of Zoning Appeals), the Board struggled with the notion of simply allowing detached buildings in the front yard “by right” without some oversight by the Plan Commission or Board of Zoning Appeals that would include taking into consideration the specific circumstances of the request and subject property.

The Village Board discussed alternatives that included:

1. Requiring site plan approval or a zoning permit granted by the Plan Commission;
2. Requiring a conditional use permit;
3. Having the Board of Zoning Appeals review requests using a different set of criteria different from that used for variance appeals.

Within the existing framework of the Village’s Zoning Code and applicable state statutes, the Conditional Use Permit application & review process is the only process by which the Plan Commission, Board and/or Board of Zoning Appeals can consider specific conditions and circumstances of a particular request before making a decision to either or grant or deny the requested “use” (in this case whether or not to allow a detached accessory building to be located in a front yard). However, in the course of discussing this option, the Board felt that the application cost (currently \$1460), is excessive for this type of a request.

To complicate matters, the recently passed 2017 Wisconsin Act 67 requires communities to make significant changes to their conditional use permit regulations, including the need for “reasonable, practicable and measurable” standards or criteria that apply to each conditional use, and, a shift of the burden of proof that a conditional use can/cannot meet those standards from the applicant to the community. No longer will a community be able to consider public testimony that might be considered “personal preference or speculation” (e.g. “you have to deny it because that use will reduce my property values!”) as grounds for denying a conditional use unless it can be tied directly to the reasonable and measurable standards that apply.

With that said, Staff continues to have the opinion that the proposed amendment to allow detached accessory buildings in the front yard of Rs-1 District property subject to the setback, visual screening and compatible architecture and exterior material requirements are sufficient to protect the interests of surrounding property owners and, therefore, recommends that the Plan Commission also recommend (again) that the Village Board adopt the proposed amendments set forth as originally proposed.

ORIGINAL AMENDMENT RECOMMENDED FOR APPROVAL BY THE PLAN COMMISSION:

SECTION 5. That Section 17.41(3) (Location Requirements) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.41(3) LOCATION REQUIREMENTS.

- (a) In all single-family and 2-family zoning districts except for the Rs-1 District (Rs-2 through Rs-7 and Rd-2), detached accessory buildings shall be in a side or rear yard.
- (b) In the Rs-1 District, detached accessory buildings may be located in a front/street yard provided that:
 - 1. The minimum street yard building setback distance for the detached accessory building is equal to 50 percent of the actual building setback distance for the principal dwelling, or, 45 feet, whichever is greater; and
 - 2. A visual buffer of the detached accessory building shall be provided in the form of natural and/or planted vegetation, berms, fencing or a combination thereof as necessary to achieve a height of at least six (6) feet and a minimum twenty-five (25) percent visual opacity within two (2) years of installation from any adjacent public right-of-way and residential dwelling.
- (c) Except for detached accessory buildings located entirely in the rear yard, all detached accessory buildings and attached garages shall be subject to the same side yard building setback requirements ~~of that apply to~~ the principal building.

SECTION 6. That Section 17.50 (MODIFICATIONS) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.50(2) YARDS.

- ~~(c) Accessory uses and detached accessory structures are permitted in the rear yard only; they shall not be closer than 10 feet to the principal structure; and shall not exceed 15 feet in height.~~