

**VILLAGE OF GERMANTOWN
SPECIAL VILLAGE BOARD MEETING
MINUTES
JANUARY 28, 2013**

CALL TO ORDER: The meeting was called to order at 7:05 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Ewert, Hughes, Vanderheiden, Werderman and Zabel. Trustees Daniels and Kaminski were absent and excused. Also present: Administrator Schornack, Attorney Sajdak, Planner Retzlaff and Clerk Goeckner. Trustee Werderman arrived at 7:08 pm.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

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

PUBLIC HEARINGS – 7:00 P.M. OR LATER

A. **CONTINENTAL 246 FUND LLC, AGENT FOR RIVERSBEND COUNTRY CLUB, INC., PROPERTY OWNERS FOR THE FOLLOWING DEVELOPMENT PERMITS FOR THE PROPERTY LOCATED AT N96 W18034 COUNTY LINE ROAD (TAX KEY NO. 333-965):**

1. **A COMPREHENSIVE PLAN MAP AMENDMENT TO THE 2020 LAND USE PLAN MAP CLASSIFICATION FOR A 3.517 ACRE PORTION OF THE PROPERTY FROM THE “PARK/RECREATION AREA” TO THE “COMMERCIAL” CLASSIFICATION;**

Planner Jeff Retzlaff presented the information on all three public hearing items for Continental 246 Fund LLC, Agent for Riversbend Country Club, Inc., who has submitted a 2020 Land Use Plan Map Amendment, Rezoning application, Conditional Use Permit Application and Certified Survey Map (CSM) 3.5 acres in size, adjacent to County Line Road, which does not require a public hearing but is subject to board action. Site plan involves three components, new golf clubhouse on the north side of the development and construction of two restaurants, Olive Garden and Buffalo Wild Wings. Area in question to change to commercial with two land use designations currently, environmental corridor area and park recreation. Proposal is to change 3.3 acres of park recreation to commercial and .22 acres of environmental corridor to commercial. Certified survey map to divide into 3 parts for the restaurants and the clubhouse. The rezoning has three components. Fourth component is Conditional Use Permit. Minor encroachment to wetland setback area with sliver of the area on western property line. Within the 25' wetland setback. Because of grading, requires a Conditional Use Permit. Site development plan shows one monument sign on site with all three establishments advertised. Access by frontage road, north entrance is south exit only, easement for golf course parking with 267 stalls, 136 stalls for Olive Garden, 131 stalls for Buffalo Wild Wings. Traffic Study was completed. Developer and their consultant will speak about traffic issues. Plan commission has recommended approval subject to Board approval of all four items requested, subject to some conditions. Site development was subject to 17 conditions. Sarah Johnson, representative of Continental Fund and Riversbend Country Club along with representatives from Buffalo Wild Wings and Olive Garden, including

representatives for marketing and traffic were present. Ms. Johnson explained who they were and what the proposed development was to encompass. Outdoor seating of restaurant to be on west side of building toward woods. They have heard the concerns of landscaping on the north area and are proposing a berm adjacent to the clubhouse and plantings to further screen from residential. Most concerns at prior meetings held with residents were in regard to possible flooding and traffic issues. Those have been addressed by not increasing the flood elevation more than 0.01' or 1 100th of a foot. MMSD has approved pond design. Drainage swale has been designed along the western edge of the property to direct storm water to the existing pond system on the golf course. Continental has obtained approvals from DNR on the proposed development and would not be disturbing any wetlands. Traffic study representative discussed the traffic signal and synchronizing all signals in the area. Civil engineer discussed the site design and floodplain analysis.

President Wolter called the public hearing to order at 7:34 p.m. No one came forward to speak and the hearing was closed at 7:35 p.m.

2. A REZONING APPLICATION TO: (a) REZONE A 3.517 ACRE PORTION OF THE PROPERTY FROM THE I: INSTITUTIONAL TO THE B-1: NEIGHBORHOOD BUSINESS DISTRICT; AND (b) ATTACH THE PD: PLANNED DEVELOPMENT DISTRICT TO THE PROPERTY; AND (c) REMOVE A .22 ACRE PORTION OF THE PROPERTY FROM THE FLOODPLAIN OVERLAY DISTRICT;

President Wolter called the public hearing to order at 7:35 p.m.

The following parties spoke at the public hearing:

- Harvey Kroening, W178 N9739 Riversbend Circle W – Concerned about property values and size of parking lot
- Scott Summer, 3800 S. 185th Street Milwaukee – Owns property west of development and is concerned about development land locking his property
- Charlie Hargan, W169 N11504 Biscayne Drive – Concern of traffic and property removed from floodplain delineation area.
- Stareen Troeger, W180 N9909 Riversbend Circle W – Concern of loud noise
- Cheryl Tucker, W178 N9706 Riversbend Circle W – Concern of traffic and noise
- Marshall & Diane Peebles, Own property directly west of the golf course – Concern of further flooding to area with flooding issues already
- John Lauderdale, W176 N9733 Rivercrest Drive – Concern with flooding and change to zoning that would allow further change without need for Village approval and traffic
- Pat Walzak, W178 N9742 Riversbend Circle W – Concern of noise
- Robert Eastman, W179 N9773 Riversbend Circle W – Concern of property value loss, traffic issues and loss of nature.
- Terry Blosser, W180 N9893 Riversbend Circle W – Concern of flooding
- Shirley Engelmann, W180 N9843 Riversbend Circle W – Concern of flooding

President Wolter closed the hearing at 8:36 p.m.

3. **A CONDITIONAL USE PERMIT TO ALLOW DEVELOPMENT WITHIN A 25' WETLAND SETBACK ON A PORTION OF THE PROPERTY.**

President Wolter opened the public hearing at 8:36 p.m.

Charlie Hargan, W169 N11504 Biscayne Drive inquired about Menomonee River watershed.

President Wolter closed the hearing at 8:39 p.m.

NEW BUSINESS:

A. ACTION ON THE FOLLOWING DEVELOPMENT PERMITS FOR CONTINENTAL 246 FUND LLC, AGENT FOR RIVERSBEND COUNTRY CLUB, INC., PROPERTY OWNERS FOR THE PROPERTY LOCATED AT N96 W18034 COUNTY LINE ROAD (TAX KEY NO. 333-965):

1. **A COMPREHENSIVE PLAN MAP AMENDMENT TO THE 2020 LAND USE PLAN MAP CLASSIFICATION FOR A 3.517 ACRE PORTION OF THE PROPERTY FROM THE "PARK/RECREATION AREA" TO THE "COMMERCIAL" CLASSIFICATION (ORDINANCE);**

MOTION (Baum/Ewert) to approve the Comprehensive Plan Map amendment as recommended by Plan Commission. Discussion of permitted uses for Institutional zoned property, possible other developments, floodplain and FEMA requirements. **Roll call vote, all in favor, 2 absent, motion carried.**

2. **A REZONING APPLICATION TO: (a) REZONE A 3.517 ACRE PORTION OF THE PROPERTY FROM THE I: INSTITUTIONAL TO THE B-1: NEIGHBORHOOD BUSINESS DISTRICT (ORDINANCE); AND (b) ATTACH THE PD: PLANNED DEVELOPMENT DISTRICT TO THE PROPERTY (ORDINANCE AND RESOLUTION); AND (c) REMOVE A .22 ACRE PORTION OF THE PROPERTY FROM THE FLOODPLAIN OVERLAY DISTRICT (ORDINANCE);**

MOTION (Baum/Werderman) to approve the Rezoning Application, the attachment of the Planned Development District to the property and removing the .22 acre portion from the floodplain overlay district, as recommended by the Plan Commission. Discussion of traffic concerns – current and future, traffic study, possible traffic patterns and solutions, current business and traffic patterns, possible median or island installation, conditions placed by Plan Commission, landscape requirements and berms, length of time for entire process. **MOTION (Zabel/Werderman) to add 'shall be extended and enhanced to include the area within the 50' minimum setback area' to amend #9 sub 1 within the resolution, all in favor, motion to amend carried.** Discussion of operation hours, outdoor seating, noise, restricting liquor license, median alternative, traffic pattern concerns, review of traffic study by RA Smith on behalf of Village, and signalization. **Roll call vote, 6 in favor, 1 opposed (Baum), motion carried.**

- 3. CONDITIONAL USE PERMIT TO ALLOW DEVELOPMENT WITHIN A 25' WETLAND SETBACK ON A PORTION OF THE PROPERTY (CUP). MOTION (Baum/Vanderheiden) to approve the Conditional Use Permit as recommended by Plan Commission. Roll call vote, all in favor, motion carried.**

The meeting was recessed at 10:05 p.m.

The meeting was called back into session at 10:16 p.m.

- 4. A 3-LOT CERTIFIED SURVEY MAP (CSM). MOTION (Baum/Hughes) to approve the 3-Lot Certified Survey map as recommended by Plan Commission. All in favor, motion carried.**

There being no further business, the meeting was adjourned at 10:18 p.m.

Barbara K. D. Goeckner, MMC/WCPC
Village Clerk