PLAN COMMISSION MINUTES
August 8, 2022

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

ROLL CALL: Chairman Dean Wolter, Trustee Representative David Baum, Commissioners Tony Laszewski, Peter Nilles, Bob Williams, Bill Shadid and Josh Tarantino were present. Also present were Associate Planner Emily Zandt and Planning Assistant Lori Johnson.

PUBLIC INPUT:

- Melanie Smythe, N140 W17938 Cedar Lane, requested her suggestions from the 2025 meeting be incorporated into the minutes, future land use section is not complete, neighborhood meetings should be publicly scheduled.
- Scott Hefle, W159 N10514 Old Farm Road, had several comments, said cannot approve the 2050 plan until we know the answer to the referendum, the 2021 books are not complete, utility billing is not fixed, 2023 budget, fix channel 25.
- Trustee Jan Miller, W151N10297 Windsong Circle W, Trustee Miller read from a prepared statement that was handed out and discussed several issues, she said there was no summary of comments, no excel spreadsheet, she wants Willow Creek industrial park taken out of the plan and single-family homes put in, data is inconsistent with Village Center.
- Katie Kautz, N135 W20647 Meadowlark Lane, spoke on the history of Holy Hill area, 2050 plan needs to be amended now, should be based on public comments.
- Judy Kautz, N135 W20647 Meadowlark Lane, agreed with Katie Kautz comments.

APPROVAL OF MINUTES:

MOTION Baum second Shadid to Approve the Minutes from July 11, 2022 and July 25, 2022 separately.

Commissioner Nilles said he was not at the July 11th meeting and would abstain from voting. He would prefer the minutes were approved separately.

MOTION Baum second Shadid to Approve the minutes from July 11, 2022.
MOTION carried. (Nilles abstained)

MOTION Baum second Shadid to Approve the minutes from July 25, 2022.
MOTION carried (Laszewski abstained)

Melanie Smythe asked if her comments will be inserted into the minutes. Chairman Wolter said they would if she sent them to Lori.

Riteway Bus Service – W196 N13704 Fond du Lac Avenue – The property owner is seeking approval of a 2020 Land Use Plan Map Amendment from Agricultural & Conservation Residential to Rural Residential, a Rezoning from A-1 Agricultural to A-2 Agricultural and Rs-2 Single Family Residential and a 3-lot Certified Survey Map. Associate Planner Zandt summarized the proposal.

Public Hearing opened at 7:12 pm.
Public Hearing closed at 7:13 pm.

MOTION Baum second Laszewski to Approve the proposed 2020 Land Use Plan (LUP) map amendment to change proposed Lot 3 (2.66 acres) from "Agricultural/ Conservation Residential" to "Rural Residential" as proposed.

MOTION carried unanimously.

MOTION Baum second Laszewski to Approve rezoning proposed Lot 2 (15.248 acres) from A-1: Agricultural to A-2: Agricultural, and proposed Lot 3 from A-1: Agricultural to Rs-2: Single-family Residential as proposed.

MOTION carried unanimously.

MOTION Baum second Laszewski to Approve the proposed 3-lot Certified Survey Map (CSM) for the 78-acre Riteway Bus Service Inc. property located at W196 N13704 Fond du Lac Avenue/STH145 with the following conditions:

1. ***All technical issues and plan corrections identified by the Village engineering consultant mem dated July 22, 2022 shall be addressed and reflected in revised CSM submitted and approved by Village Staff prior to recording.***

MOTION carried unanimously.

Neumann Development agent for Wrenwood North LLC – Located south of Freistadt Road and West of Pleasant View Road The request is for approval of a Final Subdivision Plat and monument signage for Phase 1 in the Wrenwood North Subdivision. Associate Planner Zandt summarized the proposal.

MOTION Baum second Shadid to Approve the Wrenwood North Final Subdivision Plat (Phase 1) as proposed subject to the following conditions:

1. ***The Development Agreement for Wrenwood North shall be approved by the Village prior to review And approval of the final plat by the Village Board.***
2. ***The Developer shall ensure the following items are addressed/completed to the satisfaction of the Public Works Department prior to the acceptance of all public improvements:***
    a. ***Complete and submit "as-built" data for the stormwater pond recertification***
    b. ***Complete clean-up/restoration of all road ditches and drainage easements***
    c. ***Complete final asphalt lift and road shouldering (as provided in the Developer's Agreement)***
    d. ***Complete all public water & sanitary sewer station improvements***
    e. ***Complete all common area street tree and landscaping improvements***
3. ***All technical issues and corrections identified by the Village Surveyor (see July 22, 2022 memo) shall be addressed and reflected in the revised plat submitted and approved by Village Staff prior to the recording of the final plat.***
4. ***The Developer shall submit the proposed subdivision deed restrictions and covenants to the Village Attorney for review and approval prior to Village Board approval of the final plat.***
5. ***The issue raised by the WI Department of Administration (DOA) shall be corrected on a revised plat prior to recording.***

6. ***The following corrections shall be made and included in a revised plat prior to recording:***
    a. ***Lot 18 extends approximately 10' over/into a 50' wide pipeline easement located adjacent to the 100' railroad right-of-way. No reason is given for why it is proposed to plat a portion of this lot into the pipeline easement (shown on the preliminary plat as being part of Outlot 1). In staff's opinion, a portion of Lot 18 in the pipeline easement only creates an unnecessary complication for the lot owner who would need to obtain permission for any development or other activity in that area. Since removing this 10' wide area from the pipeline easement would not reduce the lot size below the minimum 15,000 sqft requirement, staff recommends reducing the size/shape of Lot 18, so it does not encroach into the 50' pipeline easement.***
    b. ***The preliminary plat requires a 25' wide landscape easement along Freistadt Road across Lot Nos. 1 & 37. The final plat indicates an easement of only 20 feet. The easement area is intended for the planting of landscaping as part of the overall common area landscape plan.***
7. ***The common area and street tree landscaping plan shall be submitted for review and approval by the Village Forester and prior to recording the final plat.***
8. ***Electrical permits shall be required from Inspection Services prior to the installation of any new electrical components for the monument signs.***
9. ***The monument sign lighting needs to be shielded with landscaping, side shields or other measures to ensure no glare is visible from Freistadt Road.***

Commissioner Williams questioned the number of open items related to the plat and asked what the benefit was to approving the plat now or waiting for the developer to complete the open items. Associate Planner Zandt said staff also had concerns with the open items, but the Village Attorney recommended the plat move forward because the items can be conditionally approved by the Village. The plat cannot be recorded until all the items have been completed. She said the developer is working through the process of getting the developers agreement approved. Commissioner Laszewski asked if approval of a developer agreement was normally something in place before dirt starts moving around and what happens if there is a dispute. Associate Planner Zandt said it was her understanding they relied on the existing developers agreement from the south and are working through the process of getting the developers agreement approved as soon as possible.

Kevin Anderson, Neumann Development, confirmed they are working with Director Ratayczak and that the development agreement is on the Public Works agenda Wednesday and Village Board agenda Monday. He said when the final plat is approved there are some items to complete, signatures and recordable copies from the State. Everything would be taken care of before it is recorded. He commented on the conditions:

- #2(a):Staff recommendation is correct, but staff report is inconsistent.
- #4: The declaration has been submitted to the Village Attorney.
- #5; The dedicated ROW– is an undivided outlot that will be dedicated to the Village for a future road. It will not be included on any lots. Neumann is not in control of that right-of-way there is nothing they can fix. They propose to leave it and will landscape it or leave it as a landscape easement.
- #6: They will remove the 10-foot overlap easement from Lot 18 and will make the correction in item b.

- #7: The landscape plan was included in the PDD when it was approved for Wrenwood South and after homes were built the street trees were planted. Request this should not be a condition of final plat but for final acceptance.

Commissioner Williams commented on the 16.5-foot right-of-way and indicated there was discussion that there needed to be an agreement entered into with the adjacent property owner completed prior to approval of the final plat, but that is not one of the conditions listed. Chairman Wolter said there was a property owner that came forward and stressed a need to have that in place because there was a need for a fence line. Mr. Anderson said they tried to speak to the property owner and have agreed to do a minor berm and some landscaping but ultimately it is a right-of-way and their lots would stop 16.5 from her property line. When the plat for phase two comes forward that 16.5 feet will be dedicated to the Village of Germantown unless something changes. Chairman Wolter explained all of the conditions need to be met before the final plat can be recorded. Mr. Anderson said there is not an agreement to be had with the property owner because it is a right-of-way that will be dedicated to the Village. As a developer he has to give the land to the Village.

MOTION to Amend Baum second Shadid to revise Condition #7 from "prior to recording the final plat" to "prior to the acceptance of the improvements".

MOTION to Amend carried unanimously.

Discussion followed on the 16.5-foot right-of-way. Associate Planner Zandt explained the right-of-way land was not added as condition of approval because it is land to be dedicated to the Village. She said there is time to figure that issue out as this plat is for development of the west 46 lots and we will make sure it is figured out prior to the final plat for the eastern portion.

MOTION carried unanimously.

MOTION Baum second Tarantino to Approve the signage as presented.

MOTION carried unanimously.

BSC Wisconsin d/b/a Big Sky Country Bar & Grill – W204 N11498 Goldendale Road. The property owner is seeking approval of site plans for a new outdoor patio. Associate Planner Zandt summarized the proposal.

Dennis Myers, N115 W20309 Woodland Drive, said he had no problems with the proposal and agrees with the conditions.

MOTION Baum second Shadid to Approve the site plan application and proposed plans to add an outdoor patio onto the northeast corner of the building for the existing Big Sky Country Bar & Grill located at W204N11498 Goldendale Road subject to the following conditions:

1. ***The owner/operator shall present and discuss the outdoor patio plans with the Building Inspector and Fire Chief to identify the need for commercial plan review to ensure compliance with all commercial building, ADA and fire safety codes and requirements.***
2. ***Building permits are required for any/all interior and exterior renovations (construction, electrical and/or plumbing). State-approved building plans may be required as part of a building permit application. Contact Inspection Services for information about building***

permit applications at 262-346-4460.

3. ***The outdoor patio shall be enclosed with a privacy fence and/or partition panels for controlling access and mitigating potential noise impacts. Said enclosure should be at least eight (8) feet in height and include at least one (1) access doorway or gate for emergency access purposes (or regular access if proposed a spart of the operation). Detailed plans and specifications for the enclosure shall be submitted to the Village Planner and Building inspector for review and approval prior to issuance of a building permit.***
4. ***The owner/operator shall provide site drawings as requested in the June 1, 2022 review memo for the Village Engineer. Said plans shall be prepared by a licensed engineer. These drawings shall be submitted to Village Staff for review and approval by the Village Engineer.***
5. ***Use of the outdoor patio for alcohol beverages and live and/or recorded entertainment and music is subject to approval of an outdoor premise extension to the existing liquor license by the Public Safety Committee and Village Board. Contact the Village Clerk for more information at 262-250-4740.***
6. ***Sign permits are required for all new temporary or permanent exterior signs. Contact staff in the Planning & Zoning Department for details.***

Commissioner Shadid asked when Plan Commission would see plans. Chairman Wolter said there weren't enough details on placement, screening, moving the a/c, and grease pit. It was only a conceptual idea.

MOTION to Amend Baum second Shadid to add condition #7 that actual plans be brought forward to review.

Chairman Wolter said noise is a concern and within 6 months we will get noise complaints.

MOTION Laszewski second Baum to Table until we have plans to review.

MOTION carried unanimously.

Capstone 41 Business Park – N128 W21077 Holy Hill Road Mike Faber, agent for the property owner, is requesting approval of monument, wall and on-site directional signs for Building #1 in the 52.5-acre business park located within the Holy Hill Gateway District. Associate Planner Zandt summarized the proposal.

Discussion followed on the location of the address on the building. He said anyone looking for the address will look for the west coordinate numbers and most drivers will use google maps for distinction of which building to go to. He explained the dominant tenant for each building will be identified on the monument sign and on the building.

MOTION Baum second Tarantino to Approve the proposed monument and wall sign for the Building #1 in the Capstone 41 Business Park located at Holy Hill Road subject to the following conditions:

1. ***The sign base for the monument sign shall be revised to be comprised of masonry that is compatible with the exterior wall material of the primary building.***

2. ***The minimum setback for the monument sign from the nearest property line shall be 5'11".***
3. ***The on-site directional signs shall be installed at a height not to exceed four (4) feet in height.***
4. ***Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.***

Discussion continued on the directional signs. Mr. Faber indicated an additional sign will be needed.

MOTION to Amend Baum second Shadid to add Conditional #5 that staff Approve a signage layout with "Do not exit" signs on the north end of the truck dock area.

MOTION to Amend carried unanimously.
MOTION to Approve as Amended carried unanimously.

Mary Best – W181 N12556 Fond du Lac Avenue. Zoning permit to allow installation of a 6-foot fence in the front yard. Associate Planner Zandt summarized the proposal.

Discussion followed. Mary Best explained the purpose of the fence is to shield the house from the road and noise and to protect her great grandchildren.

MOTION Baum Second Shadid to Approve the proposed installation of a 6' high privacy fence along the west (Fond du Lac Avenue/STH 145) property line for the 1.5-acre residential parcel located at W181 N12556 Fond du Lac Avenue.

Commissioner Shadid asked if the State would have a concern with the fence. Trustee Baum did not want to set a precedence for everyone along Fond du Lac Avenue. Associate Planner Zandt commented that a 4-foot fence is allowed in a front yard. Commissioner Laszewski commented that because of the elevation the fence will be tall. Ms. Best said she also wants to use movable temporary fencing panels for her dogs. Chairman Wolter stated he doesn't like fences in a front yard, but he understands why Ms. Best is requesting one.

MOTION carried 4-3 (Baum, Laszewski, Williams).

Plan Commission Resolution No. 02-2022 recommending possible revisions to and adoption of the Draft 2050 Comprehensive Plan. Associate Planner Zandt said the list of potential revisions was not available, but there could be discussion on any ideas heard from the public input sessions. She informed the Commission of a special Plan Commission on August 22nd. Chairman Wolter stated Plan Commission could propose some changes tonight and further revisions and discussion at the next meeting. Associate Planner Zandt explained the meetings to define the future land use of each neighborhood is part of the implementation plan and could be addressed following adoption of the 2050 Plan. Trustee Baum said there are some general things he would like to see changed but he didn't want to get into creating a plan for Holy Hill Road north of Rockfield Road. Associate Planner Zandt explained that could be discussed as part of the recommendation to the Village Board. Trustee Baum explained his plan was to go through the individual area matrix table to review desirable and undesirable uses. Discussion followed on each Neighborhood, District and Corridor of the Plan.

- Sunberry Tree Tops Neighborhood – no changes proposed

- Spassland Neighborhood – no changes proposed
- Alt Bauer Neighborhood – no changes proposed
- Kinderberg Neighborhood – no changes proposed
- South Country Aire Neighborhood – no changes proposed
- Prairie Glen Neighborhood – no changes proposed
- Friedenfeld Neighborhood –

MOTION Baum second Shadid to move residential 2 and 4 family from unacceptable to allowable
MOTION carried unanimously.

- Woodland Ponds/Harvest Hills Neighborhood – no changes proposed
- Country Aire Neighborhood – no changes proposed
- MacArthur/Kennedy Neighborhood – no changes proposed
- Blackstone Creek Neighborhood – no changes proposed
- Goldenthal/Homestead Hollow Neighborhood – no changes proposed
- Amy Belle Neighborhood – no changes proposed
- Willow Creek/Weidenbach Neighborhood – no changes proposed
- Meeker Hill Neighborhood – no changes proposed
- Woodside Neighborhood – no changes proposed
- Isabelle Farms Neighborhood – Implementation meeting needed, current uses accepted
- Lovers Lane Neighborhood – former DPW site should be institutional for possible police station, should be allowable.

MOTION Baum second Tarantino to change institutional use to desirable.
Commissioner Laszewski said the rest of the district would be a bullseye for all the other stuff.
MOTION FAILED 2 to 4 (Wolter, Laszewski, Nilles, Williams, Shadid).

- Dheinsville Neighborhood – no changes proposed
- Willow Creek Business Park District – implementation meeting needed, current uses accepted.
- Germantown Business Park District– no changes proposed
- Germantown Industrial Park District – no changes proposed
- Holy Hill Gateway District – implementation meeting needed, will accept current uses. Heard residential is preferred on north side of Rockfield, small commercial with a buffer. Area needs a master plan, work with the residents. Need meeting to discuss area west of Woodside neighborhood.

MOTION Baum second Laszewski to change the purple handle to green taking rural preservation down to purple east of the Woodside neighborhood.
MOTION carried unanimously.

- Omega Hills Industrial Park – no changes proposed
- Village Center District – implementation meeting needed, accept current uses
- County Line Road District – no changes proposed
- Freistadt District –

MOTION Baum second Laszewski to change the triangle west of 41/45 down to Meeker Hill as residential.
MOTION carried unanimously.

- Rural Preservation District – implementation meeting needed, better definition of conservation subdivision, accept current uses
- Schoen Laufen Menomonee River District – no changes proposed
- Lannon Mequon Road Corridor – no changes proposed
- Victory Center Corridor – no changes proposed

MOTION Baum second Shadid to Postpone action until 8-22-22.

Commissioner Nilles questioned if the implementation plan will take effect before or after the resolution is approved. Chairman Wolter said the Village Planner has indicated after, but the Plan Commission can

decide when. Trustee Baum stated the Plan will change over the next 30 years but we can accept the land uses in an area.

Scott Hefle commented the only discussion is on land use and asked why we are in a hurry. He thinks it is not a good plan adding he would like to have the meetings with the neighborhoods. He said we don't know what people are looking for and feels their perception of what we want development wise has changed because of Covid. Chairman Wolter stated there was a specific meeting for the rural area where property owners were invited to discuss plans for the future. Discussion continued.

Katie Kautz asked if the land use was approved tonight and the neighborhood meetings are held afterward, how hard is it to change the land use. She would rather have the meetings first before the Plan is approved. Chairman Wolter explained a public hearing would be held and then on to Village Board to amend the Land Use Plan. He said the Plan Commission makes a recommendation to the Village Board for their review and approval.

MOTION to Postpone carried unanimously.

Jacob & Katherine Cervantes – N120 W13537 Freistadt Road. Conditional Use Permit application to raise horses and chickens.
Public Hearing & Action was postponed to 9-12-22.

Mary Best – W181 N12556 Fond du Lac Avenue. Application to rezone a portion of the property from A-1: Agricultural District to the Rs-4 Single-family Residential District and Certified Survey Map application to legally record a lot line adjustment
Public Hearing & Action was postponed to 9-12-22

Fiduciary Real Estate Development and the Dickman Company, agents for the property owners of 89 acres located in the northeast quadrant of the Lannon Road/CTH Y @ County Line Road intersection for a 2020 Land Use Plan Map Amendment, Rezoning portions of the property from A-1 Agricultural to the M-1 Limited Industrial District, Rs-5 Single family Residential and Rm-3 Residential Multi family District and the possible creation of a Planned Development District for a residential and industrial mixed use development.
***Public Hearing & Action Cancelled due to Application being Withdrawn*.**

ANNOUNCEMENTS: Trustee Jan Miller announced the 4th of July celebration will be held on August 13th starting at 4:00 pm and will include fireworks.

ADJOURNMENT: There being no further business the meeting was adjourned at 10:16 pm.

Respectfully submitted,

Lori Johnson
Planning Assistant