

PLAN COMMISSION MINUTES
September 12, 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, Bill Shadid, Bob Williams and Josh Tarantino were present. Also present were Community Development Director Jeff Retzlaff, Associate Planner Emily Zandt and Planning Assistant Lori Johnson.

PUBLIC INPUT:

- Melanie Smythe, N140 W17938 Cedar Lane – asked when she would see a full corrected copy of the 2050 Plan, said the summary was organized well and the spreadsheet tool was great.
- Scott Hefle, W159 N10514 Old Farm Road - commented on several things: public input taken off last meeting agenda, said people don't know what the IGA is all about and should be posted on the website
- Jan Miller, W151 N10297 Windsong Circle W – commented there would not be a referendum without an IGA document and said after reading the State Statute for creating a comp plan, she doesn't think the vote of 5 out of 7 members is valid.

APPROVAL OF MINUTES:

MOTION Baum second Laszewski to Approve the minutes from August 22, 2022.

MOTION carried. Commissioner Williams and Shadid abstained.

Jacob & Katherine Cervantes – N120 W13537 Freistadt Road. Conditional Use Permit application to keep and raise certain animals including horses, poultry, fowl and other animals in an Rs-2: Single Family zoning district property. Associate Planner Zandt summarized the proposal.

Public Hearing opened: 6:53 pm.

- Tracey Bernarde, N120 W13645 Freistadt Road – said there were concerns with water runoff and the problem needs to be resolved before animals come.
- Bruce Bernarde, N120 W13645 Freistadt Road – said owner has logs and wood delivered, he dumps debris at the end of the workday, there is water runoff onto his property.
- Jake Cervantes, N120 W13537 Freistadt Road – showed where pasture would be, cleared out buckthorn and planted pasture seed. He said the runoff goes onto MMSD land.
- Katherine Cervantes, N120 W13537 Freistadt Road – said the reason they moved here was to have chickens and horses, the property has 4 acres and accessory buildings. She said MMSD land surrounds the property, the wood is for their wood burning stove and fire pit.

Public Hearing closed: 7:19 pm.

MOTION Baum second Shadid to Approve a conditional use permit for Jacob and Katherine Cervantes to allow the keeping of up to two (2) horses, a pot-bellied pig, and the raising of poultry or fowl for family consumption on their property located at N120W13537 Freistadt Road 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 June 6, 2022.***
- 2. Fencing, meeting the requirements of WI State Statute 90, shall be constructed and installed prior to housing any animals on the property.***
- 3. Building permits are required for any/all interior and exterior construction or renovations (i.e. fencing). Contact Inspection Services for information about building permit applications at 262-346-4460.***

- 4. 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.**

Trustee Baum had no problems with the animals or chopping wood but asked about the drainage issue. Director Retzlaff explained Public Works Director Ratayczak had visited the site before Cervantes purchased it and confirmed water was running onto the Bernarde property. He said nothing had been done to correct the issue to his knowledge and clearly the new property owner inherited the problem. Trustee Baum advised Mr. Cervantes work with the Village Engineer to rectify the problem. Discussion continued. Director Retzlaff said the CUP could be approved with the condition that more animals could not be brought to the property until the problem is fixed.

MOTION to Amend Shadid second Baum to add Condition #5 that a plan to remedy the water situation be determined before additional animals come onto the property.

Jake Cervantes understood the water issue needs to be resolved. Trustee Baum advised Cervantes to talk to the Village Engineer, but he may need to hire a civil engineer to help with the problem

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

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 a Certified Survey Map application to legally record a lot line adjustment. Associate Planner Zandt summarized the proposal.

Public Hearing opened: 7:36 pm.

Public Hearing closed: 7:37 pm.

MOTION Baum second Nilles to Approve the proposed rezoning request for Mary Best to rezone a portion of proposed Lot 1 (1.084 acres) from A-1: Agricultural to Rs-4: Single-Family as proposed.

MOTION carried unanimously.

MOTION Baum second Nilles to Approve the proposed 1-lot Certified Survey Map (CSM) for the Mary Best property (W181N12556 Fond du Lac Avenue) for the purpose of legally recording a lot line adjustment, subject to the following conditions:

- 1. All technical issues and plan correction identified by the Village's engineering consultant and Public Works Director in the memo dated June 24, 2022 shall be***

addressed and reflected in a revised CSM submitted and approved by the Village Engineer prior to recording the CSM.

2. Details of the Fond du Lac Avenue/STH 145 road right-of-way dedication, including the required width and DOT approval shall be finalized prior to recording the CSM.

MOTION carried unanimously.

Thomas Rakow – W140 N11066 Country Aire Drive. Application to Rezone a portion of the property from the A-2: Agricultural District to the Rs-1: Single-Family Residential Zoning District and 2-Lot Certified Survey Map application. Associate Planner Zandt summarized the proposal.

Public Hearing opened: 7:41 pm.

Public Hearing closed: 7:42 pm.

MOTION Baum second Nilles to Approve rezoning proposed Lot 1 (5.12 acres) from A-1: Agricultural to Rs-1: Single-family residential as proposed.

MOTION carried unanimously.

MOTION Baum second Nilles to Approve the proposed 2-lot Certified Survey Map (CSM) for the 15.67-acre Rakow property located at W140 N11066 Country Aire Drive with the following conditions:

- 1. All technical issues identified by the Village engineering consultant in the memo dated September 2, 2022 shall be addressed and reflected in a revised CSM submitted and approved by Village Staff prior to recording.***

MOTION carried unanimously.

Village of Germantown – N104 W12703 Donges Bay Road (Property A) and N104 W12667 Donges Bay Road (Property B)

– Application to Rezone Property A from the A-1: Agricultural to the I: Institutional District; Application to Rezone Property B from the A-1: Agricultural to the M-1: Limited Industrial Zoning District; Conditional Use Permit application to encroach into the 25' wetland setback and Site Plan Application for a 127,000 sqft Public Works Facility. Director Retzlaff summarized the proposal.

Public Hearing opened 7:56 pm.

- Patricia Gott, 10538 N. Council Hills Drive, Mequon – spoke against, issues with traffic, the dump, shooting range and garbage trucks.
- Luke Korth, 12122 W. Shawnee Pass, Mequon – spoke against, issues with traffic, lights, noise from trucks, hours of operation, filling in wetland.

Public Hearing closed 8:02 pm.

MOTION Baum second Shadid to Approve the following rezonings as proposed:

- 1. Rezone the 40-acre DPW parcel from A-1: Agricultural to I: Institutional; and***
- 2. Rezoning the 38-acre Krause parcel from A-1: Agricultural to M-1: Limited Industrial***

MOTION carried unanimously.

MOTION Baum second Shadid to Approve the Conditional Use Permit to allow the encroachment of development into portions of the 25' wetland setback on the DPW parcel pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

- 1. 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 activities or uses which causes problems or harmful effects that were not anticipated at the time of approval of this CUP, the conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.***
- 2. The Village shall prepare a final wetland setback compensation plan detailing the total amount and location of setback area impacted by development and the details for on-site compensation and wetland buffer restoration.***

Director Retzlaff said the intention is to compensate almost twice as much as the encroachment into the wetland setback area by providing wetland friendly vegetation plantings around the remaining portion of the wetland on the site to protect it.

MOTION carried unanimously.

MOTION Baum second Shadid to Approve site development and building plans for development of the DPW facility proposed by the Village of Germantown, including a 127,000 sqft industrial building and associated parking, internal driveways, storm water management, and road, water & sanitary sewer improvements subject to the following conditions:

- 1. This approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:***
 - a. Architectural plans dated August 24, 2022;***
 - b. Civil Engineering & Utility plans dated August 24, 2022 (bid set);***
 - c. Landscaping plans dated August 24, 2022;***
 - d. Site & Street Lighting plans (cut-sheets & photometric plans) dated July 15, 2022***
- 2. All exterior doors (except primary entrance) shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.***
- 3. All outstanding items and issues identified by Village Staff in the following review memos shall be resolved and reflected in additional information and/or revised plans submitted to Staff for further review, comment, and approval prior to commencing construction or issuance of building permits (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WIDSPS):***
 - a. July 27, 2022 memo from Larry Ratayczak, Public Works Director***
- 4. State agency (DSPA) approved plans and a \$20,000 occupancy bond are required by Inspection Services at the time of building permit application. The Village of Germantown is an authorized delegated agent of DSPA to provide all commercial***

plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.

- 5. The height of all exterior lighting fixtures shall not exceed a mounted height of 25 feet above the surrounding finished grade elevation. Also, no tilting of the fixtures shall be permitted.*
- 6. Landscaping is limited to the developed area of the DPW site and is not shown for the northern part of the Omega Hills Parkway cul-de-sac or along Donges Bay Road. The landscape plan should be revised, or a supplemental street tree plan prepared and submitted for review & approval by the Village Forester.*

Director Retzlaff said preliminary traffic information was pulled together by Graef. But a full-blown traffic impact assessment was not done because we know Donges Bay Road will be widened to accommodate additional traffic and improve the road conditions in front of the site west of Wasaukee Road. He said we will take a closer look at traffic as uses come forward in the TID 9 industrial site.

MOTION carried unanimously.

Meng Thao and Chonlada Saenyakun, Property Owners of 18.62 Acres – 1204 Pioneer Road in the Town of Jackson. Extra-territorial Certified Survey Map Plat Review to reconfigure parcels. Director Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the 2-lot Certified Survey Map land division of the 18.8-acre parcel owned by Meng Thao & Chonlada Saenyakun located off Pioneer Road in the Town of Jackson subject to one (1) condition:

- 1. All technical corrections identified by the Village's consulting Engineer, GRAEF, (see letter dated September 7, 2022) shall be addressed and reflected in a revised CSM submitted to the Village prior to recording the CSM.*

MOTION carried unanimously.

Broadstone PCI Wisconsin LLC, Property Owner of Rosti – N116 W18271 Morse Drive and N118 W18845 Bunsen Drive for a Sign Review Application. Associate Planner Zandt summarized the proposal.

MOTION Baum second Laszewski to Approve the wall signs for Rosti located at N118 W18845 Bunsen Drive and N116 W18271 Morse Drive as proposed.

MOTION carried unanimously.

Gehl Food & Beverage – N116 W15970 Main Street. Sign and Building Design Review. Associate Planner Zandt summarized the proposal.

MOTION Baum second Shadid to Approve the proposed wall sign for Gehl Food & Beverage on the southwest corner of the building located at N116W15970 Main Street, as proposed.

Discussion followed. Trustee Baum said he preferred the original proposal because it was classic and traditional and clear and easy to read. The new sign has too many things happening and is

distracting because of too much illustration for the intersection. Commissioner Laszewski and Shadid agreed.

Adam Konitzer, Gehl Foods, asked if they could use a different image. Trustee Baum explained the image presented is too distracting to that corner because of the collage of multiple images. He said 3 images would be better than 50 and preferred historic photos better than modern day photos. Chairman Wolter understood it shows the people that built the company but said it is a little busy.

Cathie Petak, Director of Marketing, said Gehl's has 125 years of business history and she would like to come back with a couple other concepts. She said Gehl's makes other products besides cheese sauce, and she is trying to incorporate the new products into the mural.

MOTION to Table Baum second Nilles until the next meeting on October 10, 2022.
MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business the meeting was adjourned at 8:29 pm.

Respectfully submitted,

Lori Johnson
Planning Assistant