

PLAN COMMISSION MINUTES

December 12, 2022

CALL TO ORDER: Planning Assistant Lori Johnson called the meeting to order at 7:04 pm.

ROLL CALL: Trustee Representative David Baum, Commissioners Tony Laszewski, Bill Shadid, Bob Williams and Josh Tarantino were present. Chairman Wolter and Commissioner Peter Nilles were absent and excused. Also present were Community Development Director Jeff Retzlaff, Associate Planner Emily Zandt and Planning Assistant Lori Johnson.

MOTION Shadid second Laszewski to appoint Trustee Baum as Chairman Pro-Tem.
MOTION carried unanimously.

PUBLIC INPUT:

- Melanie Smythe, N140 W17938 Cedar Lane, spoke on several things. She asked if the neighborhood meetings had been scheduled yet because there are important things going on. She asked the Plan Commission to keep residents quality of life, tax burden and rate of change through development in mind as proposals come forward. She is disappointed TID #9 was enlarged.

APPROVAL OF MINUTES:

MOTION Shadid second Williams Approve the minutes from November 14, 2022.
MOTION carried unanimously.

Erik and Holly Hagen, Property Owners of N120 W17740 Freistadt Road. Conditional Use Permit Application to allow a Major Home Occupation from the property for Hagen Plumbing Service. Associate Planner Zandt summarized the proposal.

Public Hearing opened: 7:16 pm.

- Trustee Myers - confirmed with the owners there would be 3 employees living in the house.

Public Hearing closed: 7:18 pm.

Motion Laszewski second Shadid to Approve a conditional use permit (CUP) for Erik & Holly Hagen and Hagen Plumbing Service LLC to operate as a “major” home occupation providing plumbing services from the property located at N120W17740 Freistadt Road subject to the following conditions:

- 1. The uses and activities allowed on the property shall be limited to those uses and activities specified in the conditional use permit (CUP) application and supporting documents dated September 30, 2022. The size and relative location of those areas within the property from which said uses and activities are permitted are limited to that presented in the detailed site plan and description submitted with the supporting documents. Days and hours of operation shall be limited to those specified in the CUP application and supporting documents submitted to the Village (Monday through Friday, 7:30am to 4:30pm). The Owner/Operator is responsible for reporting any significant changes in the type, intensity, amount or location of the land uses and activities, days and hours of operation, size or location or other operational characteristics of said uses and activities authorized under this CUP to the Village Zoning Administrator.***
- 2. The on-site storage or parking of business vehicles and equipment shall be permitted in an enclosed accessory building or in a side or rear yard provided that the area used for such storage or parking is screened from view from all public streets and adjacent***

property. Other than when the business trucks are leaving from/returning to the site, business vehicles should be parked within the enclosed pole barn as shown in the application.

- 3. Wholesale and/or retail sale of any product from the property is prohibited.*
- 4. In the event the Village receives complaints regarding outdoor storage, noise, dust, odor, vibration or other negative impacts on surrounding neighborhood and properties, the Owner/Operator shall work cooperatively with the Village to address the complaints and mitigate the issue.*
- 5. Site improvements, buildings, signage, exterior lighting and any other improvements on the property that are necessary for the land uses and activities authorized under this CUP shall be reviewed and approved by the Village through the Zoning Permit or Site Plan application process as determined by the Village Zoning Administrator. Improvements within the floodplain or within the regulated setback of the navigable stream and wetland areas will require compliance with Chapter 23: Floodplain Zoning Ordinance and Chapter 24: Shoreland-Wetland Zoning Ordinance. If required, Site Plan review and approval will include Plan Commission review and approval.*
- 6. 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.*
- 7. Upon issuance of the CUP, the business shall comply with all general and specific requirements and performance criteria applicable to all "major" home occupations under Section 17.61 of the Zoning Code. Operation of the business in a manner that does not comply with the applicable requirement under 17.61 or inconsistent with the application dated September 30, 2022 and the conditions of approval adopted herein shall be deemed a violation of the Village Municipal Code and subject to the enforcement provisions contained therein.*

Discussion followed. Commissioner Williams asked if the CUP would be limited to 4 years as is stated in the code. Director Retzlaff said the CUP does not include a condition to limit the CUP to 4 years but it could be included with a specific time frame.

MOTION to Amend Williams second Shadid to require the 4-year timeframe to review the CUP.

Director Retzlaff stated the CUP does not include a termination provision on the sale of the property or business but that could be included if Plan Commission recommends. He explained the CUP includes standard provisions that allow the Village to void the CUP if its operated differently or the conditions are greater than was originally presented. Commissioner Laszewski said the CUP could be reviewed at any time if there was an issue with the business.

MOTION to Amend carried 4-1 (Laszewski)

MOTION to Approve as Amended carried unanimously.

Shawn Beschta, property owner of W188 N10050 Maple Road. The applicant is seeking approval of a 2-lot Certified Survey Map and application to Rezone 1.5 acres from A-1: Agricultural to Rs-3: Single Family Residential. Director Retzlaff summarized the proposal.

Public Hearing opened 7:34 pm.

- Bob Weiland, W182 N9049 Amy Lane, Menomonee Falls – appreciated owner has cleaned up the property, supports the rezoning and land split, water problems in that area, ditches are needed.
- Ann Barforth, W188 N10115 Maple Road – agree with Weiland's comments, would help community and make Maple Road look better.
- Trustee Dennis Myers – said Maple Road is scheduled to be done in 2 years.

Public Hearing closed 7:42 pm.

MOTION Shadid second Williams to Approve the proposed 2-lot Certified Survey Map (CSM) and application to Rezone 1.5 acres (proposed Lot 2) from A-1: Agricultural to Rs-3: Single-Family Residential subject to the following 5 conditions:

- 1. All technical issues and plan corrections identified in the October 28, 2022 review memo by the Village's engineering consultant GRAEF shall be addressed and reflected in a revised CSM submitted and approved by the Public Works director/Village Engineer prior to recording the CSM.***
- 2. Notes requiring a wetland delineation and soil evaluations if/when Lot 1 is proposed for development shall be included on the CSM.***
- 3. All accessory buildings, junk, unlicensed vehicles, etc. shall be removed from proposed Lot 1 prior to recording the CSM.***
- 4. The owner shall obtain an access easement or cross-access agreement with the property owner to the north to continue to allow access to proposed Lot 1 from the shared driveway located on the property to the north of the Lot 1 property line. Said agreement shall be recorded concurrent with or prior to recording the CSM.***
- 5. Direct access to Maple Road from Lot 1 shall be prohibited. A note indicating this access restriction shall be added to the CSM prior to recording.***

Discussion followed. Director Retzlaff explained lot #1 has developable land on the balance of the property and presumable could be developed with an additional on-site septic system. Shawn Beschta said the wetlands will not change at all but he has been cleaning up the property. He said he spoke to the adjoining neighbors who indicated they were in favor of the proposal. He explained he does not live on the property but keeps 2 boats, a parade float and bow hunts on the property. He did not know that the land division was not done correctly. Director Retzlaff said if the intent is to keep the property as a private recreation area, that is an allowable use with a conditional use permit. Another option would be to deed restrict Lot 1 from any habitable development and require a CUP for commercial storage. Mr. Beschta stated he does not want to build a house, he is emotionally attached to the land. The proper application is needed and the public hearing will need to be republished. Commission members agreed.

***MOTION Shadid second Laszewski to Table.
MOTION carried unanimously.***

Boro Buzdum, property owner of Buzdums Bar and Grill – W188 N10515 Maple Road. Site Plan review application for a 1,055 sqft patio addition. Director Retzlaff summarized the proposal.

MOTION Shadid second Williams to Approve the site development & building plans for a 1,055 sqft enclosed patio expansion to the Buzdum's Pub & Grill building located at W188 N10515 Fawn Lane subject to the following (10) 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 the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission:***
 - a. Architectural plan set revised November 29, 2022***
- 2. All plan corrections required by the Public Works Director in the October 20, 2022 review memo shall be addressed and reflected in revised plans and/or supplemental information reviewed and approved by the Village Engineer prior to issuance of a building permit.***
- 3. Commercial building plan approval and submittal of a \$5,000 occupancy bond are required by Inspection Services prior to the issuance of building and occupancy permits. The Village of Germantown is an authorized delegated agent of DSPS to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.***
- 4. All site plan approval and building permit fees shall be double and paid in advance of issuing any building permits.***
- 5. A pre-occupancy inspection of the enclosed patio area shall be conducted by the Fire Department in cooperation with the final inspection required by Inspection Services. A maximum building capacity shall be determined by the Fire Department if not already determined through the commercial plan review approval.***

Discussion followed. Commissioners asked for clarification on what is proposed to be redone and how the changes will affect the storage building project. Peter Lalonde explained 6 feet would be added to the covered patio area, a smoking area and cooler equipment area. Trustee Baum commented the architectural appearance and esthetics of the building is not improving at all. He added it would make sense to look at both projects together and a color elevation would be helpful. Director Retzlaff said the storage buildings and landscaping would likely shield most of the building.

***MOTION Shadid second Laszewski to Table.
MOTION carried unanimously.***

Commissioner Shadid requested the applicant show a complete plan with both projects, drive lane, storage buildings, color renderings, landscape plan and photographs of the existing buildings.

Jake Woller, Property Owner of Bixenberg Tavern – N112 W21209 Mequon Road. The request is for Approval of a new ground sign. Associate Planner Zandt summarized the proposal.

MOTION Shadid second Williams to Approve the proposed ground sign for Bixenberg Tavern with the following conditions:

- 1. A detailed landscape plan for the area around the sign shall be submitted and approved by Village Staff and the Village Forester prior to installation of the sign.***
- 2. Following installation of the sign, an as-built survey shall be completed and submitted to ensure that all sign components meet the required 5' setback from the property line/road right-of-way.***

MOTION carried unanimously.

Zilber Property Group – W210 N12975 Gateway Crossing. 3-Lot Certified Survey Map application to divide the property. Associate Planner Zandt summarized the proposal.

MOTION Laszewski second Shadid to Approve the proposed 3-lot Certified Survey Map (CSM) for the ZPG Development, LLC property (W210N12975 Gateway Crossing) to create two additional lots buildable for future industrial buildings, 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 November 3, 2022 shall be addressed and reflected in a revised CSM submitted and approved by the Village Engineer prior to recording the CSM.***
- 2. All technical issues and plan correction identified by the Village's Planning staff in the memo dated November 23, 2022 shall be addressed and reflected in a revised CSM submitted and approved by staff prior to recording the CSM.***
- 3. The following note should be added to the CSM prior to recording: "The type and location of any access driveway onto Rockfield Road shall be determined at the time site development and building plan approval is granted by the Village Plan Commission. Other than temporary access for use by emergency vehicles only, the use of any access driveway onto Rockfield Road shall be prohibited until such time as Rockfield Road has been re-constructed to Village standards capable of supporting commercial/industrial vehicle traffic."***

MOTION carried unanimously.

Zilber Property Group – W210 N12975 Gateway Crossing – Sign Review application. Associate Planner Zandt summarized the proposal.

MOTION Shadid second Williams to Approve the ground sign for ZPG Development property located at N210N12975 Gateway Crossing as proposed.

MOTION carried unanimously.

Ryan and Claire Polsfuss, Property Owners, W148 N10712 Crabtree Lane are seeking approval to install a 4'6" aluminum fence within an existing drainage easement on the residential lot located in the Preserve at Germantown subdivision. Associate Planner Zandt summarized the proposal.

MOTION Shadid second Williams to Approve the zoning permit application to install a 4'6" Ashbury aluminum fence within the 20' wide private drainage easement along the rear lot line of the property located at W148N10712 Crabtree Lane subject to the following conditions:

- 1. The fence shall not be installed within the 10' public drainage easement along the north property line.***

2. It shall be the responsibility of the homeowner to maintain a free flow of water within the private drainage easement at all times.

3. A fence permit is required from the Building Inspection Department. Contact SafeBuilt for more information.

MOTION carried. (4-1 Laszewski)

Jason and Susan Roxbury, Property Owners, W153 N11489 Potomac Circle, are seeking approval to construct a wood privacy fence in the front yard at a height of 6' on their residential lot. Associate Planner Zandt summarized the proposal.

MOTION Shadid second Laszewski to Approve the proposed installation of a fence 6' in height within the front yard along Gettysburg Drive.

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business the meeting was adjourned at 8:45 pm.

Respectfully submitted,

Lori Johnson
Planning Assistant