

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, August 14, 2023 6:30 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

Planning Assistant Lori Johnson called the meeting to order at 6:30 pm.

II. **ROLL CALL:**

Trustee Representative David Baum, Commissioners Tony Laszewski, Peter Nilles, Bob Williams, Josh Tarantino and Bill Shadid (via WebEx). Chairman Dean Wolter was absent and excused. Also in attendance were Community Development Director Jeff Retzlaff and Planning Assistant Lori Johnson.

MOTION Laszewski second Nilles to appoint Trustee David Baum as Chairman Pro Tem.

MOTION carried unanimously.

III. **APPROVAL OF MINUTES:**

A. July 24, 2023

MOTION Shadid second Tarantino to approve the minutes from July 24, 2023.

MOTION carried unanimously.

- IV. **CITIZEN INPUT:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.)*

The following residents spoke during public comment:

Mary Schulteis, W140 N10337 Fond du Lac Ave.

Melanie Smythe, N140 W17938 Cedar Lane

Trustee Jan Miller, W151 N10297 Windsong Circle West

Katie Figie, W140 N10323 Fond du Lac Ave. (comments read into the record)

Please visit the Village's YouTube website to watch/listen to the recorded meeting for additional details: https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ

V. NEW BUSINESS:

- A. Hans Dawson, Agent for Moraine Development LLC, Property Owner - W218 N11546 Appleton Avenue. Applications to (1) Create an Rs-2:Single-Family Residential Planned Development District (Rs-2/PDD) pursuant to Sections 17.15 and 17.27 of the Zoning Code; and, (2) Rezone from the M-4:Mineral Extraction, A-2:Agricultural, and Rs-2:Single-Family Zoning Districts into the newly created Rs-2/PDD Zoning District; and (3) Certified Survey Map (CSM) to combine six parcels for purposes of restoring and redeveloping the former gravel mining property into a 126.5-acre, 15-unit residential condominium and conservation development. (PUBLIC HEARING & ACTION)

Director Retzlaff summarized the proposal. Hans Dawson, Lannon Stone Products, provided information on the development and said he considers fixing the site as an amenity to the Village in exchange for creating the PDD. He said he was open to making a donation to the park system instead of creating a public open space on the property so there is less trespassing.

Public hearing opened at 7:03 pm.

-Eric Roberts, TR Capital, W219 N11588 Appleton Avenue said he supported the development (comments were read into the record)

-Ray & Leslie Bencivenga, W218 N11495 Appleton Avenue, disappointed to have this development across the street, enjoy the quiet neighborhood, don't want a lot of truck traffic (comments read into the record).

-Laura Steinman, W210 N11190 Mountbrooke Drive, said dump trucks on Mequon Road have already trashed the road,

-Gene Wisch, N113 W21692 Bark Lake Road, would like more clarification, what are cluster houses, concerned there is an entrance across from Bark Lake Road

-Tony Gindt, W218 N11431 Appleton Avenue, in favor of the single family homes but concerned with the debris on the roads, his yard and driveway is horrible,

-Scott Hefle, N10514 Old Farm Road, in favor of the development, the reclamation for this site is going to be millions of dollars, they will put plantings in and make it a conservancy.

-Richard Ehrlich, W216 N11718 Appleton Avenue, in favor of the development, it needs something, he has trespassers across his property, can see people fishing, if done with nature it will be a benefit for everyone.

-Scott Stevlinson, N97 W14997 Burning Bush Court, confirmed the water would have no public access.

Public Hearing closed at 7:15 pm.

Discussion followed.

MOTION Laszewski second Tarantino to Approve the Certified Survey Map (CSM) to combine six (6) parcels owned by Moraine Development LLC totaling 126.5 acres subject to the following conditions:

1. The CSM shall be revised to reflect the technical corrections noted in the Village Surveyor comments contained in the August 10, 2023, review memo prior to recording the CSM.
2. The Developer shall contact WisDOT to determine additional right-of-way needs for Appleton Avenue/STH175 and dedicate any required right-of-way as part of a revised CSM prior to recording.

3. The CSM shall be revised to reflect the additional right-of-way requirement for Meeker Hill Lane review memo prior to recording the CSM.

Discussion continued.

MOTION carried unanimously.

MOTION Shadid second Laszewski to Approve creating a Rs-2/PDD for the 126-acre Moraine Development LLC property as proposed subject to the following requirements and conditions:

1. The Rs-2: Single-Family Zoning District regulations shall constitute the underlying conditions and restrictions for the PDD subject to the Developer proposed modifications and Village staff provisions summarized herein. A complete “conditions & restrictions” resolution establishing all use and development allowances, requirements, and restrictions shall be drafted for review and approval by the Village Board concurrent with review and approval of an ordinance creating the Moraine Development Planned Development District (PDD);
2. The conditions & restrictions resolution shall include the following provisions:
 - a. Allowance for private streets designed in accordance with Section 18.07(1)(d) of the Subdivision Code;
 - b. Provision to waive the public sanitary sewer and water system requirements under Section 18.08(7) & (8) of the Subdivision Code;
 - c. Requirement that the Developer address the land suitability requirement under Section 18.08(6) of the Subdivision Code by providing engineering, environmental analysis (e.g. water quality testing) or other data and information necessary to reasonably show to the Village that this site is suitable for its proposed use for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other features likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village;
 - d. Requirement for detailed site development & building plan review and approval prior to construction of improvements, including private streets, storm water management facilities, landscaped berms & screening features (including street trees in accordance with Section 18.08(14) of the Subdivision Code;
 - e. Requirement for obtaining necessary permits, including Village permits for all residential dwelling and other building construction, building demolition (if any), erosion control, topsoil removal (if any), Washington County sanitary permits, WisDOT permits for driveway/intersection improvements on Appleton Avenue;
 - f. Requirement for a lake and shoreland management plan reviewed/approved by the DNR to ensure the quarry lake and upland areas draining to the lake are maintained in a manner that does not negatively impact water quality and/or the water table;
 - g. Allowance for the export or removal of any previously processed gravel products that remain on the site and the import of clean fill that may be necessary for restoration of the site;
 - h. Given the intent to develop and use the 126-acre site as a private residential and recreation/conservation area, provisions or restrictions should be included that address potential uses that may create potential negative impacts or nuisances affecting surrounding property owners, e.g. private campground, private recreation uses that have potential nuisance impacts, use of residential dwellings for short-term vacation rental, etc.
 - i. Requirement that a “dry hydrant” connection to the quarry lake be installed consistent with the requirements of NFPA 1142 Chapter 8. The location and design

shall be determined in cooperation with the Village Fire Department.

3. Prior to Village Board adoption of the specific conditions & restrictions resolution for the PDD, the Developer and Village Park Commission should discuss the specifics of what, if any, future park site or shared open space area can/will be dedicated or reserved for future acquisition pursuant to Section 18.07(9) of the Subdivision Code.

4. The Development Master Plan dated June 9, 2023 and any subsequent revisions necessary as a result of satisfying Village approval shall constitute the General Development Plan required under Section 17.27 of the Zoning Code;

5. The Developer shall provide one complete and accurate legal description for all the land to be included in the PDD boundary prior to review of the PDD application by the Village Board.

Director Retzlaff asked for a recommendation or guidance related to the dedication of a future park site or open space in Condition #3. Commissioner Laszewski said it would be cool to add a walking path or trail but that might create a nuisance down the road with people wanting to go near the water to fish and swim. Given the nature of the restoration of the site that will bring more wildlife and waterfowl that will contribute to the eco-system and given the nature of the investment, by itself, he would be in favor of that. Director Retzlaff said a sidewalk could provide a public benefit that is non-intrusive to the development, but neither the Village or the County have a bike or trail plan shown for Appleton Avenue. Commissioner Williams commented that he would like to see some benefit for the Village. Mr. Dawson said he doesn't want to have to call the cops every day because of people trespassing and indicated he would rather invest in the park system. Trustee Baum said there are some significant needs in the parks system and he should talk to the Parks Department to see which of their needs he'd like to gift to.

MOTION to Amend Baum second Laszewski to add to Condition #3 that the Developer should discuss with the Parks Department dedicating some land or hear some other needs that the parks have for other parks that we do have that need some assistance. The dollar value shall be discussed between the Village Planner, Parks Director and the Developer to agree what in kind contribution or other alternative contribution to the parks system can be made.

Discussion continued.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

B. Carter Schmitz Training Systems, LLC, Agent for Ozaukee Development Corporation, Property Owner - W188 N11770 Maple Road Unit 5. Conditional Use Permit (CUP) application for an "Indoor Health or Recreation Establishment" pursuant to Section 17.33(3)(h) and Section 17.29(1)(kk) of the Village Zoning Code. (PUBLIC HEARING & ACTION)

Director Retzlaff summarized the proposal. Carter Schmitz, Training Systems LLC, spoke on his business.

Public hearing opened: 7:48 pm.

-Scott Hefle, W159 N10514 Old Farm Road, said he was 100 percent in support of this business.

Public hearing closed: 7:51 pm.

MOTION Laszewski second Shadid to Approve a conditional use permit for the

operation of an indoor health, fitness and performance training facility in the existing building located at W188 N11770 Maple Road in the Germantown Industrial Park subject to the following conditions:

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated April 27, 2023 and in the supporting documents made part of the application on file with the Village. All the operational characteristics and services as described, as well as any commitments made by the applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
 2. 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 and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
 3. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements shall be submitted to the Village as part of a building permit application.
 4. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.
 5. The owner/operator shall coordinate with the Fire Department to determine maximum occupancy for the tenant space. If the maximum capacity is exceeded on a regular basis as determined by the Fire Department, the owner/operator will be required to re-classify the occupancy type from "business" to "assembly" and, as a result, install any additional, necessary fire-safety measures required by the Fire Department, or discontinue operation.
 6. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.
 7. All exterior signage, including temporary signs, require a permit from the Village.
- Discussion followed.

MOTION carried unanimously.

- C. Greg Kamyszek for BioRESEARCH Associates, Inc., Agent for Gerald M. Grosenick Trust, Property Owner - W157 N11593 Fond du Lac Avenue. Conditional Use Permit (CUP) application to allow circuit board assembly and testing as a component of the proposed business pursuant to Section 17.30(3)(ii) of the Village Zoning Code. (PUBLIC HEARING & ACTION)

Director Retzlaff summarized the proposal.

Public hearing opened: 7:58 pm.

Public hearing closed: 7:59 pm.

MOTION Nilles second Shadid to Approve a conditional use permit to allow circuit board assembly and testing as a component of the BioResearch operation from the existing office building located at W157 N11593 Fond du Lac Avenue subject to the following conditions:

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated June 8, 2023 and in the supporting documents made part of the application on file with the Village. All the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
 2. 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 and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
 3. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements shall be submitted to the Village as part of a building permit application.
 4. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.
 5. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.
 6. All exterior signage, including temporary signs, require a permit from the Village.
- Discussion followed.

MOTION carried unanimously.

- D. Virtus Development LLC, Agent for District One LLC and the Robert & Mary Hacker Trust, Property Owners - W140 N10363 Fond du Lac Avenue and Parcel Tax Key GTNV 351-984 for applications to (1) Rezone Parcel 1 from the B-1: General Business District and Parcel 2 from the Rs-6: Single-family Residential Zoning District to the B-3/PDD "Kuhburg District" Planned Development District and (2) Amend the General Development Plan for the "Kuhberg District" PDD, Resolution #16-2018 to include the expansion of the business parking and a multi-family development and (3) Site Plan Review for a 4-unit multi-family townhouse. (ACTION)

Director Retzlaff summarized the revised plan that has a 33 stall parking lot and a 4 unit townhouse style residential development. David Koziol, Virtus Development said the townhomes were not part of the original development but thought it would be a beneficial for the Village to transition from business to residential. He said they originally had 6 units and repositioned the buildings and added more parking. They

wouldn't have come in the plan if they knew it was not going to be approved. Michelle Sopa, Virtus, said they did take the public comments into consideration and reduced the number of units from 6 to 4. They are hearing the neighbors want something more modest and they feel this is a modest 4 family unit that will be a buffer from the residential to the north and block noise and light. They feel like they've met the criteria that has been asked of them and that the parking will be needed for the restaurant. They hope to build the restaurant and 4 family concurrently in spring.

Discussion followed. Trustee Baum questioned Director Retzlaff's suggestion to move the property line on the north side of the townhouses further north 10-15 feet by eliminating the southern 7 parking stalls. But he asked if there would be enough parking. Trustee Baum said the concerns he's heard from the residents is regarding the 3 stories and asked if they can raise the grades up around the front and sides so it's a 2-story building. Mr. Koziol said they could look at that. Trustee Baum asked for clarification on the type of hedges to be planted south of the driveway. He said the little beak above the windows wasn't doing anything for him. Director Retzlaff said the building is still too close to the south property line at 5 feet. Trustee Baum said another concern is the driveway needs to be right in right out. Commissioner Nilles agreed because there is nowhere to turn around. Trustee Baum said he agrees with moving the building further north but is concerned the parking is needed.

MOTION Shadid second Williams to Approve amending and expanding the "Kuhburg Planned Development District" to include two additional parcels totaling approximately 1.1 acres located in the southwest corner of the Donges Bay Road @ Fond du Lac Ave/STH145 intersection subject to the following requirements and conditions:

1. The following sections of conditions & restrictions for the Kuhburg PDD as set forth in Resolution No. 16-2018 shall be revised as follows:

SECTION 1. PURPOSE AND INTENT. The Kuhburg District PDD is intended to provide for the orderly and attractive re-development and operation of commercial retail uses, as well as multi-family dwelling uses, where such activities are conducted within the two existing buildings located at the Donges Bay Road @ Fond du Lac Ave/STH145 intersection, including a vacant schoolhouse and 2-story tavern, and a 4-unit multi-family townhouse. The Kuhburg District PDD will be comprised of a 1-story coffee shop building and a 2-story restaurant building connected by a covered/screened portico providing seasonal seating for patrons of the coffee shop and restaurant operations . and a 4-unit multi-family townhouse.

The re-development is intended to be compatible with adjacent and surrounding residential development and enhance the economic stability and quality of life in the Village of Germantown. These projects are aligned with the vision for the Victory Center Corridor and in particular with regard to the proposed 2050 Comprehensive Plan which allows for multi-family residential development in a traditional design pattern in densities up to 10.0 DU/acre (which is in keeping with what is proposed (6.0 DU on a .74 ac parcel).

SECTION 2. GENERAL DEVELOPMENT PLAN (GDP). The General Development Plan (Sheet C1.02 dated July 20, 2023) (Exhibit B on Sheet GD100 dated February 23, 2018) establishes the basic parameters for development within the Kuhburg District PDD and all additional parcels now in the development for including the

approximate size and orientation of buildings, density of development, setbacks, location of access roadways and driveways, and the general location and extent of landscaping and buffering. While all re-development within the PDD shall be generally consistent with the GDP, the GDP does not grant specific site development or building approval. Proposed modifications and/or revisions to the GDP shall be reviewed consistent with Section 17.27(9) of the Zoning Code.

SECTION 3. PERMITTED LAND USES. Permitted Principal, Accessory, Conditional and Temporary Uses allowed within the Kuhburg District PDD shall be as set forth in Section 17.22(1)(a) and 17.30 of the Zoning Code.

SECTION 7. SITE DEVELOPMENT AND BUILDING REQUIREMENTS.

Unless otherwise set forth below, all site development and building associated with the two commercial buildings shall be in accordance with the lot, building and other applicable bulk requirements set forth in the underlying B-3: General Business Zoning District and other applicable Zoning Code regulations.

c. LOT AND BUILDING REQUIREMENTS

- i. Lot Area (minimum) 0 acres
- ii. Principal Building Setbacks (minimum)
 - 1. Front/Street yard 0 feet
- iii. Parking Setbacks (minimum)
 - 1. Front/Street yard 0 feet
 - 2. Side yard 0 feet
 - 3. Rear yard 0 feet

Unless otherwise set forth below, all site development and building associated with the residential townhouse development shall be in accordance with the lot, building and other applicable bulk requirements set forth in the underlying Rm-1: Multi-Family Zoning District (Section 17.22) and other applicable Zoning Code regulations

d. LOT AND BUILDING REQUIREMENTS

- i. Lot Area (minimum) 0.5 acres
- ii. Principal Building Setbacks (minimum)
 - 1. Front/Street yard 27 feet
 - 2. Side yard 5 feet
 - 3. Rear yard 35 feet
- e. Notwithstanding the above, the minimum building setback from the nearest point of any townhouse building to the south property line shall be 30 feet;
- f. The minimum parking lot/driveway setback from the nearest edge of the driveway curb to the south property line shall be 15 feet if a significant landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area, or, 10 feet if a decorative privacy fence and landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area

2. The Developer shall provide one complete and accurate legal description for all the land to be included in the PDD boundary prior to review of the PDD application by the Village Board.

3. The PDD conditions & restrictions resolution shall contain a requirement that a certified survey map (CSM) be completed and approved to combine the parcel with the two retail buildings to the parcel with the proposed parking lot prior to issuance of any

construction permit(s) required for the parking lot. And right-of-way dedication requirement for Fond du Lac Avenue shall be reflected in the CSM.

Discussion followed. Commissioner Nilles asked what additional benefit the Village was gaining from approving the PDD. Director Retzlaff stated the redevelopment of an eyesore and restoration of a historic structure along with additional landscaping and parking. Mr. Koziol said another locally owned restaurant with a connection to the Kaffeehaus adding it will be a great place for residents to hang out. The townhomes will create a buffer between the residential, the restaurant and coffee house. Michelle Sopa said they would also provide housing for young professionals that is in demand. Director Retzlaff asked if there was a thought the development may qualify for the Washington County Next Generation Housing Program that provides for sale housing for young professionals that is affordable. Commissioner Williams asked if the restaurant will still move forward if the townhomes do not get approved. Mr. Koziol said he could not speak for Greg Nagel regarding the restaurant. Director Retzlaff said the townhomes were not part of the original project. He said the original plan had stormwater management and parking stalls as part of the redevelopment of the restaurant and kaffeehaus and was concerned that may not happen. Ms. Sopa, Virtus Dev. said they will need to re-engineer the stormwater management and could not speak to the restaurant being completed.

MOTION carried 5-1 (Baum abstained)

MOTION Laszewski second Shadid to Approve the site development & building plans for the commercial parking lot and 4-unit multi-family townhouse development proposed by Victory Center LLC 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 July 20, 2023;
 - b. Civil Engineering plans July 20, 2023;
 - c. Lighting plans (photometric plan) dated July 18, 2023;
 - d. Storm Water Management Report dated July 21, 2023

If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.

2. Site Plan approval is subject to creation of the "Kuhberg District" Planned Development District as proposed by Victory Center LLC.

3. The Developer shall reduce the size of the commercial parking lot by eliminating or reconfiguring stalls along the south side (closest to the townhouse building) in order to reconfigure the size of the two parcels to allow the townhouse building to be shifted up to 15 feet north. The goal is to create more building and driveway setback (and in turn more landscaping buffer and/or fencing) between the townhouse and the single-family property to the south meeting the following minimum requirement:
 - a. The minimum building setback from the nearest point of any townhouse building to the south property line shall be 30 feet;

b. The minimum parking lot/driveway setback from the nearest edge of the driveway curb to the south property line shall be 15 feet if a significant landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area, or, 10 feet if a decorative privacy fence and landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area

4. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit for the shell building.

5. 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 WI DSPS):

a. July 31, 2023, memo from Brad Seubert, Harwood Engineering

6. State agency (DSPS) 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 DSPS to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.

7. Dumpster enclosures shall be designed to meet the Village’s dumpster enclosure guidelines. The Developer shall provide dumpster enclosure plans for review and approval by the Village Planner prior to issuance of an occupancy permit for the townhouse building.

8. A complete landscape plan for both the commercial parking lot and townhouse development shall be reviewed and approved by the Village Forester and Plan Commission prior to final site grading or issuance of an occupancy permit for the townhouse building. Said plan shall include a tree survey as required under Section 17.43(5) of the Zoning Code and a complete landscaping plan that indicates the proposed species, quantities, and planting sizes. The plan should include the Village’s street tree requirements for both the commercial parking lot and the townhouse development.

9. Right-of-way permits are required for any/all construction conducted in the Donges Bay, Wasaukee Road and Town 9 Parkway rights-of-way. Contact the Public Works Department/Highway Superintendent for permit submittal requirements.

10. The Developer shall install a privacy fence along the west property line adjacent to the commercial parking lot and connect to the existing privacy fence to the north.

MOTION to Amend Shadid to eliminate Condition #3 - MOTION fails no second.

MOTION to Approve carried 5-1 (Baum abstained)

- E. The Dickman Company, Agent for RA Steinman Legacy LLC and Holy Hill Self Storage LLC, Property Owners & Truck Country - N128 W21795 Holy Hill Road. Site Plan Review Consultation (CONSULTATION)

Director Retzlaff reviewed the Truck Country proposal seeking feedback on a potential 15.7-acre, 30,000 sqft truck and semi-trailer sales and service facility located in the southeast corner of the Holy Hill Road @ I-41 interchange in the Holy Hill Gateway District. Dan Armstrong, representing Truck Country, presented an overview of the business and said they are looking to grow the business in size and employees and saw an opportunity to be a part of the Village. Director Retzlaff explained that while no formal action is required, the property owner and Staff are looking for feedback on any/all aspects of the proposed development, particularly whether the Plan Commission would prefer to wait until the Holy Hill Gateway master plan has been completed or move forward with this proposal.

Plan Commission members had the following comments and concerns:

- how many trailers or vans would be on site
- will you provide showers or lounge as part of this location
- will this business affect the utility extension
- is this the type of business we want at this location
- this site has been underutilized for years, still want to go through the planning process to see what else surfaces to maintain continuity, this use isn't what he had in mind, site would be attractive to a lot of different uses maybe apartments or retail/service
- this site could have a hotel or small restaurant, use not ruled out but need to go through the master plan process
- who will improve the access driveway, truck turning movements needed on the north side
- where would we put residential in this area, this use makes sense at the interchange.
- i don't see residential in this area, this seems like a good application
- this business seems right for this location, but is it right for what the Village wants or needs
- the railroad crossing is a process to go through and if its not approved will change the dynamic of the land use if it doesn't go through, we need to go forward with the Freistadt District master planning effort and to do that with the knowledge whether we are or are not going to get the railroad crossing approved by the DOT>
- aesthetics not exactly beautiful for the Gateway to the Village having a lot of trucks, will set the tone for that district

Jim Barry, part of the ownership group that owns the property, thinks this is the perfect buyer, and marketing shows there is no market for residential right now and site could sit for a very long time if we lose this opportunity. David Buckley, Barry Company, has been marketing this company, said they have adjusted their marketing to fit the 2050 Plan and go after retail like a Culvers type market but have had no action.

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

F. Village of Germantown 2050 Comprehensive Plan Implementation: Holy Hill Gateway District & Freistadt District Master Plans - Preliminary Review of Consultant Proposals. (DISCUSSION & ACTION)

Director Retzlaff explained as was discussed at the last meeting, Plan Commission members were asked to take some time and discuss the proposals and make decisions with regard to moving forward with interviews, deciding which of the consultants we are going to interview and discuss any questions that need to be passed along to the consultants. He stated there have been conversations with the County Executive and representatives from Washington County regarding the Next Generation Housing Program and the Village wanting to be a partner with them. He indicated that because the Village is interested in the program, money has been earmarked to use for Next Generation Housing purposes. He explained Hartford had used some of their money to conduct a residential market analysis. Germantown also needs a market analysis. He further explained one of the policies in the 2050 Plan is to conduct a residential market analysis. He said the County is willing to let us use some of the money earmarked for us to conduct a residential market analysis and there is a proposal that is going to the Village Committees for discussion and consideration. The study would address questions we have related to housing. So that component of the Master Plan proposals that we asked for may not need to be done by the consultant we select and the scope of the proposals may need to be modified. He said we also received an opinion from a financial advisor that indicated the Village can utilize TID funds for infrastructure, environmental and land use planning purposes for areas within the TID's and/or within a half mile. So we may be able to utilize TID funds to pay a portion of the Master Plans for the Holy Hill Gateway and Freistadt Districts, meaning that we may be able to get more work done without having to spend more general fund dollars to get that accomplished and we may be able to get a start on the Village Center Master Plan. If that happens, we may need to re-issue the RFP. Discussion continued.

Director Retzlaff said the railroad crossing is another issue and will take a concerted effort to provide the information necessary to justify getting the crossing. The railroad crossing is also called for in the proposals. He said there is a meeting tomorrow with an engineering firm to discuss the issue that may help us decide whether or not we need to restructure our Master Plan and RFP and pull some pieces out that will be satisfied elsewhere and give those consultants that didn't submit because of the budget an opportunity. Discussion continued.

Plan Commission members recommended interviewing Graef, MSA Professional Services and include Neighborhood Planners-ra/Smith if the railroad crossing item is removed. Director Retzlaff questioned if we should reject all the proposals and reissue them when we've made some decisions and we know if the Village Board will authorize acceptance of County funds for the Next Generation residential market analysis and when we know what the timeframe will be for the railroad crossing application and analysis. He added it may be better to defer the process until we have an answer. Discussion continued. Trustee Baum stated a plan is still needed for the area north of the railroad and he still wants input for that area. Director Retzlaff explained if the railroad crossing issue can be handled separately, he will go back to the firms to revise their proposals.

VI. ANNOUNCEMENTS:

None

VII. ADJOURNMENT:

The meeting was adjourned at 10:05 pm.