

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, August 26, 2024 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.*
The meeting was called to order by Community Development Director Retzlaff at 6:30pm.
Motion: Appoint Trustee David Baum as Pro-Tem Chairman
Motioned By: William Shadid
Seconded By: Robert Williams
Yes: David Baum, Josh Tarantino, Robert Williams, William Shadid
No: None
Abstain: None
Motion Passed (Yes 4, No 0, Abstained 0)
- II. **ROLL CALL:**
Pro-Tem Chairman Baum and Commissioners Shadid, Williams and Tarantino were present, as well as Community Development Director Retzlaff and Associate Planner Yanke. Committee Member Henk was absent excused and Village President Dean Wolter arrived late to the meeting via Webex during Item E.
- III. **APPROVAL OF MINUTES:**
- A. PC Minutes 8/12/24
Motion: Approve as presented
Motioned By: William Shadid
Seconded By: Josh Tarantino
Yes: David Baum, Josh Tarantino, Robert Williams, William Shadid
No: None
Abstain: None
Motion (Yes 4, No 0, Abstained 0)
- IV. **NEW BUSINESS:**
- A. Michael Anderson, Agent for GH Industries LLC and Klosett Investments and Mark Mason, Property Owners, N114 W18686 Clinton Drive. Conditional Use Permit (CUP) application to Allow Horticultural Services and Snow Removal Services operations from Property in an M-1: Limited Industrial Zoning District, and, to Allow a "Salt or De-Icing Material Storage" in a Groundwater Protection

Overlay District. (PUBLIC HEARING) - STAFF REQUEST TO TABLE
HEARING UNTIL SEPTEMBER 9TH AT 6:30PM.

Director Retzlaff asked the Plan Commission to table this Public Hearing until September 9th. Director Retzlaff indicated that the application submitted was not complete. Staff is waiting for materials related to the code amendment to the Wellhead Protection Ordinance that the Plan Commission recommended and the Village Board passed last week. As a result, there are additional materials needed to address the Conditional Use Permit allowance for this particular business. That material needs to be reviewed, and a recommendation made by the Groundwater Protection Committee before it can go before the Plan Commission and Village Board for action.

Motion: Approve tabling topic until Plan Commission Meeting on September 9th

Motioned By: William Shadid

Seconded By: Robert Williams

Yes: David Baum, Josh Tarantino, Robert Williams, William Shadid

No: None

Abstain: None

Motion (Yes 4, No 0, Abstained 0)

- B. Michael Anderson, Agent for GH Industries LLC and Klosett Investments and Mark Mason, Property Owners, N114 W18686 Clinton Drive. Proposed Amendment to the list of Prohibited Uses in Section 17.40.10(1)(j) of the Zoning Code. (PUBLIC HEARING) - (CANCELED; APPLICATION WITHDRAWN).

Director Retzlaff stated that, due to the approval of the Code Amendment to the Wellhead Protection Ordinance by the Village Board on August 19th which created a provision for a business to effectively replace/substitute a pre-existing prohibited business, this item is no longer necessary. Staff is requesting that this Public Hearing be cancelled.

Motion: Approve the cancellation of this Public Hearing

Motioned By: William Shadid

Seconded By: Josh Tarantino

Yes: David Baum, Josh Tarantino, Robert Williams, William Shadid

No: None

Abstain: None

Motion (Yes 4, No 0, Abstained 0)

- C. MSA Professional Services, Inc. Agent for CrossWay Church Property Owner, W156N10041 Pilgrim Road. Site Plan Review for a 107 stall parking lot expansion, new driveway connection to Santa Fe and Council Bluff Drive and reconstruction of the existing driveway at Pilgrim Road. (ACTION)

Chairman Baum stated that this topic is not subject to Public Hearing and he discussed the multiple emails that were received and stated that he won't be having people come forward to speak at this time. Director Retzlaff stated that the Crossway Church parcel is 12.2 acres and this proposal is for a parking lot expansion to a total of approximately 400 stalls with landscape buffering included, as well as a new driveway with a connection to Santa Fe and Council Bluff. As part of that connection there would be curb, gutter and stop signs installed. The current entrances on Pilgrim Road are being widened and reconstructed to improve the ability to get in and out of the parking lot. Finally, a stormwater management basin expansion is proposed to increase the capacity of the onsite basin to accommodate additional run off from the parking lot expansion and also additional onsite storm sewer swales, culverts and rip

wrap to be installed. There is a grading plan and details for the new proposed intersection. The landscape plan includes new trees and shrubs in the islands of the new parking area and perimeter landscaping along the south and west of the new parking area. Staff had concerns with the inadequate amount of traffic data that was provided to predict the amount of traffic using the Santa Fe/Council Bluff driveway and, as a result, if this proposal is approved, staff is recommending a condition that requires monitoring the traffic volume and turning movement counts at that particular intersection at 3-month intervals for a one-year time period with a report to be prepared consistent with the traffic impact analysis guidelines that are recommended by the WISDOT. That would be reflected in a report by a professional traffic engineer submitted to the public works department for review and consideration. The report would also identify any new or modified traffic control devices or measures that are necessary to address the traffic volumes and movements at that particular intersection. The Village Forester had some minor concerns with the tree species selected, recommending a different evergreen tree, and the Village Engineer had some minor technical corrections and plan revisions that he recommended in July. The applicant did respond to those comments with revised plans that are reflected in this packet. He has not had time to verify that his concerns were addressed, so we are including a condition of approval upon his recommendation that requires all of those items to be addressed prior to commencement of construction. Staff recommendation is to approve this site development plans for the proposed parking lot, driveway extension, stormwater basin expansion and the Pilgrim Road driveway reconstruction subject to six conditions:

1. This approval is for the various plan sheets that comprise the site plan set as noted below and is subject to compliance with all the conditions and requirements set forth herein and subsequently adopted and/or revised by the Plan Commission. Approval is granted for the following unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:

Civil Engineering plans dated August 14, 2024;

Landscaping plans dated August 23, 2024;

Lighting plans dated August 14, 2024;

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

2. 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.

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 (excluding "early start" site clearing approved by the Village and/or WI DSPS):

July 2, 2024 memo from Kevin Driscoll, PE, Village Engineer

4. With respect to the proposed evergreen trees shown in the landscape plan dated 8-23-2024, the Church shall select and install a different tree species than Austrian Pine. Acceptable alternatives are listed below. The Church should coordinate any plan revisions with the Village Forester prior to installation:

Serbian spruce (*Picea omorika*)

Douglas fir (*Pseudotsuga menziesii*)

Korean pine (*Pinus koraiensis*)

5. Right-of-way and erosion control permits are required for any/all storm water basin construction and any/all construction conducted in the public right-of-way for Santa Fe/Council Bluffs Drive and Pilgrim Road. Contact the Public Works Department/Highway Superintendent for permit applications and submittal requirements.

6. CrossWay Church shall monitor use of the new driveway intersection at the Santa Fe/Council Bluffs Drive intersection and submit a summary report to the Village after one year of use of the new driveway connection. Said monitoring shall be conducted consistent with WisDOT recommended practices for Traffic Impact Analyses and include traffic volume & turning movement counts during the peak period of traffic generation from the Church at three-month intervals over the course of the next year (e.g. one weekend of services every three months and on major holiday services including Easter, Thanksgiving, and Christmas). The traffic count data collected and evaluation of said data shall be provided in a report prepared by a professional traffic engineer and submitted to the Village Department of Public Works. Said report shall include an overall assessment of the data and contain recommendations for any new or modified traffic control devices or improvements that may be required or recommended. The cost of any traffic control devices needed as a result of traffic using the new driveway shall be the responsibility of the Church with installation coordinated with the Village Department of Public Works.

Motion 1: Approve as presented with 6 conditions

Motioned By: William Shadid

Seconded By: Robert Williams

Discussion Followed. Executive Director of Operations for CrossWay Church, Ben Cartland stated that this is a multiple phase project, one being the parking lot expansion and second the connection to Santa Fe. They evaluated the needs of the church and the impact on the surrounding neighborhood, and they are proposing the exit to Santa Fe for multiple reasons, one to help relieve traffic congestion in the parking lot and also to relieve the pressure from the Pilgrim Road exit. The proposed changes to the entrance and exit are to make getting into and out of the parking lot from Pilgrim Road as efficient and safe as possible. But even with those changes, they feel the traffic will still back up, creating unsafe situations. Chairman Baum asked the audience to raise their hands if they would like to speak on this topic. There were 13 hands raised and most of them had submitted emails earlier in the day, all of which were opposed to the new driveway connection. Baum informed them that their emails had been read and asked if they had questions or something different to speak about, he would allow a short question session. These residents commented:

Emily Steichen who lives on Santa Fe Drive

Gary Lassanske who lives on Council Bluffs

Jackie Benning who lives on Santa Fe Drive

Tom Cardinal who lives on Santa Fe Drive

Steve Stapelman who lives on Santa Fe Drive

George Liberator who lives on Santa Fe Drive

Sue Kuchenbeiser who lives on Santa Fe Drive

Mike Wilhelm who lives on Santa Fe Drive

Retzlaff stated that staff recommendation is to monitor the traffic once the driveway is complete for the next year and report back with findings that may result in the need for further improvements, traffic control devices, signage, pavement markings etc. It is conceivable that the study will reveal that the driveway should be shut down. He feels that doing the study first without knowing how the traffic will actually impact the neighborhood would just be someone taking a guess. Commissioners asked if other options were considered, including a traffic signal in front of their facility to be used only during busy times, whether they could stagger services further apart, relocating the church,

making the entrance on Pilgrim one large entrance instead of two or having a public safety officer direct traffic. Retzlaff stated that this was the only option proposed and the Village Engineer didn't indicate a need to do further traffic analysis at this point. Commissioner Baum suggested that this go back to the original designer to analyze the main entrance, have a neighborhood meeting, do the traffic study and look into other options before bringing this back to committee. Cartland asked if they could split the project between the parking lot stall addition and the upgrades to the existing entrance & exit from the conversation about the Santa Fe connection? Retzlaff said that it is conceivable that the Plan Commission could approve everything except the driveway connection to Santa Fe.

Motion 2: Amend Motion 1 to proceed with the approval of the parking lot expansion, not including installation of the driveway to the north

Motioned By: David Baum

Seconded By: William Shadid

Retzlaff asked for clarification of the criteria of the items the Plan Commission would like done before bringing this back for further consideration and review. Baum stated that a traffic study needs to be done first, multiple options should be brought forward for review, and they need to have those solutions available for a neighborhood meeting to get their input. Retzlaff asked if the residents could rule out options before coming back to the Plan Commission? Baum stated that if our Engineering Department says that one of the options is not feasible, then it can be dropped.

Results of Motion 2:

Yes: David Baum, Josh Tarantino, Robert Williams, William Shadid

No: None

Abstain: None

Motion Passed

Results of Motion 1 as Amended:

Yes: David Baum, Josh Tarantino, Robert Williams, William Shadid

No: None

Abstain: None

Motion Passed

D. Plunkett Raysich Architects, LLP Agent for CrossWay Church Property Owner, W156 N10041 Pilgrim Road. Site Plan Review - 2,240 sqft Building Addition, Entrance & Interior Remodeling. (ACTION)

Director Retzlaff stated that this 2nd proposal for CrossWay Church is a building addition and entrance remodel. The area in question is the existing breezeway that's located between the original building on the east. It is going to be removed and replaced with a net increase of 2,240sqft that would include a new entrance on the south, new toddler classroom, elevator, some exterior lighting will be relocated and upgraded, sidewalk & landscaping upgrades and eplacement of the exterior finish on the building.

Staff recommends approval of the site development & building plans for the addition and remodeling project for the CrossWay Church subject to the following 3 conditions:

1. This approval is for the various plan sheets that comprise the site plan set as noted below and is subject to compliance with all the conditions and requirements set forth herein and subsequently adopted and/or revised by the Plan Commission. Approval is granted for the following unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:

Civil Engineering plans dated August 12, 2024;

Architectural plans dated August 12, 2024;

Landscaping plans dated August 12, 2024

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

2. 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.

3. 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. Short discussion followed.

Motion: Approve with 3 conditions as presented

Motioned By: William Shadid

Seconded By: Josh Tarantino

Yes: David Baum, Josh Tarantino, Robert Williams, William Shadid

No: None

Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

E. Community Development Department - Ordinance Amending Section 1.29(1) of the Germantown Municipal Code to Amend the Membership of the Plan Commission. (ACTION)

Director Retzlaff summarized amendments proposed to Section 1.29 of the Municipal Code concerning the Plan Commission. Retzlaff indicated that the 2050 Plan includes a policy objective to create an advisory position on the Plan Commission for a Germantown School District representative and that the Village Attorney advised that we need to create the opportunity for that in the Code. This amendment includes a provision for that advisory position. Retzlaff indicated that the proposed amendments also include some housekeeping measures to reflect language in state statutes and both best and historical practices of the Village. First, the statute says the Plan Commission should have seven (7) voting members and our current ordinance provides for "at least seven (7) members". Second, the amendment addresses the appointment of a trustee member on the Plan Commission to match historical practice where the Village President nominates and the Village Board confirms the appointment. Finally, the amendment removes a provision in the current code that allows any trustee to temporarily sit as a member of the Plan Commission in order to complete a quorum. Retzlaff indicated that the proposed amendments do not require a public hearing because there is no change to the zoning code. Discussion Followed. Chairman Baum stated that one of the reasons that we are doing this is to improve communication with the school board. Retzlaff indicated that Russ Ewert, a member of the Germantown School Board, will fill this advisory position after Village Board approval of the proposed amendments. Member Williams asked whether the role would be a non-voting advisory role? Retzlaff confirmed the advisory position is a non-voting position.

Motion: Approve as presented

Motioned By: William Shadid

Seconded By: Robert Williams

Yes: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, William Shadid

No: None

Abstain: None

Motion (Yes 5, No 0, Abstained 0)

- F. Community Development Department - Holy Hill Gateway District Master Plan Project; Review Revised Request for Proposals (RFP) and Timeline.
(DISCUSSION & ACTION)

Director Retzlaff stated that he is looking for the Plan Commission to direct Staff to proceed with publishing the RFP in a manner similar to what we did last year. It was put on hold primarily because of the issues surrounding the Village's application for a RR crossing at High Point Pass at the south border of the Holy Hill Gateway and the Freistadt Districts. The intention was for the Village to acquire the right-of-way necessary to construct that frontage road being referred to as High Point Pass from Holy Hill Road south across the RR and into the Freistadt District. We learned that the process of applying for the RR crossing would likely take 6–9 months. At this point, the decision was made to proceed with just the Holy Hill Gateway District Master Plan and wait on the Freistadt District until we have final word on that RR crossing application and whether there will be further complications with the utility extension through the Freistadt District. So the plan now is to move forward with developing a master plan for the Holy Hill Gateway District and plan in more detail the land uses and also identify future road extensions, stormwater management and identify the perimeter buffer area around the outside of the district on the north, east and south sides, which are the areas where the district abuts other neighborhoods. Staff is requesting authorization to move forward with releasing the proposal on September 4th with a deadline for submitting proposals on October 4th. With the idea being that there would be an evaluation team consisting of the Village Administrator, President, Public Works Director and Planner that would make a recommendation to the Plan Commission who would review the proposals on October 14th. We will follow the same process where we would select up to 3 consultants to have interviews with, hold those and then get the Village Board to consider the recommendation in early November, finalize a contract in the first few weeks of November and kick off the project in early December. Discussion Followed. Chairman Baum asked about the provisional areas being included with the RFP and wondered why it was being called out separately? Retzlaff explained that those areas are included, and it's intended to create a detailed land use plan for the entire area that would effectively replace the provisional land use provision in the 2050 plan. Baum stated that this would be an actual plan that would have input from neighboring residents, and after we select someone during the process of making this plan, we will have multiple neighborhood meetings. Retzlaff said that is the intention, as we discussed when the 2050 plan was adopted, that each of the 32 neighborhood districts and corridors would have their own individualized master planning process where we would hold neighborhood meetings to further discuss and refine the land uses for those particular neighborhoods. Commissioner Williams asked if there would be an increase in costs by separating the two district RFPs? Retzlaff stated that there would be an increase of about \$65,000, but he's hoping by separating them we will get a more robust plan from the consultants. President Wolter feels it's important to move forward with this neighborhood because it starts to create the boilerplate for all future master plans for other neighborhoods. There are 32 individual neighborhoods and if we took that timeline across all 32, none of us would be alive to finish that last one. Once we get one done, we can use it, for example, and possibly group some neighborhoods together that are more complete, such as the heavy

residential areas that are pretty much planned out. We could do a larger group of those together because those plans are pretty much done. This gives the Village Board and Plan Commission an idea of how these RFPs will be coming back and starts to get that ball rolling.

Motion: Approve as presented

Motioned By: William Shadid

Seconded By: Robert Williams

Yes: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, William Shadid

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

- V. **CITIZEN INPUT/PUBLIC APPEARANCE:** *(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.)*

Comments were received from:

Meg Cutts who lives on Bonniwell Road

Jacki Benning who lives on Santa Fe Drive

Sarah Larson who lives on Butternut Road

Melanie Smythe who lives on Cedar Lane

Jan Miller who lives on Windsong Circle

Michael Anderson who lives on Clinton Drive

- VI. **ANNOUNCEMENTS:**

None.

- VII. **ADJOURNMENT:**

Chairman Baum adjourned the meeting at 8:25pm.