

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, November 11, 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.*

President Wolter called the meeting to order at 6:30pm.

- II. **ROLL CALL:** *Chairman Wolter and Committee Members Baum, Tarantino, Shadid, Williams, Henk and Ewert were all present. Also, present were Community Development Director Retzlaff and Associate Planner Jordan Yanke.*

III. **APPROVAL OF MINUTES:**

A. PC Minutes 10/14/24

Motion: Approve as presented

Motioned By: David Baum

Seconded By: William Shadid

Yes: Dean Wolter, David Baum, Josh Tarantino, William Shadid, Bridget Henk

No: None

Abstain: Robert Williams

Motion Passed (Yes 5, No 0, Abstained 1)

IV. **UNFINISHED BUSINESS:**

- A. Neumann Developments, Agent for Wrenwood North LLC, Property Owner, property south of Freistadt Road and Pleasant View Drive. Final Subdivision Plat for the Wrenwood North Addition No. 1 Subdivision (Wrenwood North-Phase 2 containing 26 single-family lots). (ACTION)

Associate Planner Yanke reviewed the proposal from the October 14th, 2024 Plan Commission meeting briefly. The punchlist remains the same. Staff recommends the approval of the final subdivision plat for Wrenwood North Addition No. 1/Phase 2 containing 26 single-family residential lots located south of Freistadt Road, west of Pleasant View Drive, subject to the following conditions:

1. A letter of "no objection" from the WI Department of Administration (DOA) shall be submitted to the Village prior to recording the final plat.
2. All technical issues and revisions identified in the "Punch List Report" provided on R.A. Smith, Inc. letterhead, dated October 11, 2024, shall be fulfilled/completed prior to recording of the final plat, unless otherwise specified in the applicable Development Agreement, or prior to release of the Letter of Credit (LOC) on file with the Village.

3. All technical issues and plat corrections identified by the Village Surveyor (see September 30, 2024, memo from Bob Beilfuss, PLS) shall be addressed and reflected in a revised final plat reviewed and approved by Village staff prior to recording.
4. The landscape and buffer plan for Outlots 7 and 8 be approved and accepted by the Village Forester prior to issuance of any building permits.

Motion: Approve as presented with 4 conditions

Motioned By: David Baum

Seconded By: Bridget Henk

Discussion Followed: Trustee Baum stated that last month's discussion included the berm and plantings along outlot 8. He noticed that there have been significant changes made there in the past several weeks and asked if they comply with the original requirements? Yanke stated that the final inspections have not been done, but the original landscape plans were approved and the berm complies with the original plan. Baum stated that the berm was not intended to provide a complete screen for the outlot and as long it complies with the plans that were presented and approved, the developer is in conformance with what they were expected to do. Kevin Anderson, a representative from Neumann Development spoke briefly, explaining that they added substantially to the berm, it's now approximately 1,350 ft long, and they raised it 6-8", which was as much as their landscaper was confident with to keep the existing trees healthy.

Results of Motion:

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

No: None

Abstain: None

Motion Passed (Yes 6, No 0, Abstained 0)

- B. OneEnergy Development, LLC, Agent for Wayne Lutynski, Property Owner. Certified Survey Map (CSM) to combine parcels and Site Plan Review for a 30-acre Solar Energy Facility located at approximately N132W18100 Rockfield Road. (ACTION)

Trustee Baum stated that he thought the Town of Germantown was also having a meeting tonight to discuss this item. Chairman Wolter stated that he has been in communication with the Town of Germantown Chairman, and it was confirmed that this topic would be on their agenda tonight. Baum does not want to have this discussion until he hears the outcome of their meeting, so he would like to postpone this until next month's meeting.

Motion: Postpone this topic until the next Plan Commission Meeting

Motioned By: David Baum

Seconded By: William Shadid

Discussion Followed: Attending community members were disappointed that this was not going to be discussed, and they were not going to be allowed to speak. Baum stated that without hearing what the Town of Germantown had decided, they would have no perspective to make a decision or even listen to opinions. Chairman Wolter stated that the development proposal is within the Village of Germantown jurisdiction, but it affects Rockfield Road, which is in the Town of Germantown, which they have the responsibility for maintaining. We discussed the impact on the school across the street, the surrounding neighbors as well as health considerations and concerns

during last month's Plan Commission meeting. There is no public hearing tonight, but for those that would like to express their comments to this body, you are free to stay until the end of the meeting and speak during citizen input. This commission heard a fair number of these comments during the last meeting and multiple emails were also received.

Results of Motion:

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

No: None

Abstain: None

Motion Passed (Yes 6, No 0, Abstained 0)

V. NEW BUSINESS:

- A. Harter's Lakeside Disposal Agent for Skyline Development Corp./Lakeside Property Mgmt Current & New Property Owner, on the corner of FDL Ave. and Spaten Ct. Rezone from M1 to M2 and Conditional Use Permit (CUP) for a new Solid Waste Disposal, Collection and Transportation Operations business. (PUBLIC HEARING & ACTION)

Community Development Director Retzlaff went over the proposal, displayed a map of the site and stated that the proposed use would be a solid waste disposal, collection and transportation operation. This project is proposed to happen in 3 phases over a 3-5 year period depending on demand.

- Phase 1 includes minimal site development with a partially fenced gravel storage area for trucks, employee vehicles, dumpsters, a temporary job trailer and a portable restroom. Up to 10 trucks and dumpsters would be kept onsite and operation hours would be from 3am-6pm.
- Phase 2 would be developed between 2025 & 2026 and would include the expansion of the gravel storage area, construction of an approximate 14,000sqft metal office and maintenance building. Up to 50 trucks and dumpsters would be kept onsite, 57 employee vehicle stalls would be provided on the property. Trucking operations would occur from 3am-6pm and 4pm-11pm for maintenance services. No activity is planned between 11pm-3am except for emergency situations.
- Phase 3 would be developed between 2028 & 2030 and would include further expansion of the gravel storage area, construction of an approximate 10,000sqft addition to the office and maintenance building and construction of a separate employee parking lot with 93 stalls. Up to 100 trucks and dumpsters would be kept onsite. Operational hours would remain the same.

The proposal includes 3 parcels that would ultimately be combined via a Certified Survey Map. Staff is of the opinion that this site is not appropriate for intense uses under the M-2 Industrial Development District and that the property is best suited for commercial and less intense industrial uses consistent with the Victory Center Corridor.

Staff recommends the denial of the request to rezone 12.7 acres from M-1: Limited Industrial to the M-2: General Industrial Zoning District

and the conditional use permit application Conditional Use Permit (CUP) to develop and operate a "Solid Waste Disposal, Collection and Transportation Operation" from the property.

NOTE: *If the Plan Commission decides to forward a positive recommendation to the Village Board in favor of rezoning the property and granting a conditional use permit as requested, Staff recommends that action be **TABLED** or **POSTPONED** so the Plan Commission can:*

- 1. Provide direction to staff concerning stipulations or conditions of approval that the Plan Commission deems are necessary to address/mitigate negative impacts associated with the proposed uses of the property, e.g. noise, vibration, glare, odor, traffic, etc.; and*
- 2. Provide direction to staff and the applicant regarding the level of detail that will need to be incorporated into the site development & building plans that will need to be prepared and submitted for Plan Commission approval prior to commencing any development and/or uses on the property.*

Attorney Brian Randall and Mike Thun, a representative of Harter's Lakeside Disposal, went over the proposal and presented their points regarding the proposed use in relation to the Village's M-1 and M-2 Industrial Districts. Attorney Randall submitted a handout to the Plan Commission supplementing his presentation on the use and the unclassified nature of it within the Village Zoning Code. He also stated that this is a small family-owned business that they are hoping to expand. In the first years, the use will be for truck parking. They are not a landfill. He wants the neighbors to know that.

President Wolter opened the Public Hearing at 7:13pm.

The following residents spoke:

Sarah Larson who lives on Butternut Rd, feels that the noise from this type of facility would be extensive and would increase traffic on FDL.

Melanie Smyth who lives on Cedar Lane, stated that this would be more appropriate along the freeway near Truck Country. She believes the noise complaints about Waste Management will continue with this type of business.

Zack Sowin who lives on Robinhood Dr, also agrees that the noise from this type of business will be a problem.

Jan Miller who lives on Windsong Circle agrees that the noise is a problem.

Public hearing was been closed at 7:21pm.

Motion 1: Approve as presented

Motioned By: David Baum

Seconded By: William Shadid

Discussion followed and Motion 1 was rescinded.

Sahdid stated that he had a problem with the hours of operation. Any noise at 3am is not acceptable. Retzlaff stated that he only agrees with Attorney Randall's statement that the use is in no-mans land and falls under the category of unclassified use. He went over the M-1 zoning district specifications. He stated that this is a trucking business, with a fleet service that ships out between 3-6am and arrives back between 4-7pm every day; so no, it's not a landfill or a transfer station, but the trucking operation is constant. This proposal is identical to the Waste Management operation just down the road on County Line Q, which does the same thing: with a fleet service in the early AM, employees arrive at 4am and get together for meetings, and then they all drive off in their trucks. Neighbors are complaining that the employees are talking loudly outside in the early AM and generally making alot of noise. So there have been multiple discussions regarding noise in a similar type of operation in the same area. If this were rezoned to M-2, that does not mean this would be an approved use. He does not agree with the conclusion of the presenter that this unclassified use is similar to a

permitted use in the M-1 District. This is identical to Waste Management located in the M-2 District, it's his interpretation as the zoning administrator with regard to what's proposed and what the code is intended to provide for. The Plan Commission decides where an unclassified use goes. Retzlaff's recommendation is that you conclude that it's similar to the landfills and solid waste disposal recovery uses in the M-2 District and, as such, requires rezoning into that District and a Conditional Use Permit.

Williams stated that he read through the M1 code and came to the same conclusion as Retzlaff that the intent is to be a warehousing, manufacturing, fabrication operation if you read through the permitted uses and the permitted accessory uses. He read through the permitted uses, and they all state manufacturing and industrial uses. Not just storing vehicles, and he does not see the fit into M1, nor a need to rezone the location to try to fit a business that doesn't fit with the long-term vision of the Village just to get it into a permissible use. Baum concurred with both Williams and Director Retzlaff that this is not an M1 use and would need to be rezoned. We rezoned the Waste Management site because we believed it was far enough away and that the tree buffer would help with the noise and it hasn't. The noise from this business right next to residential areas is going to be a problem, so he does not support this proposal. Chairman Wolter stated that he received 3 emails from residents with concerns regarding this development. He went over them briefly.

Motion 2: Recognize the presented use as equal to the Waste Management facility in the M-2 district. It's similar to the use allowed under sect 17.34 (3)(c) which is landfills and solid waste disposal and recovery uses.

Motioned By: David Baum

Seconded By: William Shadid

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

No: None

Abstain: None

Motion Passed

Motion 3: Approve both the rezone and the conditional use permit as presented.

Motioned By: David Baum

Seconded By: William Shadid

Yes: None

No: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, William Shadid, Bridget Henk

Abstain: None

Motion Failed

- B. Village of Germantown Community Development Department - Proposed Text Amendments to Chapter 17.41 (Accessory Use, Building & Structures), Section 17.43 (Site Plan Approval Requirements), Section 17.45 (Traffic, Parking, Loading & Access), and Section 17.46 (Signs) of the Village of Germantown Municipal Code. (PUBLIC HEARING & ACTION)

Director Retzlaff stated that a series of 10 text amendments to zoning code sections 17.41, 17.43, 17.45 & 17.46 were brought forward in October and had to be continued pending completion of some of the language and getting it verified by the Village Attorney. He read through all 10 text amendments briefly.

President Wolter opened the Public Hearing at 7:46pm.

The following residents spoke:

Melanie Smythe who lives on Cedar Lane spoke regarding the planting of trees along the road.

Michael Anderson who lives on Country Aire Drive asked for some clarifications regarding the parking changes.

President Wolters closed the PH at 7:51pm.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: Josh Tarantino

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

No: None

Abstain: None

Motion Passed (Yes 6, No 0, Abstained 0)

C. Shaun Bowe, FCH Germantown LLC Agent for Stube Land LLC, Property Owner - N116W15841 Main Street. Sign Review for Two Wall Signs for the Relish Supper Club (ACTION)

Director Retzlaff described the two wall signs that are being proposed and showed pictures of both and their locations. The applicant states that they have no intention of illuminating the signs. The two signs are both east-facing, so they are not street-facing and require Plan Commission approval. The sign regulations generally prohibit manual reader boards versus electronic message centers and the electronic message centers are required to be integrated as a component of an overall ground sign. The background must be opaque or dark to prevent glare, so these types of reader boards violate both of those parameters.

Staff recommends the approval of one (1) proposed wall sign displaying the "R" logo mounted on the east elevation of the Relish Supper Club building located at N166 W15841 Main Street subject to the following condition:

1. The 4'x8' manual reader board sign installed on the east elevation shall be removed.

Retzlaff also stated that he had communicated with the business owner, and he was in agreement with the condition and intends to remove the reader board sign later this week.

Motion 1: Approve as presented

Motioned By: David Baum

Seconded By: Bridget Henk

Discussion Followed. Trustee Baum asked what type of sign would be acceptable as a replacement for the reader board sign? Retzlaff stated that we just ask that the signs aren't internally illuminated, glare producing and if it's white it needs to be opaque.

Baum stated that there are other versions of this sign that would be acceptable. Such as the church style on a couple of posts with glass on either side, could be internally illuminated if it's opaque. The electronic message centers are allowed as a component

of a larger sign. Generally they are ground mounted, but they could be wall mounted. The reader board can't be more than 40% of the overall sign. Chairman Wolter stated that this type of reader board is to correlate with supper club-type signs of the past, so he is trying to bring that back in a nostalgic way. It's a look they are purposely trying to obtain which is something to consider. Tarantino asked if they could leave it up there until they came up with an alternative.

Motion 2: Amend Motion 1 to allow the sign to stay in place until the applicant can come forward with another sign.

Motioned By: David Baum

Seconded By: William Shadid

Retzlaff stated that staff's objection to the display sign is based on the enforcement of the code as written, and it's difficult to tell other property owners, applicants and developers what the rules are when they can point to what other businesses have gotten away with. Staff is just enforcing the code as it is written. Chairman Wolter stated that it is Director Retzlaff's job to stand up and uphold the code as it's presented, and that's what we expect him to do. Retzlaff stated that part of the problem is that the signs are already installed, which complicates it. It's one thing to come forward and discuss what the requirements are in advance so we could help them come up with something appropriate, as we require everyone to get permit approval first before doing the work. Baum elaborated on what would be acceptable, saying that a sign with a frame around it, a glass enclosure on the front of it with illuminated lights inside the frame to slightly illuminate that panel. That would be an enclosed sign frame that can be changed, behind closed and locked glass. Retzlaff said that would help.

Friendly addition to Motion 2: To include a stipulation that the sign has a frame, cover and dim illumination.

Motioned By: David Baum

Seconded By: William Shadid

Results of Motion 2:

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

No: None

Abstain: None

Motion to Amend Passed

Results of Motion 1:

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

No: None

Abstain: None

Motion Passed

D. Lisa Wakeman, Property Owner - W151N11811 Mistletoe Road. Zoning Permit Application to Install 4' Fence in Storm Sewer & Drainage Easement. (ACTION)

Associate Planner Yanke stated that this item and the next one on the agenda are abutting neighbors and are exactly the same. Both properties are off Mistletoe Road and were built in the last year or two. There is a 20' wide public storm sewer and

drainage easement on the east side of the property, 10' of which are on this property and 10' on the neighbor's property and this fence goes around the entire rear yard and would extend about 8' into the easement. There is an HOA approval letter included in the packet. This fence would not impede water flow and our Highway Superintendent recommends the property owner use caution when installing the fence so as not to cause damage to the underground sewer pipe. Staff recommends the approval of the zoning permit application to install a 4' aluminum picket fence within the storm sewer and drainage easement along the eastern lot line of the Wakeman property located at W151 N11811 Mistletoe Road, subject to the following 5 conditions:

1. It shall be the responsibility of the homeowner to maintain a free flow of water within the private easement at all times.
2. A fence permit is required from the Building Inspection Services. The property owner is required to contact SAFEBuilt for more information.
3. If the fence needs to be removed to make improvements and/or conduct maintenance within the easement, the property owner shall be responsible for all costs associated with removing the fence to the extent necessary within seven (7) days of being notified by the Village (or another mutually agreeable deadline). The property owner shall be responsible for any and all costs associated with any damage, removal, or re-installation of said fence.
4. The property owner shall enter into an encroachment agreement with the Village for purposes of attaching the requirements of Condition No. 3 above to ensure that the property owner and any successors in interest are aware of these requirements.
5. The property owner and/or fence installer shall be liable for any and all damage to the public storm sewer pipe within the easement and all site restoration within the easement.
6. If the property owner receives written approval from the HOA stating that the owner can share a common fence with their neighbor to the east and that the fence can be installed along/on the eastern property line, Village staff may approve that administratively.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: William Shadid

Discussion: Baum asked if the property owner was aware that the Village has the right to take down this fence anytime at their cost, it is up to them to replace it and maintenance is also required? The resident was online and stated yes, that was understood. Henk asked if there would be 2 parallel fences? Or if the 2 properties were sharing one fence? Yanke answered that these proposals are for 2 separate fences with 4-5' between them. Baum asked why they couldn't share one fence instead of having 2 fences? The residents were online and stated that the bylaws of their subdivision HOA do not allow it. The bylaws state that they must have at least 2' between the fences. Retzlaff stated that the Village itself does not require that. Baum stated that the Village would accept sharing one fence if the HOA would also accept it. He will state that in our approval condition 6; if both owners agree to a single fence and the HOA approves it, then staff will be allowed to approve that.

Motion 2: Amend to state that if the residents would like a shared fence on that property line and their HOA would accept it, then the Plan Commission would also accept it, and then Staff would be allowed to approve it.

Motioned By: David Baum

Seconded By: Bridget Henk

Henk stated that the space in the no man's land between the fences will create an opportunity for weeds and create difficult maintenance over time. It would be beneficial to both sets of neighbors to work together to have a single fence line. Chairman Wolter stated that there has to be a way to

go about getting HOA approval for the shared fence. Tarantino stated that the corner lot also has the same fence, and maybe they could join them all together. The third fence is not located in a village easement.

Results of Motion 1:

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

No: None

Abstain: None

Motion Passed (Yes 6, No 0, Abstained 0)

Results of Motion 2:

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

No: None

Abstain: None

Motion Passed (Yes 6, No 0, Abstained 0)

- E. James Bengtson, Property Owner - W151N11793 Mistletoe Road. Zoning Permit Application to Install 4' Fence in Storm Sewer & Drainage Easement. (ACTION)

Staff recommends the approval of the zoning permit application to install a 4' aluminum picket fence within the storm sewer and drainage easement along the western lot line of the Bengtson property located at W151 N11793 Mistletoe Road, subject to the same 6 conditions as the last one:

1. It shall be the responsibility of the homeowner to maintain a free flow of water within the private easement at all times.
2. A fence permit is required from the Building Inspection Services. The property owner is required to contact SAFEBuilt for more information.
3. If the fence needs to be removed to make improvements and/or conduct maintenance within the easement, the property owner shall be responsible for all costs associated with removing the fence to the extent necessary within seven (7) days of being notified by the Village (or another mutually agreeable deadline). The property owner shall be responsible for any and all costs associated with any damage, removal, or re-installation of said fence.
4. The property owner shall enter into an encroachment agreement with the Village for purposes of attaching the requirements of Condition No. 3 above to ensure that the property owner and any successors in interest are aware of these requirements.
5. The property owner and/or fence installer shall be liable for any and all damage to the public storm sewer pipe within the easement and all site restoration within the easement.
6. If the property owner receives written approval from the HOA stating that the owner can share a common fence with their neighbor to the east and that the fence can be installed along/on the eastern property line, Village staff may approve that administratively.

Motion: Approve with same 6 conditions as the last topic as presented

Motioned By: David Baum

Seconded By: William Shadid

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

No: None

Abstain: None

Motion Passed (Yes 6, No 0, Abstained 0)

- F. Virtus Development LLC, Agent for District One LLC, Property Owner of W140 N10363 Fond du Lac Avenue and the Robert & Mary Elizabeth Hacker Trust,

Property Owners of a .66-Acre Lot on Fond du Lac Avenue. Site Plan Approval
Deadline Extension Request. (ACTION)

Trustee Baum asked to be recused from this item. Chairman Wolter recused him. Director Retzlaff went over the background of the approved project and the reasons for the extension request. The developer submitted a letter on November 5th, 2024 requesting an extension of the approvals. They included a tentative timeline for commencement and completion of the project.

APPROVE the request to extend site development & building plan for the commercial parking lot and 4-unit multifamily townhouse development proposed by Victory Center LLC subject to the following conditions, which are a compilation of the previously approved conditions for the site and landscape plans except for one, condition 8 in the list, which is essentially specifying the deadline for commencement and completion to be November 13th, 2025:

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:

Architectural plans dated July 20, 2023;
Civil Engineering plans July 20, 2023;
Lighting plans (photometric plan) dated July 18, 2023;
Storm Water Management Report dated July 21, 2023;
Landscape Planting Plan dated November 3, 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:

The minimum building setback from the nearest point of any townhouse building to the south property line shall be 30 feet;

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. 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 or issuance of

building permits (excluding “early start” site clearing and footing/foundation work approved by the Village and/or WI DSPS):

October 20, 2023 July 31, 2023, memo from Brad Seubert, Harwood Engineering

4. 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.

5. 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.

~~6. 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.~~

6. Right-of-way permits are required for any/all construction conducted in the Donges Bay and STH145/Fond du Lac Ave , Wasaukee Road and Town 9 Parkway rights-of-way. Contact the Public Works Department/Highway Superintendent for permit submittal requirements.

7. 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.

8. This approval shall become null and void if construction has not commenced by November 13, 2025, and continued toward completion as provided under Section 17.43(11) of the Zoning Code. **[This is a new condition added on November 11, 2024]**

~~9. As required under Condition #3 of the August 14, 2023 Plan Commission Site Plan approval - a,~~ A decorative privacy fence and landscape screen/buffer shall be installed along the entire length of the paved driveway and parking stall area abutting the south property line. The decorative privacy fence shall be a minimum of 6 feet height and not be a simple board-on-board wood picket fence. The landscaping shall also be installed along the south side of the fence. **[This condition carried over from Landscape Plan approval granted by Plan Commission on November 13, 2023]**

10. The four (4) street trees proposed to be planted in the Fond du Lac Ave right-of-way shall be included in a right-of-way permit issued by WisDOT to allow installation in the right-of-way. If the street trees cannot be added to the existing or new agreement the developer has with WisDOT to permit these trees in the ROW, the trees shall be relocated onto the townhouse & parking lot properties. **[This condition carried over from Landscape Plan approval granted by Plan Commission on November 13, 2023]**

11. The proposed landscaping along the south side of the parking lot shall be supplemented with evergreen trees and/or shrubs to enhance screening of car headlight glare on the townhouses. Said plan to be reviewed and approved by the Village Planner and Plan Commissioner Tarantino. **[This condition was added by the Plan Commission within the motion to approve the landscape planting plans on November 13, 2023; see meeting minutes for details]**

Motion: Approve as presented

Motioned By: William Shadid

Seconded By: Robert Williams

Yes: Dean Wolter, Josh Tarantino, Robert Williams, William Shadid, Bridget Henk

No: None

Abstain: David Baum

Motion (Yes 5, No 0, Abstained 1)

- VI. 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.)*

Residents who spoke included:

Lynn Bednarz who lives on Pawnee Court.

- VII. ANNOUNCEMENTS:**

Director Retzlaff stated that the Farmland Preservation District topic from last month was incorrect. He stated that at least 80% of the farmland shown on the map would have to be interested in getting in. We can't just wait for the owners to come forward and add them in. We would need 80% to move forward, and he feels that would not be the case. There are a couple of options: 1-attempt to get the 80% or modify the county map to only show those properties that meet the initial criteria, show the properties that want to be included but only rezone the area where 80% are interested. Our County representative stated that he would be willing to try to revise the map. Retzlaff feels that we should send out a survey to see if a significant number of property owners would be interested. Then move forward with possibly redrawing the map. Chairman Wolter stated that this is what happened last time, that we didn't have enough property owners that were interested in participating. Ewert stated that this is drifting into a discussion that is not on the agenda for tonight.

Chairman Wolter stated that there are 2 listening sessions coming up this week on Thursday:

November 14th at 4pm there is an information meeting with the WisDot to discuss some enhancements to STH145 from STH167 to STH100 and at 6pm there is a visioning session for the Village Center for which we will have citizen input but are in the Village Hall Boardroom

Tarantino stated that the Germantown Christmas Parade is this Saturday at 10am, festivities in the park and tree lighting at 4:30pm. Santa will be at the Fireman's Park pavilion!

- VIII. ADJOURNMENT:**

President Wolter adjourned the meeting at 8:35pm.