

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, January 13, 2025 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.*

Chairman 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 12/9/24

Motion: Approve 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)

IV. **UNFINISHED BUSINESS:**

A. Village of Germantown Community Development Department - Proposed Text Amendments to Section 14 (Building Code), Section (17 (Zoning Code), and Section 18 (Subdivision & Platting Code) of the Village of Germantown Municipal Code.(TABLED FROM DECEMBER 9, 2024; PUBLIC HEARING AND ACTION)

Director Retzlaff reviewed all of the 11 proposed text amendments.

Staff recommends the approval of the 11 proposed text amendments as presented.

Chairman Wolter opened the Public Hearing at 6:39pm.

Residents that spoke include:

Brian Randall spoke in support of #7

Melanie Smythe spoke in support of Amendments #4 & #7.

Public Hearing closed at 6:43pm.

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)

- B. Harter's Lakeside Disposal, Agent for Lakeside Property Management, and, Skyline Development Corp, Property Owner, 12.7 acre parcel on the northeast corner of the Fond du Lac Ave @ Spaten Ct intersection; Rezoning Application from the M-1: Limited Industrial to the M-2: General Industrial Zoning District; and Conditional Use Permit (CUP) Application for a new "Solid Waste Disposal, Collection and Transportation Operations" Business. (2ND PUBLIC HEARING & ACTION; POSSIBLE RE-CONSIDERATION OF PREVIOUS RECOMMENDATION; ITEM REFERRED BY VILLAGE BOARD)

Director Retzlaff discussed the history of this proposal to develop and operate a Solid Waste Disposal, Collection and Transportation Operation from the 12.7 acre property located at N102 W13800 Spaten Court in the Victory Center Corridor.

At the November 11, 2024 meeting of the Plan Commission it was determined that the proposed unclassified use is similar in character to the Waste Management truck maintenance facility on County Line Road and the "landfill, solid waste and other waste disposal and recovery uses" conditional use listed under 17.34(3)(c) of the M-2: General Zoning District (pursuant to Section 17.02(3)2 of the Zoning Code and recommended to the Village Board that the Rezoning and Conditional Use Permit (CUP) applications NOT be approved.

At their December 2, 2024 meeting, the Village Board received staff's presentation of the proposal and the Plan Commission recommendation and referred the rezoning and CUP applications back to the Plan Commission after Harter's attorney requested time to review and refine their proposal.

Since then the Applicant submitted a revised set of site plans (one for each of three proposed development phases) and a revised project narrative. Staff met with the applicant on Jan. 8 and received further revised and new information on Jan. 9, 2025 to discuss the revised information. Due to time constraints, this information is included in the packet but is not reflected in the staff report. Staff recommends that the Plan Commission allow the applicant to present the revised information, open the public hearing to receive public comments and then discuss the proposal in light of the revised & additional information.

Staff's original recommendation was a denial of this request to rezone the property from M-1: Limited Industrial to the M-2: General Industrial Zoning District and denial of the CUP to develop and operate a "Solid Waste Disposal, Collection and Transportation Operation" from the property.

Atty Brian Randall presented the revised plans and updated narrative which he summarized during his presentation.

Chairman Wolter opened the Public Hearing at 7:16pm.

Residents who spoke include:

Melanie Smythe stated that not much has changed from their last proposal. This will still add noise, traffic and the truck maintenance would also cause issues.

Doug Loman spoke against this proposal due to noise and traffic.

Scott Sunila spoke against this proposal also due to loud noise and trucks causing damage to roads.

John Figie spoke against this proposal also due to noise.

Chairman Wolter read an email also submitted from the Figie's who are against the proposal for multiple reasons including noise, lower property values, traffic, etc. and feels this should be moved into an already zoned M-2 property.

Director Retzlaff re-stated his opinion that this property is not suitable for M-2 business and the original decision from this commission that this proposal is comparable to Waste Management was correct. He would be willing to work with the applicant to find an alternate location for this proposal located farther from residential areas.

Motion 1: Close the Public Hearing at 7:39pm

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

Motion 2: Based on the additional information provided tonight there is no significant difference other than a layout change, therefore he motions that we maintain the same recommendation as the last meeting which was to deny the rezoning and conditional use permit applications.

Motioned By: David Baum

Seconded By: William Shadid

Shadid stated that this would not be fair to residents in the area to add this amount of noise.

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

No: None

Abstain: None

Motion Passed

Chairman Wolters asked them to consider a new location within the Village for their expansion.

V. NEW BUSINESS:

- A. Blair and HeLayne Burkette, and Terrance and Kristie Kurtenbach, Property Owners, are requesting approval of a Certified Survey Map (CSM) to transfer 5.02 acres of land between two (2) existing parcels. Properties are located at W148 N13372 Pleasant View Drive and approximately W148 N13310 Pleasant View Drive in the Rural Preservation District. (ACTION)

Associate Planner Yanke stated that this CSM is comprised of two (2) parcels totaling 27.57 acres. The purpose of the CSM is to transfer 5.02 acres of property from one existing parcel to another, meaning no new parcels are being created.

Staff recommends approval of this proposed 2-lot Certified Survey Map (CSM) for the Burkette and Kurtenbach properties located at W148N13372 Pleasant View Drive and W148N13310 Pleasant View Drive (approximate address), subject to the following condition:

1. All technical issues and corrections identified by the Village Surveyor (see November 30, 2024, memo from Bob Beilfuss, PLC) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.

Motion: Approve as presented with one condition

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)

- B. Capstone Development Company and Innovative Signs, Agents for CQ WI 2021, LLC, Property Owner, are seeking approval of a Site Plan and Sign Review for exterior tenant improvements and a new wall sign for the Capstone 41 - Phase II industrial building. Property is located at N128 W20955 Holy Hill Road in the Holy Hill Gateway District. (ACTION)

Associate Planner Yanke stated Capstone Development Company is proposing building improvements/revisions to the southern part of the building to accommodate MGS occupying the remaining space in the Phase II building. Innovative Signs has also applied for one (1) new wall sign on the northwest corner of the building. The proposed improvements are explained in the project narrative and depicted on the site plan, building drawings, and sign permit materials. The list of improvements include:

- Security Fence
- HVAC Units
- Transformer
- Office Windows
- Dock Door Modifications
- Signage - New wall sign

Staff recommends approval of the exterior tenant/building improvements subject to the conditions already contained in the original Phase II site development and building plan approvals granted on January 9, 2023. And the approval of the proposed wall sign for Innovative Signs/MGS subject to the following condition:

1. Applicant/owner shall obtain an electrical permit from Building Inspection Services prior to sign installation.

Motion 1: Approve exterior building improvements as presented subject to the conditions contained in the original Phase II site plan and building plan approvals granted on Jan. 9, 2023

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

Motion 2: Approve wall sign as presented with one condition

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

- C. Home Path Financial, LP, Agent for Mohrhusen Family Farm, LLC, Property Owner, and Dittmar Realty, Inc.; Site Plan Consultation for an 88.3-acre residential development comprised of 283 total dwelling units. Property is located at the northeast corner of the Lannon Road (CTH Y) and County Line Road (CTH Q) intersection in the Lannon Gateway Neighborhood.
(CONSULTATION/DISCUSSION)

Associate Planner Yanke stated that the applicant is seeking feedback on a potential 283-unit residential development. The residential development would have the following characteristics:

- Total number of dwellings (283) on 88.3 acres (13,591 sqft per lot/unit average)
- Overall density proposed at 3.2 du/acre
- Variety of housing product types:
 - 44 Flagship Homes with attached 2 or 3-car garages
 - 103 Pathway Homes with attached 2-car garages
 - 108 Rowhomes with 1 to 3 bedrooms and attached 2-car garages
 - 28 Paired Homes (Ranch Villas) with 2 bedrooms and attached garage
- (3) access points to development, with (2) from County Line Road/CTH Q and (1) from Lannon Road/CTH Y
- 32% open space including:
 - Landscape buffers along certain borders
 - Preserved 9.7-acre woodlands along western boundary
- 0.85-acre centrally located park
- Detention areas serving development

The property is currently zoned A-1 Agricultural District and is located in the Lannon Gateway Neighborhood under the Village's 2050 Comprehensive Plan. The preferred uses within the neighborhood include single-family and multi-family residential. It is expected that the development will be a Planned Development District (PDD) with Rs-7 Single-Family and Rm-1 Multi-Family as the underlying zoning districts. This area is part of the existing Sewer Service Area (SSA) but not currently served by Village sewer and water utilities and would require an extension from the existing terminus located on County Line Road at the far southeast corner of this property.

The proposed development would require the following permits/approvals:

1. Planned Development District (PDD) & Rezoning Applications

2. Subdivision Plat
3. Site Plan approval (separate site development & building plans for each component)

A wetland delineation will also be required given known wetlands in wooded area along Lannon Road. No formal action is required, the developer and staff are looking for feedback on any/all aspects of the proposed development.

Home Path Financial representative Ken Frank went over a brief history of their business and stated that this proposal is being developed through Stepping Stone Homes which is their housing development division. Joe Mashek, a Planner for the development went over the site plan, stating almost 10 acres of which is solid trees and they will preserve as many trees as they can on the site, there are several different sizes/types of homes with different footprints offering many options for buyers. They set aside 32% of the site for open areas and buffering as well as pedestrian connections throughout the site. Jennifer Koutny Sales Manager for Home Path went over the types of homes, sizes and pricing.

Director Retzlaff asked about entrance features at the gateway on the southwest corner of the property? Joe stated that they have nothing solid in mind but there is an opportunity to put in creative features that would advertise the gateway to Germantown.

Commissioner Baum stated that he has been in communication with residents over the past several days so he is going to go over some of the things that were brought up. Baum asked if water & sewer will be extended through the entire subdivision from the eastern edge with no TIF required. He stated that neighborhood meetings will be a requirement to plan development for this area. Mashek stated that they are on a tight time frame and they need to see where they are at with this proposal tonight to determine if they will move forward with the project and if they do, they would accommodate community meetings.

Baum asked how much of this is rental property? It was stated that they haven't set a percentage on that. It will not be marketed as rental units but there is a need for those types of units in Germantown. Chairman Wolter suggested the HOA monitor rentals as he doesn't want a large investor buying up all the row houses for rent. Wolter said this follows the Tracy Cross Report but residents will be more accepting of the development if rentals are not included and you are only offer owner-occupied housing. Frank stated that Home Path has a property management division that will manage the property and asked if there is a comfort level for the mix of rental properties. Baum stated that the residents will say zero. Retzlaff asked whether Baum believes that rental discussions in the past have been related to apartments not build to rent homes which are a part of the proposal. Baum said generally "yes" because this format has not been proposed before. Retzlaff pointed out that the rental range is \$2,200 to \$2,800 a month which is drastically different from a lower end apartment. Baum stated that traffic is also a major concern, a traffic study that was done in the past for Lannon and County Line Road shows that they were both at less than 50% of their capacity and the study was done with twice as many units proposed. The Village will request an update for this type of community that is fully residential. Baum stated that several residents stated that property must be developed as 1 acre lots or nothing and that no one is buying those anymore, too much maintenance for younger

generations and that Section 8 nor Gen X housing are included in this development. Commissioner Ewert asked what the percentage is between home ownership and rentals in their current 28 communities? Mashek stated that they are all mixed use with rentals mixed in but it will not be marketed that way and he doesn't know the exact # or percentage of rentals within their developments. Their preference is to build and sell all of these. Ewert asked, on the rental side of their business what is the turnover rate? Kouny spoke on the renter demographic, her team sells the homes and home owners don't want to live next door to a renter but this is not your typical renter, they are educated and mature.

Chairman Wolter stated that there are representatives here from the school district and they would like to know the impact on the various schools, do you have a goal for start to completion? Frank stated that it's a 3-5 year build-out range and he has a really preliminary school age children count of 135. Ewert stated that this development is located in the Amy Belle School district which is the 2nd lowest populated per classroom as opposed to other areas of the Village, so this would be a better area for this type of development. This isn't apartments this is rental homes and it fits a more manageable aspect for the school district. Commissioner Williams stated that he would like to hear about the structure of their rental rates. Mashek can get that information to Director Retzlaff. Commissioner Tarantino asked if they have other mixed use developments. Frank indicated that they have 3 others, the flagship homes will cost \$550,000. Baum said they don't intermingle the home types, there is a transition between them. They want to offer a variety of homes. Baum stated that with 283 proposed units, with an average price per unit around \$450,000 per unit that would be approximately \$130,000,000 worth of development and the amount of taxes generated would be significant revenue for the Village. Tarantino asked if these are all public streets. Frank indicated that they are.

Commissioner Henk likes that they looked outside the box on this proposal, she stated that they need to look at the right in & right out for traffic flow, circulation into the single family homes only has one access point which may be problematic for emergency services and the row homes need to have some visitor parking. Chairman Wolter asked about the HOA. Frank indicated that they haven't gotten into the details of that but he sees a master association with divisions of sub-associations underneath it. Wolter also stated that rental properties are not favorable to residents but he likes the overall mix of homes which gives more opportunities for home ownership. He would like to firm up the # of school age children for school impact and update the traffic impact study. Baum thinks it's worth moving forward if we can get a plan together that includes some resident involvement. Wolter stated that the public can give their input tonight during Citizen Input and the developer should stick around to hear them. Wolter has seen covenants that restrict whether you can or cannot rent out your residence or use them as a AirBnB. Retzlaff will bring more information forward about restrictions on rentals.

- 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 regarding the development proposed by Homepath included:

Scott Schroeder who lives on County Line Road.

Darcel Ehley who lives on County Line Road.

Tammy Schneider who lives on Lannon Road.

Doug Loman who lives on Riversbend Circle West.

Jerry Siegle who lives on County Line Road.

Ron Schneider who lives on Lannon Road.

Carla Schubert who lives on Lannon Road.

Michelle Long who lives to the south in Menomonee Falls.

Mary Gutmann who also lives to the south.

Scott Lopez who lives on Lannon Road.

Robert Lietzau who lives on Oak Lane.

Ed Popp who lives on Lannon Road in MF.

Jan Miller who lives on Windsong Circle W.

Melanie Smythe who lives on Cedar Lane.

Scott Hefle who lives on Old Farm Road.

VII. ANNOUNCEMENTS:

None.

VIII. ADJOURNMENT:

Chairman Wolter adjourned the meeting at 9:40pm.