

MEETING: REGULAR MEETING OF THE PLAN COMMISSION
DATE & TIME: Monday, March 10, 2025 at 6:30 PM
LOCATION: Germantown Village Hall Board Room
N112 W17001 Mequon Road

Any member of the body and/or citizen also attend the meeting virtually through the WebEx platform, Meeting #: **2553 216 2843** Password: **qRNIkJrY345** which can be accessed by phone at **408-418-9388** or by logging on at <https://villageofgermantown.my.webex.com/villageofgermantown.my/j.php?MTID=m3e60c9657945a5ad89155bdbfd3c356f>

Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to comments@germantownwi.gov by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration.

Previously recorded Village Board Meeting Videos can be viewed at https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ.

AGENDA

- 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.*
- II. **ROLL CALL:**
- III. **APPROVAL OF MINUTES:**
 - A. PC Minutes 2/10/25
- IV. **NEW BUSINESS:**
 - A. Village of Germantown Community Development Department & Village Attorney- Proposed Text Amendments to Section 17 (Zoning) of the Village of Germantown Municipal Code. (PUBLIC HEARING AND ACTION)
 - B. Village of Germantown Community Development Department - Village Center District: Presentation & Discussion of Mixed-Use Re-Development Proposal Status & Next Steps (Mequon Road @ Pilgrim Road) (DISCUSSION ONLY)
 - C. Village of Germantown Community Development Department & Village Administrator; Discussion of Land Exchange Proposal Between the Village of Germantown and Blackstone Creek LLC/Heimat Group (Blackstone Golf Course Property) (DISCUSSION ONLY)
 - D. Lemberg Electric, Agent for Green Bay Packaging, Inc., Property Owner - N128 W21600 Holy Hill Road; Sign Application Review. (ACTION)
- 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.)*
- VI. **ANNOUNCEMENTS:**
- VII. **ADJOURNMENT:**

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Village

PLAN COMMISSION AGENDA

March 10, 2025

Page 2

Clerk at (262)250-4745 at least 2 days prior to the meeting. Notice is given that a majority of the Village Board may attend this meeting to gather information about an item over which they have decision-making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v Greendale Village Board, even though the Village Board will not take formal action at this meeting.

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, February 10, 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.*
Community Development Director Retzlaff called the meeting to order at 6:33pm.
Motion: Nominate Protem Chairman Baum
Motioned By: William Shadid
Seconded By: Josh Tarantino
Yes: Dean Wolter, David Baum, Josh Tarantino, William Shadid
No: None
Abstain: None
Motion Passed (Yes 4, No 0, Abstained 0)
- II. **ROLL CALL:**
Chairman ProTem Baum, Tarantino, Shadid and Ewert were all present, President Wolter was present via Webex. Also present was Community Development Director Retzlaff. Committee Members Williams and Henk were both absent/excused.
- III. **APPROVAL OF MINUTES:**
Motion: Approve as presented
Motioned By: William Shadid
Seconded By: Josh Tarantino
Yes: Dean Wolter, David Baum, Josh Tarantino, William Shadid
No: None
Abstain: None
Motion Passed (Yes 4, No 0, Abstained 0)
A. PC Minutes 1/13/25
- IV. **NEW BUSINESS:**
A. Presentation and Discussion of a Master Plan for potential Mixed-Use Development in the Village Center District: Mequon Road @ Pilgrim Road.
Director Retzlaff gave some background on this potential 22 acre project and stated that this will go before the Village Board on February 17th, 2025 to decide if the project will move forward or not. The Plan Commission has not been involved up to this point but will be more involved in the detail planning process if/when the Village Board decides to move forward.

1. Presentation by RINKA+ and Copeland Companies, Land Use Planning & Real Estate Development Consultants

Retzlaff announced Bailey Copeland with Copeland Companies, who gave a short presentation about the potential mixed-use development. Eric Mayne from Rinka took over and gave a full presentation including Master Plan details, feedback on community involvement from the 2 visioning sessions, presented the results of the surveys that were taken, and displayed pictures of possibilities within the new Village Center. Copeland continued with implementation details and stated that next steps would be discussed at the Village Board meeting on February 17th.

Chairman ProTem Baum stated that we have had 2 listening sessions and some residents commented that they were not given a chance to voice their opinions. So he will now give residents that chance.

2. Public Comment (*3 minute limit per person*)

Residents who spoke included:

Lynn Bednarz who lives on Pawnee Court expressed concerns about paying for this project, she is against a TID and stated that she does not want more apartments.

Danica Lause who lives in the Preserve gave positive feedback. Her family would be very happy for this to happen. She feels that Germantown does not have a heart, and it needs one, a place for families to hang out and enjoy.

Linda Kons who lives on Butternut Road expressed concerns about parking, and she would like TID's to be explained better.

Baum stated that generally residential developments propose underground parking which would need to be considered by a potential developer at a later date if the project moves forward. The greenspace to the east will include walking pathways. Financial issues will come before the Village Board on February 17th, and they will discuss those options then.

Larry Dillon who lives on Lynn Drive stated that he would like to know what type of residential units will be put in the southern part of the development next to Lyle Lane? Baum stated that from north to south you have the Commercial District, higher density in the middle and low density, single family in the south.

Pat Tasker who lives on Burning Bush Court stated that she loves the idea of Germantown having a gathering space. Her concerns are whether this is the right project for the Village or would it be more sustainable for a private developer to lead the effort.

Scott Barkow who lives on Daniels Drive feels the parking is not adequate for special events and stated that Mequon Road hasn't changed much in 20 years, so it needs something. He feels this is a good thing and thinks that underground parking would be ideal.

Steven Wesolowski who lives on Pheasant Run commented that in order to qualify for a TIF only 35% can be multifamily/residential and this project has way more than that, and he is against another TIF in the Village.

Tom Barney who lives on Old Farm Road stated that he thinks the picture they present would be very disruptive to the local businesses currently in the area and feels that a music venue would create a noise problem for nearby residents.

Scott Barkow came back up asking if we are in jeopardy of losing this property if a developer wants to put a carwash there? Baum stated that yes, a developer could bring forward any concept they want for a property that they own. Barkow asked what

Germantown would have to do to acquire the properties, outright buy them and stated that Germantown has 21,000 residents, how would we get more of the residents involved? Baum stated that is part of the challenge.

Bob Fitzgerald who lives on Windsong Circle asked about ownership of the apartments, main campus, stores, condos and single family homes? Baum stated that the plans are just conjectual at this point so that is yet to be determined.

Brad Bauter who lives on Lincoln Drive would welcome a new development that will bring community back. He has a problem with more apartments being put in and doesn't want another TID.

Baum stated that the financial analyst would be at Mondays meeting, and they will explain TID districts and how they work.

Melanie Smythe feels that this is a dream for the future but has concerns regarding the design and layout. She feels the market area should be bigger, there's too much high-density housing around it due to parking and congestion. She doesn't want another TID and wants to know who will manage the property?

Maureen Fitzgerald who lives on Clover Hill Lane asked if a traffic study was done. Baum stated that there was one done but it didn't figure in what is actually going to go in there and that data can't be finalized until an actual developer brings an actual plan forward. She doesn't want a bunch of apartment buildings put in.

Scott Hefle who lives on Old Farm Road stated that he wants to know why this is a time-sensitive matter. We have a 2050 plan, so we don't need to develop the Village in 5 years. He does not want a TID district and stated that other communities have a property management team to organize things like this.

Tom Steinbach who lives on Hilltop Drive stated that he is strongly in favor of this being a private development, he doesn't think the Village should be financially involved and is very skeptical about the plan.

Jan Miller who lives on Windsong Circle West stated that she has concerns about another TID and wants developers to pay for the project. She is concerned about this being time-sensitive and feels that we are trying to rush to create the heart of Germantown in 15 months.

FOLLOWED BY A 10-MINUTE RECESS

The 10 minute recess started at 7:55pm and the meeting was called back to order by Chairman Protem Baum at 8:05pm.

- B. Capstone Development Company, Agent for CQ WI 2021, LLC Property Owner - N128 W20833 Holy Hill Road. Site Development and Building Plan Review for a 291,140 sqft Industrial/Warehousing Building in the Capstone 41 Business Park - Phase 3 (ACTION)

Director Retzlaff summarized the proposal and went over the background of the first 2 development phases for Capstone 41 and stated that Phase 3 is ahead of schedule by 2 years. 100% of both buildings 1 and 2 are fully leased at this point in time.

Staff recommends the approval of the site development and building plans for development proposed by Capstone Quadrangle for Phase 3 of the Capstone 41 Business Park on Holy Hill Road, including a 291,140 sqft multi-tenant industrial/distribution building 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:

Architectural plans dated December 4, 2024;
Civil Engineering plans dated November 18, 2024);
Landscaping plans dated November 18, 2024;
Lighting plans (photometric plan) dated December 4, 2024

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 exterior doors (except primary entrance) shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.
4. All technical requirements identified in the January 15, 2025 review memo from the Village Engineer and Public Works Department 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).
5. 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.
6. The height of all exterior lighting fixtures shall not exceed a mounted height of 25 feet above the surrounding finished grade elevation (wall and pole mounted). Also, no tilting of the fixtures shall be permitted. The lighting plan needs to be modified so that illumination levels do not exceed 0.5 footcandles at the property boundaries (north and south property lines). An updated lighting plan shall be submitted for review and approval by the Village Planner prior to the issuance of building permits.
7. Lighting on the east side of the building is wall mounted with light cast outward to the east parking lot. In the event glare is evident to the residential areas to the east that results in nuisance complaints received by the Village, the building owner should cooperate with the Village to identify and implement solutions to reduce any glare or nuisance.
8. Dumpster enclosures shall be designed to meet the Village's dumpster enclosure guidelines. Future tenants shall be required to provide proposed dumpster enclosure plans for review and approval by the Village Planner prior to issuance of an occupancy permit for the tenant.
9. Future tenants shall provide a roof plan with the location of all roof-mounted HVAC units and any other roof-mounted equipment along with sightline diagrams as part of all future building "build out" plans. RTU's shall be screened from view by line of sight at 5' above grade from all property lines around the

building and the centerline of the adjacent roadways (Holy Hill Road and driveway). If RTU's cannot be hidden from view, screen walls or other mutually acceptable features intended to shield the view of said RTU's shall be submitted to the Village Planner (or Plan Commission if determined necessary by the Village Planner) for review and approval prior to build out construction and tenant occupancy.

Motion: Approve as presented

Motioned By: William Shadid

Seconded By: Josh Tarantino

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

No: None

Abstain: None

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

- C. Briohn Design Group, Agent for TDC Willow Creek LLC, Property Owner, N102 W19200 Willow Creek Way; Certified Survey Map (CSM) Application to Divide and Convey 2.67 acres containing a Storm Water Management Basin from the Village of Germantown to TDC Willow Creek LLC. (ACTION)

Director Retzlaff summarized the proposal for industrial building Lot 4 and an existing outlot, which includes a storm water pond, in the Willow Creek business park. He discussed the need to expand the storm water basin due to an increase in impervious area on the industrial building lot per recent approval for an outdoor storage yard for a tenant (Xylem). This CSM transfers the storm water basin from the Village to the developer and the responsibility for storm water maintenance would then fall on the owner/developer moving forward.

Staff recommends approval of the proposed 2-lot Certified Survey Map (CSM) for TDC Willow Creek, LLC, for property located at N102 W19200 Willow Creek Way, subject to the following condition:

1. All technical issues and corrections identified by the Village Surveyor (see January 20, 2025, 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

Motioned By: William Shadid

Seconded By: Josh Tarantino

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

No: None

Abstain: None

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

- D. Cirrus Property Group, LLC, Agent for Faith Lutheran Church, Property Owner of W172 N11187 Division Road; Site Plan Consultation for a Proposed 4.72-acre, 42-unit Multi-Family Residential Development in the Lannon-Mequon Road Corridor. (DISCUSSION)

Director Retzlaff stated that this property is approximately 10 acres and is currently zoned Institutional (I) and includes the existing church, parking lot/driveways, and a

parsonage. Most of the southern half of the existing property is currently undeveloped. The single family dwelling on the site would be removed through this proposal. The developer is seeking feedback on a potential 42-unit (for-lease) residential development on 4.72 acres of the existing 10.4 acres, which the developer would acquire from the church through a division of the parcel. The development would have the following characteristics: total number of dwellings (42) on 4.72 acres, overall density proposed at 8.9 du/acres, housing types: 2-family dwellings (duplexes), 3-family dwellings (triplexes), units including 1, 2, and 3 bedrooms and 2-story buildings, each unit will have a private front entrance and an enclosed yard, private drive serving the development with (1) point of access to Division Road.

This property is part of the existing Sewer Service Area (SSA) and currently served by Village sewer and water utilities. The proposed development would require the following permits/approvals by the Plan Commission/Village Board:

1. Planned Development District (PDD) & rezoning applications
2. CSM/subdivision plat
3. Site plan approval for multifamily structures

Retzlaff introduced Daniel Hasbani with Cirrus Property Group, who presented their proposal along with early drawings and a site plan and stated that this development would have the look and feel of single family but have the multifamily element. This proposal is in line with the Tracy Cross Report and targets empty nesters. Rent would be approximately \$2,000-\$3,000/month.

Plan Commission concerns included: High density, congestion getting in and out of the site, want a 2nd access point. Cirrus would retain ownership and they would be responsible for day-to-day management, the road through the property would be a private road so the Village would not have to maintain it. The PC doesn't want "cookie-cutter" buildings and would like to see more architecture and differentiation between buildings and would like to see more visitor parking. Hasbani stated that they would do a traffic impact analysis if this moves forward and stated that they are not opposed to having a 2nd access road.

Retzlaff addressed the question: to what extent can the village regulate rental properties? He stated that we have no definitive answer to that yet. It would have to go before the Village Board, but as of now, we do not regulate that. This is a different product type that is being called for in the Tracy Cross report and there are a lot of renters looking for this type of residence. Retzlaff asked how this differs from a condo type development? Hasbani stated that it's a lot like condos other than the ownership. This is a product with a specific niche that is taking off and, with the current demographic, it is ideal with not as much maintenance but still feels like a single family home. Wolter stated that the church is looking to sell this property, so there would be no long-term revenue available for the church. Retzlaff asked what the school-age child impact would be? Hasbani stated that they have done research into that aspect, and there would be approximately 15 school-year-aged children as part of this development. Ewert stated that this would be in the County Line School district and 15 kids wouldn't just go to elementary, it would spread out between elementary, middle and high school. This is the 2nd most impacted school in the district, but does this tip one way or the other for 15 kids, No.

- E. Maysteel Industries, Agent for Zilber Property Group, Property Owner, W210 N12975 Gateway Crossing; Sign Review Application. (ACTION)

Director Retzlaff summarized the sign proposal.

Staff recommends the approval of the proposed wall sign for Maysteel Industries for property located at W210 N12975 Gateway Crossing, subject to the following condition:

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

Motion: Approve as presented

Motioned By: William Shadid

Seconded By: Josh Tarantino

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

No: None

Abstain: None

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

- F. Supreme Signs, Agent for the Buzdum Trust, Property Owner, W188 N10515 Maple Road; Sign Review Application. (ACTION)

Director Retzlaff summarized the sign proposal and went over some background of the property.

Staff recommends the approval of the proposed wall signs for Buzdums Pub and Grill for property located at W188 N10515 Maple Road, subject to the following condition:

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

Shadid asked whether Retzlaff had any feelings about them not following through with the agreement with the property owner in reference to enhancing and completing improvements to the building. Retzlaff stated that no he did not. Tarantino asked if light would come out around the edges of a black lettered sign. Baum stated that either the black becomes translucent when it's backlighted or the words are illuminated.

Motion: Approve as presented

Motioned By: William Shadid

Seconded By: Josh Tarantino

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

No: None

Abstain: None

Motion Passed (Yes 4, 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.)*

Residents who spoke included:
Melanie Smythe who lives on Cedar Lane.
Scott Hefle who lives on Old Farm Road.

VI. ANNOUNCEMENTS:

None.

VII. ADJOURNMENT:

Chairman Protem Baum adjourned the meeting at 9:12pm.

ZONING CODE TEXT AMENDMENTS

3/10/25 Plan Commission Meeting

Germantown Community Development Department

Village Staff Report & Recommendation

Germantown, Wisconsin

Summary

The Community Development Department and Village Attorney are proposing a series of text amendments to Section 17 (Zoning) in the Germantown Municipal Zoning Code.

As indicated in the various “whereas” statements in the attached draft ordinance, the proposed amendments are necessary to maintain consistency between the Village’s Zoning Code and Wis. Stats. 2023 Wisconsin Act 16 adopted specific preemptions or limits on how municipalities exercise their zoning authority authorized under various sections of the Wis. Stats. that apply to the Village of Germantown, including Section 62 (Cities) and Section 66 (General Municipality Law).

Many of the provisions adopted under 2023 Act 16 had a delayed effective date of January 1, 2025. The following Zoning Code amendments are recommended by the Village Attorney to maintain consistency with Wis. Stats.

Amendment #1 (see Section I; page 1)

The proposed amendment to Section 17.27(2)(d) removes the provision that previously required a favorable vote of $\frac{3}{4}$ of the full Village Board (7 of 9 members) to increase the maximum allowable density of proposed development in a Planned Development District (PDD). Under 2023 Act 16, Wis. Stats. Section 66.10015(3)(a) was created to limit municipal zoning authority to only require a favorable vote of a simple majority to enact a proposed zoning amendment including the creation or amendment to a Planned Development District (PDD).

Amendment #2 (see Section II; page 2)

The amendment to Section 17.51(7) repeals/removes the provision that previously provided for protest petitions to be filed against zoning code or district map amendments. Under this provision, if a petition in protest of a proposed zoning amendment was submitted and specific criteria were met by said petition/petitioners, a valid protest petition would require a favorable vote of $\frac{3}{4}$ of the full Village Board (7 of 9 members) to approve the zoning amendment. As discussed above, under 2023 Act 16, Wis. Stats. Section 66.10015(3)(a) was created to limit municipal zoning authority to only require a favorable vote of a simple majority to enact a proposed zoning amendment.

Amendment #3 (see Section III; page 2)

The amendment creates Section 17.42(10) to provide an appeal process in Circuit Court through specific certiorari procedures adopted under 17.52(8) with respect to the denial of a conditional use permit by the Village Board consistent with Wis. Stats. Section 781.10.

Amendment #4 (see Section IV; page 2)

Like Amendment #1 & Amendment #2 above, the amendment to Section 17.51(6) adds language that clarifies action by the Village Board to approve a zoning amendment, e.g. zoning district map amendment, zoning code text amendment. Under 2023 Act 16, Wis. Stats. Section 66.10015(3)(a) was created to limit municipal zoning authority to only require a favorable vote of a simple majority to enact a zoning code amendment, unless the proposed amendment constitutes a “down zoning ordinance” as defined under Wis. Stats. 66.10015(1)(as):

NOTE: A “down zoning ordinance” is a zoning amendment that affects a property or area of land in one of the following ways:

- 1. By decreasing the development density of the property or land to be less dense than was allowed under its previous zoning*
- 2. By reducing the permitted uses of the property or land that are specified in the zoning ordinance or other land use regulation to fewer uses than were allowed under its previous usage*

If the amendment constitutes a “down zoning ordinance”, then a favorable vote of 2/3 of the full Village Board is required to approve the amendment unless the owner of the property affected by the amendment is the one proposing the amendment or is agreeable to the amendment, then a favorable vote of only a simple majority is required.

Amendment #5 (see Section V; beginning on page 2)

This amendment repeals and recreates Section 17.52(8) to provide a specific appeal process in the case of any person or party “aggrieved by any decision of the Board of Zoning Appeals” where said party can seek a remedy through the Circuit Court certiorari process.

NOTE: In Wisconsin, an “action by certiorari” is a legal process where the court reviews the decision of the municipality agency to determine if:

- 1. The agency’s decision was within its jurisdiction*
- 2. The agency acted according to law*
- 3. The decision was arbitrary or oppressive*
- 4. The evidence of record substantiates the decision*

VILLAGE STAFF RECOMMENDATION

A recommendation from the Plan Commission is necessary to move the proposed Zoning Code amendments to the Village Board for consideration and action. The recommendation is to **APPROVE** the proposed text amendments as presented in the draft ordinance (copy attached) and summarized herein.



VILLAGE ATTORNEY
Wesolowski, Reidenbach & Sajdak, S.C.
11402 W. Church Street
Franklin, WI 53132
Phone: 414-529-8900

MEMORANDUM

TO: Plan Commission
CC: Village Board
FROM: Brian C. Sajdak, Village Attorney
DATE: March 10, 2025
RE: Elimination of Protest Petition

A few questions have been raised with respect to the elimination of the protest petition language from the municipal code as part of a proposed ordinance that is scheduled for a public hearing before the Plan Commission this evening. This memo provides some history on this issue, which I hope will answer some of the questions that have been raised.

For a large part of Wisconsin history, the provisions within the statutes related to zoning provided for what has commonly come to be known as protest petitions for changes to the zoning of property. In short, the statute provided that where a verified petition meeting certain qualifications was filed with the municipality, any change in zoning to a property would require a supermajority vote of three-fourths of the members of the governing body to pass instead of the typical simple majority vote. The most recent version of this language was found in Wis. Stat. § 62.23(7)(2m)(a). Many communities, including Germantown, adopted this language in their local codes. Germantown's provisions were adopted in Section 17.51(7) of the Code.

In 2018, the legislature enacted changes to this long-standing provision in 2017 Wisconsin Act 243. Act 243 was often called the "Developers Bill" because it made numerous changes sought by the Wisconsin REALTORS and Wisconsin builders' associations to limit and regulate municipal powers related to development. In the case of protest petitions, Act 243 was fairly simple—it repealed section 62.23(7)(2m)(a). In the aftermath of this change, there was much debate about whether this repeal eliminated protest petitions completely including removing statutory authority for local municipalities to retain their local code provisions, or if it only removed the requirement in the statute while leaving local communities with the power to require it locally. In fact, many of you may recall this issue being the subject of a memo from this office in 2019 as the Veridian Homes proposal for Kinderberg Estates was being considered (attached for your reference).

Anecdotally, my understanding is that most municipalities, when presented with the choice to remove their local protest petitions following Act 243, elected to retain this local requirement. I suspect that this choice led the lobbyists for the developers' groups to seek additional changes. These changes were ultimately enacted by the legislature in 2023 as 2023 Wisconsin Act 16. Act 16 included numerous changes designed to make house development easier. It also includes a provision that creates Wis. Stat. § 66.10015(3)(a), which reads in relevant part that "the enactment of a zoning amendment shall be approved by a simple majority of a quorum of the

members-elect.” In short, this change requires that all zoning amendments be approved by a simply majority vote of the governing body and, therefore, eliminates any authority for local municipalities to require a supermajority vote for zoning changes. Under Wisconsin law, where the legislature provides general authority, a municipality can be more stringent than general terms provided by statute. However, where the legislature has expressly provided a requirement, the Village cannot be more stringent than what the statutes require.

There are concerns that this impacts the First Amendment right “to petition the Government for a redress of grievances.” In short, the concern is that by eliminating protest petitions, the code eliminates the ability to petition altogether. Nothing can be further from the truth. First, recall that the term “protest petition” is not actually found in the statute or code. The term is merely nomenclature that has been adopted as shorthand for the process of protest. Second, this change does not eliminate anyone’s right to file a petition with the Village. The sole impact to the amendment is that there will be no supermajority votes required for zoning changes. Finally, the change does not in any way eliminate any of the rights to appear at and speak at the public hearing required for a zoning change, or eliminate the right to otherwise send comments to Village Board members on a proposal or speak at the Village Board meeting.

Given that Act 16 was passed in June of 2023, the question of “why now” has arisen. The simple answer is that the language in Act 16 requiring simple majority votes did not become effective until January 1, 2025. Until that time, the Village could have continued to require a supermajority vote where a protest petition was filed. Given that the Board on multiple occasions expressed support for protest petitions, including when a potential repeal was raised following Act 243, there was little need to remove the language from the code. Now that the provision is effective and controlling, it makes sense to remove the language. Some might suggest that there is little harm to leaving it in the code. However, this ignores both that protest petitions usually required significant work and effort by residents to meet the standards. Leaving the language in could result in a resident reviewing the code and expending significant effort to file a protest petition only to be told that their work was for naught because “our hands are tied” by the statute. It sets unrealistic expectations that will result in distrust and a lack of faith in the process.

Over the last 10+ years, the unfortunate reality is that the legislature has continuously stepped in to limit or eliminate local control over many significant issues. This is one of the most recent examples. If there are concerns about this, the correct forum is with the legislature because until they start returning local control to the municipal level, your hands really are tied.

BCS



M E M O R A N D U M

To: Village President and Village Board of Trustees
From: Brian C. Sajdak, Village Attorney
Date: September 16, 2019
Re: Veridian Homes Rezoning – Objection to Protest Petition

As you will recall, I had previously provided you with a memo dated August 18, 2019 related to a protest petition filed by neighboring landowners to the Veridian Homes site along Donges Bay Road (south of Kinderberg Park). In that memo, I highlighted for you the fact that the statute statutes had been amended to remove the protest petition language. However, the Village code retains similar language, and it was that language which formed the basis for my opinion that the protest petition filed contesting the rezoning was valid, thereby triggering the $\frac{3}{4}$ supermajority voting requirement.

Attached you will find a letter from an attorney representing Veridian Homes. As you can see, Veridian believes that 2017 Wis. Act 243 not only repealed the protest petition provisions from the Wisconsin Statutes, but also preempted local governments from having their own provisions in this regard. After discussing this position with the attorney by phone and further consideration, I do not find Veridian's position persuasive, and continue to believe the Village's protest petition provisions are valid.

It is clear that the legislature understands the general rules regarding preemption of local authority. For example, Act 243 includes two sections that expressly provide that any existing local ordinances that are inconsistent with the statute "does not apply and may not be enforced." See 2017 Wis. Act 243 § 33 and § 49. Had the legislature intended to preempt local protest petition ordinances, it could have used the same language. Indeed, the Wisconsin Legislative Council's Act Memo on Act 243 identifies areas where the Act preempts local ordinances. The protest petition repeal is not listed as one of those sections.

When considering whether a local ordinance is otherwise logically conflicts with, or goes against the spirit of legislation, one has to consider the legislation as a whole. "The power to enact zoning ordinances is broadly construed in favor of the municipality." State ex rel. B'nai B'rith Found. v. Walworth Cnty. Bd. of Adjustment, 59 Wis.2d 296, 304, 208 N.W.2d 113 (1973). Under Wis. Stat. § 62.23(7)(am), the legislatures broad grant of zoning power to municipalities means that "any ordinance, resolution or regulation enacted or adopted under this section, shall be liberally construed in favor of the city and as minimum requirements adopted for the purposes stated."

In this case, the repeal only removed the requirement from the statutes such that there is no option to file a protest petition unless there is a local option. Veridian suggests that the Board's broad authority extends only to technical aspects of development (size, setback, etc.) and not to procedure. However, this is inconsistent with practice throughout the state. For example, one local procedural rule that is widely used throughout the state is prohibiting resubmission of the same application without a substantial change after denial of the original application. See League of Wisconsin Municipalities Legal Op, Zoning #351 (1976).

Notwithstanding this opinion, I also note that another municipal law firm has opined for their clients the opposite. Attorney Eric Larson, of the Municipal Law & Litigation Group, S.C. (F/K/A Arenz, Molter, Macy, Riffle, Larson & Bitar) provided the following to the Dane County Towns Association on the protest petition section of Act 243:

For decades, property owners located within a certain proximity of a zoning change had an ability to file a protest petition, which would trigger a super-majority requirement for the zoning amendment to pass. Many zoning codes include language very similar to the former State law, describing this ability to protest and to create a super-majority requirement. The statutory protest petition language is now repealed. If you continue to describe a protest petition in your zoning code, be advised, there is no statutory basis for that provision. A significant legal dispute could arise about how many votes are required for a zoning ordinance to pass, if your code maintains that super-majority requirement that has been repealed from the statute.

Recommendation: I recommend that DCTA members review their zoning code to determine whether it includes a protest petition or super-majority requirement, based upon the former statute. If so, I recommend that they repeal that provision of their zoning code, to maintain consistency with the statutory framework.

I note that there is no analysis to this statement. Accordingly, I think Attorney Larson may have been simply advocating for the removal of local provisions because it eliminates a large potential headache to rezoning approvals. While I typically do not rely on the opinions of other attorneys, and do not do so here, I highlight this for you to suggest that the Board may wish to address this at the meeting tonight. At the end of the day, I have provided my opinion that a valid protest petition exists. However, the Board is the ultimate decision maker on this point. Given the fact that a repeal of the local protest petition language was brought before you last year, I suspect that nothing has changed. However, if there was a desire to revisit the issue, it could be done by raising a Point of Order either before the vote (preferable because it allows everyone to know the voting rules before the vote) or at the time that the vote result is announced. Upon announcement of my determination as parliamentarian, a motion could be made to overrule that determination.

BCS

Robert C. Procter
608.283.6762
rprocter@axley.com

September 12, 2019

VIA EMAIL - brian@wrslegal.net

Attorney Brian C. Sajdak
Wesoloski, Reidenbach & Sajdak SC
11402 W. Church Street
Franklin, WI 53132-2114

Re: Village of Germantown / Germantown School District / Veridian Homes, LLC
Our file: 21269.76103

Dear Mr. Sajdak:

We represent Veridian Homes, LLC, (Veridian) the developer of the Meadows at Kinderberg, and the agent of the landowner Germantown School District. We are contacting you as to the Zoning Protest that was filed by neighbors in opposition to the School District's and Veridian's application to rezone the property.

As the result of changes in state law, the Village's Zoning Protest Ordinance is no longer enforceable. The Village's Zoning Protest Ordinance is set forth under Section 17.51 of the Code of Ordinances, and provides:

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged either by the owners of 20% or more of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent to the land included in the proposed change, or by the owners of 20% or more of land extending 100 feet from the street frontage of such opposite land, such a change or amendment shall not become effective except by the favorable vote of $\frac{3}{4}$ of the full Village Board.

Section 17.51 references Wis. Stat. §§ 61.35 and 62.23(7)(d) as the basis for the ordinance.

The Village appears to have simply copied the language formerly found at Wis. Stat. § 62.23(7)(2m)(a) into its Ordinance. Section 62.23(7)(2m)(a) formerly stated:

In case of a protest against an amendment proposed under subd. 2., duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the council voting on the proposed change.

See Wis. Stat. § 62.23(7)(2m)(a) (2015-16). In 2018, the state adopted 2017 Wisconsin Act 243, which repealed Wis. Stat. § 62.23(7)(2m)(a). The repeal of the protest statute effectively repealed the Village's protest ordinance.

Wisconsin Supreme Court case *Anchor Savings & Loan Ass'n v. Madison EOC*, 120 Wis. 2d 391, 397 (1984) lays out four circumstances whereby a state statute withdraws the power of a municipality to act, and nullifies local ordinances:

- (1) whether the legislature has expressly withdrawn the power of municipalities to act;
- (2) whether the ordinance logically conflicts with the state legislation;
- (3) whether the ordinance defeats the purpose of the state legislation; or
- (4) whether the ordinance goes against the spirit of the state legislation.

The Village's rezoning process is based on the comprehensive state zoning statute. The Village's protest ordinance, which requires a super majority vote to approve an amendment, has been preempted by 2017 Wisconsin Act 243 because it: (i) logically conflicts with 2017 Wisconsin Act 243, which has withdrawn the zoning protest procedures so that all zoning requests only require a majority vote; and (ii) defeats the purpose and goes against the spirit of 2017 Wisconsin Act 243 by enforcing a procedure that was specifically repealed.

Based on 2017 Wisconsin Act 243, the Village's zoning protest ordinance is a nullity. The appropriate requirement for passing the rezoning application is a majority of the Board.

Attorney Brian C. Sajdak
September 12, 2019
Page 3

The applicant looks forward to presenting at the Board meeting on September 16, 2019 to present the plan, which incorporates the compromises requested by the Board. We believe that any other concerns of the Board may be resolved through reasonable conditions of approval.

Sincerely,

AXLEY BRYNELSON, LLP

A handwritten signature in black ink, appearing to read "Robert C. Procter", with a stylized flourish at the end.

Robert C. Procter

RCP:mma

ORDINANCE NO. ____-2025

AN ORDINANCE TO AMEND CHAPTER 17 OF THE GERMANTOWN MUNICIPAL
CODE TO IMPLEMENT THE PROVISIONS OF 2023 WIS. ACT 16 RELATED TO THE
PROCESS AND PROCEDURES OF CERTAIN ZONING-RELATED APPLICATIONS

WHEREAS, the Village Board previously adopted Chapter 17 of the Germantown Municipal Code pursuant to the authority granted in Wis. Stat. § 62.23 to broadly regulate the zoning of property within the Village; and

WHEREAS, the Wisconsin legislature enacted 2023 Wis. Act 16 which largely became effective on January 1, 2205; and

WHEREAS, 2023 Wis. Act 16 places certain restrictions on the Village's zoning authority; and

WHEREAS, the Village Board desires to adopt these restrictions so as to avoid inconsistencies between the statutes and the municipal code; and

WHEREAS, the regulation of properties in the Village through zoning promotes the health, safety and welfare of the Community;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 17.27(2)(d) of the Germantown Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is double underlined):

(d) Density. The Planned Development District may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. However, the density of use shall not exceed the density permitted in the underlying existing zoning district except that the Village Board may, ~~upon a favorable vote of 3/4 of the full Village Board~~, increase the maximum allowable density after considering the community benefits to be derived from the development based upon the size, location, type of development, quality of building materials, and type and amount of aesthetic, architectural, and recreational features and amenities proposed for the development.

SECTION II

Section 17.51(7) of the Germantown Municipal Code relating to protest petitions is repealed in its entirety.

SECTION III

Section 17.42(10) of the Germantown Municipal Code is created to read as follows:

(10) DENIALS OF CONDITIONAL USE PERMITS. If the Village Board denies a conditional use permit application, the denial may be appealed to the circuit court through the certiorari procedures contained in Section 17.52(8).

SECTION IV

Section 17.51(6) of the Germantown Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is double underlined):

(6) VILLAGE BOARD ACTION. Following such hearing and after careful consideration of the Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment. Except as provided below, and except as provided in Wis. Stat. § 62.23(7)(d)2m, the enactment of the proposed change or amendment shall be approved by a simple majority of the members present and voting. In the event that the proposed change or amendment constitutes a down zoning ordinance as defined in Wis. Stat. § 66.10015(1)(as), enactment shall require approval by at least two-thirds of the members-elect, except that if the change or amendment is requested, or agreed to, by the owner of the land affected by the proposed change or amendment, such change or amendment may be enacted by approval of a simple majority of the members present and voting.

SECTION V

Section 17.52(8) of the Germantown Municipal Code is repealed and recreated to read as follows:

(8) REVIEW BY COURT OF RECORD.

(a) Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the Village, may, within 30 days after the filing of the decision in the office of the Board of Appeals, commence an action seeking the remedy available by certiorari as provided by Wis. Stat. § 62.23(7)(e)10.a.

(b) Notwithstanding sub. (a), a decision of the Board of Appeals on an application for an approval, as defined in Wis. Stat. § 781.10(1)(a), is subject to review under the procedures contained in Wis. Stat. § 781.10.

SECTION VI

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION VII

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION VIII

This ordinance shall take effect and be in full force upon its passage and the day after publication.

Adopted: Vote: Ayes: Nays: Absent:

Dean Wolter, Village President

ATTEST:

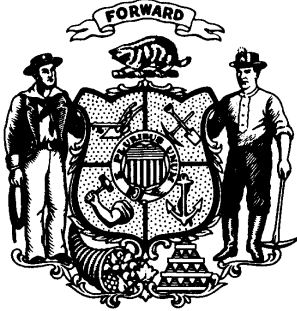
Donna Ott, Village Clerk

Approved as to form:

Brian C. Sajdak, Village Attorney

Published:

State of Wisconsin



2023 Assembly Bill 266

Date of enactment: **June 22, 2023**
Date of publication*: **June 23, 2023**

2023 WISCONSIN ACT 16

AN ACT *to repeal* 59.69 (5) (e) 5g. and 60.61 (4) (c) 2.; *to renumber* 59.694 (10), 62.23 (7) (e) 10. and 66.10015 (3); *to renumber and amend* 236.13 (5); *to amend* 59.69 (5e) (e), 60.61 (4e) (e), 62.23 (6) (g), 62.23 (6) (h), 62.23 (7) (b), 62.23 (7) (de) 5., 66.10015 (title) and 781.10 (2) (a); *to repeal and recreate* 66.10015 (3) (title); and *to create* 59.694 (10) (b), 60.65 (6), 62.23 (7) (e) 10. b., 66.10015 (1m), 66.10015 (3) (a), 66.10016, 236.13 (5) (b), 781.10, 808.04 (1s) and 809.108 of the statutes; **relating to:** judicial review of local governmental decisions related to certain land development, local approval of residential housing development, and amendment of zoning ordinances.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.69 (5) (e) 5g. of the statutes is repealed.

SECTION 2. 59.69 (5e) (e) of the statutes is amended to read:

59.69 (5e) (e) If a county denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in s. 59.694 (10) (a), or if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), under the procedures described in s. 59.694 (10) (b). Notwithstanding s. 59.694 (4), a county may provide by ordinance that the county's decision on a conditional use permit application is not reviewable by the board of adjustment and may be appealed directly to the circuit court under the procedures contained in s. 59.694 (10).

SECTION 3e. 59.694 (10) of the statutes is renumbered 59.694 (10) (a).

SECTION 3g. 59.694 (10) (b) of the statutes is created to read:

59.694 (10) (b) Notwithstanding par. (a), a decision of the board of adjustment on an application for an

approval, as defined in s. 781.10 (1) (a), is subject to review under the procedures contained in s. 781.10.

SECTION 4. 60.61 (4) (c) 2. of the statutes is repealed.

SECTION 5. 60.61 (4e) (e) of the statutes is amended to read:

60.61 (4e) (e) If a town denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures described in s. 59.694 (10) (a), or if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), under the procedures described in s. 59.694 (10) (b).

SECTION 6. 60.65 (6) of the statutes is created to read:

60.65 (6) JUDICIAL REVIEW. A decision of a board of adjustment under this section is subject to review under the procedures described in s. 59.694 (10) (a), or if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), under the procedures described in s. 59.694 (10) (b).

SECTION 7. 62.23 (6) (g) of the statutes is amended to read:

62.23 (6) (g) Before taking any action authorized in this subsection, the board of appeals or city council shall hold a hearing at which parties in interest and others shall

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

have an opportunity to be heard. At least 15 days before the hearing notice of the time and place of the hearing shall be published as a class 1 notice, under ch. 985. Any ~~such decision under this paragraph~~ shall be subject to review by certiorari issued by a court of record in the same manner and pursuant to the same provisions as in appeals from the decisions of a board of appeals upon zoning regulations pursuant to sub. (7) (e) 10. a., except that if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), the decision shall be subject to review under the procedures contained in s. 781.10.

SECTION 8. 62.23 (6) (h) of the statutes is amended to read:

62.23 (6) (h) In any city ~~which that~~ has established an official map as herein authorized, no public sewer or other municipal street utility or improvement shall may be constructed in any street, highway, or parkway until ~~such the~~ street, highway, or parkway is duly placed on the official map. No permit for the erection of any building shall may be issued unless a street, highway, or parkway giving access to ~~such the~~ proposed structure has been duly placed on the official map. Where the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets, highways, or parkways, the applicant for ~~such a~~ permit may appeal from the decision of the administrative officer having charge of the issue of permits to the board of appeals in any city ~~which that~~ has established a board having power to make variances or exceptions in zoning regulations, and the same provisions are applied to ~~such appeals under this paragraph~~ and to ~~such boards as are provided in cases of appeals on zoning regulations. The board may in passing on such an appeal under this paragraph make any reasonable exception, and issue the permit subject to conditions that will protect any future street, highway, or parkway layout. Any such decision under this paragraph shall be subject to review by certiorari issued by a court of record in the same manner and pursuant to the same provisions as in appeals from the decision of such board upon zoning regulations sub. (7) (e) 10. a., except that if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), the decision shall be subject to review under the procedures contained in s. 781.10.~~ In any city in which there is no ~~such board of appeals the city council shall have the same powers and be subject to the same restrictions, and the same method of court review shall be available. For such purpose such of appeal under this paragraph, the council is authorized to act as a discretionary administrative or quasi-judicial body. When so acting it shall not sit as a legislative body, but in a separate meeting and with separate minutes kept.~~

SECTION 9. 62.23 (7) (b) of the statutes is amended to read:

62.23 (7) (b) *Districts.* For any and all of said purposes the council may divide the city into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this section; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings and for the use of land throughout each district, but the regulations in one district may differ from those in other districts. No ordinance enacted or regulation adopted under this subsection may prohibit forestry operations that are in accordance with generally accepted forestry management practices, as defined under s. 823.075 (1) (d). The council may establish mixed-use districts that contain any combination of uses, such as industrial, commercial, public, or residential uses, in a compact urban form. The council may with the consent of the owners establish special districts, to be called planned development districts, with regulations in each, which in addition to those provided in par. (c), will over a period of time tend to promote the maximum benefit from coordinated area site planning, and diversified location of structures and which may have mixed compatible uses. Such regulations shall provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities and ~~insure~~ ensure adequate standards of construction and planning. Such regulations may also provide for the development of the land in such districts with one or more principal structures and related accessory uses, and in planned development districts and mixed-use districts the regulations need not be uniform.

SECTION 10. 62.23 (7) (de) 5. of the statutes is amended to read:

62.23 (7) (de) 5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10. a., or if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), under the procedures described in par. (e) 10. b.

SECTION 11e. 62.23 (7) (e) 10. of the statutes is renumbered 62.23 (7) (e) 10. a.

SECTION 11g. 62.23 (7) (e) 10. b. of the statutes is created to read:

62.23 (7) (e) 10. b. Notwithstanding subd. 10. a., a decision of the board of appeals on an application for an approval, as defined in s. 781.10 (1) (a), is subject to review under the procedures contained in s. 781.10.

SECTION 13. 66.10015 (title) of the statutes is amended to read:

66.10015 (title) Limitation on development regulation authority and down-zoning.

SECTION 14. 66.10015 (1m) of the statutes is created to read:

66.10015 (1m) APPLICABILITY OF DEFINITIONS. The definitions under sub. (1) do not apply to s. 66.10016.

SECTION 15. 66.10015 (3) (title) of the statutes is repealed and recreated to read:

66.10015 (3) (title) ZONING ORDINANCE AMENDMENTS.

SECTION 16. 66.10015 (3) of the statutes is renumbered 66.10015 (3) (b).

SECTION 17. 66.10015 (3) (a) of the statutes is created to read:

66.10015 (3) (a) Except as provided in par. (b) and ss. 59.69 (5) (e) 5m., 60.61 (4) (c) 3., and 62.23 (7) (d) 2m., the enactment of a zoning amendment shall be approved by a simple majority of a quorum of the members-elect.

SECTION 18. 66.10016 of the statutes is created to read:

66.10016 Permits for residential housing developments. (1) In this section:

(a) "Permit" means any permit or administrative approval required to proceed with a residential housing development. "Permit" does not include a change to an existing ordinance or zoning classification of land or an approval of a conditional use as defined under s. 59.69 (5e) (a) 1., 60.61 (4e) (a) 1., or 62.23 (7) (de) 1. a.

(b) "Political subdivision" means a city, village, town, or county.

(c) "Residential housing development" means a development for single-family or multi-family housing for sale or rent.

(2) The definitions under s. 66.10015 (1) do not apply to this section.

(3) If a person submits a complete application for a permit related to a residential housing development meeting all existing requirements that must be satisfied to obtain the permit at the time the application is filed, the political subdivision shall grant the application. An application is deemed complete under this subsection if it complies with form and content requirements. An application is filed under this subsection on the date that the political subdivision receives the application.

(4) A person aggrieved by a political subdivision's failure to approve an application under sub. (3) may seek relief through an action for mandamus as provided in ch. 783. If the court finds that the political subdivision improperly failed to approve the application under sub. (3), the court shall issue a writ of mandamus ordering the political subdivision to approve the application. For purposes of any mandamus claim filed under this subsection, substantial damages or injury shall be assumed.

SECTION 19e. 236.13 (5) of the statutes is renumbered 236.13 (5) (a) and amended to read:

236.13 (5) (a) Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom as provided in s. 62.23 (7) (e) 10. a, 14. and 15., within 30 days of notification of the rejection of the plat.

For the purpose of such an appeal under this paragraph, the term "board of appeals" means an "approving authority". Where the failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving authority or objecting agency is arbitrary, unreasonable, or discriminatory.

SECTION 19g. 236.13 (5) (b) of the statutes is created to read:

236.13 (5) (b) Notwithstanding par. (a), a decision of an approving authority on an application for an approval, as defined in s. 781.10 (1) (a), is subject to review under the procedures contained in s. 781.10.

SECTION 20. 781.10 of the statutes is created to read:

781.10 Certiorari review of certain local decisions. (1) DEFINITIONS. In this section:

(a) "Approval" means a permit or authorization for building, zoning, driveway, stormwater, or other activity related to residential development.

(b) "Political subdivision" means a city, village, town, or county or a board of appeals or board of adjustment.

(c) "Residential development" means the development or redevelopment of land or buildings for the primary purpose of providing housing.

(2) JUDICIAL REVIEW. (a) A final decision of a political subdivision or an agency of a political subdivision on an application for an approval may be reviewed only by an action for certiorari as provided under this section.

(b) No action under this section may be filed more than 30 days after the final decision by a political subdivision or agency of a political subdivision on an application for an approval.

(c) An action under this section may be filed only by any of the following:

1. The person who submitted the application for an approval.

2. A person that has an ownership interest in the real property that is the subject of the application for an approval.

3. A person that, as a result of the final decision on the application for an approval, sustains actual damages or will imminently sustain actual damages that are personal to the person and distinct from damages that impact the public generally. A person under this subdivision may not seek review under this section unless, prior to the final decision on the approval, the person provided a statement in writing on the approval to the political subdivision or agency of the political subdivision or appeared and provided an oral statement at a public proceeding held by the political subdivision or agency of the political subdivision at which the approval was considered.

4. A person, other than an individual, that satisfies all of the following conditions:

a. The person has as a member, partner, or stockholder at least one person described under subd. 1., 2., or 3.

b. The person was not organized or incorporated in response to the application.

5. A local governmental unit, as defined in s. 66.0131 (1) (a).

6. To the extent authorized by law, a state agency, as defined in s. 20.931 (1) (c), that is aggrieved by the final decision on the application for approval.

(d) 1. The person seeking review under this section shall file pleadings, which shall be served in the manner provided in ch. 801 for service in civil actions. The pleadings shall specify facts demonstrating that the person has standing under par. (c) and shall identify the specific errors the person claims justify the requested relief. The political subdivision shall have 45 days to file an answer or other responsive pleading to the complaint. The political subdivision shall transmit the record under s. 781.03 (1) no later than 30 days after an answer or other responsive pleading is filed.

2. The court shall require that any additional pleadings and any motions and supporting papers be filed no later than 90 days after the expiration of the latest deadline under subd. 1. for filing answers or other responsive pleadings. The court may supplement the record on review only upon motion of a party for good cause.

3. The court shall give the action under this paragraph preference over all other civil actions and proceedings.

4. The court shall decide the action under this paragraph upon the return made by the political subdivision. The court may reverse or affirm the determination brought up for review or remand to the political subdivision for further proceedings consistent with the court's decision or take any other action that the court deems appropriate in the interests of justice that is consistent with judicial review of an action in certiorari. The court shall issue a decision in writing no later than 60 days after the deadline under subd. 2.

5. Any appeal of a decision issued under subd. 4. shall be taken within the time period specified in s. 808.04 (1s).

SECTION 21. 781.10 (2) (a) of the statutes, as created by 2023 Wisconsin Act (this act), is amended to read:

781.10 (2) (a) ~~-A- Except as provided in s. 66.10016 (4), a final decision of a political subdivision or an agency of a political subdivision on an application for an~~

approval may be reviewed only by an action for certiorari as provided under this section.

SECTION 22. 808.04 (1s) of the statutes is created to read:

808.04 (1s) An appeal under s. 781.10 (2) (d) 5. shall be initiated within 30 days after the date of entry of the judgment or order appealed from.

SECTION 23. 809.108 of the statutes is created to read:

809.108 Appeals in proceedings related to political subdivision approvals. (1) **APPLICABILITY.** This section applies to the appeal of a judgment or order under s. 781.10 (2) (d) 5. and supersedes all inconsistent provisions of this chapter.

(2) **INITIATING AN APPEAL.** A party may initiate an appeal under this section by filing a notice of appeal with the clerk of the circuit court in which the judgment or order appealed from was entered and shall specify in the notice of appeal the judgment or order appealed from.

(3) **APPEAL PROCEDURE.** Subsequent proceedings in an appeal under this section are governed by the procedures for civil appeals under this subchapter and the procedures under subch. VI, except as follows:

(a) The appellant shall file a brief within 30 days after the filing of the record on appeal.

(b) The respondent shall file a brief within 30 days after the service of the appellant's brief.

(c) The appellant shall file within 15 days after the service of the respondent's brief a reply brief or statement that a reply brief will not be filed.

(4) **DECISION.** The court of appeals shall give preference to an appeal under this section and shall take the appeal in an order that ensures that the court of appeals issues a decision no later than 90 days after the deadline under sub. (3) (c).

SECTION 24. Initial applicability.

(1) This act first applies to a final decision, including a final decision on an approval, as defined in s. 781.10 (1) (a), made by a political subdivision, as defined in s. 781.10 (1) (b), on the effective date of this subsection.

SECTION 25. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The renumbering of s. 66.10015 (3), the amendment of s. 781.10 (2) (a), the repeal and recreation of s. 66.10015 (3) (title), and the creation of ss. 66.10015 (1m) and (3) (a) and 66.10016 take effect on January 1, 2025.

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Plan Commission at the Germantown Village Hall located at N112W17001 Mequon Road, Germantown, Wisconsin and virtually through the WebEx platform on the following date and at the time noted below (or soon thereafter):

DATE: Monday, March 10, 2025

TIME: 6:30 pm or later

The purpose of said hearing will be to hear all parties, their attorneys or agents, for or against the petition filed by the Village of Germantown Community Development Department for proposed text amendments to Section (17 (Zoning) of the Village of Germantown Municipal Code.

A copy of the proposed text amendments is on file at the Community Development Department-Planning & Zoning Services office in the Germantown Village Hall.

Citizens wishing to submit any public comments should do so by sending them by email to: comments@germantownwi.gov no later than 4:00 pm on the meeting date listed above.

Donna Ott, Village Clerk

Dated this 12th day of February 2024

To Be Published On: February 19 and February 26, 2025

VILLAGE CENTER DISTRICT MIXED-USE RE-DEVELOPMENT DISCUSSION

03/10/25 Plan Commission Meeting

Community Development Department / Bailey Copeland & RINKA
Village Staff Report ***Germantown, Wisconsin***

As presented at the February 10 meeting, the Village Board has been evaluating the merits of a public-private partnership that presents a unique opportunity for the Village to not only guide but also kick-start re-development of an outdated area within the designated “Village Center District” along Mequon Road with a mix of new residential and commercial retail land uses consistent with the Village’s 2050 Plan.

The approximately 25-ac area is located in the southeast corner of the Mequon @ Pilgrim Road intersection and includes the former Flower Source, BP gas/convenience store, BMO Bank, and Ascension-Columbia St. Mary’s properties.

While the VB has been treading new ground in its process of evaluating this opportunity and not necessarily following the intended script letter-by-letter as envisioned in the 2050 Plan, this effort has tracked along a similar path toward implementing the “Opportunity Area” and “Village Center District” policies and “Next Steps” process for creating a mixed-use, pedestrian-friendly Village Center as laid out in the Economic Development and Implementation sections of the 2050 Comprehensive Plan.

To help the Village with this process, the Board retained the services of real estate development & land use planning consultants, Bailey Copeland, and RINKA. Both are experienced in similar mixed-use commercial & residential development projects in numerous villages and cities in the Milwaukee metro area and throughout Wisconsin.

To gauge public sentiment and obtain feedback before deciding to move this effort forward and in what direction, RINKA has conducted two visioning workshops: one on November 14, 2024 and the other on January 22, 2025. Feedback from the workshops and the Feb 10 Plan Commission meeting, along with the advice and recommendations from the consultants, Village Attorney, and Staff were made available to the Village Board at their Feb 17 meeting. At that time, the Board decided to move forward with the re-development effort including direction to initiate creating a new tax incremental financing district (TID No. 10) for the re-development area.

Tonight’s presentation is effectively the start of the next step in the overall process and will provide more detailed information including the following:

- TID District Creation
- Village Center Mixed-Use Zoning District & Planned Development District (PDD)
- Request for Proposals (RFP) to Developers

To date, the Plan Commission has not been intimately involved in the process so far, in part because of the unique nature of this public-private partnership and some of the time-sensitive tasks necessary to get to this point.

As discussed in February, the Plan Commission will become more involved as this process moves forward. Although it was stated that the Plan Commission effectively “did its part” when it adopted the Village Center District policies and the “next steps” process in the 2050 Plan, the Plan Commission will begin working with RINKA and Staff on developing a new Mixed-Use Zoning District that will guide future re-development while also providing for the continuation of existing land uses within the Village Center District.

Tonight’s meeting is for information and discussion. While no action will be taken and no decisions will be made by the Plan Commission tonight, RINKA will be laying the groundwork for future meetings at which new zoning regulations for this re-development area within the Village Center District will be presented for public feedback, discussion and consideration for adoption by the Plan Commission and Village Board.

Supporting documents in the packet include the list of questions and Village Staff responses to the questions and comments received at the Feb 10 Plan Commission and a copy of the presentation made to the Village Board at their Feb 17 meeting. Additional information will be presented by RINKA and Staff at the March 10 meeting.

GERMANTOWN VILLAGE CENTER

WHERE WE ARE

WHERE WE ARE GOING

VILLAGE BOARD MEETING

February 17, 2025



PLANNING & ENGAGEMENT UPDATE

Engagement of Stakeholders

- Two open houses held with community residents.
 - Public Comments were heard, and responses were posted on the Village webpage.
- Results were presented to the Planning Commission and Community.
- Meetings with various stakeholders, including but not limited to:
 - Economic Development Commission
 - School Board Representatives
 - Historical Society
 - Chamber of Commerce
 - Brokerage community
 - Developers
 - Brokers

Development of a Master Plan for the Opportunity Area

Creating A Village Center

An analysis of the existing Village Center identified the following key issues:

- The existing land uses are destination-driven uses and include little-to-no synergies with adjacent uses.
- Existing residential development is disconnected from Village Center destinations.
- It is difficult or unpleasant to walk or bike from one business to the next, thus people who use this area will generally only visit one business and leave.
- There isn't a sense of arrival or central identity to Village Center.
- Main Street lacks connection to adjacent uses and is in need of streetscape enhancements.
- A number of uses exist that are not typically present in "downtown" areas and do not contribute to the attractiveness of the Village Center.

The Village Center recommendations focus on three guiding principles or elements to address the above issues: Making a Neighborhood, Making a Place, and Making Connections.

Making a Neighborhood

While the Village Center primarily caters to auto-oriented commercial uses today, the future vision looks to create a neighborhood: compact, pedestrian-friendly, and mixed-use. Traffic and visits drive success of commercial and retail centers, and providing high-density housing offers additional market, visibility and dynamics to a neighborhood.



Making a Place

Public spaces must be flexible in their design. Placemaking is a collaborative process where community members, business partners, property owners, and the Village work together to reimagine public spaces through urban design, events, and programs. The goal of placemaking projects is to help people feel more connected to places: more excited to walk to lunch, shop locally, and stay/play for extended periods of time.



Making Connections

Great Village Centers are walkable, drivable, and bike-able and include a variety of civic spaces, such as complete streets, plazas, greens, and parks. The future vision looks to better connect Main Street, the Menomonee River, and Mequon Road through a combination of private sector development and public realm improvements.



RINKA+

MASTER PLANNING PROCESS



CopeLand Real Estate Services LLC
CopeLand Brokerage LLC

CATALYTIC OPPORTUNITY ZONE

- Agree upon a framework for quality development within the catalytic opportunity zone
- What are our short and long term objectives for the development of this area?
- What public amenities do residents want in order for the Village of Germantown to thrive?



PROCESS



2050 COMPREHENSIVE PLAN APPROVED

- Included a "Next Steps for Creating a Village Center" Process
- RINKA engaged to advance the Germantown Community Masterplan at the intersection of Mequon Rd and Pilgrim Rd.

VISIONING SESSION 01

1. Collaborate with the community on Masterplan Vision Statement
2. Discuss community master planning Principles
 - Comprehensive Plan Principles
 - Project Specific Principles
3. Brainstorm community activation opportunities / community programming
4. Interactive activity to prioritize Planning Principles
5. Q/A

VISIONING SESSION 02

AGENDA

1. Present revised Vision Statement
2. Follow up with further research with top 4 planning principles
3. Engage key community stakeholders discussing top 4 planning principle objectives
4. Present masterplan Land Use Concepts
 - Solicit feedback with interactive survey tool
5. Further discussion on potential community events
6. Q/A

PLANNING COMMISSION MEETING

AGENDA

1. Present masterplan process and findings
2. Present community input data
3. Present Land Use Concepts
4. Present Preliminary masterplan concept
5. Confirm alignment with community goals
6. Discuss implementation phase

VILLAGE BOARD

AGENDA

1. Present masterplan process and findings
2. Present community input data
3. Present Land Use Concepts
4. Present Preliminary masterplan concept
5. Confirm alignment with community goals
6. Discuss implementation phase
7. All Financial Discussions



VISION STATEMENT:

The vision for this site is to create a welcoming gateway to Germantown that reflects the community's rich heritage and enhances its **sense of place**. By embracing the goals of the 2050 Plan, the area will offer spaces that bring people together—diverse housing options, vibrant local businesses, and inviting **public space**—all connected through pedestrian-friendly infrastructure. This vision celebrates **Germantown's unique character** while fostering connections and opportunities for future generations.

VISIONING SESSION 01



small community
faux german architecture
german culture
sense of community
potential
family oriented
convenient
community
location
rural
great people
architecture
safe of
people
history
consistent character
live
historical
small town feel
heritage
rural close to city
rural feel
very conservative
country
small town
lots of services
recognize heritage
southside
historic
suburban
warm
close
germanic
friendly
german
grew
quaint
main
character
peaceful
growing
quaintness



19

Mai Fest



26

Taste of Germantown



22

Germantown Farmer's Market



5

Holiday Parade's



21

Oktoberfest



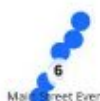
8

Christmas Festival



28

Fireman's Summer Concert Series



6

Mai Street Events

PLANNING PRINCIPLES

- Eight key principles have been developed for Germantown
- These principles will be used to guide the success of the masterplan
- We're asking for your input and feedback on these principles to guide the future masterplan

1. AMENITY-RICH PUBLIC REALM

- Welcoming public spaces for social gatherings
- Enhance and protect the pedestrian experience
- Provide active public spaces
- Create access to outdoor activities

2. STRONG ECONOMIC BASE

- Highest and best use of property to drive attract residents and businesses
- Create development that provides a diverse array of goods, services, and employment
- Encourage infill development and promote the village as a destination
- Provide residents and businesses with safe, reliable, and adequate utilities and facilities to meet current and future needs

3. MAINTAIN GERMANTOWN UNIQUENESS AND CHARACTER

- Celebrate village values and identity
- Build upon the regional and cultural historical influences
- Protecting and preserve rural character and quality of life

4. CREATE A WALKABLE COMMUNITY

- Pedestrian-Oriented
- Active ground-level uses
- Human-scaled buildings
- Services within walking distance of residents
- Tree-lined streets and sidewalks
- Create better connectivity to different neighborhoods and districts within the village
- Comprehensive sidewalk and trail network, connects downtown to river

5. CREATE CONNECTED NEIGHBORHOODS

- Enhance street infrastructure to protect the pedestrian experience
- Safe and frequent crosswalks, landscaping, and shade
- Design to accommodate all ages and abilities
- Wayfinding signage & Pedestrian-scaled safety lighting
- Coordination with the Washington County blueway & trail network plan

6. CREATE A GATEWAY AND PUBLIC PLAZA

- Flexible space which allows multiple events and uses
- Serves as the community gathering space
- Thoughtful design allows passive and active uses through all seasons

7. USE MIX OF USE TO CREATE A DESTINATION

- Create a destination by concentrating different uses
- Provide a balanced mix of land uses - residential, retail, restaurant, entertainment, employment, civic, etc.
- Provide choices for people to experience downtown Germantown in different ways
- Parkies and open spaces injected with entertainment

8. PRESERVE THE ENVIRONMENT

- Preserve natural and physical features of the community
- Creative stormwater management: green streets & blue roofs
- Maximize green spaces
- Leverage green corridors as public amenities
- Consider sustainability in the selection of materials and their application

VISIONING SESSION 02

BROKERAGE COMMUNITY

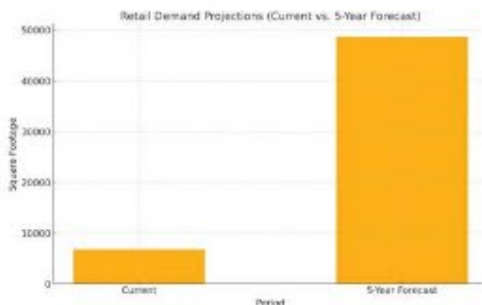
MIX OF USE

RESEARCH

In conversations with development professionals, there is a belief that there is a demand for retail, commercial, and office space in Germantown that will continue to grow in the future.

The demand for modern retail spaces is underscored by low vacancy rates and pent-up demand for newer facilities.

We have also engaged the brokerage community to discuss business viability on the busy intersection of Pilgrim Road and Mequon Road.



TAKEAWAYS:

Market experts have estimated 20,000 SF of market demand for retail / office / commercial space.

High quality businesses and tenants are more likely to fill this demand if they are part of a vibrant masterplan.

GERMANTOWN UNIQUENESS & CHARACTER

RESEARCH

We have met with the Executive Director of the Germantown Historical Society to learn more about what makes Germantown unique.

Germantown was founded by like-minded individuals who valued their freedoms and want to build a culture and community to support each other and thrive.

Wisconsin's first insurance company, founded in Germantown, provides evidence that Germantown's founding residents were interested in forming lasting ties to the community.

TAKEAWAYS:

Celebrate early Germantown residents' pioneering spirit.

There is an opportunity to memorialize the historic Fond Du Lac Indian walking trail on site.



Report From The WEST BEND NEWS January 22, 1948

Germantown Mutual, Oldest Of Its Kind in State, Holds 94th Meeting

The annual meeting of the Germantown Mutual Insurance Company, the oldest of its kind in the state, was held here today. The company, which was founded in 1854, has a long and successful history. The meeting was attended by a large number of the company's directors and officers, as well as a number of guests. The company's financial statement for the year was presented, and the directors voted to increase the company's capital. The meeting was a success, and the company's future is bright.



SCHOOL SUPERINTENDENT

STRONG ECONOMIC BASE

RESEARCH

Community-focused amenities that elevate quality of life can position Germantown to compete against surrounding communities.

We had a conversation with superintendent of the Germantown School District on the value of high quality development:

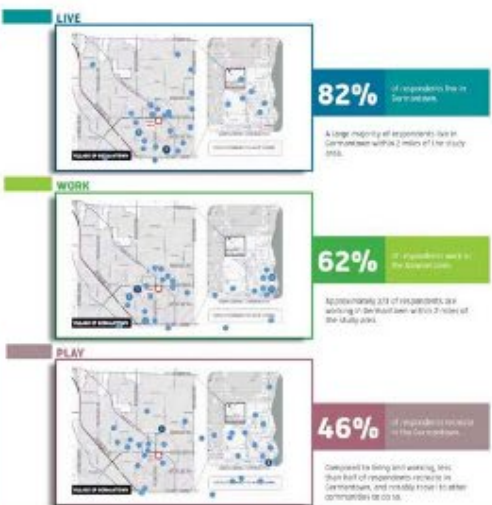
- Undesirable development can increase transient students and staff
- High-quality development, like diverse housing options, allows the district to attract & retain teachers and students alike.

TAKEAWAYS:

There are opportunities to improve the way people live, work, and play in Germantown.

Undesirable development can be a burden, where high-quality can support overall improvement.

Apartments have less demand on the number of students entering the system than single family neighborhoods.



AMENITY-RICH PUBLIC REALM

RESEARCH

We met with the Executive Director of the Chamber of Commerce, who suggested the following community events that could be accommodated at the study area:

- Mai Fest
- Farmers Market
- Smaller performance venue
- Vendor Opportunity for Charitable Events
- Brat Fry
- Ice Skating
- Splash Pad
- Seasonal Holiday Events
- German Christmas Market

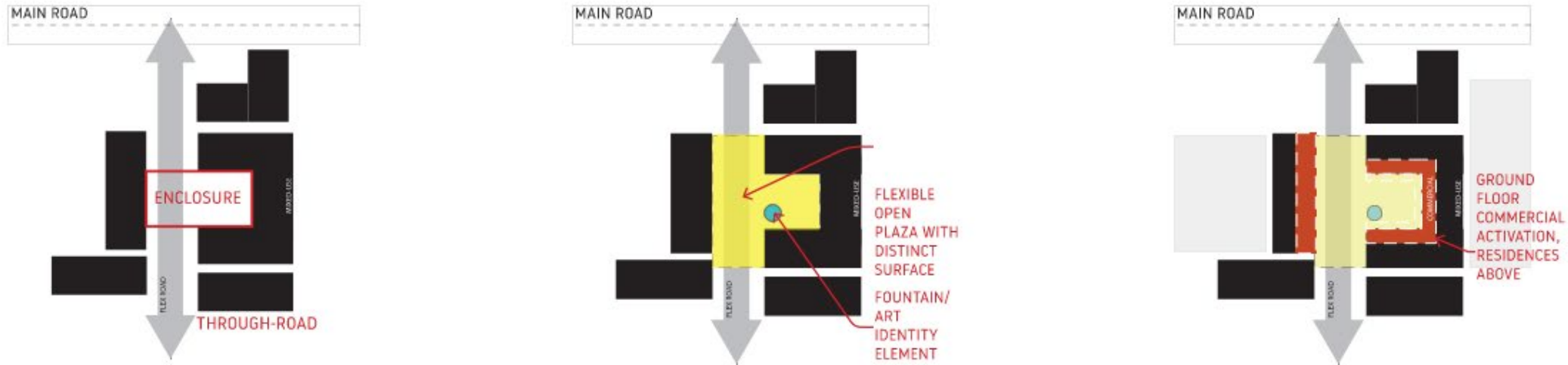


HISTORICAL SOCIETY

CHAMBER OF COMMERCE

GERMANIC/MARKTPLATZ DESIGN QUALITIES

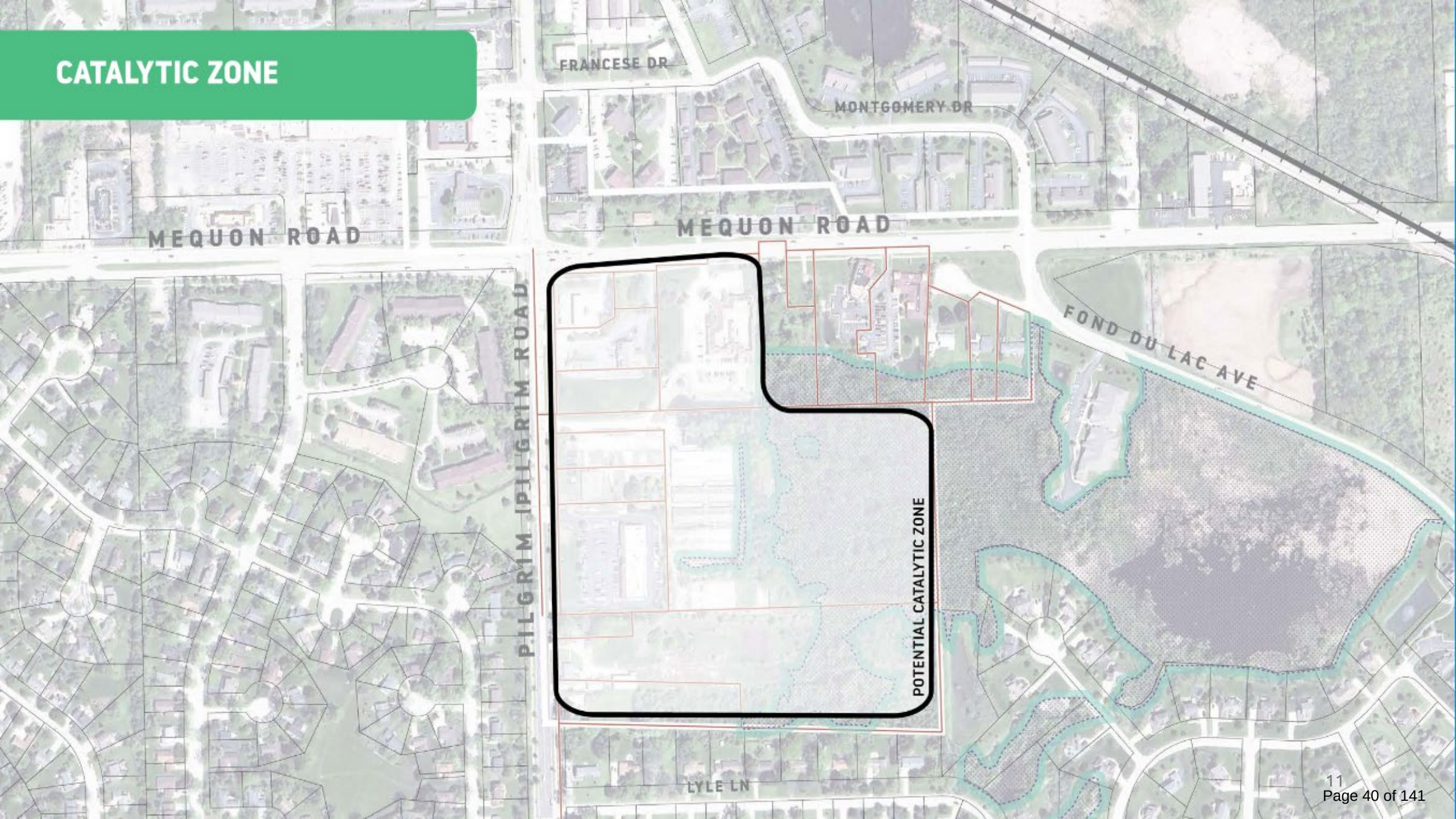
URBAN PLANNING PRINCIPLES



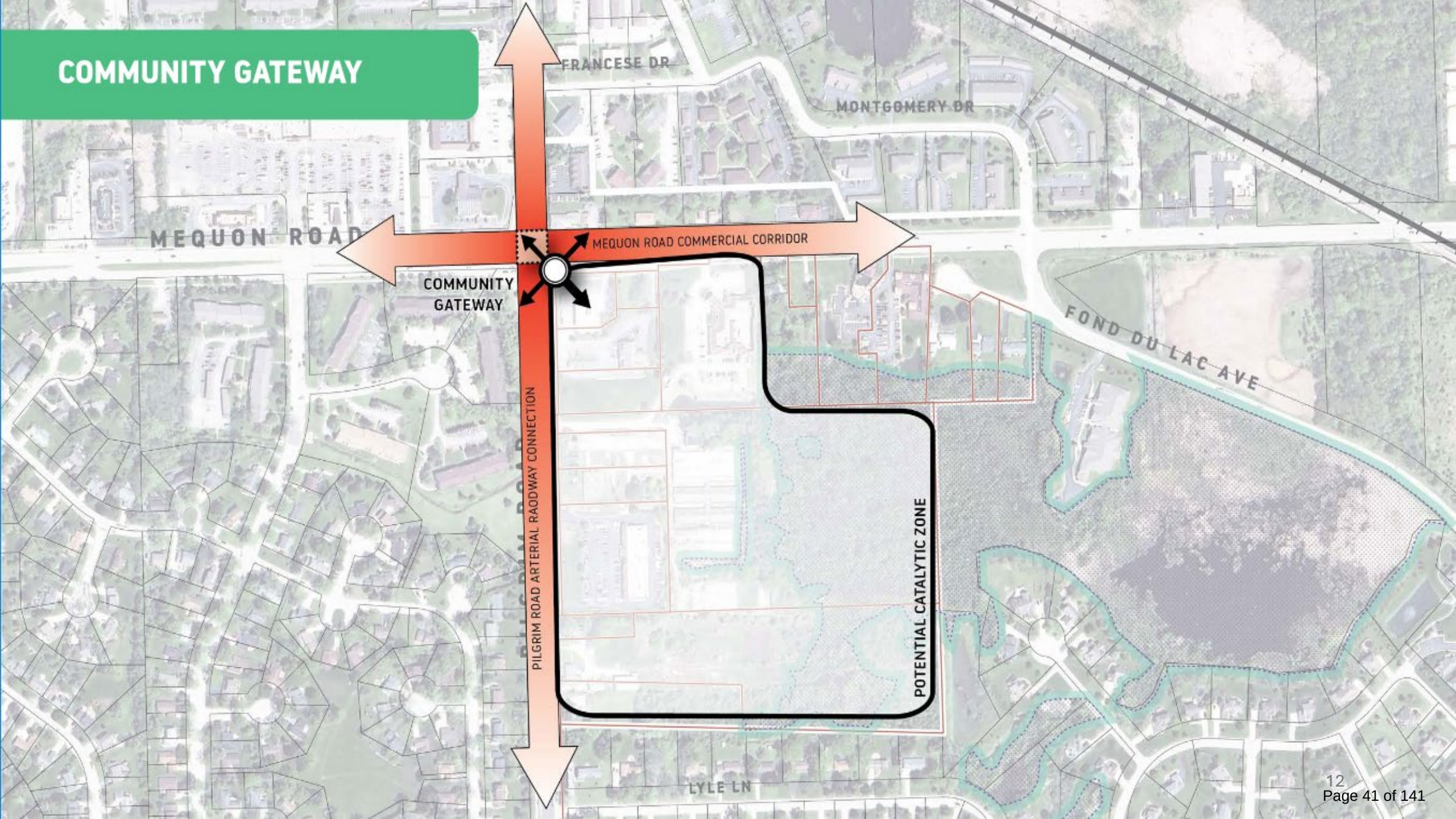
RINKA+

PLACEMAKING FRAMEWORK

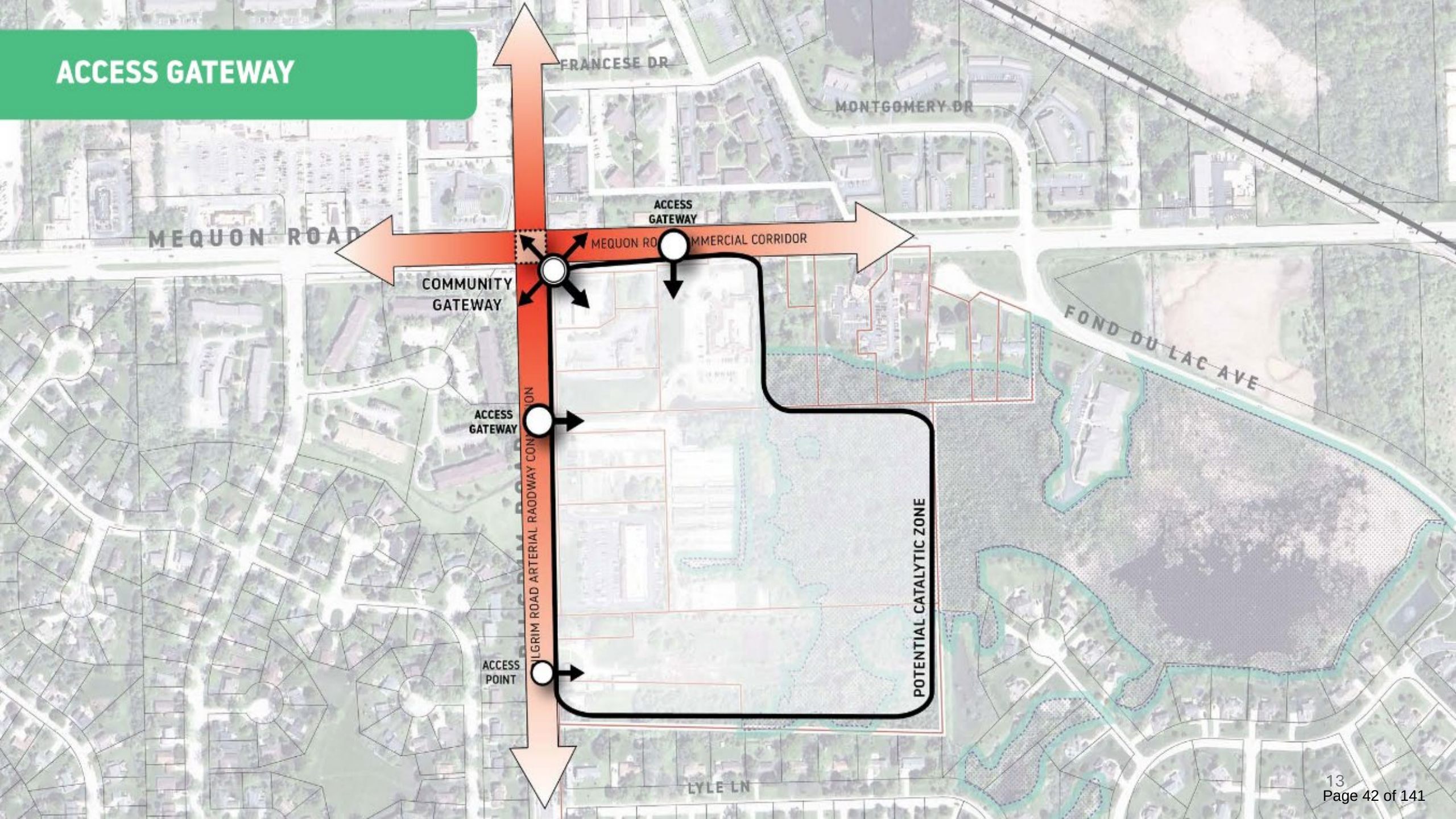
CATALYTIC ZONE



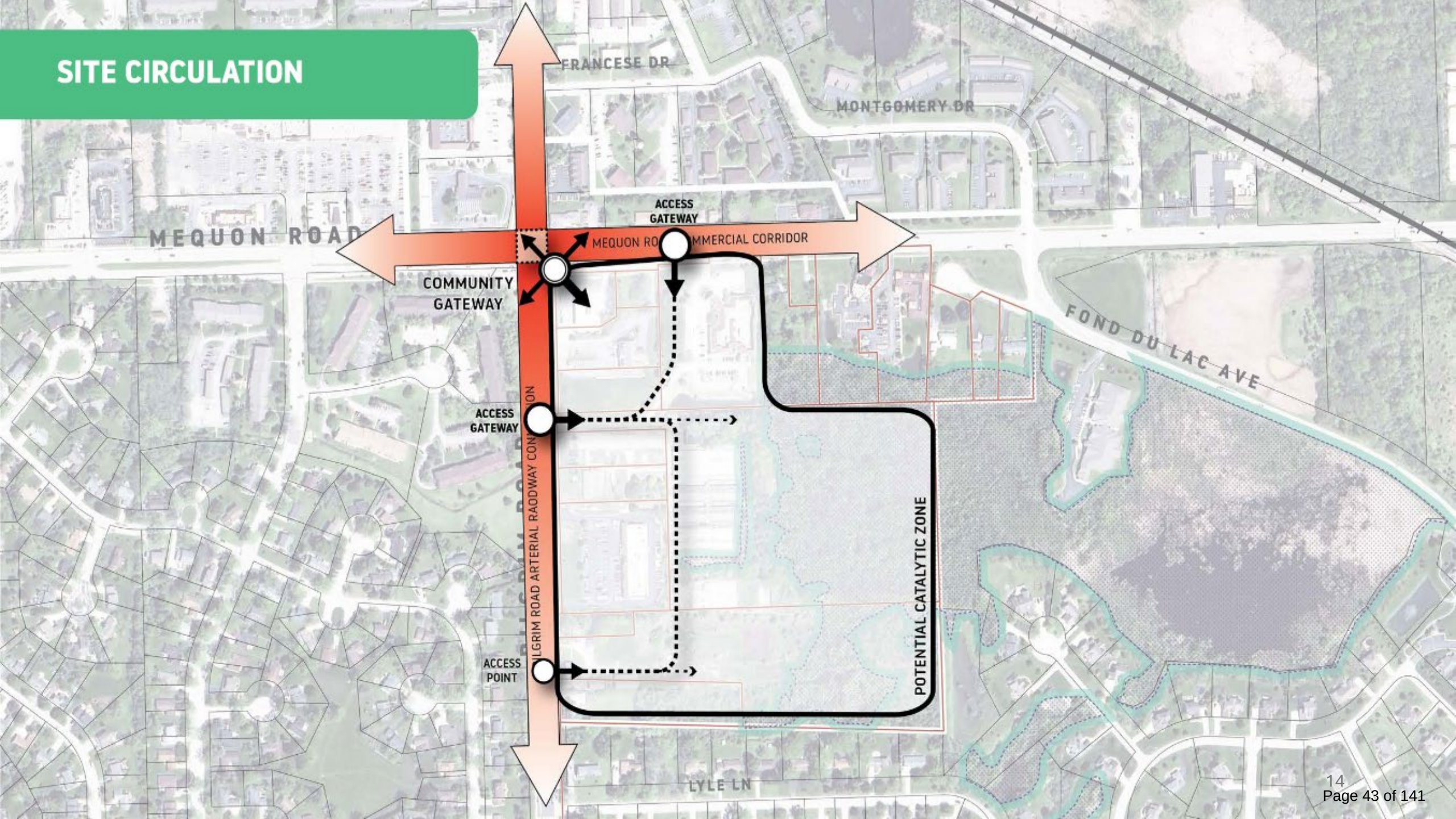
COMMUNITY GATEWAY



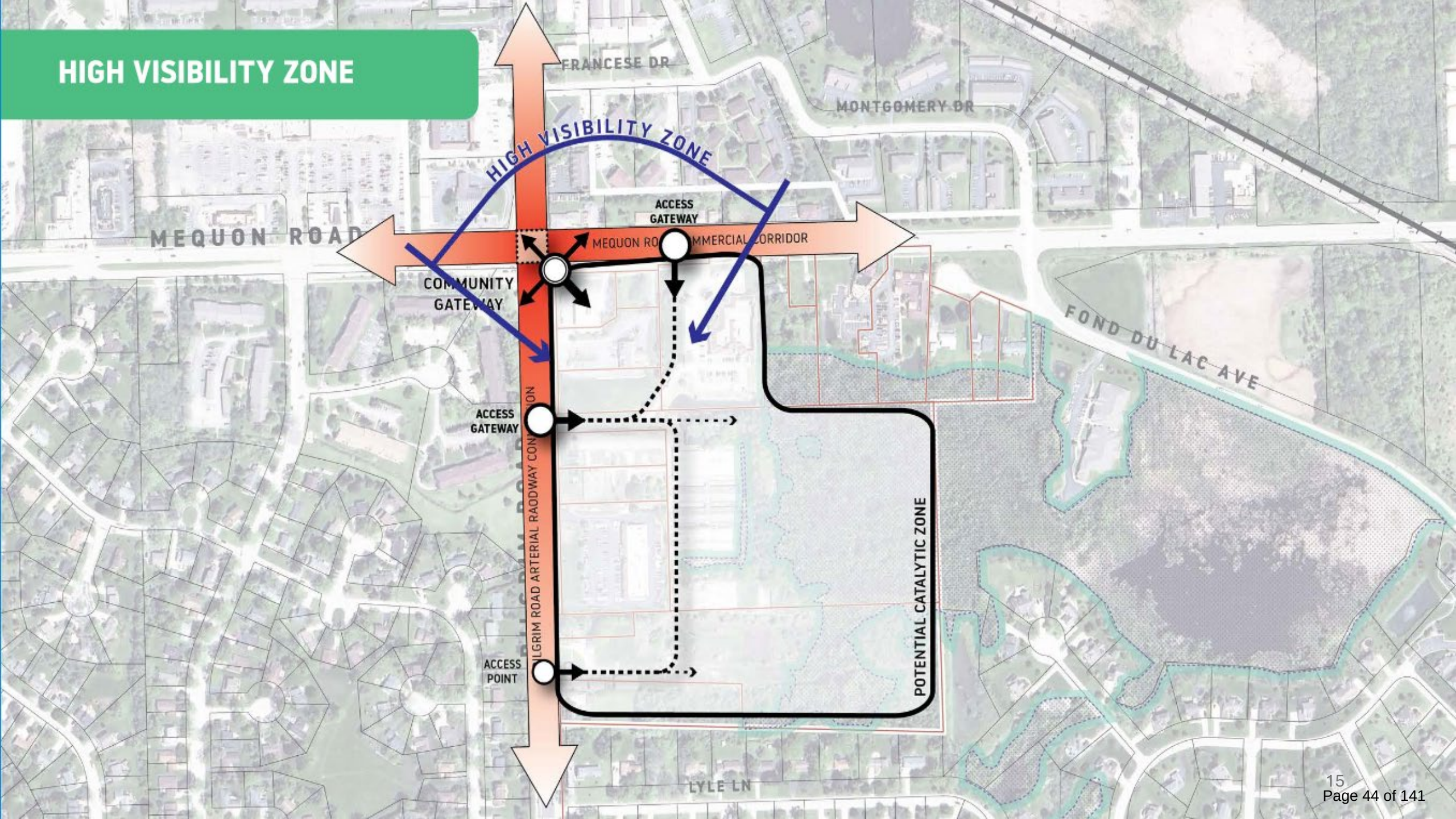
ACCESS GATEWAY



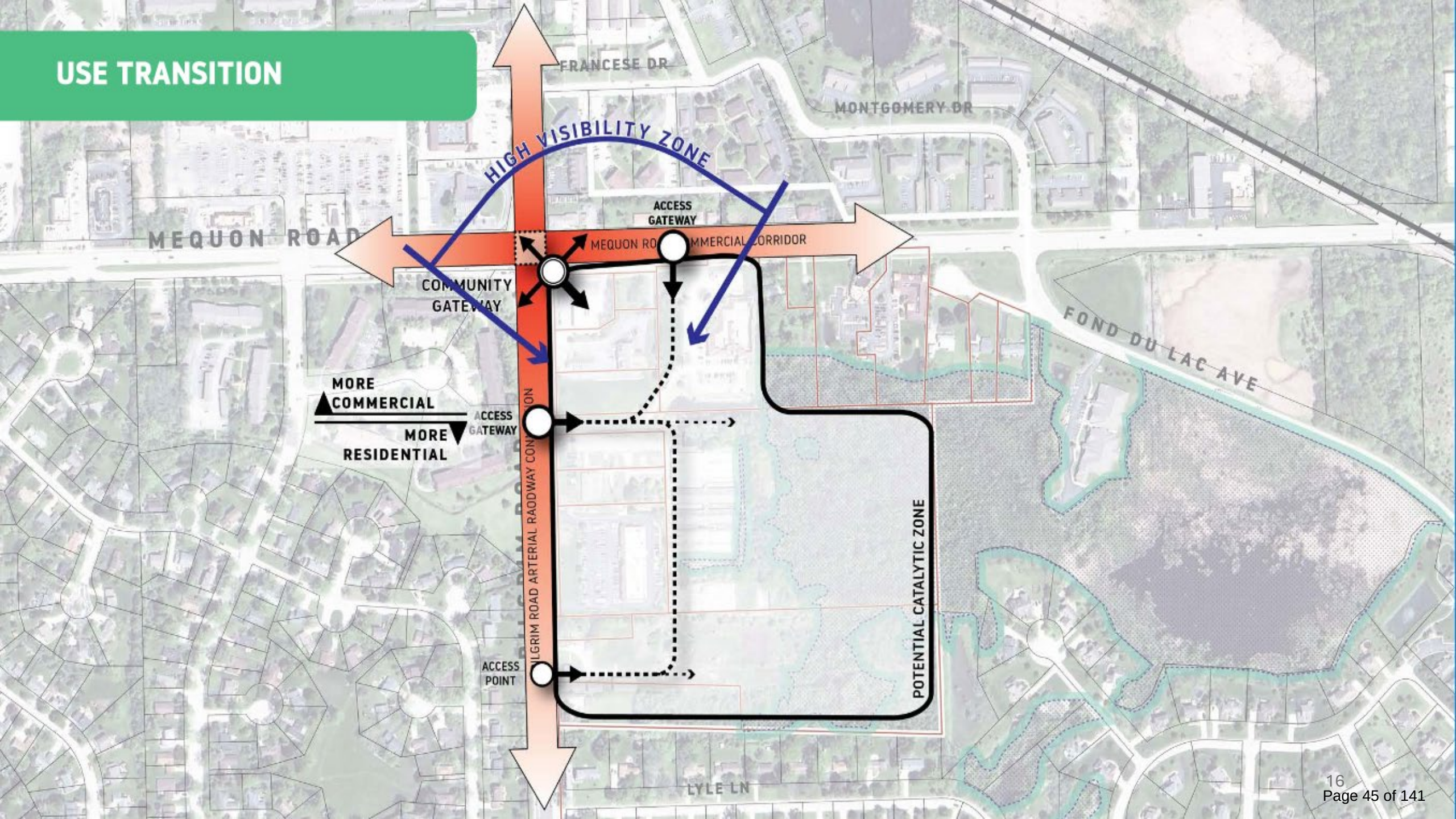
SITE CIRCULATION



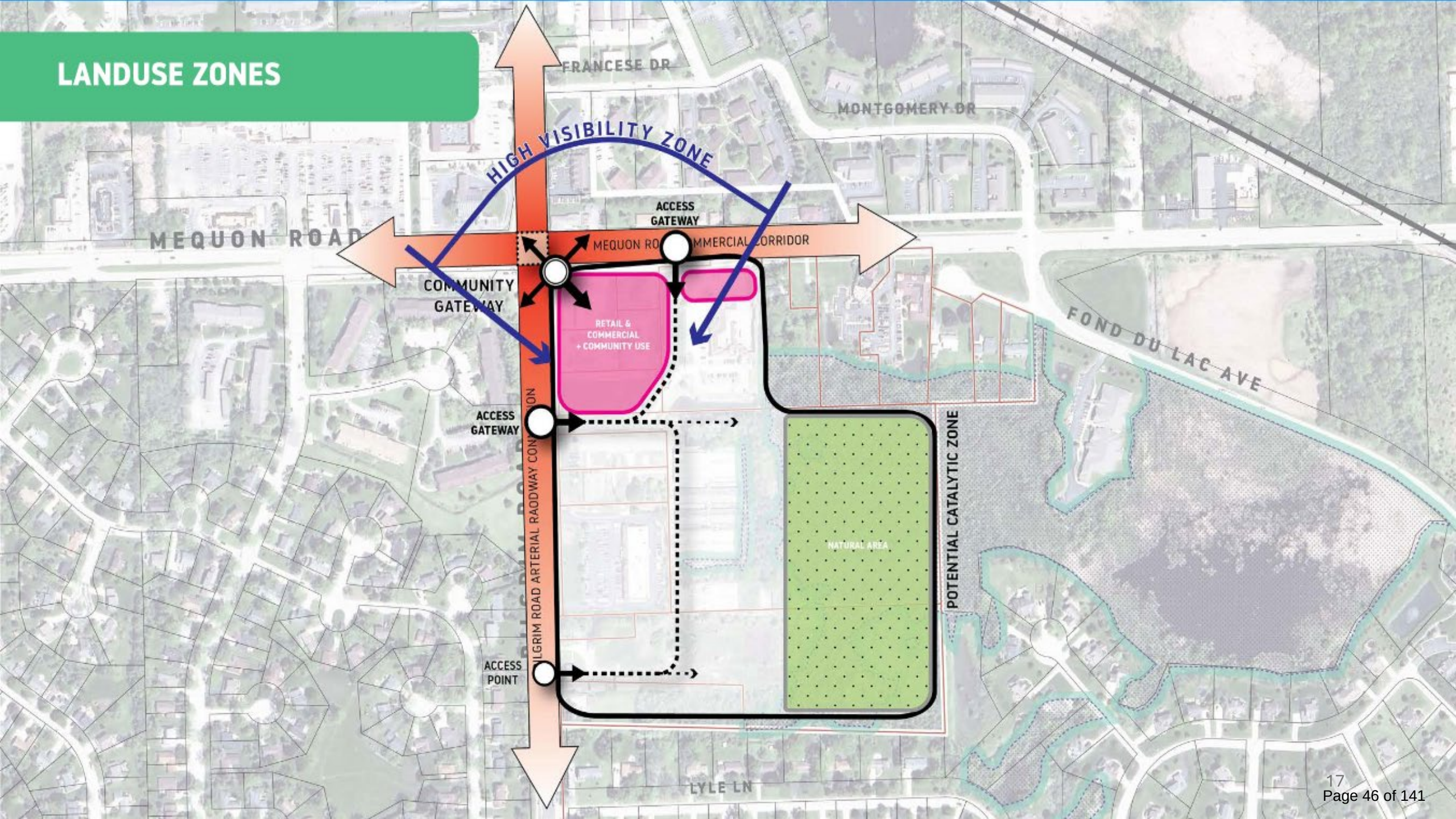
HIGH VISIBILITY ZONE



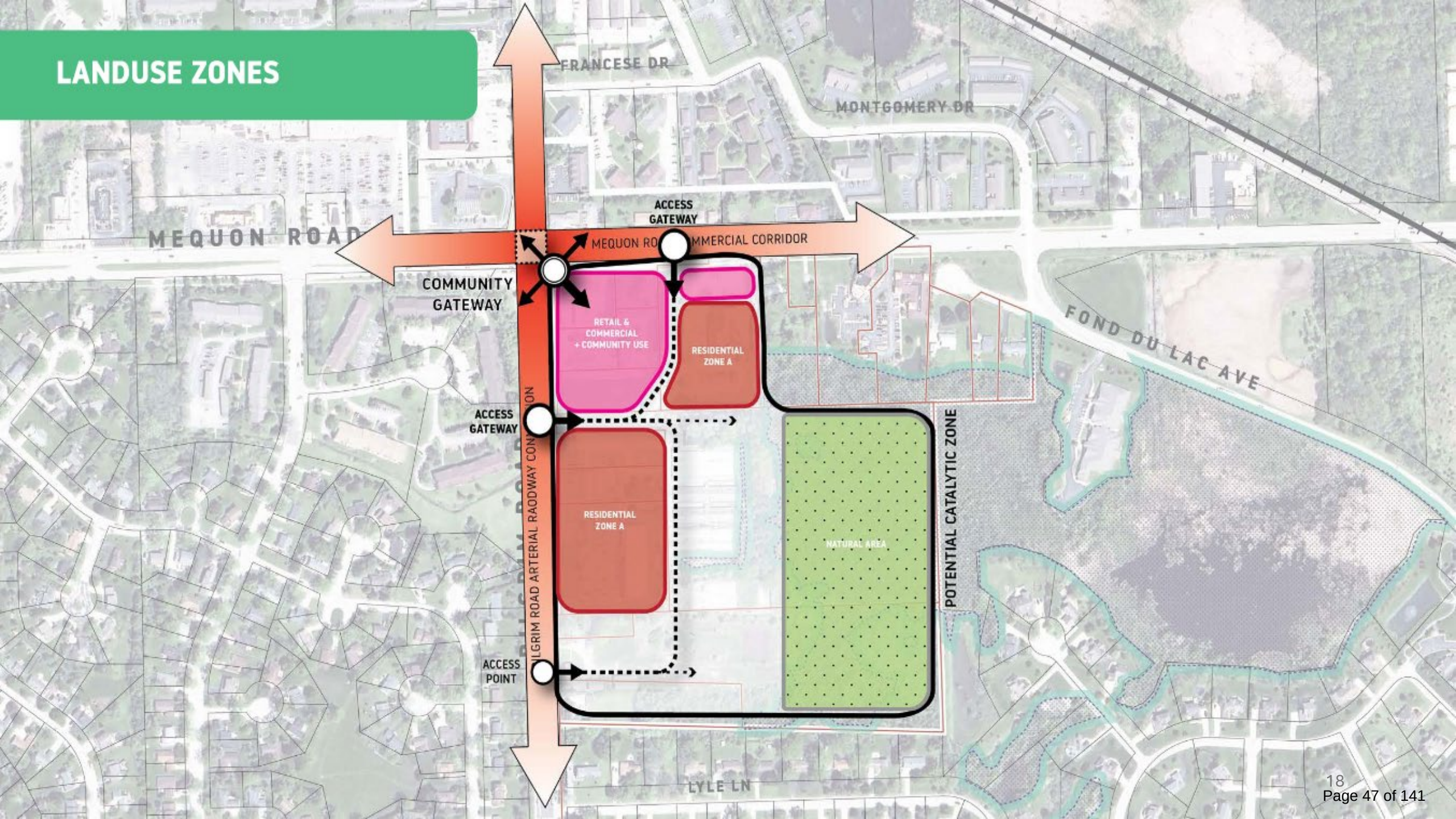
USE TRANSITION



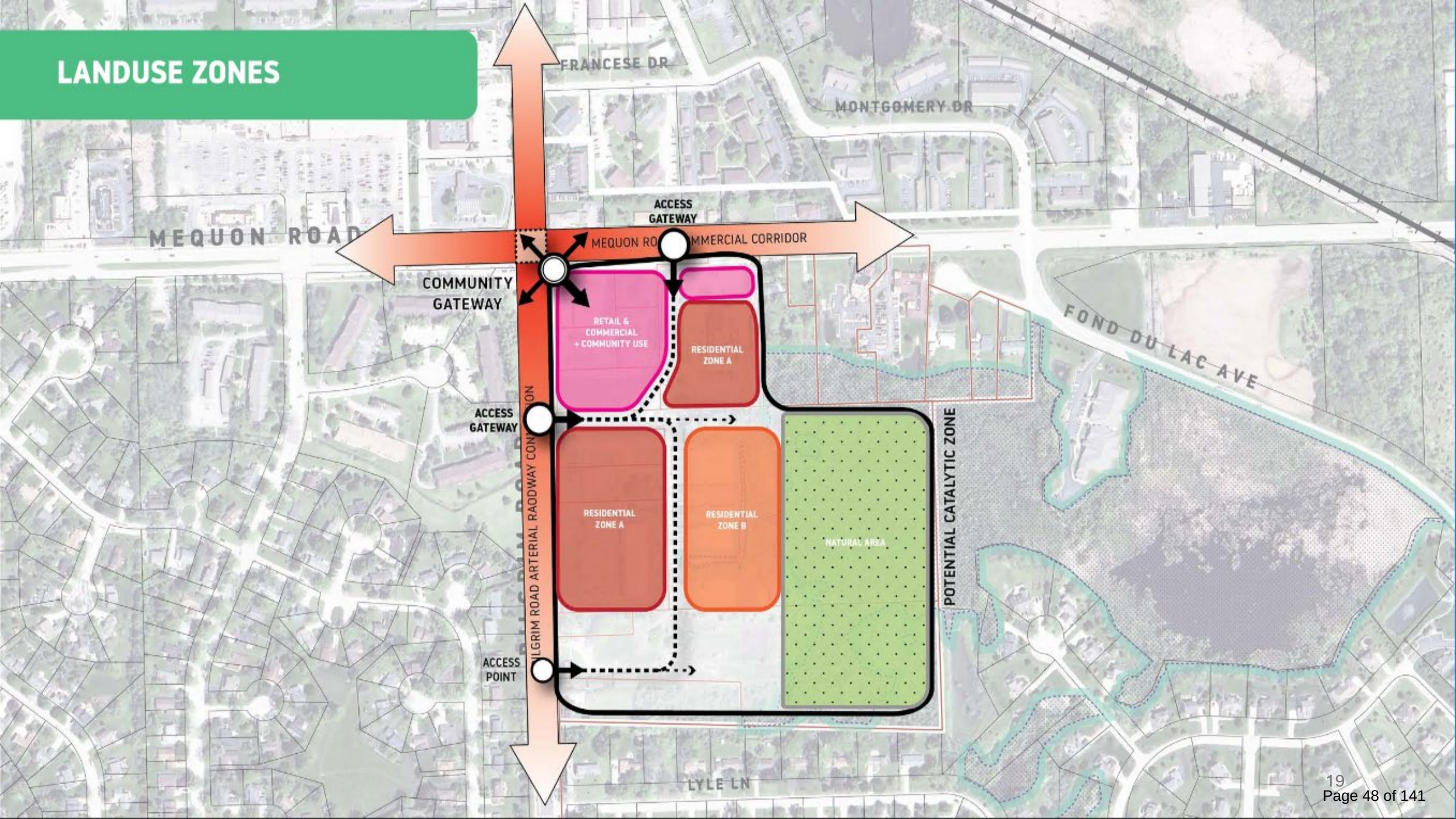
LANDUSE ZONES



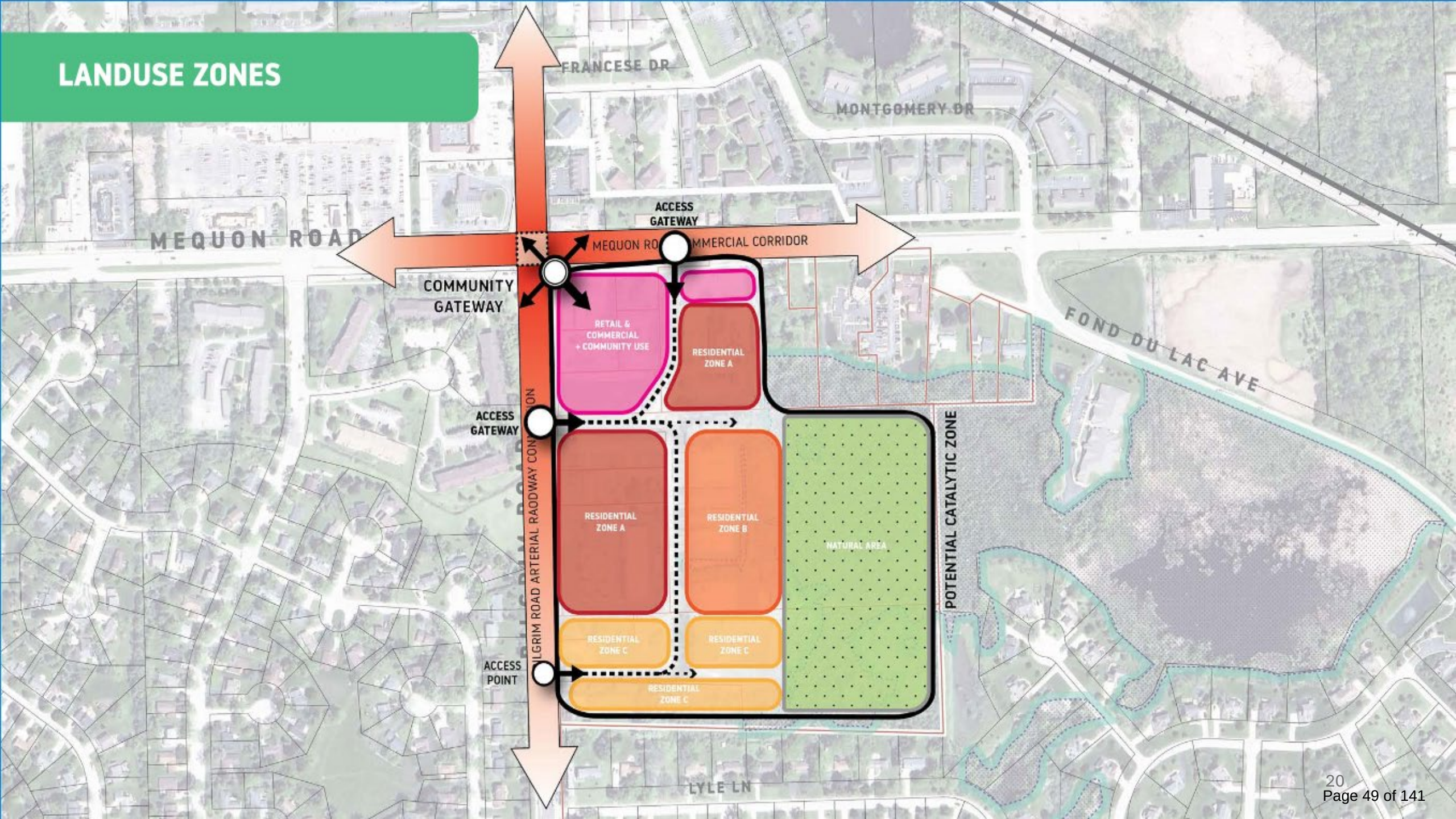
LANDUSE ZONES



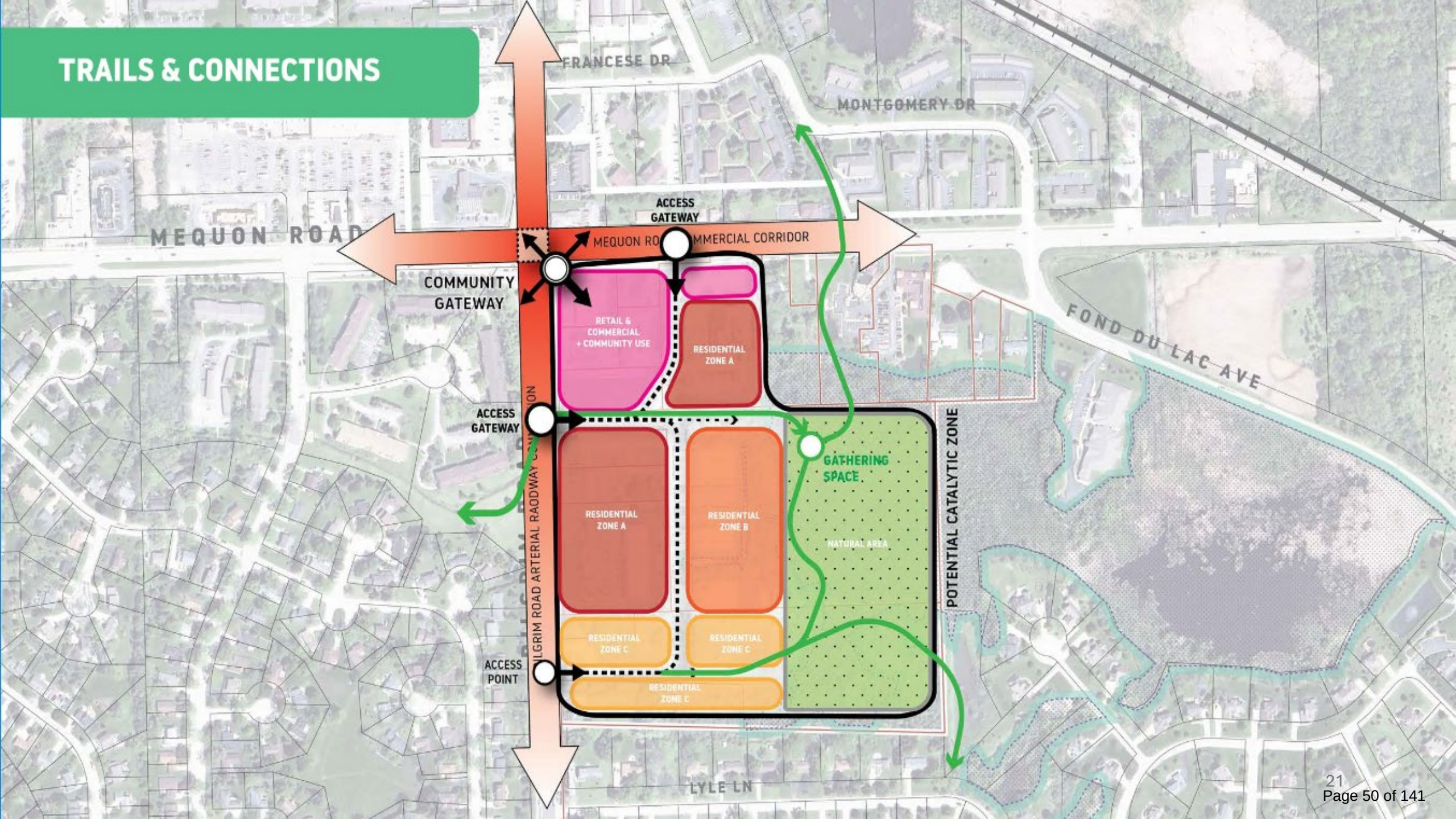
LANDUSE ZONES



LANDUSE ZONES



TRAILS & CONNECTIONS



SITE PLAN



COMMERCIAL AREA

MEQUON ROAD

PILGRIM ROAD

FUTURE
DEVELOPMENT

ENTRY

MEQUON ROAD

VISIBILITY

PILGRIM ROAD

ENTRY

FUTURE
DEVELOPMENT

ENTRY

PUBLIC PARKING

MEQUON ROAD

PILGRIM ROAD

**FUTURE
DEVELOPMENT**

EVENT SPACE

MEQUON ROAD

PILGRIM ROAD

MARKTPLATZ

FUTURE
DEVELOPMENT

NORMAL DAY

Page 56 of 141

NORMAL DAY



MARKET DAY



HOLIDAY MARKET



IMPLEMENTATION



CopeLand Real Estate Services LLC
CopeLand Brokerage LLC

FRAMEWORK TO REALITY

The Village Center District and Masterplan align with and support three key goals, objectives, and action steps from the 2050 Comprehensive Plan.

HOUSING GOAL: Nature existing neighborhoods and develop a variety of new housing types that are accessible and welcoming to a diversity of resident. New housing should contribute to Germantown’s community character and build on the Village’s assets.

ECONOMIC DEVELOPMENT GOAL: Promote economic, social, and environmental benefits through business and commercial activity in Germantown with a cohesive and unifying vision that inspires investment, tourism and local pride.

LAND USE GOAL: Pursue a land use pattern of neighborhoods, districts, and corridors that facilitates the siting and compatibility of new and existing uses in a manner that promotes the efficient use of existing and future public utilities and facilities while protecting natural and environmental resources and preserving our rural character and quality of life.

Implementation Plan

The Implementation Plan is often the most important section of any comprehensive plan, serving as both summary and guide to realizing the vision developed through the planning process.

The Implementation Plan is often the most important section of any comprehensive plan, serving as both summary and guide to realizing the vision developed through the planning process.

Germantown’s Implementation Plan includes an overarching goal for each section of the plan. Each section includes a summary of why the goal is important, key leaders responsible for carrying out the goals, and a series of objectives. Each objective in the implementation plan also includes a priority time frame and potential action steps.

The following page includes a descriptive summary and explanation of the format of each Implementation Plan Section.

Plan Review and Amendment

The Comprehensive Plan is intended to be reviewed frequently by Village staff to assess its reflection of current goals.

Periodic amendments are appropriate to the Comprehensive Plan and may be suggested by Village staff, officials, and residents. Changes should be consistent with the plan’s vision.

Plan amendments must follow the processes required by State Statutes. Wisconsin Statute 66.1001(2)(I) requires comprehensive plan updates every 10 years.

Additionally, the Village will conduct an annual review of the 2050 Plan including an assessment of progress made toward achieving the Implementation Plan objectives and action steps. The Village will make amendments to the 2050 Plan on an annual basis or when deemed necessary.

Comprehensive Plan Goals, Objectives, and Action Steps

- HOUSING
- TRANSPORTATION
- AGRICULTURAL , CULTURAL, AND NATURAL RESOURCES
- UTILITIES AND COMMUNITY FACILITIES
- ECONOMIC DEVELOPMENT
- LAND USE

MULTI-FAMILY DEVELOPMENT



CopeLand Real Estate Services LLC
CopeLand Brokerage LLC

BENEFITS OF MULTI-FAMILY HOUSING

Multifamily housing plays a vast and diverse housing role that serves an essential and evolving purpose in communities across the country.

At its core, multifamily housing increases the **density, variety, and efficiency** of a municipality's housing.

Multifamily housing broadly improves our cities in four far-reaching ways:

- Invigorating **economic vitality** by improving the livelihood of workers and businesses
- Improving **fiscal health** by increasing the tax base and efficiently using public resources
- Increasing **environmental sustainability** by efficiently building and operating residential units
- Enhancing **quality of life** by allowing for healthy, culturally vibrant, and place-based lifestyles



MISCONCEPTIONS

Contrary to some misconceptions, multifamily housing does not negatively affect property values, public schools, traffic, and emissions. In many markets, these community issues are in fact improved.

Single-family homeowners are understandably concerned about two community goods: **property values for single-family homes** and the **viability of local public schools**. Many studies have sought to understand the effects of multifamily housing on these goods.

Property values for single-family homes are not harmed, and in fact are often boosted, by the arrival of nearby multifamily housing development.

Time series analyses of seven areas in Boston found that home values were generally boosted by being near pioneering multifamily housing developments over the course of thirty years, relative to areas without such development.¹ This study has been replicated in numerous cities, such as Portland, Richmond, and in numerous cities and regions, with similar results.²

Similarly, multifamily housing does not place undue strain on local public schools. This concern is premised on the assumption that multifamily developments will bring in too many families with school-age children while yielding lower tax revenues. In fact, residents of multifamily housing typically have far fewer children, while the net impact of multifamily housing on a city's fiscal health is positive when considering the increase in tax revenues.

AVERAGE NUMBER OF SCHOOL-AGE CHILDREN PER 100 UNITS OF HOUSING³

52

in single-family homes

27

in apartment units

61

in **new** single-family homes

22

in **new** apartment units

¹ Pollakowski et al., 2005. "Effects of Mixed-Income, Multi-Family Rental Housing Developments on Single-Family Housing Values."

² Streets MN, 2016. "No, Large Apartment Buildings Won't Devalue Your Home."

³ NAHB Special Studies, 2017.

* For recent mover households.

MULTI-FAMILY HELPS DRIVE COMMERCIAL DEVELOPMENT

Phased Development & Long-Term Growth:

- **Initial focus on multifamily:** Starting with multifamily housing in a development plan sets the foundation for future commercial success. This phase builds the necessary customer base and infrastructure needed for the next stages of development.
- **A natural progression:** Once the multifamily component is established and the area is populated, commercial businesses follow, completing the ecosystem. The combination of increased population density and the steady flow of potential customers helps create the vibrant, thriving community desired by businesses and residents alike.



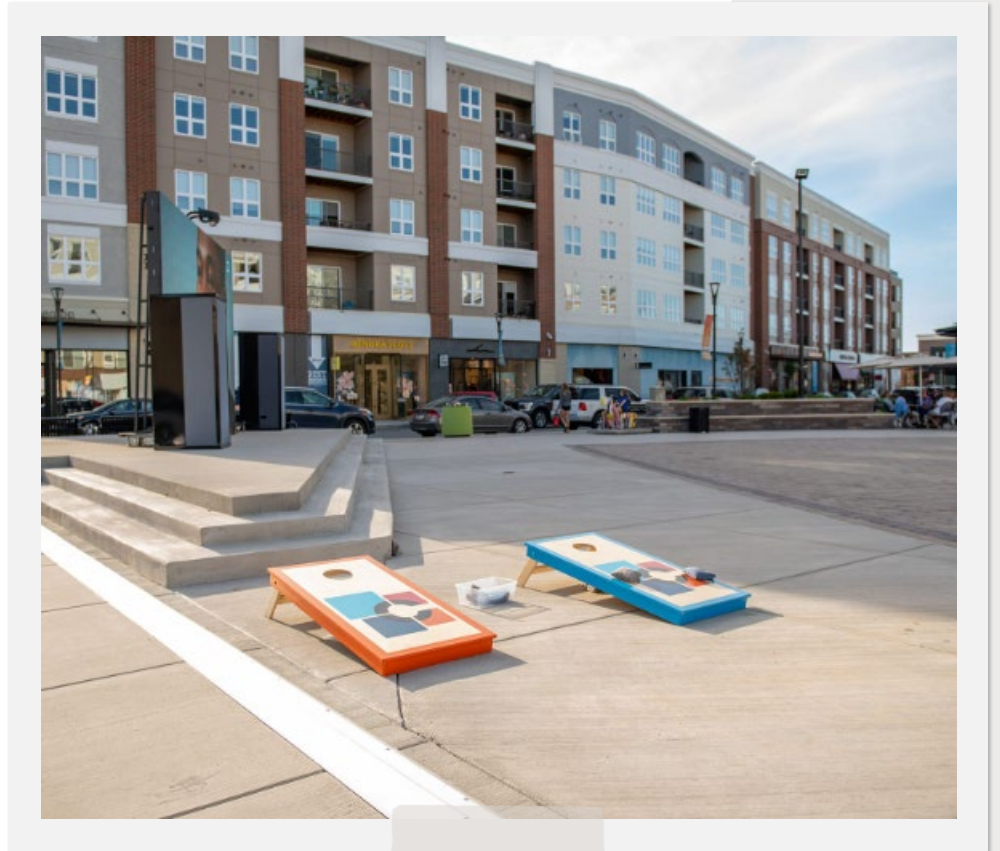
CopeLand Real Estate Services LLC
CopeLand Brokerage LLC



MULTI-FAMILY HELPS DRIVE COMMERCIAL DEVELOPMENT

Increasing Population and Density:

- **Core to attracting businesses:** One of the key factors in attracting commercial development—such as restaurants, bars, retail shops, and other services—is the local population. Multifamily housing increases the residential density of an area, which directly contributes to a larger, more stable customer base for these businesses.
- **Support for local businesses:** Businesses often thrive in areas with high foot traffic, and multifamily housing provides a consistent stream of potential customers. By increasing the number of people who live in the area, you are essentially creating a built-in market for restaurants, shops, and other commercial establishments.



STRONG DEMAND

- Germantown's population is growing and changing.
- Average household size is trending down over time.
- All comparable multi-family developments in the area are at 95% occupancy or higher.
 - Current Vacant Rates (per CoStar as of 2.12.2025)
 - Germantown 2.5%
 - Mequon 1.1%
 - Menomonee Falls 4.6%
 - Cedarburg 2.3%
- Market Study shows that there is a demand for over 1,000 units over the next five years.



“There is no one-size-fits-all ratio of multi-family to single-family housing. Rather, a mix of housing types can provide options to individuals and families with different incomes and preferences, which change overtime and in different stages of life.”

- 2050 Comprehensive Plan, Page 144

FINANCIAL FEASIBILITY ANALYSIS

What is Tax Increment Financing?

- Key acronyms:

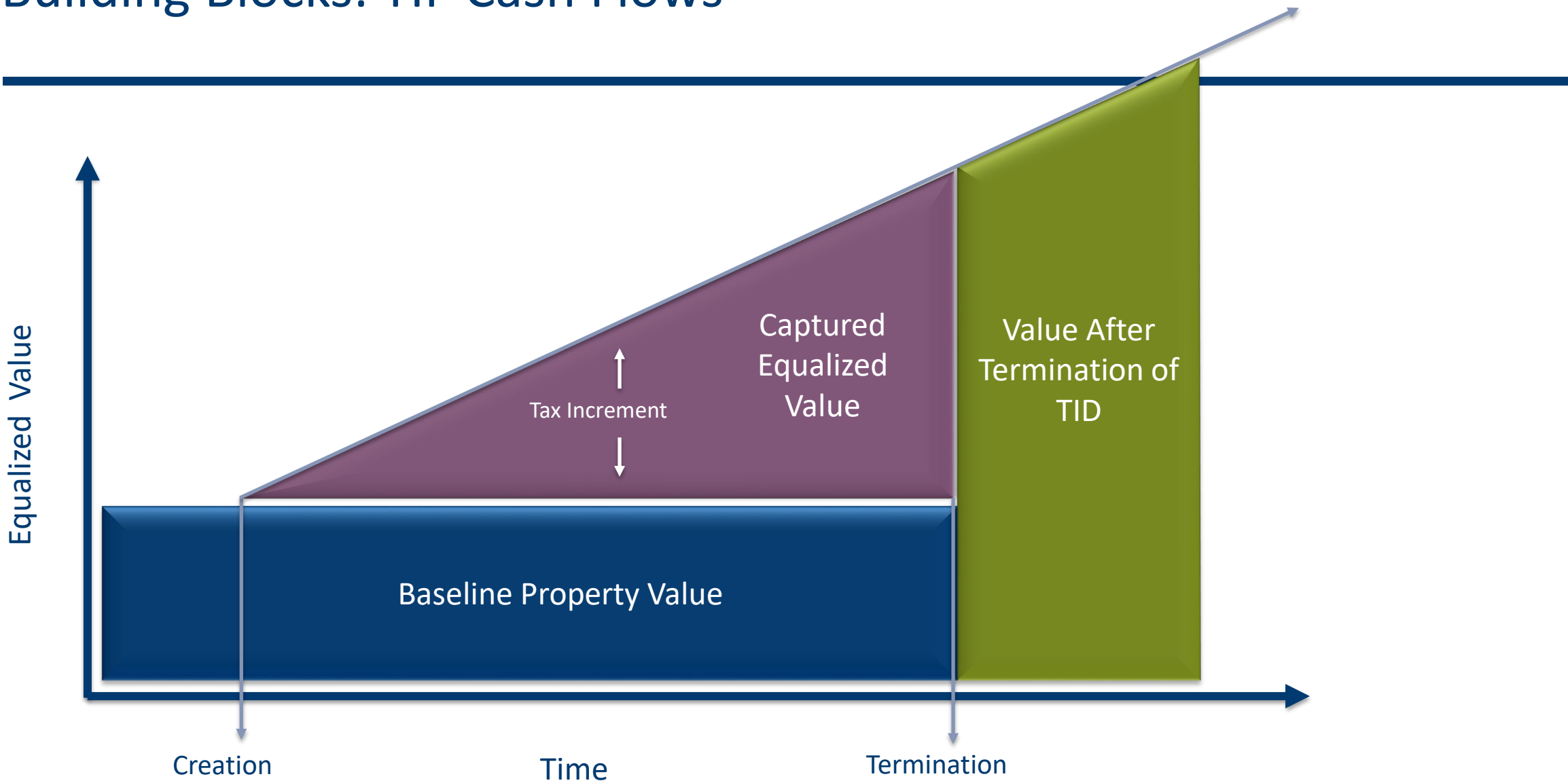
TIF = Tax Increment Financing (*the tool*)

TID = Tax Increment District (*where the tool is used - boundary*)

- Powerful economic development tool

Allows municipalities to capture incremental property tax revenue from tax base **growth** in defined area & use it to benefit that area

Building Blocks: TIF Cash Flows



The “But-For” Test

What is it? Why is it important?

What is proposed would not occur “but for” creation of TIF district & use of tax increment financing

TIF district is economically feasible: district projected to produce sufficient revenue to recover all costs

Economic benefits justify investment: housing, employment, needed infrastructure, other benefits in addition to increased tax base

Myth...

The but-for test requires municipalities to prove nothing would ever develop in the proposed TIF area.

Reality...

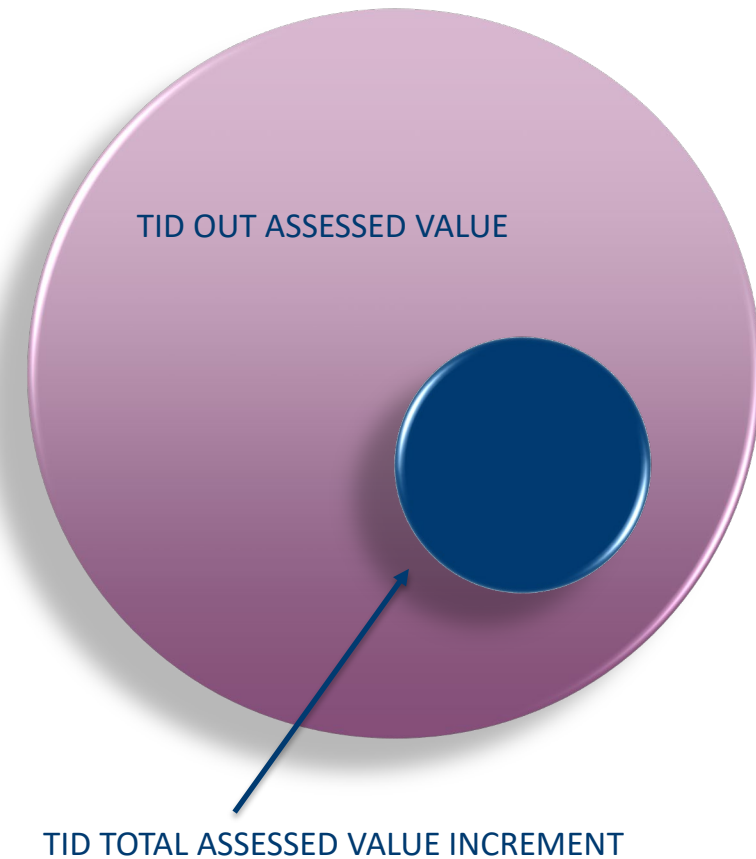
- Wis. Stat. 66.1105(4m)(c)1.a.: Whether *the development expected* in the tax incremental district would occur without the use of tax incremental financing
- The local jurisdiction & the JRB do not need to find that no development will occur absent TIF, only that *the development expected* will not occur (*i.e., what is specifically being proposed at the time of TID creation & amendment*)
- TIF can be used to incentivize development the community desires to see, even if a lesser quality development might occur on a site without TIF

Myth...

TIF increases property taxes.

Reality

- Municipality & all other taxing jurisdictions levy generally applicable property tax
- Total levy amount divided by total TID out assessed value generations a real property tax rate expressed in \$/\$1,000 of value (mill rate)
- Tax rate is applied to value captured in TIDs & total amount of tax increment is collected by the municipality
- Total tax increment apportioned to individual TIDs pro-rated by respective value increment



Reality

- All taxpayers pay the same rate regardless whether the property is in or out of a TID
- It's where the tax revenue goes & what it can be used for...



Supports GF Expenditures
Municipal Levy Only



TIF-Eligible Expenditures
All Jurisdiction's Levies

Use of TIF to Fundamentally Change a Community

- Village of Pewaukee Downtown
- City of Oak Creek
- City of West Bend Downtown and River Front
- City of Cedarburg Downtown
- City of Mequon
- Village of Sussex
- Village of Grafton
- The Corner Town of Brookfield

Village of Germantown – Debt Profile

Existing G.O. Debt Base Case

Village of Germantown, WI

Year Ending	Existing Debt											Year Ending
	Total G.O. Debt Payments	Less: Water	Less: Sewer	Less: TID #6	Less: TID #7	Less: TID #8	Less: TID #9	Net Tax Levy	Equalized Value (TID OUT)	Tax Rate Per \$1,000	Annual Taxes \$350,000 Home	
2024	7,700,957	(314,367)	(529,298)	(479,513)	(292,208)	(981,788)	(160,700)	4,943,085	3,683,230,100	\$1.34	\$469.72	2024
2025	7,976,664	(319,175)	(531,656)	(515,313)	(371,958)	(1,035,413)	(160,700)	5,042,450	3,821,552,996	\$1.32	\$461.82	2025
2026	7,924,699	(316,800)	(533,556)	(500,113)	(684,758)	(1,164,369)	(297,200)	4,427,904	3,965,070,578	\$1.12	\$390.85	2026
2027	7,740,109	(319,050)	(529,881)	(511,438)	(682,020)	(1,213,550)	(299,950)	4,184,220	4,113,977,932	\$1.02	\$355.98	2027
2028	7,504,523	(315,925)	(531,331)	(509,138)	(683,701)	(1,251,728)	(302,200)	3,910,500	4,268,477,468	\$0.92	\$320.65	2028
2029	7,438,460	(317,425)	(532,806)	(506,538)	(788,101)	(1,363,815)	(303,950)	3,625,825	4,428,779,200	\$0.82	\$286.54	2029
2030	7,692,014	(318,425)	(534,194)	(503,094)	(869,408)	(1,354,681)	(295,450)	3,816,763	4,595,101,029	\$0.83	\$290.72	2030
2031	7,687,141	(318,925)	(535,513)	(493,875)	(859,060)	(1,373,094)	(296,700)	3,809,975	4,767,669,037	\$0.80	\$279.69	2031
2032	7,169,131	(318,925)	(531,178)	(479,025)	(842,869)	(1,343,184)	(297,450)	3,356,500	4,946,717,799	\$0.68	\$237.49	2032
2033	6,101,216	(318,425)	(531,188)	(463,625)	(304,800)	(1,312,953)	(297,700)	2,872,525	5,132,490,698	\$0.56	\$195.89	2033
2034	5,724,238	(317,425)	(535,350)	(462,963)	0	(1,282,025)	(297,450)	2,829,025	5,325,240,258	\$0.53	\$185.94	2034
2035	4,961,219	(317,100)	(534,938)	0		(1,269,681)	(297,800)	2,541,700	5,525,228,484	\$0.46	\$161.01	2035
2036	4,855,244	(317,500)	(535,225)			(1,236,619)	(298,800)	2,467,100	5,732,727,224	\$0.43	\$150.62	2036
2037	5,031,400	(317,500)	(534,875)			(1,227,425)	(299,400)	2,652,200	5,948,018,534	\$0.45	\$156.06	2037
2038	4,953,750	(317,100)	(528,950)			(1,192,100)	(299,600)	2,616,000	6,171,395,062	\$0.42	\$148.36	2038
2039	4,262,963	(316,300)	(532,344)			(532,219)	(299,400)	2,582,700	6,403,160,446	\$0.40	\$141.17	2039
2040	3,596,800	(315,100)	(342,600)			0	(303,700)	2,635,400	6,643,629,728	\$0.40	\$138.84	2040
2041	3,648,100	(318,400)	(344,900)				(302,500)	2,682,300	6,893,129,781	\$0.39	\$136.19	2041
2042	3,682,200	(316,200)	(341,700)				(300,900)	2,723,400	7,151,999,754	\$0.38	\$133.28	2042
2043	0	0	0				0	0	7,420,591,531	\$0.00	\$0.00	2043
Total	115,650,826	(6,030,067)	(9,551,482)	(5,424,631)	(6,378,881)	(19,134,643)	(5,411,550)	63,719,572				Total

Notes: \$48.5M of the Net Tax Levy is for the DPW Building.

Village of Germantown – Debt Capacity

General Obligation Debt Capacity Analysis - Impact of Financing Plan

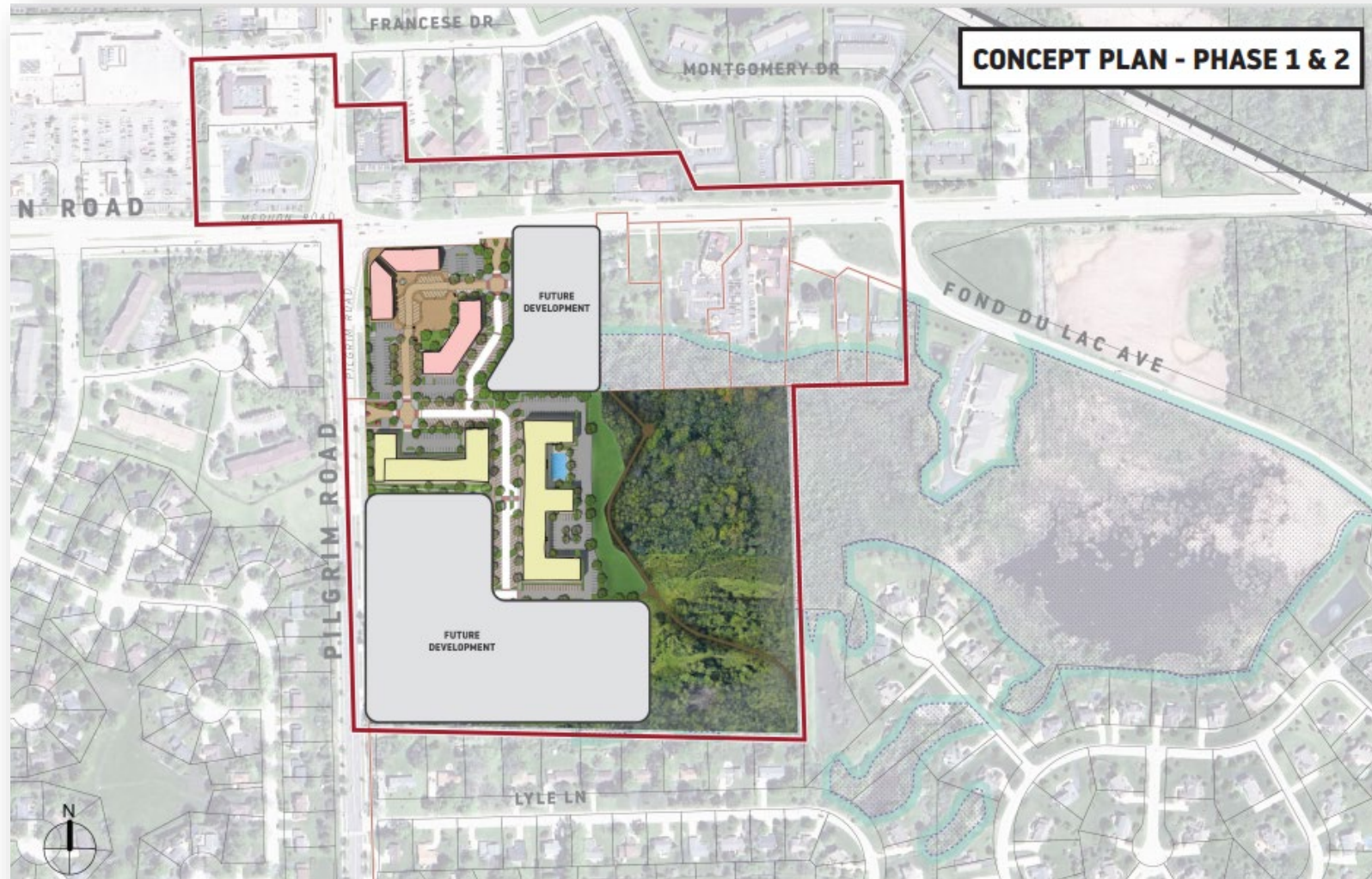
Village of Germantown, WI

Existing Debt					Proposed Debt				
Year	Projected	Existing		% of Limit	Combined Principal			Residual	Year
Ending	Value (TID IN) ¹	Debt Limit	Outstanding		2024 G.O. Notes	& Proposed	% of Limit	Capacity	
2025	4,288,361,929	214,418,096	77,110,000	36%	2,540,000	\$79,650,000	37%	\$134,768,096	2025
2026	4,480,078,933	224,003,947	71,960,000	32%	2,315,000	\$74,275,000	33%	\$149,728,947	2026
2027	4,680,366,905	234,018,345	66,835,000	29%	2,095,000	\$68,930,000	29%	\$165,088,345	2027
2028	4,889,609,021	244,480,451	61,765,000	25%	1,840,000	\$63,605,000	26%	\$180,875,451	2028
2029	5,108,205,588	255,410,279	56,580,000	22%	1,565,000	\$58,145,000	23%	\$197,265,279	2029
2030	5,336,574,809	266,828,740	50,950,000	19%	1,265,000	\$52,215,000	20%	\$214,613,740	2030
2031	5,575,153,584	278,757,679	45,115,000	16%	960,000	\$46,075,000	17%	\$232,682,679	2031
2032	5,824,398,346	291,219,917	39,580,000	14%	655,000	\$40,235,000	14%	\$250,984,917	2032
2033	6,084,785,930	304,239,297	34,910,000	11%	330,000	\$35,240,000	12%	\$268,999,297	2033
2034	6,356,814,493	317,840,725	30,430,000	10%	0	\$30,430,000	10%	\$287,410,725	2034
2035	6,641,004,459	332,050,223	26,550,000	8%	0	\$26,550,000	8%	\$305,500,223	2035
2036	6,937,899,522	346,894,976	22,635,000	7%	0	\$22,635,000	7%	\$324,259,976	2036
2037	7,248,067,678	362,403,384	18,395,000	5%	0	\$18,395,000	5%	\$344,008,384	2037
2038	7,572,102,321	378,605,116	14,075,000	4%	0	\$14,075,000	4%	\$364,530,116	2038
2039	7,910,623,369	395,531,168	10,295,000	3%	0	\$10,295,000	3%	\$385,236,168	2039
2040	8,264,278,457	413,213,923	7,045,000	2%	0	\$7,045,000	2%	\$406,168,923	2040
2041	8,633,744,173	431,687,209	3,610,000	1%	0	\$3,610,000	1%	\$428,077,209	2041
2042	9,019,727,353	450,986,368	0	0%	0	\$0	0%	\$450,986,368	2042

Notes:

1) Projected TID IN EV based on 5-year average at 0.0447063488926141 % annual inflation.

Village Center – Proposed TID 10 Boundary



Village Center – Proposed TID 10 (cont.)

- Tax Increment District No. 10
 - Redevelopment TID
 - Maximum life of the TID is 27-years with a 22-year expenditure period.
 - 50% of the area by acreage (not parcel) is in need of rehabilitation over the life of the TID.
 - The 35% newly platted residential restriction isn't applicable for parcels that have previously been platted.
 - The rehabilitation finding is an administrative not legal finding made as part of the TID creation.
 - Letters are to be sent to all property owners located within the TID boundary inviting them to attend the public hearing on the TID creation.

Village Center - Development Summary

MULTI-FAMILY		
BUILDING	Estimated Units	PHASE
A	210	1
B	104	1
E	42	2
F	90	1

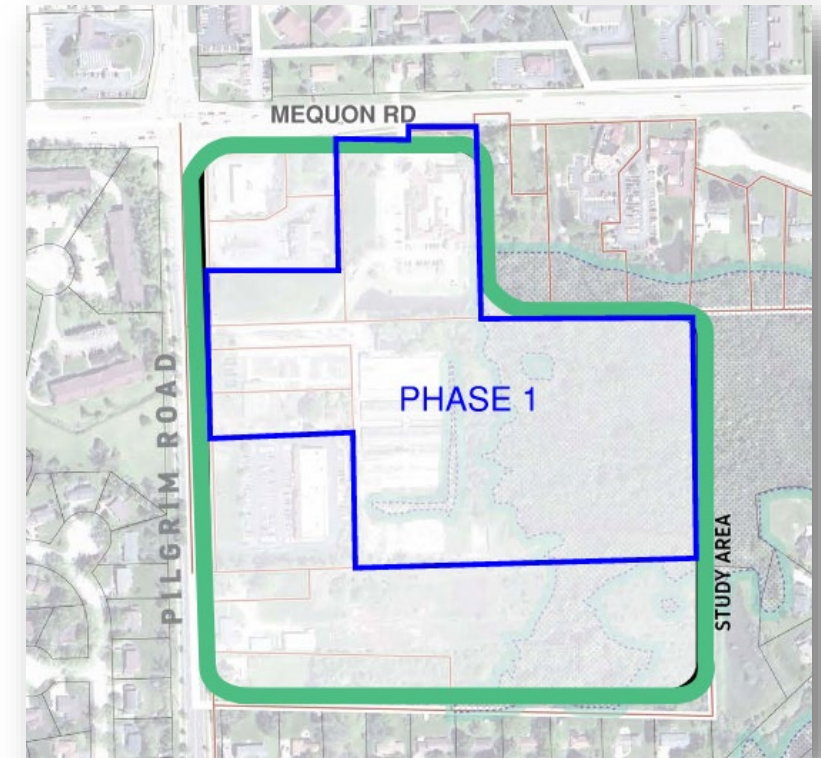
COMMERCIAL		
BUILDING	Estimated Square Feet	PHASE
C	10,000	2
D	8,000	2
F	10,000	1

All plans and estimates displayed are conceptual and subject to change.



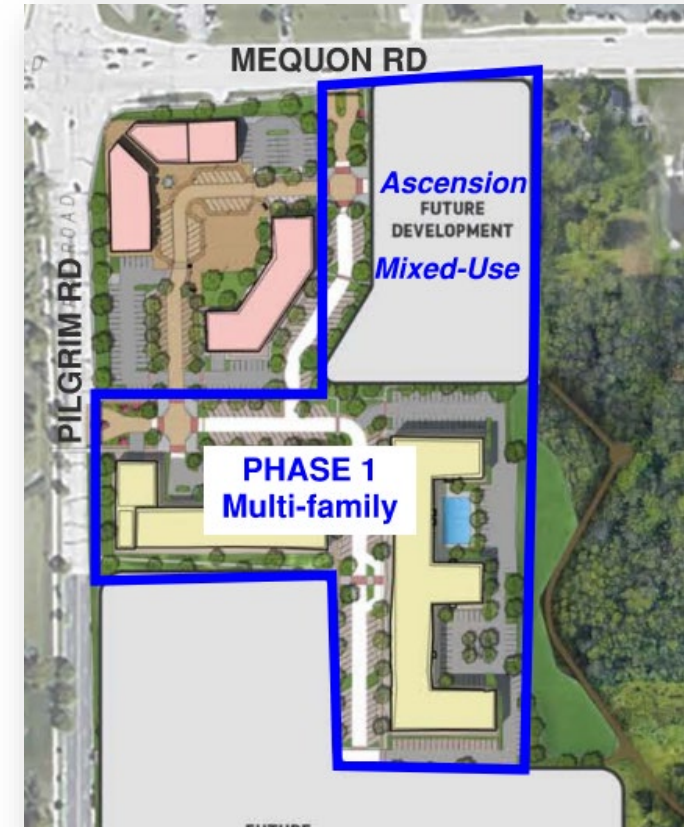
Financial Feasibility – Phase 1

- Project costs and projected development to be phased to mitigate impact to the Village.
 - Phase 1 Project Costs Include:
 - Acquisition of the Flower Shop Site, Vacant Parcel & Ascension Property
 - Demolition and Cleanup of sites acquired
 - Infrastructure to serve the Flower Shop Site off Pilgrim Road
 - Professional Service Costs related to acquisition of property, market study, various studies and TID creation
 - Total estimated cost for Phase is \$11M not including interest on potential future Note Issues.



Financial Feasibility – Phase 1 (cont.)

- Development assumptions are preliminary and will be refined once developers are engaged and development agreements executed.
 - Phase 1 estimated Development Include:
 - Flower Store Site:
 - Approximately 300 units of multi-family @\$175K per unit.
Built out over 2 years.
 - Ascension Site (Facility demoed and made available for development once the existing lease expires):
 - 90 units of housing @200K per unit built out in 2031-2032
 - 10K SF of retail development built out in 2032
 - Decrement of \$5.2M once the Ascension building is demolished
 - Total estimated value of Phase 1 development is \$69M



Financial Feasibility – Phase 1 (cont.)

- Key TID Assumptions & Projected Cashflow
 - Overall TID tax rate is \$13.48 and in we project a drop of .025% each year of the TID.
 - Property appreciation increase of 2% annually.
 - Interest rates are based upon recent Taxable and Tax-Exempt comparable debt issues.
 - Phase 1 has a positive cashflow assuming both the development assumptions and project costs identified and assuming \$ 2.1M in land sale revenue.

Village Center: Development Assumptions Phase 1

Village of Germantown, Wisconsin										
Tax Increment District No. 10										
Development Assumptions										
Construction Year	Flower Store Multi- Family		Ascension Development		Ascension Decrement	Ascension Retail		Annual Total	Construction Year	
	Units 300	Total Value	Units 90	Total Value	Value	Sq. Ft. 10,000	Total Value			
Estimated Value		\$175,000	\$ 200,000			\$3,750,000				
1 2025								0	2025 1	
2 2026								0	2026 2	
3 2027		26,250,000						26,250,000	2027 3	
4 2028		26,250,000						26,250,000	2028 4	
5 2029								0	2029 5	
6 2030					(5,200,000)			(5,200,000)	2030 6	
7 2031				9,000,000				9,000,000	2031 7	
8 2032				9,000,000			3,750,000	12,750,000	2032 8	
9 2033								0	2033 9	
10 2034								0	2034 10	
Totals		<u>52,500,000</u>	<u>18,000,000</u>		<u>(5,200,000)</u>	<u>3,750,000</u>		<u>69,050,000</u>		
Notes: Phase 2 is the BMO and BP Sites.										

Village Center – Phase 1 Increment

Village of Germantown, Wisconsin										
Tax Increment District No. 10										
Tax Increment Projection Worksheet										
Type of District	Blighted Area		Base Value		0					
District Creation Date	May 1, 2025		Economic Change Factor		2.00%					
Valuation Date	Jan 1,	2025	Apply to Base Value							
Max Life (Years)	27		Base Tax Rate		\$13.48					
Expenditure Period/Termination	22	5/1/2047	Rate Adjustment Factor		-0.25%					
Revenue Periods/Final Year	27	2053					Tax Exempt Discount Rate		3.75%	
Extension Eligibility/Years	Yes	3					Taxable Discount Rate		5.50%	
Eligible Recipient District	Yes									
Construction		Valuation	Economic	Total	Revenue		Tax Exempt			
Year	Value Added	Year	Change	Increment	Year	Tax Rate ¹	Tax Increment	NPV Calculation	Taxable NPV Calculation	
1	2025	0	2026	0	2027	\$13.44	0	0		
2	2026	0	2027	0	2028	\$13.41	0	0		
3	2027	26,250,000	2028	0	2029	\$13.37	351,072	292,049	268,618	
4	2028	26,250,000	2029	525,000	2030	\$13.34	707,394	859,244	781,652	
5	2029	0	2030	1,060,500	2031	\$13.31	719,738	1,415,478	1,276,426	
6	2030	-5,200,000	2031	1,081,710	2032	\$13.27	663,271	1,909,546	1,708,613	
7	2031	9,000,000	2032	999,344	2033	\$13.24	794,014	2,479,625	2,199,019	
8	2032	12,750,000	2033	1,199,331	2034	\$13.21	976,270	3,155,224	2,770,557	
9	2033	0	2034	1,478,318	2035	\$13.17	993,306	3,817,766	3,321,753	
10	2034	0	2035	1,507,884	2036	\$13.14	1,010,639	4,467,505	3,853,330	
11	2035	0	2036	1,538,042	2037	\$13.11	1,028,274	5,104,687	4,365,987	
12	2036	0	2037	1,568,803	2038	\$13.08	1,046,218	5,729,556	4,860,398	
13	2037	0	2038	1,600,179	2039	\$13.04	1,064,474	6,342,348	5,337,211	
14	2038	0	2039	1,632,182	2040	\$13.01	1,083,049	6,943,299	5,797,053	
15	2039	0	2040	1,664,826	2041	\$12.98	1,101,949	7,532,635	6,240,529	
16	2040	0	2041	1,698,122	2042	\$12.95	1,121,178	8,110,583	6,668,220	
17	2041	0	2042	1,732,085	2043	\$12.91	1,140,742	8,677,362	7,080,688	
18	2042	0	2043	1,766,727	2044	\$12.88	1,160,648	9,233,187	7,478,476	
19	2043	0	2044	1,802,061	2045	\$12.85	1,180,901	9,778,271	7,862,105	
20	2044	0	2045	1,838,102	2046	\$12.82	1,201,508	10,312,821	8,232,081	
21	2045	0	2046	1,874,864	2047	\$12.78	1,222,474	11,243,430	9,061,276	
22	2046	0	2047	1,912,362	2048	\$12.75	1,243,807	11,776,797	9,424,309	
23	2047	0	2048	1,950,609	2049	\$12.72	1,265,511	12,299,857	9,774,421	
24	2048	0	2049	1,989,621	2050	\$12.69	1,287,594	12,812,809	10,112,072	
25	2049	0	2050	2,029,413	2051	\$12.66	1,310,063	13,315,847	10,437,705	
26	2050	0	2051	2,070,002	2052	\$12.63	1,332,923	13,809,165	10,751,747	
27	2051	0	2052	2,111,402	2053	\$12.59	1,356,183	14,292,948	11,054,613	
Totals		69,050,000	38,631,488		Future Value of Increment		26,363,200			
Notes:										
1) Tax rate shown is actual 2024/2025 rate per DOR Form PC-202 (Tax Increment Collection Worksheet).										

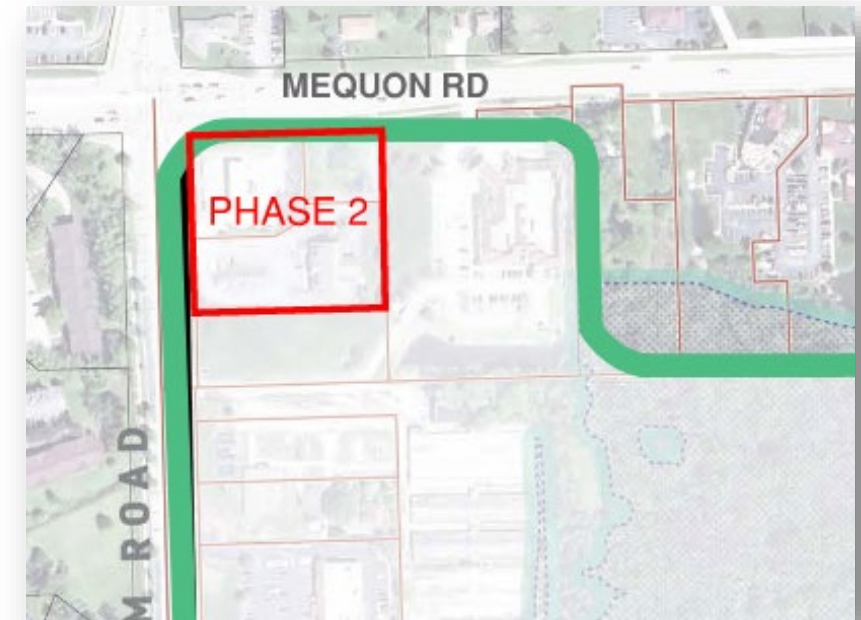
Village Center – Phase 1 Cashflow

Village of Germantown, Wisconsin																				
Tax Increment District No. 10																				
Cash Flow Projection																				
Year	Projected Revenues					Projected Expenditures												Balances		Year
	Tax Increments	Interest Earnings	Rental Income	Land Sale or Other Revenue	Total Revenues	2025 Taxable G.O. Note \$7,100,000		2025 Taxable G.O. Note	2025 G.O. Promissory Note \$3,250,000		2025 G.O. Promissory Note	2026 State Trust Fund Loan \$795,000		2026 State Trust Fund	Total	Ongoing Planning & Administration	Total Expenditures	Annual	Cumulative	
						Dated Date:	06/01/25	\$7,100,000 Issue Total	Dated Date:	06/01/25	\$3,250,000 Issue Total	Dated Date:	05/01/26	\$795,000 Issue Total	Debt Service					
2025			212,203	1,250,000	212,203			0			0			0	0	0	0	212,203	212,203	2025
2026		9,549	429,313		1,688,862	0	390,500	390,500	121,875	121,875			0	512,375	0	512,375	1,176,487	1,388,690	2026	
2027	0	62,491	437,819		500,310	50,000	390,500	440,500	100,000	121,875	221,875	23,000	43,725	66,725	729,100	5,000	734,100	(233,790)	1,154,900	2027
2028	0	51,971	258,334		310,305	150,000	387,750	537,750	100,000	118,125	218,125	24,000	42,460	66,460	822,335	5,000	827,335	(517,030)	637,870	2028
2029	351,072	28,704			379,777	225,000	379,500	604,500	125,000	114,375	239,375	26,000	41,140	67,140	911,015	5,000	916,015	(536,238)	101,631	2029
2030	707,394	4,573		850,000	1,561,967	275,000	367,125	642,125	150,000	109,688	259,688	28,500	39,710	68,210	970,023	5,000	975,023	586,944	688,576	2030
2031	719,738	30,986			750,723	300,000	352,000	652,000	150,000	104,063	254,063	30,500	38,143	68,643	974,705	5,000	979,705	(228,982)	459,594	2031
2032	663,271	20,682			683,953	300,000	335,500	635,500	150,000	98,438	248,438	32,000	36,465	68,465	952,403	5,000	957,403	(273,449)	186,145	2032
2033	794,014	8,377			802,391	300,000	319,000	619,000	150,000	92,813	242,813	34,000	34,705	68,705	930,518	5,000	935,518	(133,127)	53,018	2033
2034	976,270	2,386			978,655	300,000	302,500	602,500	200,000	87,188	287,188	36,500	32,835	69,335	959,023	5,000	964,023	14,633	67,651	2034
2035	993,306	3,044			996,350	350,000	286,000	636,000	200,000	79,688	279,688	39,000	30,828	69,828	985,515	5,000	990,515	5,835	73,486	2035
2036	1,010,639	3,307			1,013,946	375,000	266,750	641,750	200,000	72,188	272,188	41,000	28,683	69,683	983,620	5,000	988,620	25,326	98,811	2036
2037	1,028,274	4,447			1,032,721	400,000	246,125	646,125	200,000	64,688	264,688	43,500	26,428	69,928	980,740	5,000	985,740	46,981	145,792	2037
2038	1,046,218	6,561			1,052,778	450,000	224,125	674,125	200,000	57,188	257,188	45,500	24,035	69,535	1,000,848	5,000	1,005,848	46,931	192,723	2038
2039	1,064,474	8,673			1,073,147	525,000	199,375	724,375	200,000	49,688	249,688	48,000	21,533	69,533	1,043,595	5,000	1,048,595	24,552	217,275	2039
2040	1,083,049	9,777			1,092,827	550,000	170,500	720,500	200,000	42,188	242,188	50,500	18,893	69,393	1,032,080	5,000	1,037,080	55,747	273,022	2040
2041	1,101,949	12,286			1,114,235	625,000	140,250	765,250	200,000	34,688	234,688	53,000	16,115	69,115	1,069,053	5,000	1,074,053	40,182	313,204	2041
2042	1,121,178	14,094			1,135,272	625,000	105,875	730,875	225,000	27,188	252,188	55,500	13,200	68,700	1,051,763	5,000	1,056,763	78,509	391,713	2042
2043	1,140,742	17,627			1,158,369	650,000	71,500	721,500	250,000	18,750	268,750	58,500	10,148	68,648	1,058,898	5,000	1,063,898	94,472	486,185	2043
2044	1,160,648	21,878			1,182,526	650,000	35,750	685,750	250,000	9,375	259,375	61,500	6,930	68,430	1,013,555	5,000	1,018,555	163,971	650,156	2044
2045	1,180,901	29,257			1,210,158		0	0		0	64,500	3,548	68,048	68,048	5,000	73,048	1,137,111	1,787,267	2045	
2046	1,201,508	80,427			1,281,935		0	0		0	0	0	0	0	0	5,000	5,000	1,276,935	3,064,202	2046
2047	1,222,474	137,889			1,360,364		0	0		0	0	0	0	0	0	5,000	5,000	1,355,364	4,419,566	2047
2048	1,243,807	198,880			1,442,687		0	0		0	0	0	0	0	0	5,000	5,000	1,437,687	5,857,253	2048
2049	1,265,511	263,576			1,529,087		0	0		0	0	0	0	0	0	5,000	5,000	1,524,087	7,381,340	2049
2050	1,287,594	332,160			1,619,754		0	0		0	0	0	0	0	5,000	5,000	1,614,754	8,996,095	2050	
2051	1,310,063	404,824			1,714,887		0	0		0	0	0	0	0	0	5,000	5,000	1,709,887	10,705,982	2051
2052	1,332,923	481,769			1,814,692		0	0		0	0	0	0	0	0	5,000	5,000	1,809,692	12,515,674	2052
2053	1,356,183	531,916			1,888,099		0	0		0	0	0	0	0	0	5,000	5,000	1,883,099	14,398,773	2053
	26,363,200	2,782,112	1,337,669		2,100,000	32,582,981	7,100,000	4,970,625	12,070,625	3,250,000	1,424,063	4,674,063	795,000	509,520	1,304,520	18,049,208	135,000	18,184,208		
LEGEND: ----- END OF EXP. PERIOD																				

LEGEND:
----- END OF EXP. PERIOD

Financial Feasibility – Phase 1 & 2

- Project costs and projected development to be phased to mitigate impact to the Village.
- In addition to Phase 1 Project Costs, Phase 2 Costs Include:
 - Acquisition of the BMO & BP Property's
 - Demolition and environmental cleanup of sites acquired
 - Infrastructure to serve the development off Mequon Road
 - Professional Service Costs related to acquisition of property, market study and various studies
 - Total estimated cost for Phase 2 is \$11M not including interest on potential future Note Issues for Phase 2.



Financial Feasibility – Phase 1 + 2 (cont.)

- Development assumptions are preliminary and will be refined once developers are engaged and development agreements executed.
- In addition to Phase 1 Development Phase 2 estimated Development Include:
 - BP & BMO Sites:
 - 48 units of multi-family @\$175K per unit built out in 2031.
 - 21K SF of retail development built out in 2030 through 2032
 - Decrement of \$700K once the BMO and BP buildings are demolished
 - Total estimated value of Phase 1 development is \$15.5M



Financial Feasibility – Phase 1 & 2 (cont.)

- Key TID Assumptions & Projected Cashflow
 - Overall TID tax rate is \$13.48 and in we project a drop of .025% each year of the TID. (No Change)
 - Property appreciation increase of 2% annually. (No Change)
 - Interest rates are based upon recent Taxable and Tax-Exempt comparable debt issues. (No Change)
 - Phase 1 & 2 has a positive cashflow assuming both the development assumptions and project costs identified, \$2.1M in land sale revenue, and \$6.2M in other revenue and/or grants.

Town Center: Development Assumptions Phase 1 & 2

Village of Germantown, Wisconsin

Tax Increment District No. 10

Development Assumptions

Construction Year	Flower Store Multi-Family		Ascension Development		Ascension Decrement	Ascension Retail		Phase 2 - Retail		Phase 2 - Residential		Phase 2 Decrement	Annual Total	Construction Year
	Units	Total Value	Units	Total Value	Value	Sq. Ft.	Total Value	Sq. Ft.	Total Value	Units	Total Value	Value		
	300		90			10,000		21,000		48				
Estimated Value		\$175,000		\$ 200,000.00			\$3,750,000				\$175,000			
1 2025													0	2025 1
2 2026													0	2026 2
3 2027		26,250,000											26,250,000	2027 3
4 2028		26,250,000											26,250,000	2028 4
5 2029												(700,000)	(700,000)	2029 5
6 2030					(5,200,000)				3,750,000				(1,450,000)	2030 6
7 2031				9,000,000					3,000,000		8,400,000		20,400,000	2031 7
8 2032				9,000,000			3,750,000		1,125,000				13,875,000	2032 8
9 2033													0	2033 9
10 2034													0	2034 10
Totals		<u>52,500,000</u>		<u>18,000,000</u>	<u>(5,200,000)</u>		<u>3,750,000</u>		<u>7,875,000</u>		<u>8,400,000</u>	<u>(700,000)</u>	<u>84,625,000</u>	

Notes: Phase 2 is the BMO and BP Sites.

Town Center – Phase 1 & 2 Cashflow

Village of Germantown, Wisconsin

Tax Increment District No. 10

Cash Flow Projection

Year	Projected Revenues						Projected Expenditures															Balances		Year			
	Tax Increments	Interest Earnings	Rental Income	Land Sale Revenue	Other Revenue	Total Revenues	2025 Taxable G.O. Note \$7,100,000		2025 Taxable G.O. Note	2025 G.O. Promissory Note \$3,250,000		2025 G.O. Promissory Note	2026 State Trust Fund Loan \$795,000		2026 State Trust Fund	Taxable G.O. Note \$5,655,000		Taxable G.O. Note	G.O. Promissory Note \$5,450,000		G.O. Promissory	Total	Ongoing Planning & Administration		Total		
							Dated Date: Principal	06/01/25 Interest	\$7,100,000 Issue Total	Dated Date: Principal	06/01/25 Interest	\$3,250,000 Issue Total	Dated Date: Principal	05/01/26 Interest	\$795,000 Issue Total	Dated Date: Principal	07/01/29 Interest	\$5,655,000 Issue Total	Dated Date: Principal	07/01/29 Interest	\$5,450,000 Issue Total	Debt Service	Total Expenditures		Annual	Cumulative	
2025			212,203	1,250,000		212,203			0			0			0			0		0	0	0	0	0	212,203	212,203	2025
2026		9,549	429,313		1,688,862	0	390,500	390,500		121,875	121,875				0			0		0	512,375	10,000	522,375	1,166,487	1,378,690	2026	
2027	0	62,041	437,819		499,860	50,000	390,500	440,500	100,000	121,875	221,875	23,000	45,713	68,713		0			0		731,088	10,000	741,088	(241,227)	1,137,463	2027	
2028	0	51,186	258,334			2,809,520	150,000	387,750	537,750	100,000	118,125	218,125	24,000	44,390	68,390		0			0		824,265	10,000	834,265	1,975,255	3,112,718	2028
2029	351,072	140,072				2,991,145	225,000	379,500	604,500	125,000	114,375	239,375	26,000	43,010	69,010		0			0		912,885	10,000	922,885	2,068,260	5,180,977	2029
2030	707,394	233,144		850,000	1,200,000	2,990,537	275,000	367,125	642,125	150,000	109,688	259,688	28,500	41,515	70,015	0	311,025	311,025	0	218,000	218,000	1,500,853	10,000	1,510,853	1,479,685	6,660,662	2030
2031	710,422	299,730				1,010,152	300,000	352,000	652,000	150,000	104,063	254,063	30,500	39,876	70,376	0	311,025	311,025	100,000	218,000	318,000	1,605,464	10,000	1,615,464	(605,312)	6,055,351	2031
2032	703,572	272,491				976,062	300,000	335,500	635,500	150,000	98,438	248,438	32,000	38,123	70,123	100,000	311,025	411,025	200,000	214,000	414,000	1,779,085	10,000	1,789,085	(813,023)	5,242,328	2032
2033	985,964	235,905				1,221,869	300,000	319,000	619,000	150,000	92,813	242,813	34,000	36,283	70,283	100,000	305,525	405,525	200,000	206,000	406,000	1,743,620	10,000	1,753,620	(531,751)	4,710,577	2033
2034	1,186,428	211,976				1,398,404	300,000	302,500	602,500	200,000	87,188	287,188	36,500	34,328	70,828	150,000	300,025	450,025	200,000	198,000	398,000	1,808,540	10,000	1,818,540	(420,136)	4,290,442	2034
2035	1,207,132	193,070				1,400,201	350,000	286,000	636,000	200,000	79,688	279,688	39,000	32,229	71,229	150,000	291,775	441,775	200,000	190,000	390,000	1,818,691	10,000	1,828,691	(428,490)	3,861,952	2035
2036	1,228,196	173,788				1,401,984	375,000	266,750	641,750	200,000	72,188	272,188	41,000	29,986	70,986	150,000	283,525	433,525	200,000	182,000	382,000	1,800,449	10,000	1,810,449	(408,465)	3,453,487	2036
2037	1,249,628	155,407				1,405,035	400,000	246,125	646,125	200,000	64,688	264,688	43,500	27,629	71,129	150,000	275,275	425,275	200,000	174,000	374,000	1,781,216	10,000	1,791,216	(386,181)	3,067,305	2037
2038	1,271,434	138,029				1,409,463	450,000	224,125	674,125	200,000	57,188	257,188	45,500	25,128	70,628	200,000	267,025	467,025	200,000	166,000	366,000	1,834,965	10,000	1,844,965	(435,502)	2,631,803	2038
2039	1,293,621	118,431				1,412,052	525,000	199,375	724,375	200,000	49,688	249,688	48,000	22,511	70,511	200,000	256,025	456,025	200,000	158,000	358,000	1,858,599	10,000	1,868,599	(456,547)	2,175,256	2039
2040	1,316,194	97,887				1,414,081	550,000	170,500	720,500	200,000	42,188	242,188	50,500	19,751	70,251	200,000	245,025	445,025	200,000	150,000	350,000	1,827,964	10,000	1,837,964	(423,883)	1,751,373	2040
2041	1,339,162	78,812				1,417,974	625,000	140,250	765,250	200,000	34,688	234,688	53,000	16,848	69,848	200,000	234,025	434,025	200,000	142,000	342,000	1,845,810	10,000	1,855,810	(437,836)	1,313,537	2041
2042	1,362,530	59,109				1,421,639	625,000	105,875	730,875	225,000	27,188	252,188	55,500	13,800	69,300	200,000	223,025	423,025	200,000	134,000	334,000	1,809,388	10,000	1,819,388	(397,748)	915,788	2042
2043	1,386,306	41,210				1,427,517	650,000	71,500	721,500	250,000	18,750	268,750	58,500	10,609	69,109	200,000	212,025	412,025	200,000	126,000	326,000	1,797,384	10,000	1,807,384	(379,867)	535,922	2043
2044	1,410,497	24,116				1,434,614	650,000	35,750	685,750	250,000	9,375	259,375	61,500	7,245	68,745	200,000	201,025	401,025	200,000	118,000	318,000	1,732,895	10,000	1,742,895	(308,281)	227,640	2044
2045	1,435,111	10,244				1,445,354		0	0		0	0	64,500	3,709	68,209	550,000	190,025	740,025	550,000	110,000	660,000	1,468,234	10,000	1,478,234	(32,879)	194,761	2045
2046	1,460,153	8,764				1,468,917		0	0		0	0			0	650,000	159,775	809,775	550,000	88,000	638,000	1,447,775	10,000	1,457,775	11,142	205,903	2046
2047	1,485,633	9,266				1,494,899		0	0		0	0			0	700,000	124,025	824,025	550,000	66,000	616,000	1,440,025	10,000	1,450,025	44,874	250,777	2047
2048	1,511,557	11,285				1,522,842		0	0		0	0			0	755,000	85,525	840,525	550,000	44,000	594,000	1,434,525	10,000	1,444,525	78,317	329,094	2048
2049	1,537,934	14,809				1,552,743		0	0		0	0			0	800,000	44,000	844,000	550,000	22,000	572,000	1,416,000	10,000	1,426,000	126,743	455,837	2049
2050	1,564,771	20,513				1,585,283		0	0		0	0			0			0			0	0	10,000	10,000	1,575,283	2,031,121	2050
2051	1,592,076	91,400				1,683,476		0	0		0	0			0			0			0	0	10,000	10,000	1,673,476	3,704,597	2051
2052	1,619,858	166,707				1,786,565		0	0		0	0			0			0			0	0	10,000	10,000	1,776,565	5,481,162	2052
2053	1,648,124	246,652				1,894,777		0	0		0	0			0			0			0	0	10,000	10,000	1,884,777	7,365,938	2053
	31,564,769	3,175,593	1,337,669	2,100,000	6,200,000	44,378,031	7,100,000	4,970,625	12,070,625	3,250,000	1,424,063	4,674,063	795,000	532,680	1,327,680	5,655,000	4,630,725	10,285,725	5,450,000	2,924,000	8,374,000	36,732,093	280,000	37,012,093			
----- END OF EXP. PERIOD																											

END OF EXP. PERIOD

Financial Feasibility – Summary

- Financial Summary:
 - Final project costs and development will be negotiated with potential developers.
 - Current projections assume conservative estimates for project costs. The Village will seek grants and other funding sources to reduce the overall financial impact.
 - When applicable, the Village will negotiate MRO's vs. the Village borrowing for various costs. This will reduce the overall cost of the project.
 - Phases to the south will be vetted to determine financial viability prior to the Village moving forward.
 - This analysis does not project increment from other areas of the TID.

Tentative TID Creation Key Dates

- February 2025: Village Board decision to move forward with the TID creation.
- Late February: Notices go out to property owners in the proposed TID boundary.
- March 10th: Initial JRB & Plan Commission Public Hearing
- April 7th: Village Board Action to Create the TID
- Late April: Final Joint Review Board Approval
- Fall 2025: TID Submittal to the DOR

Important Disclosures

Ehlers is the joint marketing name of the following affiliated businesses (collectively, the “Affiliates”): Ehlers & Associates, Inc. (“EA”), a municipal advisor registered with the Municipal Securities Rulemaking Board (“MSRB”) and the Securities and Exchange Commission (“SEC”); Ehlers Investment Partners, LLC (“EIP”), an SEC registered investment adviser; and Bond Trust Services Corporation (“BTS”), a holder of a limited banking charter issued by the State of Minnesota.

Where an activity requires registration as a municipal advisor pursuant to Section 15B of the Exchange Act of 1934 (Financial Management Planning and Debt Issuance & Management), such activity is or will be performed by EA; where an activity requires registration as an investment adviser pursuant to the Investment Advisers Act of 1940 (Investments and Treasury Management), such activity is or will be performed by EIP; and where an activity requires licensing as a bank pursuant to applicable state law (paying agent services shown under Debt Issuance & Management), such activity is or will be performed by BTS. Activities not requiring registration may be performed by any Affiliate.

This communication does not constitute an offer or solicitation for the purchase or sale of any investment (including without limitation, any municipal financial product, municipal security, or other security) or agreement with respect to any investment strategy or program. This communication is offered without charge to clients, friends, and prospective clients of the Affiliates as a source of general information about the services Ehlers provides. This communication is neither advice nor a recommendation by any Affiliate to any person with respect to any municipal financial product, municipal security, or other security, as such terms are defined pursuant to Section 15B of the Exchange Act of 1934 and rules of the MSRB. This communication does not constitute investment advice by any Affiliate that purports to meet the objectives or needs of any person pursuant to the Investment Advisers Act of 1940 or applicable state law.

NEXT STEPS



DEVELOPER ENGAGEMENT

Request for Qualification (RFQ) -

- Gauging interest from development partners for the first phase (multifamily) has been conducted.
- Positive feedback has been received, and many are interested in taking the next step.

Next Step Would be Request for Proposal (RFP) -

- If approved tonight by the Board, the next step is to issue an RFP to qualified developers.
- **Competitive process:** Developers will present what they need from the Village to make the development a success.
- Transparency regarding the financial details.
- Negotiations for the best interest of the Village



January 30, 2025

Request For Qualification For Multi-Family Developer Phase I

Village of Germantown

COMMUNITY & BOARD DECISION

Tonight, we ask the community and the Board if they are ready to take the next steps.

Next Steps:

- ☐ Vote on Acquiring the first phase of properties.

IF Village Board Approves Acquisitions, THEN:

- ☐ Continuing the planning process for the future of Germantown.
- ☐ Create a Tax Increment District
- ☐ Develop Village Center Zoning District
 - Village Staff, RINKA and Planning Commission
 - Schedule: Planning Commission – March 24th
- ☐ Create Design Guidelines
 - Village Staff, RINKA and Planning Commission
- ☐ Move forward with Developer RFP Process



COMMENTS & QUESTIONS



CopeLand Real Estate Services LLC
CopeLand Brokerage LLC

THANK YOU!

VILLAGE BOARD MEETING

February 17, 2025



**Village of Germantown
Planning Commission
February 10, 2025**

**Question and Answers
Summary of Public Comments**

1. Who is going to pay for the project? Will the development company pay? Why should the Village pay for development?

Ultimately, the developer will pay for the project. However, it is not unusual in projects like this for the local government to contribute in some manner in order to incentivize the developer to develop to higher standards and to include public elements within the overall development. In the case of this project, whether the Village contributes (and if so, how) has yet to be determined. Ehlers, the Village's financial advisor, will be at the Village Board meeting on February 17, 2025, to discuss various funding options. These options include providing some initial funding or financial support, including grants, loans, or tax incentive tools such as TIF (Tax Incremental Financing). The Village might also provide land, infrastructure, or regulatory support to facilitate the project. Outside of any financial support the Village might provide, the developer usually contributes the majority of the funding for the development. They may invest directly in the project, raise funds through private investors, or use their own financial resources.

2. Will the project increase property tax bills?

It depends on the nature and amount of any financial contribution to the project made by the Village, and the method of financing that contribution. If traditional funding tools are utilized, such as TIF, there is no increase residents' tax bills. Under TIF, costs are paid by capturing the additional tax revenue generated from development within the district, which is reinvested into the project. As long as the development is successful and leads to a higher property value, the municipality can benefit without raising taxes across the entire community.

3. What will happen to existing businesses?

The first phase of the development does not impact existing businesses, as the business that previously occupied the first properties, The Flower Source, chose to close on their own, leaving the property in a blighted condition. Conversations have taken place with surrounding property owners and businesses, and if they choose to participate in the development, most have options to be part of the new project, relocate, or proceed with their future plans as they see fit.

4. Will the project create a "heart" of the community for both current and future generations?

The goal of the development project is to implement the plans from the 2050 vision, in which existing residents had the opportunity to participate. The new development, also referred to as the new gateway or "heart" of the village, is designed for everyone in the community. It aims to attract visitors from outside of Germantown and create a place that residents can be proud of and enjoy.

5. Would like to see the inclusion of green space and nature walks.

Green space will be incorporated into the development, as there is a large wetland area on the east side of the potential redevelopment zone. The vision is to add walking trails and create connections through this area.

6. Is there enough parking for residents and customers?

During the planning process, parking is carefully considered and will be provided to meet the needs of the development. The Village is committed to ensuring there is ample parking for all the different uses within the development. The Village team has also engaged with brokers, developers, and community stakeholders—especially for larger community events—to confirm their parking needs, which will be incorporated into the master development plan.

7. Need to explain TIDs

At the Village Board meeting on Monday, February 17, 2025, Ehlers, the Village's financial advisor, will provide a detailed explanation of what a Tax Increment District (TID) is and how the Tax Increment Financing (TIF) tool is used. Here is a high-level explanation of a TID:

A **TID** stands for **Tax Incremental District** or **Tax Increment District**. A TID is a designated area within a municipality where development or redevelopment is expected to increase the value of properties over time. **TIF** stands for **Tax Increment Financing**. TIF is the financial tool used to finance certain allowable costs associated with development. The taxes generated by the increase in property value (or "tax increment") generated by new development are captured and used to finance infrastructure improvements or other projects within the district.

Here's how it works:

- **Establishing a TID:** A municipality creates a TID in a specific area, such as a blighted area or underdeveloped land, to spur development in that area which is not otherwise occurring.
- **Capturing Incremental Taxes:** As the property values increase within the district due to the development (the "increment"), the increased property tax revenue generated by the increment is set aside and used to fund public improvements like roads, utilities, or other infrastructure.
- **Financing Projects:** The tax increment can be used to pay for the infrastructure or development costs, which benefits both the area within the TID and the broader community in the long term.

TIDs are often used as a tool to encourage economic growth, attract investment, and revitalize areas that need improvement, without requiring an increase in taxes for residents outside the district.

8. Are we confident that businesses will use the retail space?

Building a mixed-use development can be a great way to create a vibrant community, but there's no guarantee that businesses will use the retail space, as success depends on a number of factors. However, the Village is working closely with consultants, brokers, and developers to use all available tools to set the development up for success, though there are no guarantees. The Village has conducted a market study that shows there is demand in the marketplace and has selected a location ideal for retail growth. They understand the need to create a high-density residential area to attract businesses and are developing an offering that will incentivize and support tenants while attracting the right businesses. The Village also recognizes the importance of working with a reputable developer who understands the market and knows how to attract sought-after businesses.

Businesses are typically cautious about committing to new areas unless there is a clear vision for long-term growth and sustainability, which is why a master plan is being thoughtfully created. One of the main drivers in new retail development, and maintaining existing development, is population. The Village is focused on creating the most desirable area for existing businesses to thrive while also attracting new ones. Other communities that have sought similar developments have taken similar steps and have been successful in creating retail spaces that both the community and businesses are drawn to and enjoy. This is the goal of the Village—to achieve the same success as those communities in creating a thriving and attractive retail environment.

9. Question related to the southern part of the development: clarification on the density of residential development on the southern portion of the development.

The future development areas on the southernmost part of the potential redevelopment zone would be planned to have a lower concentration of housing to blend with the neighborhood to the south. While there are no defined plans for this area at this point, a thoughtful development approach would maintain a higher concentration of housing in the middle of the redevelopment zone, extending northward toward Mequon Road, where there is a natural buffer to surrounding neighborhoods. The housing density would gradually decrease as you move south, but this would only occur as there is desire to develop the area.

10. Local real estate agent loves the idea of a central gathering space for Germantown, has questions:

o Should we rely on a private developer to implement project?

The Village will be selecting a private developer to implement the project; however, to ensure its success and meet the needs of the community and residents, it will require a public-private partnership.

o How will project impact adjacent property owners?

A carefully planned mixed-use development can have positive impacts on adjacent property owners, including increased property values, improved infrastructure, and potential business opportunities from higher foot traffic. It can also foster a more vibrant and desirable community. However, concerns such as increased traffic, changes in neighborhood character, and construction disruptions may arise. To address these, a well-thought-out development plan can include buffer zones, community engagement, traffic management, and design integration, ensuring the development complements the surrounding area and meets the needs of current property owners. By balancing growth and community values, the project can benefit both new and existing residents. The Village has carefully worked through this project, taking steps to ensure that the impact is more positive than negative.

11. Will there be enough parking for special events?

The adequacy of parking for a special event in any location depends on factors such as event size, parking availability, and the development's design. A well-planned development typically includes a mix of parking options, but larger events may require additional spaces. To accommodate peak demand, flexible parking solutions, off-site options, and alternative transportation like ridesharing can help manage the crowd. Event logistics should be considered during planning to ensure sufficient parking or overflow solutions are in place. While existing parking may be sufficient for smaller or mid-sized events, larger events will require extra measures to meet demand. The development is taking every measure to maximize the available parking.

12. Mequon Road hasn't changed in at least 20 years, and needs to be updated like Mequon did or the Crossroads in Brookfield.

Many residents agree with this comment which came out in the 2050 comprehensive plan and why the Village has decided to take the steps towards creating a development that community is seeking. In the case of the Mequon and Brookfield developments, as well as similar developments in other communities, a public-private partnership has been critical to their success.

13. Does project qualify for TID, with the amount of residential development?

Yes, Ehlers will provide more details on this topic during the Village Board meeting on Monday, February 17, 2025. However, the 35% newly platted residential restriction does not apply to parcels that have already been platted. Since this area has already been platted, it qualifies.

14. Would the project be disruptive to the existing businesses?

A new development can potentially be disruptive to existing businesses, especially during the construction phase, as it may involve noise, traffic congestion, or temporary changes in accessibility. However, the level of disruption largely depends on the scale and type of the development, as well as how well the process is managed. Thoughtful planning can help mitigate these disruptions by ensuring proper traffic management, clear communication with businesses, and minimizing construction impacts. Additionally, if the development is well-designed, it can eventually benefit existing businesses by attracting more foot traffic, increasing visibility, and enhancing the overall appeal of the area. In the long run, a successful development may lead to increased demand for goods and services, benefiting businesses in the surrounding area.

15. How will we know if the project has the support of the full community?

The Village has made every effort to gather as much community input as possible, understanding that while it is important to engage residents, it's impossible to involve every individual. Through public meetings, surveys, and other forms of outreach, the Village has worked to ensure that a broad range of voices are heard, but we recognize that not all residents will participate. It is also important to note that, in any endeavor involving the community as a whole, it is virtually impossible to satisfy every individual. Nonetheless, we are committed to considering the feedback received and making decisions that reflect the overall needs and interests of the community at large.

16. Why are we placing a music venue next to a large number of new homes?

Placing a music venue or community event space with live music next to a number of new homes can be a strategic decision, but it requires careful consideration of factors such as noise, traffic, and community impact. One reason for this placement is to create a vibrant, mixed-use area where entertainment, residential living, and other amenities are integrated, providing a lively and diverse community experience. This can also help attract visitors, boost local businesses, and offer a draw for residents who value having entertainment options nearby.

A majority of new residential housing units will understand and be aware of the type of community they are choosing to live in and may actively desire to be part of that dynamic environment. To minimize potential issues, careful planning is necessary to ensure the venue is thoughtfully designed, with event times and noise levels managed to avoid negatively impacting the residential area. Additionally, the placement of the venue is part of a larger master plan to develop a "town center" or entertainment district, where different uses coexist harmoniously. Buffering and community involvement are critical to addressing concerns and ensuring the music venue enhances

the neighborhood rather than detracts from it. The Village is taking these measures and engaging with the appropriate community stakeholders to ensure these factors are considered during the planning process.

17. Who owns the properties now?

The properties in the redevelopment zone are currently owned by a variety of different individuals or entities.

18. Is the Village in jeopardy of losing the property to developers who might want to put something like a car wash?

Yes, the Village could be at risk of losing the opportunity to guide the development of the area if it does not actively engage in the process. Since the properties in the redevelopment zone are privately owned, the current landowners have the right to develop their properties according to existing zoning regulations. Without the Village's involvement, property owners could potentially choose to pursue developments that may not align with the community's vision, such as a car wash or other uses that might not be in line with the larger plan for the area.

By taking a proactive role, such as creating a public-private partnership or using planning tools like Tax Increment Financing (TIF), the Village can help steer the development in a direction that aligns with community goals and the vision for a vibrant, mixed-use space. Without this intervention, there's a risk that the area could develop in ways that don't maximize its potential for community growth or long-term value.

19. Who would own the buildings when the project is done? Who would own the public spaces?

In a mixed-use development project, the private developer typically owns most of the buildings, including residential, retail, and commercial spaces, as they invest in constructing and leasing these areas. The public spaces, such as parks, plazas, and streets, are usually owned by the Village or another public entity, ensuring they remain accessible to the community. In some cases, there may be shared ownership or management of certain areas, like parking lots or walkways, depending on the development agreement. Ownership details are typically outlined in a public-private partnership agreement, which specifies who owns what parts of the project and how public spaces are maintained and managed for community benefit.

20. Who would own the homes? Would they be rentals or condos?

The ownership of the homes in a mixed-use development would typically depend on the specific project and its design. In some cases, the homes may be sold as condominiums, where individual buyers own their units, while shared spaces (such as hallways or amenities) are owned collectively by all condo owners. Alternatively, the homes could be rental units, where the private developer or a management company owns the buildings and leases the units to tenants. The decision between rentals or condos often depends on the developer's goals, market demand, and the overall vision for the development. However, it is too early to determine the final ownership structure until developers are engaged and the specific plans for the project are finalized.

21. Resident welcomes development that is not stand-alone buildings or strip malls but believes we currently have too many vacant apartments.

It's understandable that residents are welcoming a development that avoids stand-alone buildings or strip malls, as mixed-use developments can create a more vibrant and integrated community

atmosphere. However, the concern about too many vacant apartments is also valid. The Village has conducted a market study, which indicates there is demand for apartments in the area. The current vacancy rate for apartments within Germantown and the surrounding areas is less than 5% (based on current market studies and statistics), suggesting a need for additional housing. The Village is focusing on creating a balanced approach that offers a variety of housing types and uses while considering the existing vacancy rates. The goal is to ensure the development adds value to the community, attracts the right mix of businesses, and provides residential options that meet current demand without overwhelming the market. Through careful planning, market studies, and community feedback, the Village has made informed decisions to ensure the new development addresses these concerns and contributes to the long-term growth and success of the area.

22. Residents want more choices for shops, restaurants in Germantown.

It's clear that residents desire more diverse options for shops and restaurants in Germantown, a common request in many communities aiming to enhance their local offerings. The Village recognizes this desire and is actively working towards creating a development to meet those needs. All available information confirms that one of the main drivers in new development of this desired nature is population. A mixed-use development can bring a variety of retail, dining, and entertainment options, contributing to a more vibrant community. Through careful planning, market studies, and engagement with potential business tenants, the Village aims to attract the right mix of businesses that will provide residents with the choices they're seeking, while also boosting the local economy and fostering a dynamic atmosphere. The goal is to introduce new amenities that complement existing offerings in Germantown, making the area a more desirable place to live, shop, and dine.

23. Is the market area too small for success?

The size of the market area or public space within a mixed-use development is an important consideration, but it is not the only factor determining success. A well-designed, smaller space can still be highly effective if it is thoughtfully planned and strategically utilized. The Village has conducted market studies that indicate there is demand for the types of businesses and amenities planned, and the public spaces are designed to foster community engagement and attract visitors. These spaces, while not vast, can still offer significant value when they are integrated with the surrounding development and provide a variety of functions like events, gatherings, and leisure activities.

The development team has also met with community stakeholders who would most likely use this area for their events to ensure that the space is appropriately designed to meet their needs. Currently, the largest event in the area, Mai Fest, and their current tent, would be accommodated within this planned space. While there may be larger events in the future that might not be suitable for this space, the goal is to maintain flexibility in the design to accommodate a wide range of activities. Additionally, the team is mindful of land constraints and is working within the available area to make the best use of the space. Proper planning and effective management of the space will be key to ensuring its success, regardless of its size.

24. Will the amount of high-density housing lead to parking shortages and congestion?

During the planning process, parking is carefully considered and will be provided to meet the needs of the development. The Village is committed to ensuring there is ample parking for all the different uses within the development. The Village team has also engaged with brokers, developers, and

community stakeholders—especially for larger community events—to confirm their parking needs, which have been incorporated into the master development plan.

25. Need to explain how many meetings there will be in the approval process.

The approval process for the development has involved multiple meetings, including initial planning, discussions with the Village Board and Plan Commission, public hearings, and ongoing community engagement. During the meeting on February 17, 2025, the next steps in the process will be outlined. On that day, the Village Board will vote on whether to proceed with the development or not. This meeting will serve as a key milestone in determining the project's future and offer an opportunity for community input and further discussion.

26. Who is going to manage the MarketPlatz?

The management of the MarketPlatz has not yet been determined, but it will be addressed as part of the next steps in the planning process. As the development moves forward, the Village will collaborate with stakeholders to determine the most appropriate approach for managing the space. This could involve a private entity, a property management firm, a public-private partnership, a department within the Village, or another option. The goal is to ensure that the MarketPlatz is effectively maintained and operated, meeting the needs of the community and contributing to the overall success of the development.

27. How is the project going to be funded?

This has yet to be determined and will be discussed further at the Village Board meeting on Monday, February 17, 2025, where Ehlers, the Village's financial advisor, will go into detail on funding options.

28. What criteria will the Village Board use to decide whether to fund the project or not?

Obviously, staff cannot know with certainty what criteria any individual Board member will utilize in reviewing the project. Historically, the Village Board has considered several key criteria when deciding whether to fund projects or not. These factors have included the overall economic impact of the development, such as potential job creation, increased property values, and revenue generation for the Village. The Board also evaluates the alignment of the project with the Village's long-term goals, including the need for housing, retail options, and community amenities. Public feedback and support, as well as the quality of the proposed development plan, also plays a significant role in the decision-making process. Additionally, the financial feasibility of the project, including the funding structure and the potential for a sustainable return on investment, is carefully assessed to ensure that it is a responsible and beneficial decision for the community.

29. Has a traffic study been done with an analysis of impact of additional development?

Yes, a Traffic Impact Analysis (TIA) has been conducted based on conceptual densities for the development. This initial study provides an understanding of how the development may affect traffic patterns and infrastructure. As the development plans are finalized and more specific details are established, the TIA will be updated to ensure that the traffic impact is thoroughly evaluated and any necessary improvements or mitigations are incorporated to address potential issues.

30. Will Village Board discussion next week be in open session?

Yes, a presentation will be given in open session, with public comment available and discussion from the commissions. However, this item was posted to provide the Board with the option to go into

closed session to discuss negotiating strategy related to the acquisition of the properties if they feel it is necessary.

31. Why is this a time sensitive matter?

The most time-sensitive aspect of this proposal is that the Village Board needs to make a decision whether to complete the acquisition of the properties currently under contract. The Village Board needs to decide whether to acquire the land and proceed with the project or allow the land to be released. If the decision is made to move forward with the acquisition, there will be additional planning to complete, and developers will need to be engaged to begin the next phase of the development. Delaying this decision, or allowing the current purchase contracts to expire, could result in losing the opportunity to secure the land, and the project could be impacted by shifting market conditions, financing challenges, or competing development plans.

32. Why has the plan not been presented to the Economic Development Commission?

Section 1.379 establishes the powers and duties of the Economic Development Commission. In short, those powers and duties center around the Village's policies and programs related to encouraging economic development. The Commission is not empowered under the municipal code to review and approve individual development proposals. With that said, an update on the potential redevelopment of the Pilgrim/Mequon area was presented to the Economic Development Commission on January 7, 2025. Since that meeting, there have been additional community open houses that members of the Economic Development Commission were welcome to attend.

33. Will Ehlers present TID analysis in open session?

Yes.

34. Strongly in favor of the proposed development being privately funded.

35. This would be the first TID for residential development.

It is true that the Village has not previously utilized a TID where there was a significant residential component to the development. However, utilizing a TID for some residential development is legally allowed provided that the nature of the development is consistent with the statutory requirements.

36. How will the additional residential effect the school district?

Studies have shown that multifamily housing does not place undue strain on local public schools. The concern that multifamily developments will bring in too many families with school-age children while yielding lower tax revenues is often based on a misconception. In reality, residents of multifamily housing typically have fewer children than those in single-family homes. Additionally, the net impact of multifamily housing on a municipality's fiscal health tends to be positive, especially when considering the increase in tax revenues generated by the development.

BLACKSTONE CREEK – VILLAGE OF GERMANTOWN LAND EXCHANGE DISCUSSION

03/10/25 Plan Commission Meeting

Blackstone Creek LLC / Heimat Group

Village Staff Report & Recommendation

Germantown, Wisconsin

In January 2025, Blackstone Creek LLC, a division of the Heimat Group, submitted a proposal to the Village to consider the exchange of portions of property owned by the Village and the Blackstone Creek Golf Course owned by Heimat. The purpose of the exchange is to facilitate the development of a new residential neighborhood on portions the Blackstone Creek Golf Course by Heimat and expansion of the Village's Haupt Strasse Park.

Staff presented the proposal to the Village Board on January 20th and requested feedback on how to proceed. The Board directed staff to gather additional information regarding the proposal that the Board would consider before making a decision to proceed with negotiations or not, including: gathering feedback from the Parks & Rec Commission and Plan Commissions, looking into the suitability and usability of the golf course land that would transfer to the Village, potential park & recreation related uses of the property, and priorities for the public.

Four documents are included in the packet for review by the Plan Commission, including: the proposal submitted by the Heimat Group; a map showing the extent of 100-year floodplain and wetlands across the properties; a conceptual drawing of potential park uses completed by Graef several years ago when a similar proposal was considered by the Village; and a recent drawing of potential uses prepared for the Village pro bono by Trustee Baum.

The same information was presented to the Park Commission in February by the Village Administrator, Steve Kreklow. Admin Kreklow will give a brief presentation of the proposal and answer any questions from the Plan Commission.

No action is to be taken by the Plan Commission. The purpose of this discussion item is for the Plan Commission to review and comment on the proposal. Your comments, questions and concerns will be shared with the Village Board. If the Village Board agrees to move forward, the Plan Commission is required to make a formal recommendation to the Board regarding the acquisition/exchange of land.

HEIMAT

January 10, 2025

Village of Germantown
c/o Dean Wolter, Steve Kreklow and Jeff Retzlaff
N112 W17001 Mequon Road
Germantown, WI 53022

RE: Proposed Exchange Agreement

Dear Messrs. Wolter, Kreklow and Retzlaff,

On behalf of Blackstone Creek LLC, a development affiliate of The Heimat Group Inc., we are presenting the attached Exchange Agreement to the Village of Germantown for consideration. It is our intent to work with the Village to exchange various parcels of land in and around the existing Blackstone Creek Golf Course to assemble, plan and develop a mixed-use community generally consistent with the vision for the Village Center District as adopted in the Village of Germantown 2050 Comprehensive Plan.

With the closure and relocation of the Village Recycling Center at the end of 2024, there is an opportunity to incorporate some of that land into adjacent development parcels along Main Street., fostering an activity center at the West end of Main Street and enabling public access to the Menomonee River. The proposed Exchange Agreement, if properly executed, would enable the assemblage of potential development parcels while providing an opportunity for the Village to expand and re-imagine Haupt Strasse Park taking advantage of river access and bringing much needed population to the Village Center District via Main Street to support revitalization efforts.

Once the development parcels are assembled, we would collaborate with Village Planning staff to further our intended conceptual design while incorporating the Village Center District design intent for Main Street, expansion of Haupt Strasse Park and activation of the Menomonee River and much of Blackstone Creek as open space and public park land. Our preliminary conceptual planning calls for a mixed-use, mixed housing development with approximately 350 to 425 residential units that would unfold in several phases over a number of years. The land at the intersection of Mequon Road and Division Road is intended to be a mix of commercial and residential uses, focusing commercial uses along Mequon Road and transitioning to residential uses as the site moves to the North. The residential housing uses will generally consist of a mix of market rate rental residences in varying types including two-story garden style units, row-style townhome units and traditional multi-story apartment buildings. The housing will be high quality, market rate units of varying sizes, styles and price points in order to attract and satisfy a range of housing demand that continues to exist within the Village. The newly planned community will offer residents onsite amenities but will also leverage the proximity of the intended public park and Village Center amenities. Site design will incorporate connectivity with planned Village bike/walking paths in and about the expanded Haupt Strasse Park and proximal infrastructure.

It is still very early in our planning efforts but in order to advance those efforts, it is important that we explore and determine the Village's interest in pursuing this Exchange Agreement to assemble the development parcels. This is the first step in a long planning and review process and we look forward to your thoughts on moving this forward. Please review the attached and let us know if you have further questions. Thank you in advance for your consideration of this request.

Sincerely,

BLACKSTONE CREEK LLC.
By THE HEIMAT GROUP INC.

A handwritten signature in black ink, appearing to be 'JS' followed by a stylized flourish.

Jim Sedgwick
Principal

A handwritten signature in black ink, appearing to be 'JFL' followed by a stylized flourish.

Joseph F. Lak II
Principal

EXCHANGE AGREEMENT

This Exchange Agreement (the “**Agreement**”) is entered into by and between Blackstone Creek, LLC, a Wisconsin limited liability company (“**Blackstone**”) and the Village of Germantown, Wisconsin (the “**Village**”) as of the Effective Date.

RECITALS:

A. Blackstone is the fee simple owner of that certain real property, and any and all rights and interests appurtenant thereto, identified as parcel number 211979 situated in the Village of Germantown, Washington County, Wisconsin, and consisting of approximately 153.94 acres, more or less, of land (the “**Existing Blackstone Property**”), as the same is generally depicted on the attached and incorporated Exhibit A.

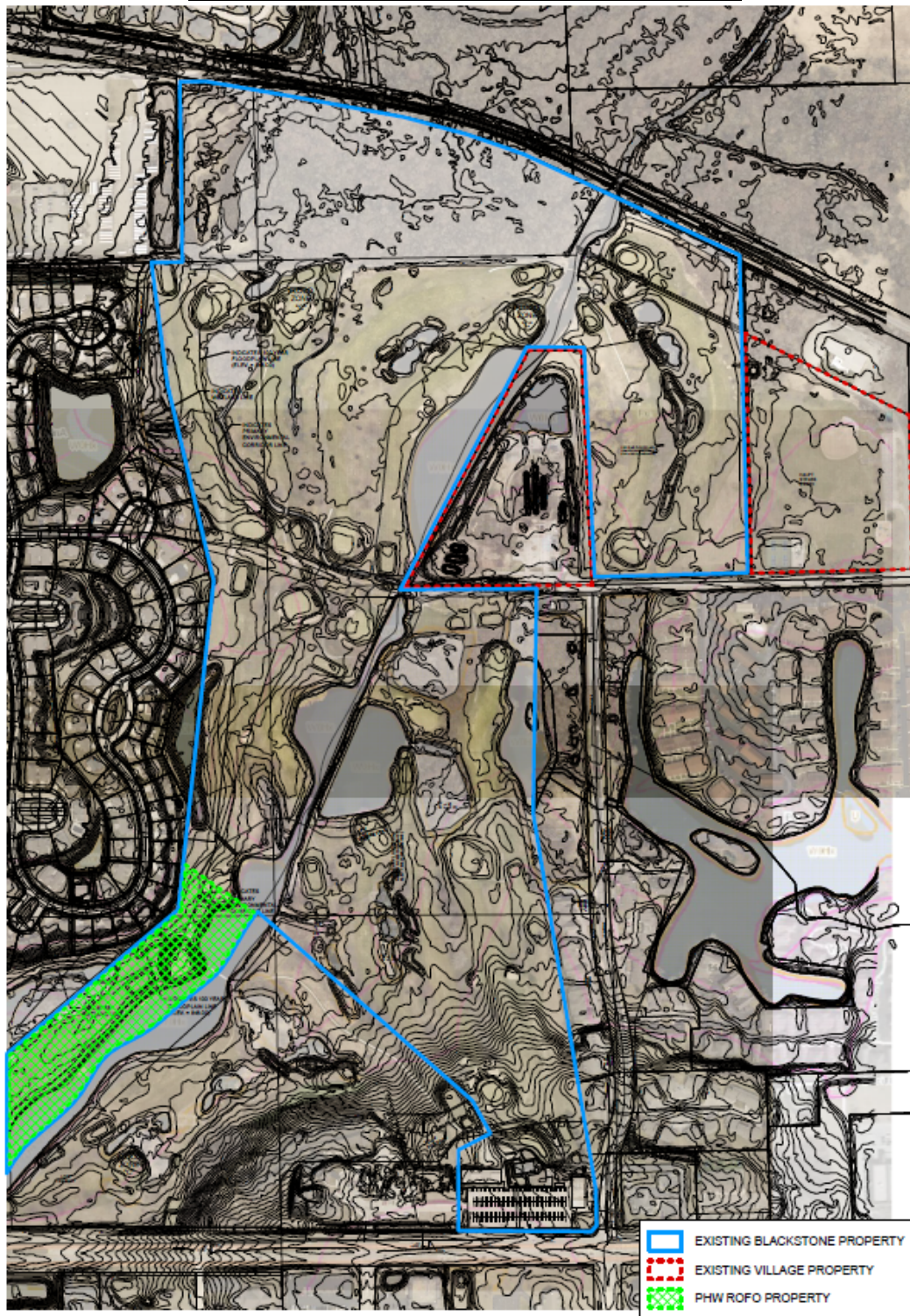
B. An up to 20 acre portion of the Existing Blackstone Property, as generally depicted on the attached and incorporated Exhibit A and as further described in the ROFO Agreement (the “**PHW ROFO Property**”), is subject to that ROFO Waiver Agreement dated August 8, 2022, as subsequently amended (the “**PHW ROFO Agreement**”), by and between Blackstone (as successor in interest to The Heimat Group, a Wisconsin limited liability company) and PHW Germantown, Inc., a Wisconsin nonstock corporation (“**PHW**”), which grants certain rights to PHW to purchase the PHW ROFO Property for purposes of facilitating PHW seeking approval for an increased number of age restricted housing units on its property in compliance with density requirements under applicable zoning ordinances.

C. The Village is the fee simple owner of that certain real property, and any and all rights and interests appurtenant thereto, identified as parcel number 211999 (consisting of approximately 10.5 acres, more or less, of land) and parcel number 222983 (consisting of a total of approximately 12.7 acres, more or less, of land) situated in the Village of Germantown, Washington County, Wisconsin (the “**Existing Village Property**”), as the same is generally depicted on the attached and incorporated Exhibit A. Together, the Existing Blackstone Property and the Existing Village Property may be referred to herein as the “**Existing Properties**”.

D. Blackstone and the Village have agreed to exchange portions of the Existing Properties, and the Village has agreed to pay the difference in value between the portions of the Existing Properties being exchanged, all upon the terms and conditions set forth herein.

E. Blackstone intends to develop the Blackstone Property (defined below) after completion of the Exchange (as defined below) into a mixed use, mixed housing commercial/residential community generally consistent with the Village Center District guidelines as adopted in the Village of Germantown 2050 Comprehensive Plan as further described herein.

EXHIBIT A - Depiction of Existing Properties



**TK
WA**

The Kubala Washatko Architects, Inc.
W61 N617 Mequon Avenue
Cedarburg, WI 53012
p: 262.377.6039 | f: 262.377.2954

BLACKSTONE CREEK
SCALE: 1" = 350'-0"

297120
JANUARY 10, 2025

ALL INFORMATION SHOWN IS FOR ILLUSTRATIVE
PURPOSES ONLY.
ACTUAL EXTENTS AND LIMITS TO BE VERIFIED PER
CERTIFIED SURVEY MAPPING.

EX-A

EXHIBIT B - Depiction of Exchange Parcels



TKWA
The Kubala Washatko Architects, Inc.
W61 N617 Mequon Avenue
Cedarburg, WI 53012
p: 262.377.6039 | f: 262.377.2954

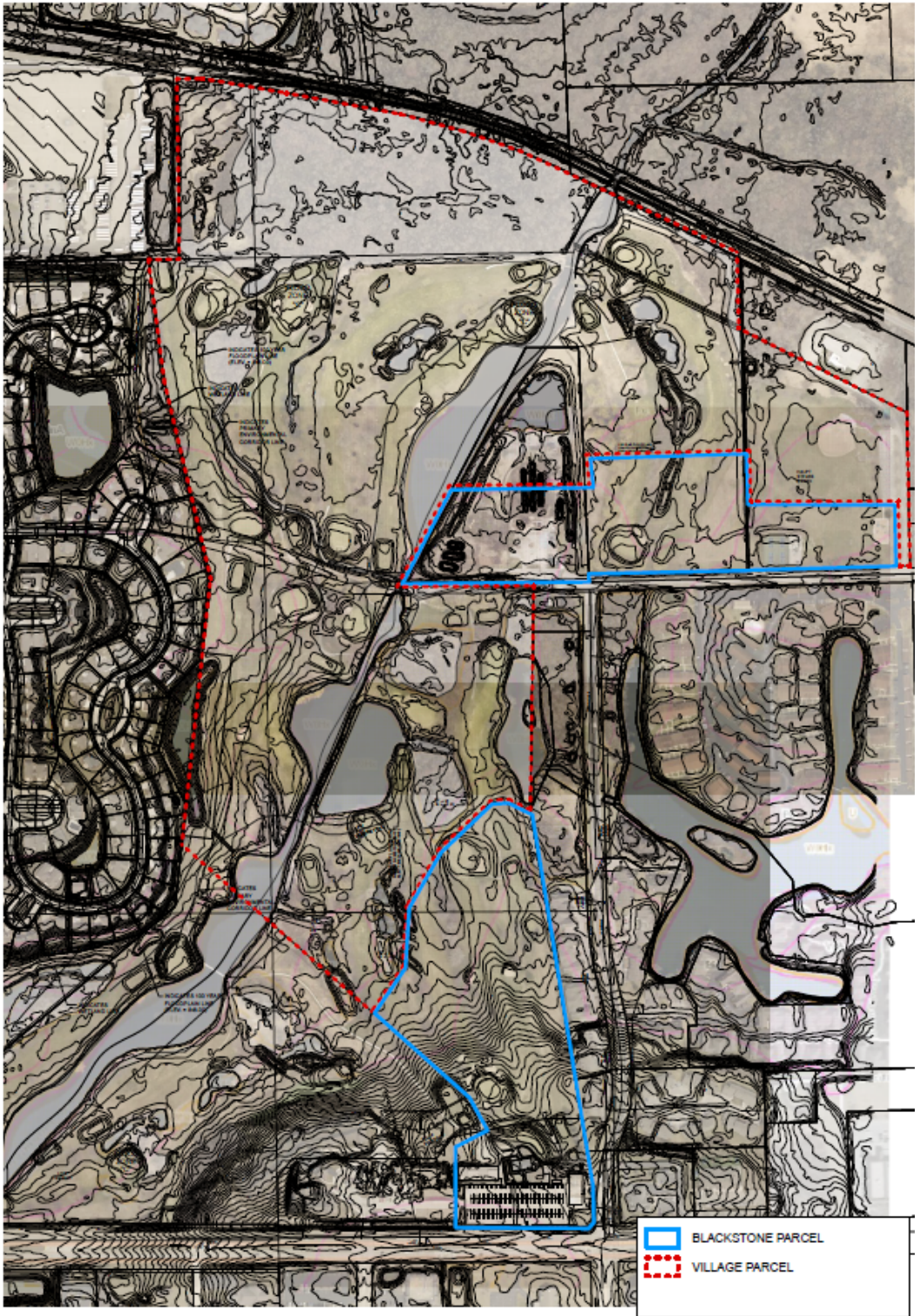
BLACKSTONE CREEK
SCALE: 1" = 350'-0"

237120
JANUARY 10, 2025

ALL INFORMATION SHOWN IS FOR ILLUSTRATIVE
PURPOSES ONLY
ACTUAL EXTENTS AND LIMITS TO BE VERIFIED FOR
CERTIFIED SURVEY MAPPING.

EX-B

EXHIBIT C - Depiction of Final Property Boundaries



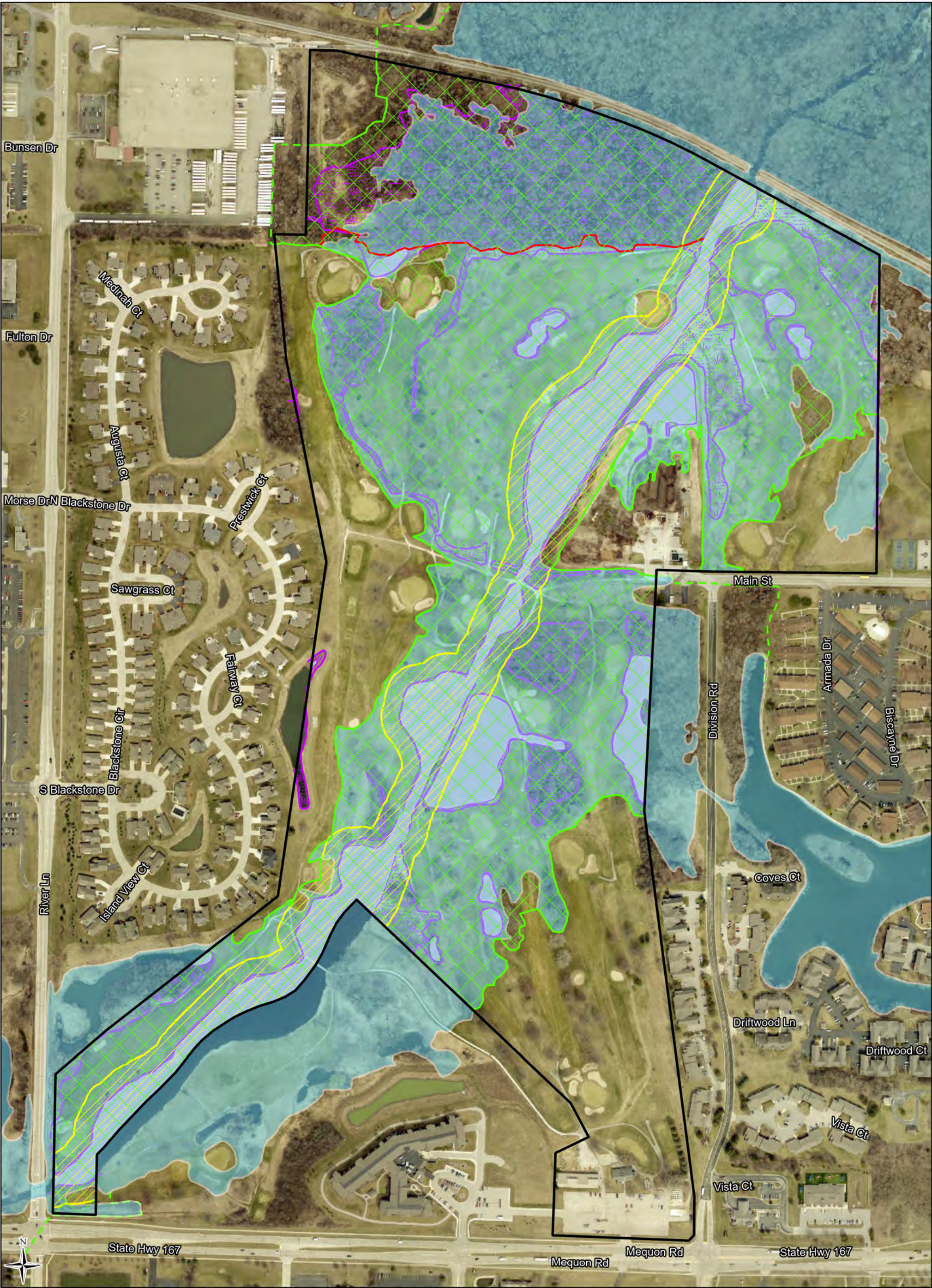
The Kubala Wachafko Architects, Inc.
W51 N517 Mequon Avenue
Cedarburg, WI 53012
p: 262.377.6039 | f: 262.377.2954

BLACKSTONE CREEK
SCALE: 1" = 350'-0"

237120
JANUARY 10, 2025

ALL INFORMATION SHOWN IS FOR ILLUSTRATIVE
PURPOSES ONLY.
ACTUAL EXTENTS AND LIMITS TO BE VERIFIED FOR
CERTIFIED SURVEY MAPPING.

EX-C



- Study Area (164.44 ac)
- Primary Environmental Corridor (PEC) (117.01 ac)
- Navigable Waterway 75' Buffer
- FEMA 1% Annual Floodplain/Zone AE
- Waterway/Waterbody (17.48 ac)
- Off-site PEC Boundary
- Off-site Wetland Boundary
- Woodland Dripline

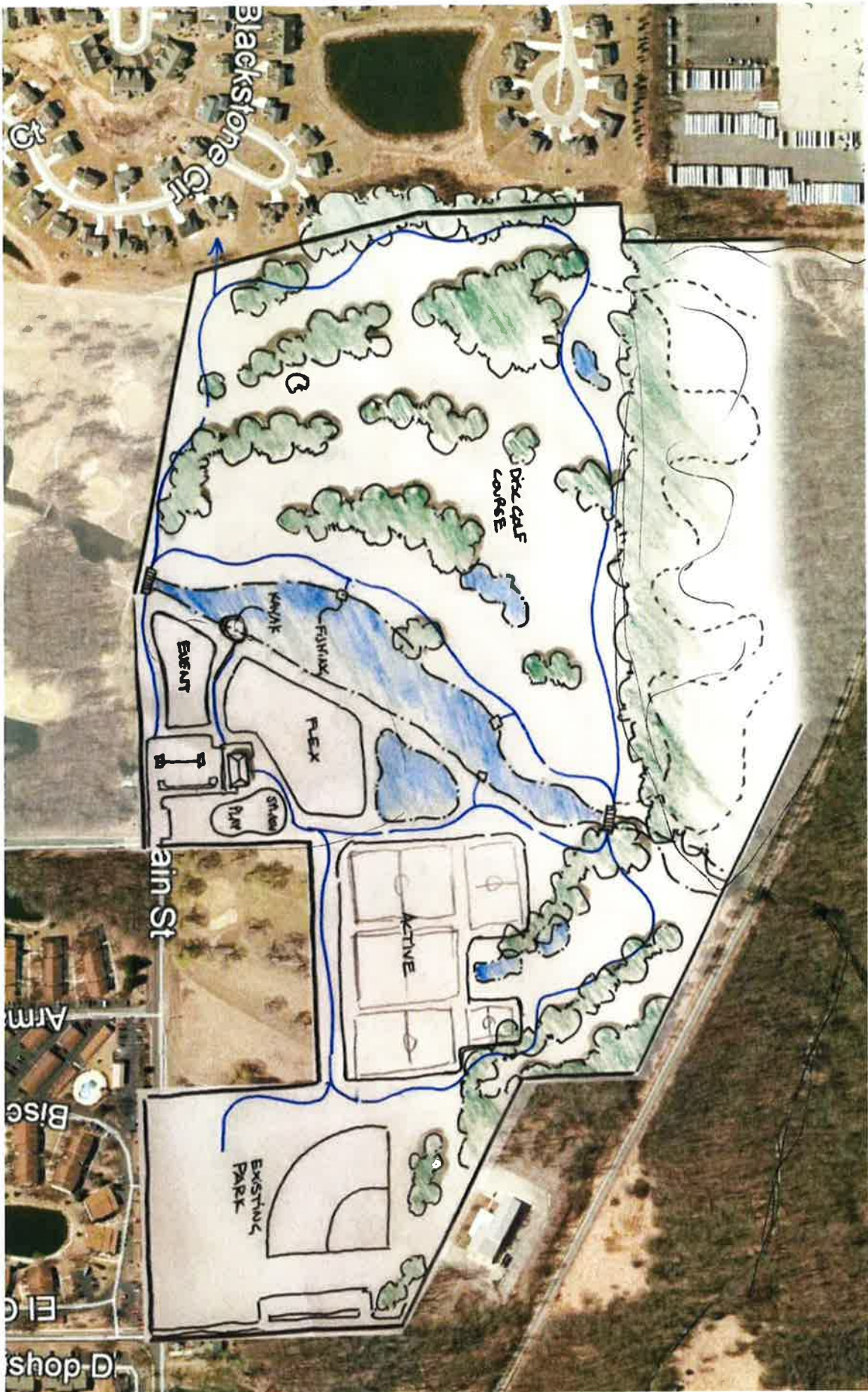


Heartland
ECOLOGICAL GROUP INC

Environmental
Corridors Map

Blackstone Creek Golf Course
Project #20231043
T9N, R20E, S21, 22
V Germantown, Washington Co

2022 NAIP
Washington Co, HEG
LRR: NCNE



Playground Equipment
Extend Path To Blackstone
Creek Development

Walking Paths

Full Pavillion

Toilet Building

Disk Golf or Par 3 Golf

Green Hatch Indicates
Buildable Area

Playground Equipment

Full Pavillion

Toilet Building

Walking Paths

Green Line is the edge of the 100 year Flood Plain

✓ Pavillion
Concessions and Toilets

✓ New Pickleball Courts

Playground Equipment

✓ New Skateboard Park

(2) New Baseball Fields

Rebuild Parking Lot

Area for Potential Development

Reconstruction of West end of Main Street

- Water Activities
 - Kayaking
 - Canoing
 - Paddle Boarding

Fishing Dock

Activity Space

— Potential Football Field

— Alley from the 2050 Plan

— Potential Soccer Fields

Proposed Heimat Development

Huapt Strasse Park EXPANSION OPPORTUNITY

Municipal Parking Lot

SIGN APPLICATION REVIEW

03/10/25 Plan Commission Meeting

Lemberg Electric / Green Bay Packaging, Inc.

Village Staff Report & Recommendation

Germantown, Wisconsin

SUMMARY

Lemberg Electric, Agent for Green Bay Packaging, Inc., Property Owner. Sign Application Review for Green Bay Packaging located at N128 W21600 Holy Hill Road in the Holy Hill Gateway District.

Location: N128 W21600 Holy Hill Road

Applicants/

Owner:	Lemberg Electric 4085 N 128 TH Street Brookfield, WI 53005	Green Bay Packaging, Inc. 1700 N Webster Court Green Bay, WI 54302
---------------	---	--

Zoning: M-1: Limited Industrial

Adjacent Land Uses		Zoning
North	Agricultural	A-1
South	Business/Industrial	B-5/M-1
East	Industrial	M-1
West	Business (Richfield)	N/A

Location Map



Background

In November 2023, the Village Board approved a request from Green Bay Packaging to change the future land use plan designation for the subject area from “Mixed-Use Commercial & High Density Residential” to “Light Industrial/Warehouse” and rezone the property from A-1: Agricultural to M-1: Limited Industrial. In April 2024, the Plan Commission approved Site Development & Building Plans for Green Bay Packaging’s new 270,000 square foot light manufacturing facility and 12,500 square foot office at the location.

Proposal

Lemberg Electric, Agent for Green Bay Packaging, Inc., Property Owner, is requesting approval of a wall sign and several directional/wayfinding signs for Green Bay Packaging located at N128 W21600 Holy Hill Road in the Holy Hill Gateway District.

The details of the proposed signs are listed as follows:

- (1) Wall Sign – Sign S52 (Western façade facing Interstate 41)
273 square feet, single-sided face-lit channel letters and logo mounted on canopy. The proposed sign is illuminated.
- (1) Pan Face Directional Wall Sign – Sign S9
3’0” x 3’0” (9 square feet), single-sided aluminum with vinyl graphics, non-illuminated.
- (1) Plate Letter Directional Wall Sign – Sign S10
44 square feet, single-sided flat plate letters and logo, non-illuminated.
- (17) Shipping Signs – S11-27
2’0” x 2’0” (4 square feet), single-sided aluminum panel with vinyl graphics, non-illuminated.
- (9) Shipping Signs – S28-36
2’0” x 2’0” (4 square feet), single-sided aluminum panel with vinyl graphics, non-illuminated.
- (2) Pan Face Directional Entrance Wall Signs – S45-46
4’0” x 4’0” (16 square feet), single-sided aluminum with vinyl graphics, non-illuminated.
- (2) Mounted Directional Wall Signs – S53-54
3’0” x 1’6” (4.5 square feet per side/9 square feet total), two-sided fabricated aluminum with painted finish, non-illuminated.
- (5) Mounted Directional Banner Signs – S55-59
6’0” x 2’0” (12 square feet per side/24 square feet total), two-sided banners, non-illuminated.

Staff Comments

The signs proposed in the submitted sign package comply with Village code requirements for wall signage and directional/wayfinding signs where applicable. Note that the code stipulates that *the Plan Commission may permit directional wall signage on any facade of a building when it is necessary and appropriate for the use*. While this proposal does not include a ground (i.e. monument) sign at the site’s entrance nor any ground signs for wayfinding, please note the applicant is currently working with staff through locational requirements and other code provisions applicable to each sign type.

VILLAGE STAFF RECOMMENDATION

APPROVE the proposed sign package for Green Bay Packaging for property located at N128 W21600 Holy Hill Road, subject to the following condition:

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



Village of



Germantown

Willkommen

Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid OR

Date 2/3/25

SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1

APPLICANT OR AGENT

RayAnn Parish

Lemberg Electric

4085 N. 128th St.

Brookfield, WI 53005

Phone (414) 852-7681

Fax ()

E-Mail rparish@lembergelectric.com

PROPERTY OWNER

Green Bay Packaging

N128W21600 Holy Hill Rd.

Germantown, WI 53076

Phone ()

2

PROPERTY ADDRESS OR GENERAL LOCATION

N128W21600 Holy Hill Rd. Germantown, WI 53076

S9 sign

3

SIGN INFORMATION

Sign Dimensions 3' height x 3' width ☒ Single ☐ Multi Tenant (circle one)

Number of Sides 1 Building Frontage SF _____

Total Square Footage of Sign (include all sides) 9 sq. ft.

Total height of the Sign 3'

Is the Sign to be illuminated _____ yes _____ x _____ no

Type of Sign Construction Materials Aluminum PanFace

Distance to Closest Property Line 100 ft.

Are there any existing signs on the property No _____

If yes, what is the total Square Footage of existing signs _____

What are the intentions for the existing signs: Take down _____ Remain _____

4

SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

RayAnn Parish
Applicant

2/3/2025
Date

Michael S. Kelly
Owner

2/3/25
Date



Village of



Germantown

Willkommen

Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid QR Date 2/3/25

SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1 APPLICANT OR AGENT

RayAnn Parish

Lemberg Electric

4085 N. 128th St.

Brookfield, WI 53005

Phone (414) 852-7681

Fax ()

E-Mail rparish@lembergelectric.com

PROPERTY OWNER

Green Bay Packaging

N128W21600 Holy Hill Rd.

Germantown, WI 53076

Phone ()

2 PROPERTY ADDRESS OR GENERAL LOCATION

N128W21600 Holy Hill Rd. Germantown, WI 53076

S10 sign

3 SIGN INFORMATION

Sign Dimensions 3' height x 30' 8.75" width ☒ Single ☐ Multi Tenant (circle one)

Number of Sides 1 Building Frontage SF _____

Total Square Footage of Sign (include all sides) 92 sq. ft.

Total height of the Sign 3'

Is the Sign to be illuminated _____ yes _____ x _____ no

Type of Sign Construction Materials Plate Letters

Distance to Closest Property Line 100 ft.

Are there any existing signs on the property No

If yes, what is the total Square Footage of existing signs _____

What are the intentions for the existing signs: Take down _____ Remain _____

4 SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

RayAnn Parish
Applicant

2/3/2025
Date

Michael S. Kelly
Owner

2/3/25
Date



Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid 100 Date 2/3/25

SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

Please read and complete this application carefully. **All applications must be signed and dated.**

1	APPLICANT OR AGENT RayAnn Parish Lemberg Electric 4085 N. 128th St. Brookfield, WI 53005 Phone (414) 852-7681 Fax () E-Mail rparish@lembergelectric.com	PROPERTY OWNER Green Bay Packaging N128W21600 Holy Hill Rd. Germantown, WI 53076 Phone ()
2	PROPERTY ADDRESS OR GENERAL LOCATION N128W21600 Holy Hill Rd. Germantown, WI 53076 S11-27 sign	
3	SIGN INFORMATION Sign Dimensions <u>2'</u> height x <u>2'</u> width ☒ Single ☐ Multi Tenant (circle one) Number of Sides <u>1</u> Building Frontage SF _____ Total Square Footage of Sign (include all sides) <u>4 sq. ft.</u> Total height of the Sign <u>2'</u> Is the Sign to be illuminated _____ yes _____ x _____ no Type of Sign Construction Materials <u>Aluminum Panel</u> Distance to Closest Property Line <u>75 ft.</u>	
Are there any existing signs on the property <u>No</u> If yes, what is the total Square Footage of existing signs _____ What are the intentions for the existing signs: Take down _____ Remain _____		
4	SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER! RayAnn Parish 2/3/2025 <u>Michael S. Kelly</u> 2/3/25 Applicant Date Owner Date	



Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid RR Date 2/3/25

SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1

APPLICANT OR AGENT

RayAnn Parish

Lemberg Electric

4085 N. 128th St.

Brookfield, WI 53005

Phone (414) 852-7681

Fax ()

E-Mail rparish@lembergelectric.com

PROPERTY OWNER

Green Bay Packaging

N128W21600 Holy Hill Rd.

Germantown, WI 53076

Phone ()

2

PROPERTY ADDRESS OR GENERAL LOCATION

N128W21600 Holy Hill Rd. Germantown, WI 53076

S28 - 36 sign

3

SIGN INFORMATION

Sign Dimensions 2' height x 2' width ☒ Single ☐ Multi Tenant (circle one)

Number of Sides 1 Building Frontage SF _____

Total Square Footage of Sign (include all sides) 4 sq. ft.

Total height of the Sign 2'

Is the Sign to be illuminated _____ yes _____ x _____ no

Type of Sign Construction Materials Aluminum Panel

Distance to Closest Property Line 50 ft.

Are there any existing signs on the property No _____

If yes, what is the total Square Footage of existing signs _____

What are the intentions for the existing signs: Take down _____ Remain _____

4

SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

RayAnn Parish
Applicant

2/3/2025
Date

Michael S. Kelly
Owner

2/3/25
Date



Village of



Germantown

Willkommen

Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid QR Date 2/3/25

SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1 APPLICANT OR AGENT

RayAnn Parish

Lemberg Electric

4085 N. 128th St.

Brookfield, WI 53005

Phone (414) 852-7681

Fax ()

E-Mail rparish@lembergelectric.com

PROPERTY OWNER

Green Bay Packaging

N128W21600 Holy Hill Rd.

Germantown, WI 53076

Phone ()

2 PROPERTY ADDRESS OR GENERAL LOCATION

N128W21600 Holy Hill Rd. Germantown, WI 53076

S45-46 sign

3 SIGN INFORMATION

Sign Dimensions 4' height x 4' width ☒ Single ☐ Multi Tenant (circle one)

Number of Sides 1 Building Frontage SF _____

Total Square Footage of Sign (include all sides) 16 sq. ft.

Total height of the Sign 4'

Is the Sign to be illuminated yes ☒ x ☐ no

Type of Sign Construction Materials Aluminum Panel

Distance to Closest Property Line 50 ft.

Are there any existing signs on the property No

If yes, what is the total Square Footage of existing signs _____

What are the intentions for the existing signs: Take down _____ Remain _____

4 SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

RayAnn Parish
Applicant

2/3/2025
Date

Michael S. Kelly
Owner

2/3/25
Date



Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid DR Date 2/3/25

SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

Please read and complete this application carefully. **All applications must be signed and dated.**

1 APPLICANT OR AGENT

RayAnn Parish
Lemberg Electric
4085 N. 128th St.
Brookfield, WI 53005
Phone (414) 852-7681
Fax ()
E-Mail rparish@lembergelectric.com

PROPERTY OWNER

Green Bay Packaging
N128W21600 Holy Hill Rd.
Germantown, WI 53076
Phone ()

2 PROPERTY ADDRESS OR GENERAL LOCATION

N128W21600 Holy Hill Rd. Germantown, WI 53076
S52 sign

3 SIGN INFORMATION

Sign Dimensions 8' 6" height x 68' 6" width Single Multi Tenant (circle one)
Number of Sides 1 Building Frontage SF _____
Total Square Footage of Sign (include all sides) 582.25 sq. ft.
Total height of the Sign 8' 6"
Is the Sign to be illuminated x yes _____ no
Type of Sign Construction Materials Acrylic Faces
Distance to Closest Property Line 75 ft.

Are there any existing signs on the property No
If yes, what is the total Square Footage of existing signs _____

What are the intentions for the existing signs: Take down _____ Remain _____

4 SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

RayAnn Parish 2/3/2025
Applicant Date

Michael S. Kelly 2/3/25
Owner Date



Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid OK Date 2/3/25

SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1 APPLICANT OR AGENT

RayAnn Parish

Lemberg Electric

4085 N. 128th St.

Brookfield, WI 53005

Phone (414) 852-7681

Fax ()

E-Mail rparish@lembergelectric.com

PROPERTY OWNER

Green Bay Packaging

N128W21600 Holy Hill Rd.

Germantown, WI 53076

Phone ()

2 PROPERTY ADDRESS OR GENERAL LOCATION

N128W21600 Holy Hill Rd. Germantown, WI 53076

S53-54 sign

3 SIGN INFORMATION

Sign Dimensions 3' height x 1'6" width ☒ Single / Multi Tenant (circle one)

Number of Sides 1 Building Frontage SF _____

Total Square Footage of Sign (include all sides) 4.5 sq. ft.

Total height of the Sign 3'

Is the Sign to be illuminated _____ yes _____ x _____ no

Type of Sign Construction Materials Aluminum

Distance to Closest Property Line 50 ft.

Are there any existing signs on the property No

If yes, what is the total Square Footage of existing signs _____

What are the intentions for the existing signs: Take down _____ Remain _____

4 SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

RayAnn Parish
Applicant

2/3/2025
Date

Michael S. Kelly
Owner

2/3/25
Date



Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid OR Date 2/3/25

SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1 APPLICANT OR AGENT

RayAnn Parish
Lemberg Electric
4085 N. 128th St.
Brookfield, WI 53005
Phone (414) 852-7681
Fax ()
E-Mail rparish@lembergelectric.com

PROPERTY OWNER

Green Bay Packaging
N128W21600 Holy Hill Rd.
Germantown, WI 53076
Phone ()

2 PROPERTY ADDRESS OR GENERAL LOCATION

N128W21600 Holy Hill Rd. Germantown, WI 53076
S55-59 sign

3 SIGN INFORMATION

Sign Dimensions 6' height x 2' width ☒ Single ☐ Multi Tenant (circle one)
Number of Sides 2 Building Frontage SF _____
Total Square Footage of Sign (include all sides) 24 sq ft.
Total height of the Sign 6'
Is the Sign to be illuminated _____ yes _____ x _____ no
Type of Sign Construction Materials Vinyl Banner
Distance to Closest Property Line 100 ft.

Are there any existing signs on the property No
If yes, what is the total Square Footage of existing signs _____

What are the intentions for the existing signs: Take down _____ Remain _____

4 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

RayAnn Parish 2/3/2025
Applicant Date

Michael S. Kelly 2/3/25
Owner Date



GREEN BAY PACKAGING
SMART PARTNERS ... SMARTER SOLUTIONS

Green Bay Packaging - Great Lakes Division / Exterior Signage
N128w21600 Holy Hill Road Germantown, Wisconsin 53076

Drawing Package Title: Green Bay Packaging Exterior Signage 1 (7)

Date: 3-3-25



SIGNS

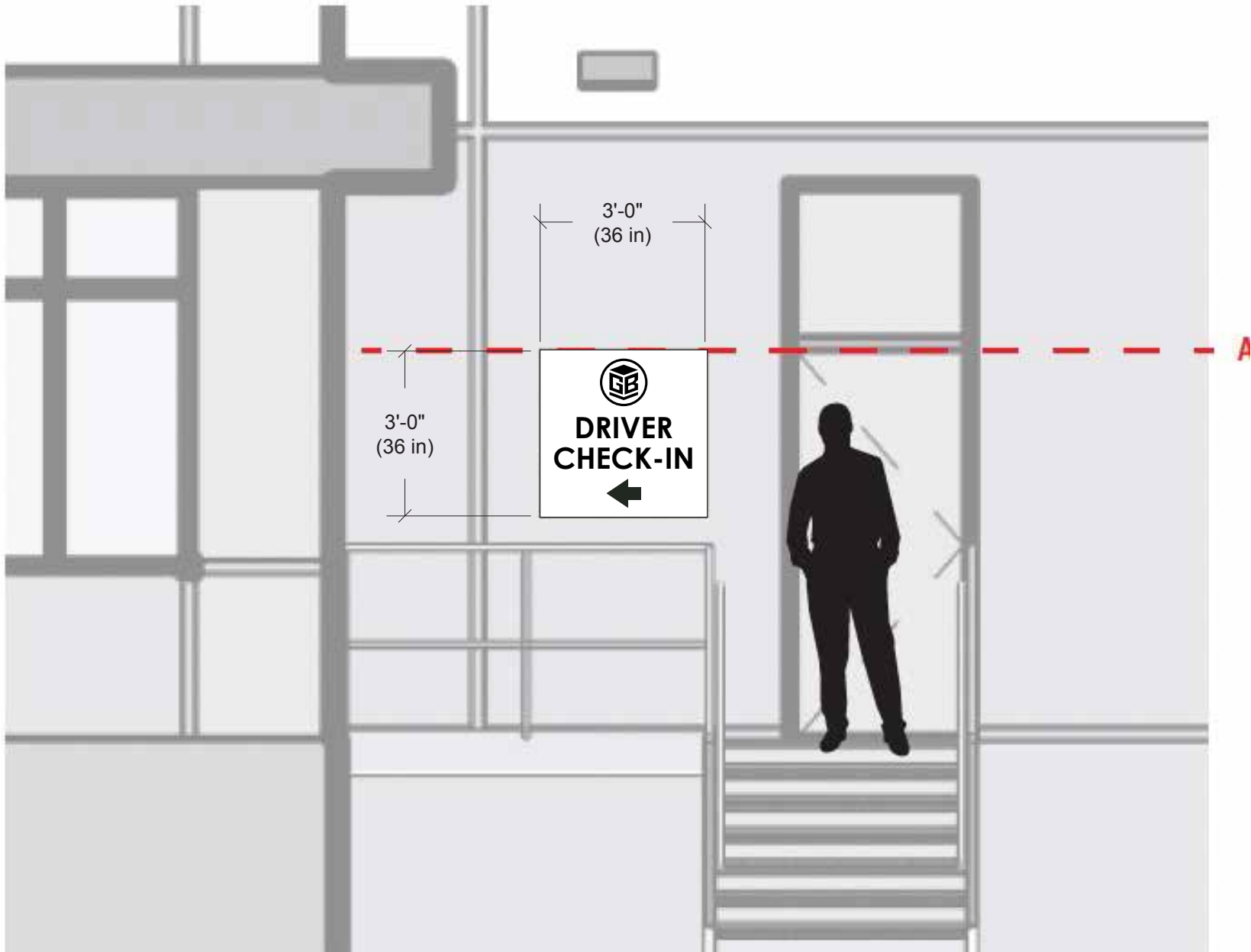
4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

CONCEPTUAL DRAWING

#S9

Pan Sign

One (1) Single Sided / Non-Illuminated Pan Face



Aluminum Pan Face (2" deep) with
Single Color Painted Finish
& 3M Reflective Vinyl Graphics.

2"

Side View



SIGNS

4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Green Bay Packaging - Great Lakes Division

Location: N128 W21600 Holy Hill Road

City: Germantown, Wisconsin 53076

Sales Representative: John Wachniak

Project Manager: TBD

Designer: Eric Bailey

Scale: 3/8"=1'

Paper Size: 11x17

Signature / Date:

Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status

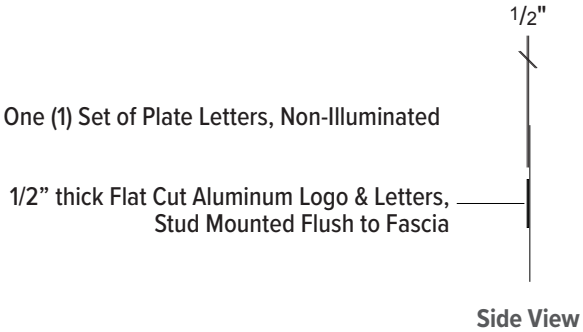
GreenBayPackaging_GLD_PS_v01_r01_D

Date:

1-23-25

These designs are the exclusive property of Lemberg Electric Inc. Use or duplication without expressed written permission of Lemberg Electric Inc. Is prohibited. Drawings are for conceptual use only. The document represents an approximation of materials & colors. Actual product colors may vary.

CONCEPTUAL DRAWING	
#S10	Plate Letters



SIGNS

4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Green Bay Packaging - Great Lakes Division

Location: N128 W21600 Holy Hill Road

City: Germantown, Wisconsin 53076

Sales Representative: John Wachniak

Project Manager: TBD

Designer: Eric Bailey

Scale: 3/16"=1'

Paper Size: 11x17

Signature / Date:

Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status

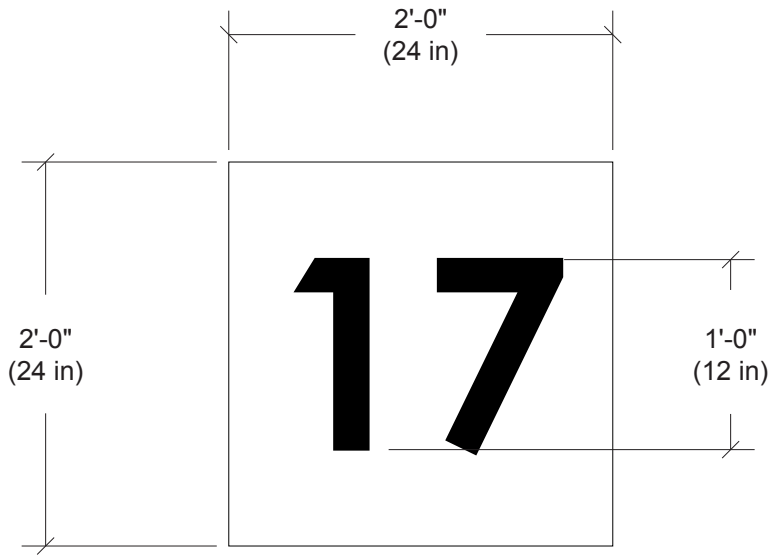
GreenBayPackaging_GLD_PL_v01_r01_D

Date:

1-23-27

These designs are the exclusive property of Lemberg Electric Inc. Use or duplication without expressed written permission of Lemberg Electric Inc. Is prohibited. Drawings are for conceptual use only. The document represents an approximation of materials & colors. Actual product colors may vary.

CONCEPTUAL DRAWING	
#S11-27	Shipping Signs



Seventeen (17) Shipping Signs, Non-Illuminated
Dock Numbers 1-17
Aluminum panel with 3M Reflective Vinyl Graphic Numerals



Side View



SIGNS

4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Green Bay Packaging - Great Lakes Division

Location: N128 W21600 Holy Hill Road

City: Germantown, Wisconsin 53076

Sales Representative: John Wachniak

Project Manager: TBD

Designer: Eric Bailey

Scale: 1"=1'

Paper Size: 11x17

Signature / Date:

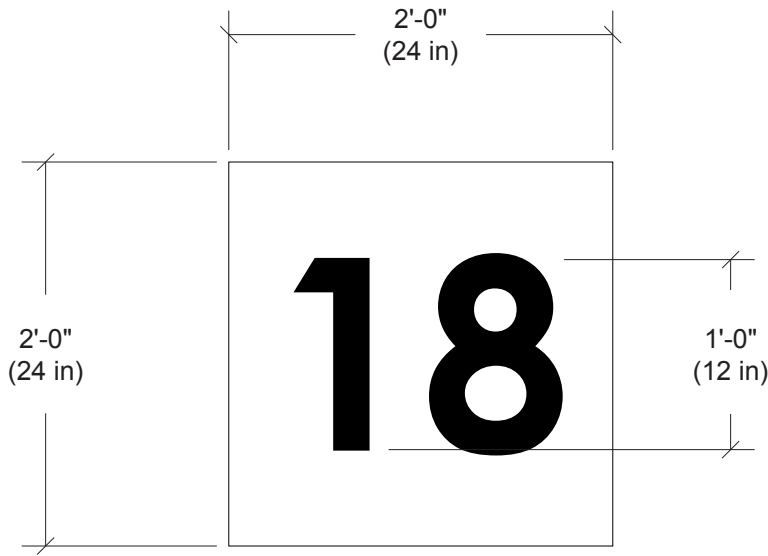
Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status

GreenBayPackaging_GLD_SS_v01_r01_D

Date:

1-23-25

CONCEPTUAL DRAWING	
#S28-36	Receiving Signs



Nine (9) Receiving Signs, Non-Illuminated
Dock Numbers 18-26
Aluminum panel with 3M Reflective Vinyl Graphic Numerals

Side View



SIGNS

4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Green Bay Packaging - Great Lakes Division

Location: N128 W21600 Holy Hill Road

City: Germantown, Wisconsin 53076

Sales Representative: John Wachniak

Project Manager: TBD

Designer: Eric Bailey

Scale: 1"=1'

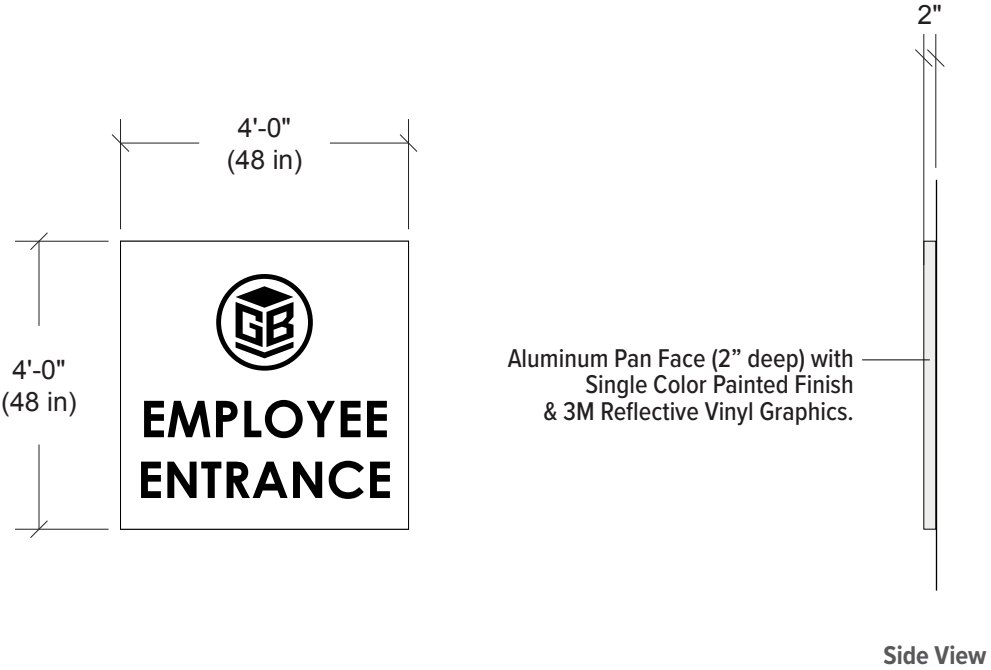
Paper Size: 11x17

Signature / Date:

Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status	Date:
GreenBayPackaging_GLD_RS_v01_r02_D	3-4-25

CONCEPTUAL DRAWING	
#S45 & 46	Pan Sign

Two (2) Single Sided / Non-Illuminated Pan Faces



SIGNS

4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Green Bay Packaging - Great Lakes Division

Location: N128 W21600 Holy Hill Road

City: Germantown, Wisconsin 53076

Sales Representative: John Wachniak

Project Manager: TBD

Designer: Eric Bailey

Scale: 3/8"=1'

Paper Size: 11x17

Signature / Date:

Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status

GreenBayPackaging_GLD_PS2_v01_r01_D

Date:

1-23-27

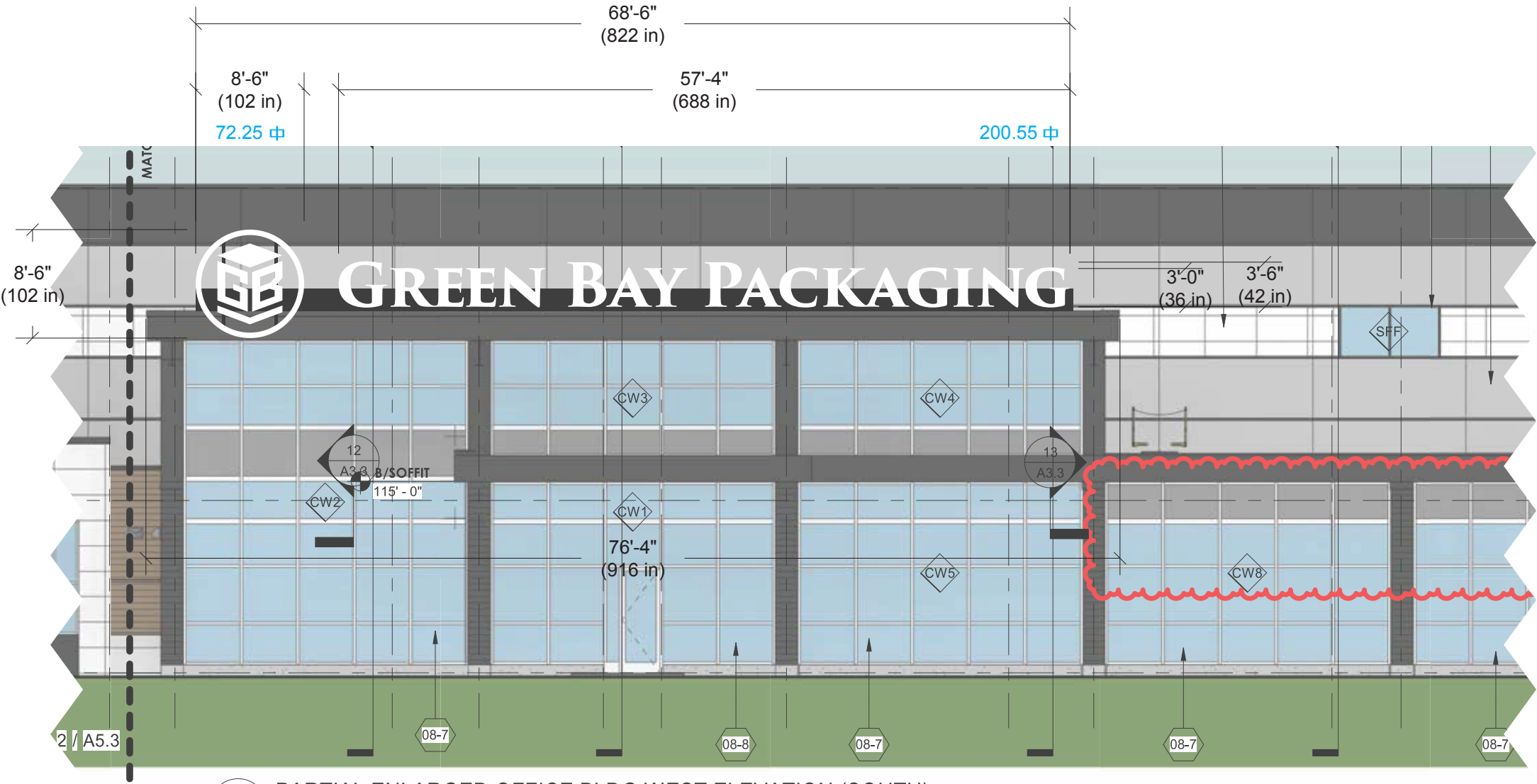
These designs are the exclusive property of Lemberg Electric Inc. Use or duplication without expressed written permission of Lemberg Electric Inc. Is prohibited. Drawings are for conceptual use only. The document represents an approximation of materials & colors. Actual product colors may vary.

#S52

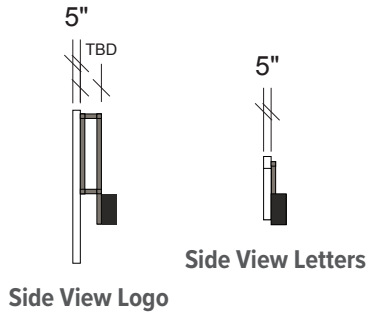
Channel Letters

One (1) Set of Face-Lit Channel Letters / Canopy Mounted

272.8 中



1 PARTIAL ENLARGED OFFICE BLDG WEST ELEVATION (SOUTH)



Logo

8" +/- Aluminum Returns /
1" Fabricated Aluminum Retainers /
White Acrylic faces /
Internal White LED Illumination /
Aluminum Tube Support Structure /
Custom Raceway (Logo Mounts to Face)

Letters

5" +/- Aluminum Returns /
1" Trim Cap /
White Acrylic faces /
Internal White LED Illumination /
Aluminum Tube Support Structure (as needed) /
Custom Raceway (Logo Mounts to Top)



SIGNS

4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Green Bay Packaging - Great Lakes Division

Location: N128 W21600 Holy Hill Road

City: Germantown, Wisconsin 53076

Sales Representative: John Wachniak

Project Manager: TBD

Designer: Eric Bailey

Scale: 3/32"=1'

Paper Size: 11x17

Signature / Date:

Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status
GreenBayPackaging_GLD_CL(2)_v01_r01_D

Date:
11-18-24

These designs are the exclusive property of Lemberg Electric Inc. Use or duplication without expressed written permission of Lemberg Electric Inc. Is prohibited. Drawings are for conceptual use only. The document represents an approximation of materials & colors. Actual product colors may vary.

#S52

Channel Letter - Rendering



SIGNS

4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Green Bay Packaging - Great Lakes Division

Location: N128 W21600 Holy Hill Road

City: Germantown, Wisconsin 53076

Sales Representative: John Wachniak

Project Manager: TBD

Designer: Eric Bailey

Scale: 1/8"=1'

Paper Size: 11x17

Signature / Date:

Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status

GreenBayPackaging_GLD_CL_v01_r02_D

Date:

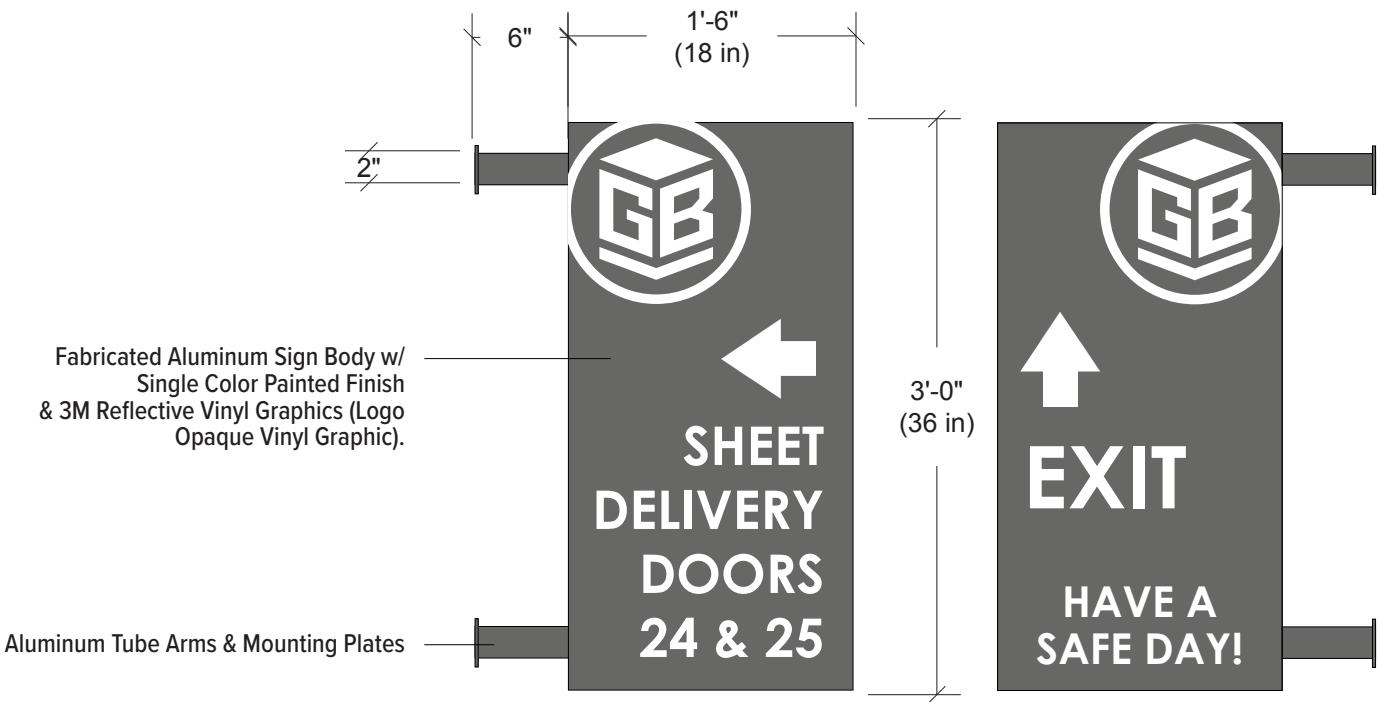
11-19-24

These designs are the exclusive property of Lemberg Electric Inc. Use or duplication without expressed written permission of Lemberg Electric Inc. Is prohibited. Drawings are for conceptual use only. The document represents an approximation of materials & colors. Actual product colors may vary.

#S53 & 54

Flag Mounted Wall Signs

Two (2) Single Sided / Non-Illuminated Flag Mounted Wall Signs



SIGNS

4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Green Bay Packaging - Great Lakes Division

Location: N128 W21600 Holy Hill Road

City: Germantown, Wisconsin 53076

Sales Representative: John Wachniak

Project Manager: TBD

Designer: Eric Bailey

Scale: 1"=1'

Paper Size: 11x17

Signature / Date:

Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status

GreenBayPackaging_GLD_FS_v01_r01_D

Date:

1-23-25

These designs are the exclusive property of Lemberg Electric Inc. Use or duplication without expressed written permission of Lemberg Electric Inc. Is prohibited. Drawings are for conceptual use only. The document represents an approximation of materials & colors. Actual product colors may vary.

#S55 - 59

Banners - Flag Mounted



SIGNS

4085 North 128th Street
Brookfield, WI 53005
p. 262-781-1500
www.LembergElectric.com

Client: Green Bay Packaging - Great Lakes Division

Location: N128 W21600 Holy Hill Road

City: Germantown, Wisconsin 53076

Sales Representative: John Wachniak

Project Manager: TBD

Designer: Eric Bailey

Scale: NTS

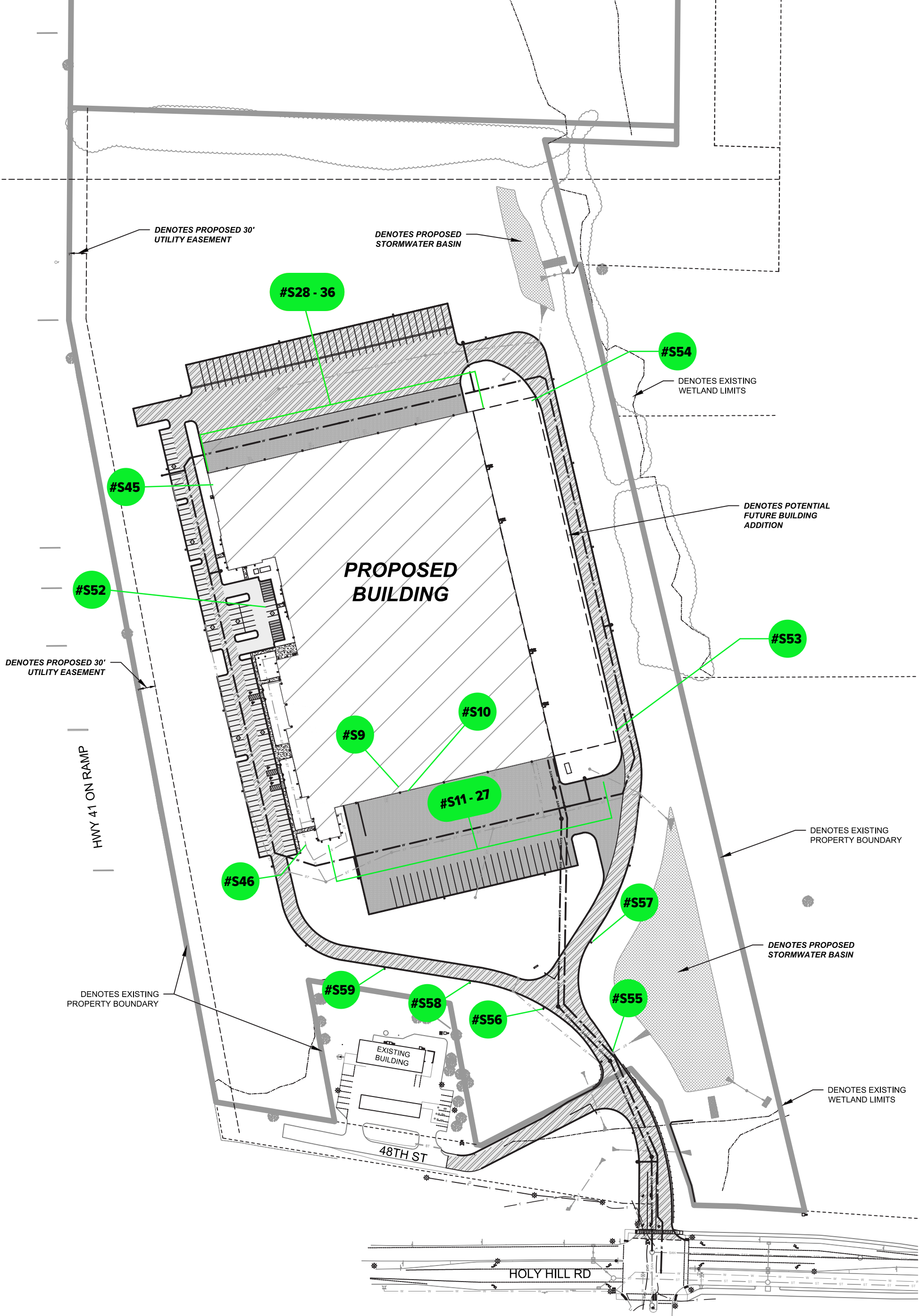
Paper Size: 11x17

Signature / Date:

Client / Location or Project / Sign Classification / Version# or Sheet / Revision# / Drawing Status
GreenBayPackaging_GLD_BAN_v01_r00_D

Date:
8-14-24

These designs are the exclusive property of Lemberg Electric Inc. Use or duplication without expressed written permission of Lemberg Electric Inc. Is prohibited. Drawings are for conceptual use only. The document represents an approximation of materials & colors. Actual product colors may vary.



Green Bay Packaging - Great Lakes Division
Exterior Signage Site Map (100% Code Compliant)

PROPOSED NEW BUILDING FOR:
GREEN BAY PACKAGING
HOLY HILL ROAD
GERMANTOWN, WISCONSIN

