

<b>MEETING:</b>	<b>REGULAR MEETING OF THE PLAN COMMISSION</b>
<b>DATE AND TIME:</b>	<b>Monday, March 9, 2026 6:30 PM</b>
<b>LOCATION:</b>	<b>Germantown Village Hall Board Room N112 W17001 Mequon Road</b>

### MINUTES

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*  
Chairman Soderberg called the meeting to order at 6:31pm.
- II. **ROLL CALL:**  
Committee Members Soderberg, Warren, Tarantino, Williams, Henk and Ewert were all present. Committee Member Shadid was absent excused. Also present were Community Development Director Retzlaff and Associate Planner Yanke.
- III. **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 four (4) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.) Comments that may be injurious to village personnel or other individuals will not be allowed.*  
Citizens that spoke included:  
Lynn Bednarz who lives on Pawnee Court.  
Archie Reeder who lives on Fond du Lac Avenue.  
Jeralyn Schuster who lives on Fond du Lac Avenue.  
Peggy Reeder who lives on Fond du Lac Avenue.  
Melanie Smythe who lives on Cedar Lane.
- IV. **MEETING MINUTES:**
  - A. PC Minutes 2-9-26  
**Motion:** Approve as presented  
**Motioned By:** Robert Williams  
**Seconded By:** Robert Warren  
**Yes:** Robert Warren, Robert Williams, Josh Tarantino, Russell Ewert  
**No:** None  
**Abstain:** Bob Soderberg, Bridget Henk  
**Motion (Yes 4, No 0, Abstained 2)**
- V. **NEW BUSINESS:**
  - A. Kevin H. Behnke, Property Owner and Agent for Apple Works Winery, W179 N12536 Fond du Lac Avenue - Application to amend the conditions of approval in Conditional Use Permit (CUP) No. 05-2022 that apply to the operation of the

Apple Works Winery LLC, including the expansion of the hours of operation and uses to allow a morning coffee shop from 7:00am to 11:00am. (PUBLIC HEARING & ACTION)

Director Retzlaff went over the history of the property and the original CUP along with several amendments that were made to it over the years. The 6 proposed amendments include: Delete Condition 11 that restricts the transferability of the CUP to only family members, Delete Condition 12 that prohibits the sale or service of hard liquor, Revise Condition 16 to expand hours for indoor music in the Tasting Room & Barn, Revise Condition 17 to expand the hours of operation for winery activities, Delete Condition 18 that requires installation/operation of a sound monitoring system and Add new use of the Tasting Room as a "Morning Coffee Shop" to the list of permitted activities with hours of operation from 7am-11am daily. The property owner has taken steps to mitigate sound levels to limit the noise impact on the neighbors. There have been no noise complaints received to date about the winery.

Staff recommends approval of the proposed amendments to CUP#05-2022 in part as specified below for the Apple Works Winery. Unless revised below, all existing conditions in CUP#05-2022 shall remain in full force and effect. All existing, revised, and additional conditions specified below shall be incorporated into a new CUP document recorded as a restriction on the property if approved by the Village Board:

1. Condition #11 in CUP#05-2022 shall be revised as follows:

This Conditional Use Permit shall be transferable to an immediate family member only provided that any change in the operator and/or property owner is reported to the Community Development Department along with any proposed changes to the operation, permitted uses & activities, and extent of the operation on the property. In the event there are any changes, Village staff shall work cooperatively with the new operator/owner to evaluate the need to enforce Condition #3 herein. In the event there is a change in the owner/operator of the winery operation outside the immediate family, this CUP shall become null and void. A new CUP shall be required for a new owner/operator to commence operation of a winery, event venue and/or storage operation from this property.

2. Condition #12 in CUP#05-2022 shall be revised as follows:

The sale and dispensing of hard liquor shall be allowed on the winery premises subject to applicable Village and WI Department of Revenue licensing requirements and limitations. There shall be no licensing for the sale or dispensing of hard liquor on site for business purposes. In the event the property owner would like to apply for additional liquor licensing (i.e. hard liquor license), an amendment to this Conditional Use Permit is required to be approved by the Village Plan Commission and Village Board prior to the issuance of said permit.

3. Condition #16 in CUP#05-2022 shall be revised as follows:

Indoor music is allowed only in the tasting room building and the renovated barn and shall be permitted and only between during the hours from 10:00am to 10:00pm

Sunday through Saturday 12:00pm and 6:00pm only on Sunday through Thursday and from 12:00pm until 9:00pm on Friday and Saturday.

4. Condition #17 shall be revised as follows:

The hours of operation for the winery shall be between 6:00am to 11:00pm Sunday through Saturday 10:00am and 9:00pm Sunday through Thursday, and between 10:00am and 11:00pm on Fridays and Saturdays. Only clean-up type activities may take place between 10:00pm and 11:00pm on Friday and Saturdays.

5. Condition #18 in CUP#05-2022 shall be revised as follows:

A sound monitoring and notification system shall be installed and operational on the property during all hours of operation at all times while the winery is operating from the property. The owner/operator of the winery shall continuously monitor and keep records of sound levels during all hours of operation and implement whatever measures may be necessary to limit sound levels at or below 65dbA. In the event complaints are received concerning sound levels that may be in excess of 65dbA, the owner/operator shall make the sound level data collected on the date of said complaint(s) available for inspection by the Village.

6. Pursuant to Section 12.03 of the Germantown Municipal Code, and subject to the same restrictions and limitations set forth herein, the owner/operator of the winery shall obtain an outdoor entertainment permit for any outdoor music or entertainment provided on the property. [This is a new condition recommended by staff]

7. Use of the tasting room building and associated outdoor seating areas shall be allowed to be used as a "morning coffee shop" during the hours of 7:00am to 11:00am. The preparation and sale of food items from the morning coffee shop and winery shall be allowed subject to the terms and limitations of any food license issued by the Washington-Ozaukee County Health Department. [This is a new condition recommended by staff]

Chairman Soderberg opened the Public Hearing at 6:46pm.

Residents who spoke included:

Kirk Will who lives on Apple Blossom Lane was opposed to several of the amendments, including the serving of hard liquor, deleting the condition for transfer of the CUP to family members and deleting the sound monitoring system requirement. He feels this will be a noise nuisance and thinks this business is becoming too big for this location.

Dan Roeming who lives on Apple Blossom Lane is opposed changing the same amendments and wants the area to remain rural and quiet and doesn't want to live next door to a bar.

Associate Planner Yanke stated that 1 email came in that supported the proposal and 1 letter was submitted that opposed the proposal. Copies of both were given to all Plan Commission members.

Chairman Soderberg closed the Public Hearing at 7:04pm.

Director Retzlaff went over the conditions along with recommended changes as listed above. Discussion Followed.

Commissioners asked for confirmation that the CUP could now transfer to anyone if/when the business sells as long as they follow the same rules and conditions. Property owner, Behnke came forward to discuss the liquor license that he acquired from the State of Wisconsin in 2024 and why he did so and stated that he has not been selling hard liquor on the property so far as he has not needed to. That has changed recently, as when he gets calls to book events on the property, he loses revenue/bookings because he cannot offer hard liquor. He stated that he is adapting to the market as necessary for the business. An outdoor music permit would have to be obtained through the Clerk's Department. There was some concern from neighbors that the coffee shop operates at a peak traffic time, and it would impact neighbors' ability to leave their driveways. A sign maybe 20 feet past the driveways to direct traffic into the winery, so cars wouldn't turn into neighboring driveways by accident when kids are waiting for the school bus was suggested. Commissioners and Mr. Behnke discussed the noise monitoring system and whether it should be a requirement or not. Mr. Behnke said he had no problem with installing a new working system so he could provide noise data when needed on his own accord.

**Motion 1:** Approve all conditions EXCEPT for 1/11 & 5/18 as presented

**Motioned By:** Robert Warren

**Seconded By:** Russell Ewert

**Yes:** Robert Warren, Robert Williams, Bridget Henk, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** Bob Soderberg

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

**Motion 2:** Eliminate condition 1/11 from the CUP

**Motioned By:** Robert Warren

**Seconded By:** Russell Ewert

**Yes:** Robert Warren, Russell Ewert

**No:** Robert Williams, Bridget Henk, Josh Tarantino

**Abstain:** Bob Soderberg

**Motion Failed (Yes 2, No 3, Abstained 1)**

**Motion 3:** Approve condition 1/11 as written

**Motioned By:** Bridget Henk

**Seconded By:** Robert Williams

**Yes:** Robert Williams, Bridget Henk, Josh Tarantino

**No:** Robert Warren, Russell Ewert

**Abstain:** Bob Soderberg

**Motion Passed (Yes 3, No 2, Abstained 1)**

**Motion:** Eliminate condition 5/18

**Motioned By:** Robert Warren

**Seconded By:** Russell Ewert

**Yes:** Robert Warren, Robert Williams, Bridget Henk, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** Bob Soderberg

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

- B. Peter & Donna Maniaci, Property Owners. Conditional Use Permit (CUP) application to convert/expand an existing detached accessory structure (garage) into a "Mother-In-Law Suite" accessory dwelling unit and modify the provisions under Section 17.08(64) of the Zoning Code, for property located at W213N11111 Appleton Avenue. (PUBLIC HEARING & ACTION)

Associate Planner Yanke went over the background on the property and the detached "mother-in-law suite" (MILS) accessory dwelling unit proposal. The new MILS dwelling (converted/expanded detached garage) would be used to house the property owner's son and his family while the property owners would continue to reside in the principal dwelling. He also stated that there are no other alternatives (land division, rezoning, use variance) for the property owner to petition for the second dwelling (MILS) given current property characteristics, zoning code provisions, lack of municipal utility access, and the 2050 Plan designation.

Staff recommends approval of the Conditional Use Permit (CUP) application for Peter & Donna Maniaci to convert/expand an existing detached accessory structure (garage) into a "Mother-In-Law Suite" accessory dwelling unit and modify the provisions under Section 17.08(64) of the Zoning Code, for property located at W213 N11111 Appleton Avenue, subject to the following conditions:

1. The MILS shall be constructed consistent with the building/floor plan dated November 13, 2024, as presented to the Village Plan Commission and Village Board.
2. The MILS shall comply with MILS requirements d, g, h, i, and j as defined in Section 17.08(64) of the Zoning Code on an ongoing basis. The MILS shall not be subject to MILS requirements a, b, c, e, and f as defined by the same code section.
3. The property owner shall notify the Community Development Director/Village Zoning Administrator if/when use of the detached accessory structure changes or ceases to be used as a "Mother-In-Law Suite" accessory dwelling.
4. This Conditional Use Permit (CUP) shall be non-transferable to a subsequent owner unless said owner is a member of the Maniaci family. In the event there is a change in the owner, this CUP shall become null and void, and a new CUP would have to be obtained pursuant to Sections 17.08(64) and 17.42 of the Zoning Code.
5. Prior to recording of the Conditional Use Permit (CUP) and issuance of building permits from the Village for the conversion/expansion work, the owner shall obtain necessary well and on-site sanitary (i.e. septic) permits from Washington County to ensure the proposed MILS accessory dwelling unit complies with all applicable plumbing code requirements.

Chairman Soderberg opened the public hearing at 8:10pm.

No residents came forward to speak.

Chairman Soderberg closed the public hearing at 8:11pm.

**Motion:** Approve as presented

**Motioned By:** Robert Warren

**Seconded By:** Bridget Henk

**Yes:** Bob Soderberg, Robert Warren, Robert Williams, Bridget Henk, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

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

C. Virtus Development LLC, Agent for District One LLC, Property Owner W140 N10363 Fond du Lac Avenue (GTNV 351-965001 & GTNV 351-965002); Site Plan Application for a 4-unit Multi-Family Townhouse and 33-Stall Parking Lot. (ACTION)

Director Retzlaff went over a brief history of the property/proposed development. This extension is for basically the same plan set as approved in 2023 & 2024. The restaurant is slated to be complete in summer of 2026, and townhouse construction is to commence 60 days after site plan approval with completion in Spring of 2027.

Staff recommends approval of the Site Development & Building Plans for a 33-stall commercial parking lot and 4-unit multifamily townhouse building located in the southwest corner of the Donges Bay Road @ Fond du Lac Ave/STH145 intersection in the "Kuhburg Planned Development District" 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:
2. Architectural plans dated 5-23-2024 & 2-1-2024;
3. Civil Engineering plans dated 7-20-2023, 10-5-2023, & 11-13-2023;
4. Lighting plans (photometric plan) dated 7-18-2023;
5. Storm Water Management Report dated July 21, 2023;
6. Landscape Planting Plan dated 11-3-2023.

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

2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit for the shell building.
3. All outstanding items and issues identified by Village Staff in the following review memos shall be resolved and reflected in additional information and/or revised plans submitted to Staff for further review, comment, and approval prior to commencing construction or issuance of building permits (excluding "early start" site clearing and footing/foundation work approved by the Village and/or WI DSPS):

1. February 16, 2026, memo from Kevin Driscoll, Village Engineer
4. State agency (DSPS) approved plans and a \$20,000 occupancy bond are required by Inspection Services at the time of building permit application. The Village of Germantown is an authorized delegated agent of DSPS to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.
5. Dumpster enclosures shall be designed to meet the Village's dumpster enclosure guidelines. The Developer shall provide a complete set (showing elevations and gate/doorway) of dumpster enclosure plans for review and approval by the Village Planner prior to issuance of an occupancy permit for the townhouse building.
6. The developer shall install a privacy fence along the west property line adjacent to the commercial parking lot and connect to the existing privacy fence to the north. Detailed specifications for the proposed fence shall be submitted to the Village planner for review and approval prior to issuance of any building permit for the townhouse building construction.
7. This approval shall become null and void if construction does not commence by March 10, 2027, and continue toward completion as provided under Section 17.43(11) of the Zoning Code.
8. A decorative privacy fence and landscape screen/buffer shall be installed along the entire length of the paved driveway and parking stall area abutting the south property line. The decorative privacy fence shall be a minimum of 6 feet in height and not be a simple board-on-board wood fence. The landscaping shall also be installed along the south side of the fence.
9. The four (4) street trees proposed to be planted in the Fond du Lac Ave right-of-way shall be included in a right-of-way permit issued by WisDOT to allow installation in the right-of-way. If the street trees cannot be added to the existing or new agreement the developer has with WisDOT to permit these trees in the ROW, the trees shall be relocated onto the townhouse & parking lot properties.
10. The proposed landscaping along the south side of the parking lot shall be supplemented with evergreen trees and shrubs to enhance screening of car headlight glare on the townhouses. Said plan to be reviewed and approved by the Village Planner and Plan Commissioner Tarantino.
11. Prior to issuance of any building permit for the townhouse building construction, the developer shall provide the following information to the Village Planner:
  1. The average and range of projected rental rates for the townhouses if the units are rentals, or, the estimated assessed value or projected cost per unit if the units will be sold for owner occupancy;
  2. The construction value of each unit and the overall building

[NEW CONDITION]

12. The proposed architectural and elevation details for the townhouse building show fewer windows on the south elevation that result in a featureless, uninteresting, and bland appearance. The developer shall incorporate additional color, material, and feature changes to the elevations on all the townhouse units to enhance their appearance and quality of materials, e.g. stone on the exposed lower levels instead of painted concrete block, an additional gable or other feature with wall articulation on the south elevation that resembles that on the north elevation, etc. A revised set of architectural elevation plans and renderings shall be prepared and submitted for Plan Commission review and approval.[NEW CONDITION]

Property owner Greg Nagel came forward to discuss reasons for the delays in construction and the environmental impacts they have had to clean up. Discussion Followed.

Commissioners discussed revising condition 12.

**Motion:** Approval with a revision to condition 12 to change Plan Commission review and approval to Staff review and approval unless staff feels the need to elevate to Plan Commission

**Motioned By:** Russell Ewert

**Seconded By:** Bridget Henk

**Yes:** Bob Soderberg, Robert Warren, Robert Williams, Bridget Henk, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

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

- D. Karen Dodge, Agent for MGAC Properties, LLC, Property Owner; Germantown Animal Hospital N112 W16017 Mequon Road; Sign Application for monument signage. (ACTION)

Staff recommends approval of the proposed monument sign for Germantown Animal Hospital for property located at N112W16017 Mequon Road, subject to the following condition:

1. Prior to issuance of a building permit and sign installation, the applicant shall provide a complete landscaping plan for the monument sign meeting the requirements of Village Sign Code Section 17.46(7).

**Motion:** Approve as presented

**Motioned By:** Robert Warren

**Seconded By:** Bridget Henk

**Yes:** Bob Soderberg, Robert Warren, Robert Williams, Bridget Henk, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

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

E. Village of Germantown Community Development Department - Proposed Text Amendments to Section 14 (Building) and Section 17 (Zoning) of the Village of Germantown Municipal Code. (PUBLIC HEARING AND ACTION)

Director Retzlaff stated that there are 6 amendments proposed to portions of the building and zoning code, they are relatively minor in nature and are proposed to address specific issues Building Inspection services and Planning & Zoning services staff have had to address.

Amendment #1 (see Section I; page 1)

This proposed amendment deletes the Property Record Maintenance Fee Schedule under Section 14.055(4) and replaces it with language that indicates the fee schedule will be adopted by Village Board resolution. This revision simply allows the fee schedule to be changed by resolution along with other building permit fee changes without having to adopt an ordinance.

Amendment #2 (see Section II; page 2)

This proposed amendment clarifies the term for building permit expiration (after 12 months) and re-issuance if work authorized under a permit has commenced but is not completed within 12 months.

Amendment #3 (see Section III; page 2)

This proposed amendment revises language concerning occupancy bond requirements for non-residential structures subject of a building permit and indicates the occupancy bond schedule will be established by Village Board resolution.

Amendment #4 (see Section IV; page 3)

This proposed amendment increases the maximum height from 6 feet to 10 feet for fences in a side or rear yard of residential property abutting Interstate Highway US41.

Amendment #5 (see Section V; page 3)

This proposed amendment clarifies the conditions under which monument sign height and sign area may be increased by the Plan Commission due to differences in elevation between a business or industrial property and the abutting roadway.

Amendment #6 (see Section VI; page 4)

This proposed amendment adds specific land uses/activities to the list of Conditional Uses and provides for visual screening requirements of outdoor storage areas in the M-1: Limited Industrial Zoning District.

Staff recommends approval of the 6 proposed text amendments as presented in the draft ordinance as summarized above.

Chairman Soderberg opened the public hearing at 8:46pm.

No residents came forward to speak.

Chairman Soderberg closed the public hearing at 8:46pm.

**Motion:** Approve as presented

**Motioned By:** Josh Tarantino

**Seconded By:** Robert Williams

**Yes:** Bob Soderberg, Robert Warren, Robert Williams, Bridget Henk, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

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

F. Village of Germantown Community Development Department - Single-Family vs. Multi-Family Housing Definitions & Ratio Policy. (DISCUSSION)

Chairman Soderberg stated that he asked for this topic to be added to the agenda for tonight. Director Retzlaff stated that in 2025 the Plan Commission and Village Board discussed the multi/single family ratio policy multiple times. It all came back to a point in time where we started to ask ourselves; what's the actual definition of multifamily housing? Historically, it's viewed as rental, which isn't always the case and, likewise, single-family doesn't always mean owner-occupied, affordable housing or rental housing doesn't necessarily mean subsidized or low income. We never came to a definite conclusion and defined the terminology. Single family attached units vs single family detached units, attached is by definition in building codes, a condominium or a townhouse. Retzlaff went over 2 tables that he created and stated that the tables include Sutton Farm, Carillon-Cirrus, Victory Place and the Virtus townhouses. The current percentage not including recently approved housing developments is owner occupied = 75%, renter occupied = 25%.

Chairman Soderberg stated that he feels that we will need this information based on the atmosphere in the community and going into the neighborhood meetings for the Grosneck and Flower Source properties. Retzlaff questioned how we want to define multifamily and single family moving forward. If we want to track ownership vs renter what are we going to do about the baseline 8,619 units that were already in the Village that don't factor into the ownership vs rental? Do we need to go back and recategorize those as well? Because they may fall into a different category if we look closely. Soderberg stated that the VB will need to review the mix with each upcoming development project. He would like to get more specifics moving forward, but this could be a starting point. Retzlaff stated that we don't currently prohibit rental property developments but there are ways to do so moving forward if that's what the Village wants to do. The conclusion in September was that we were not going to adopt a multifamily policy, but we were going to keep track of the %. Soderberg stated that there are developers that will make a decision on whether to bring future developments to the village based on what they hear from this body tonight. Soderberg committed to work with the Community Development team to come back with a recommendation.

**VI. ANNOUNCEMENTS:**

None.

**VII. ADJOURNMENT:**

Chairman Soderberg adjourned the meeting at 9:20pm.