

PLAN COMMISSION MINUTES
March 9, 2020

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:31 pm.

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Tony Laszewski, Matt Kimmler and Bill Shadid. Commissioner Bob Williams and Peter Nilles were absent and excused. Also present were Community Development Director Jeff Retzlaff, Associate Planner Emily Zandt and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

APPROVAL OF MINUTES:

MOTION Baum second Shadid to Approve the minutes from 2-24-20.

MOTION carried unanimously.

Veridian Homes, LLC, for the Germantown School District - N104 W14942 Donges Bay Road

The request is to rezone a 14.7- acre parcel located on Preserve Parkway north of Donges Bay Road from A-2: Agricultural to Rs-4: Single Family, and a concept plan for a 16-lot single-family residential subdivision. Planner Retzlaff summarized the proposal. Chairman Wolter stated that this proposal has come before the Plan Commission several times with multiple public hearings and anyone coming forward to speak for or against the zoning change should hold their comments to this proposal. He is not looking to go back on previous proposals, this is the one before us tonight. His wish is that those that are here to make comments are residents of Germantown and they will be considered first and foremost. Those who want to make comments in regard to or against Veridian will not be considered as much. Chairman Wolter stated that we're not here to discuss the positive or negatives aspects of Veridian as a company. We're here to discuss and hear a public hearing on the proposal for a zoning change and that's it, a zoning change.

Public Hearing opened at 6:42 pm.

- Dave Schornack, W151 N10798 Preserve Parkway. He thought the land was all wetlands and would not be developed but glad Plan Commission went to Rs-4 zoning like the Preserve, glad about 16 lots now, fairly consistent with his subdivision.
- Jan Miller, W151 N10297 Windsong Circle West. Spoke against the Rs-4 rezoning, disappointed by things going on, and lack of communication. 5 conditions of approval need to be addressed. The cul de sac is too long – no subdivision surrounding the park has a long cul de sac. Has met with Dean, David, Veridian, Bob Soderberg and Lester Spies. The land use plan says this is parkland. Veridian has been unsuccessful in coming up with a plan, that is suitable for the Village. Why are we trying to fit homes in a wetland? Chairman Wolter asked Ms. Miller to talk about the actual zoning itself, what she likes or doesn't like. She said she doesn't like that it's like trying fit a square peg in a round hole with 5 exceptions. Chairman Wolter said they are 5 conditions of approval that the developer must meet in order for the development to be acceptable as proposed. All development has conditions of approval. Veridian has come forward after hearing the concerns of the neighbors. The 2020 Land Use Plan has been changed to residential as an accepted use. Ms. Miller stated her wish is that the Veridian plan be denied.
- Nick Gearhard, N103 W17258 Pinewood Ct. Spoke in favor of the rezoning, coming from an economic standpoint. The 16 homes are set to be valued at \$450,000 and \$550,000 dollars.

The 16 homes will increase the valuation of the Village, he sees an advantage to building the subdivision. There are houses all over the place, heading east he sees an eyesore, invasive weeds and brush, this is a great opportunity, 16 lots fit in with the surrounding area. Trustees job is to generate property value and grow Germantown. There already is a park there – it's not a park.

- Brian Depies, W143 N9867 Ridgewood Lane. Somewhat in favor of the development, resident for 17 years. He proposed a development a year ago that was approved by the Plan Commission and Village Board. Bigger lot means bigger value is not always true. We are wasting lot development in this area – should have more lots. Make a positive recommendation, what did we lose out on tax base. This is where density should be.
- Tracy Pawlak, N118 W15462 Catherine Ct., candidate for seat #5 School Board, in favor of keeping the property natural. Go back to the 2020 plan, keep it as park, no development. He understands the arguments, need to find balance for green space. The property needs to be cleaned up a bit, not pretty. Ultimately the original plan was for a school or a park, the school won't happen, lets revert back to the park.
- Mary Hudson, W150 N10214 Windsong Circle West. Attracted to the open space in Germantown and great schools. Keep open land, disappointed in LUP change. Agrees to keep it as it is in the 2020 Smart Growth Plan, Kinderberg is a favorite place, great memories in the park. Listen to the citizens and uphold the 2020 plan, appreciate keeping promises made to the community.
- Kathleen Duffy, W156 N10739 Cobbler Lane. Hear to speak against the proposal. Duffy does not think there is enough information on the homes. Adult child looked in the area NE of Madison and Cottage Grove where there is a lot of Veridian Homes projects. Having seen homes in the Cottage Grove area, the homes are cookie cutter, garages in the back of homes, tend to build near parks so they don't need to provide yard space, there is a large turnover. Wish Plan Commission found out uses of homes, do research on the homes going in there.
- Lilibeth Yao, W150 N10296 Windsong Circle. Who will speak on behalf of the approximately 300 residents who spoke on behalf of not allowing Veridian? Preserve the land for public enjoyment, quality of life is a health value, Germantown has a vision beyond 16 homes. Keep the land open for public enjoyment and share the vision of the 300 residents who signed the petition. She is asking to deny the proposal and uphold the 2020 Plan.
- Terry Tschetter, N147 W10451 Wilson Drive. Participated in many discussions on land in Germantown. Underlying core in Germantown is to provide a rural community. Plan Commission is discussing how to preserve the rural feel on the north side of the Village. He supports the previous speakers' viewpoints. Tschetter asked about how much different the proposed plat could be from the concept plan. Chairman Wolter said Rs-4 zoning limits what can be done on the property. This is a conceptual plan – it will be pretty accurate to what is shown here. He requested to add an additional condition to the recommendation for a consistent landscape buffer on the east side of the property and remove the buckthorn and invasive species.
- Sandy Dobrogowski, N105 W14709 Wilson Drive. Said the comments are emotional, has lived in Heritage Hills for 20 years and has been to every meeting. If so many citizens are against a project, why would the Plan Commission pass the project or Veridian Homes come forward. She has never seen so many people come forward for a project.
- Steven Green, N116 W16003 Main Street. Most people who are for things don't speak up. Besides the tax money that will be generated, there are 16 houses that will probably generate

4 million dollars worth of products to build the houses. They should be glad there is not a school with buses every day and kids throwing trash. This is not a park property it is a school property. He is for the application.

- Lois Libby, N99 W15774 Bayberry Circle. Came here because of the people of Wisconsin. Wanted to hear both sides, it's not always about the money. Is it worth it to upset this many people? Don't think that 16 houses are worth upsetting that many people.
- Ralph Libby, N99 W15774 Bayberry Circle. Said a friend bought a 100-acre lot because he is not giving way to housing.
- Kristie Waldvogel, W148 N10024 Rimrock Road. Doesn't like it - thinks it should be parkland.
- Robert Bruno, W156 N10304 Pilgrim Road. Wife and him chose this location because of the park. The park is a meeting place, would like to see it as a park, incorporate the wetland, don't need any more houses, keep it green.
- George Liberatore, N101 W16325 Santa Fe Drive. Stated his daughter is running for the school board. Asked if traffic patterns have been considered. More houses will mean more students.
- Matt Cudney, Veridian Homes. Last Village Board meeting the members said they wanted to see Rs-4 zoning – so that's what they did. This development provides half the density allowed on the Comprehensive Plan with 23.5 percent open space. None of the surrounding subdivisions have that kind of open space.

Public Hearing closed at 7:29 pm.

MOTION Baum second Shadid to Approve the proposed rezoning of approximately 14.7 acres owned by the Germantown School District from the A-2: Agricultural to the Rs-4: Single-Family District and the proposed 16-lot concept plan dated January 31, 2020 subject to the following conditions:

- 1. The Developer shall install a visual landscaped buffer along the north property line on or adjacent to Lots #1 through #4. The Developer should work cooperatively with the Village to determine said landscaping buffer can be installed within the adjacent drainage easement and/or on the lots. If installed on the lots, said landscape buffer shall be installed within a landscape easement on such lots with a restriction that the landscape buffer shall be maintained and/or restored if removed due to regular and necessary maintenance.***
- 2. In addition to all required street trees, additional landscaping comprised of berms and/or plantings shall be installed: (a) along the back side of the lots that contain the 50' gas line easement (either within the easement with permission granted by WE Energies or along the back side of Lots #9 through #11); (b) along Preserve Parkway (within a landscape easement on Lots #1 & #16) and within the southwest open space outlot to buffer the back sides of Lots #11 through #16.***
- 3. A detailed landscaping & buffer plan shall be prepared and submitted to the Plan Commission for review and approval prior to or concurrent with submittal of a preliminary subdivision plat. Said landscaping & buffer plan shall include the requirements set forth under Conditions #1 & #2 above.***
- 4. The proposed emergency access path between Lots #10 and #11 shall be constructed within a 15-20' wide outlot (vs. easement) in accordance with the minimum pavement and other design standards recommended by the Fire Department requirements and subject to approval by WE Energies pursuant to the gas distribution easement agreement (Doc#1394627).***
- 5. The subdivision plat, development agreement and covenants & restrictions shall***

contain adequate notice to the future owners of Lots #9, #10, #11 and the southwest open space outlot that use of the area subject to the provisions of the gas distribution easement agreement (Doc#1394627).

Trustee Baum said he understands that we cannot talk about parkland. Chairman Wolter explained that we cannot talk about parkland and cautioned the board that what is before it and what is for consideration is the Rs-4 zoning application and the change of zoning from agricultural to residential in this area. It is not the consideration of can it be, should it be or will it be parkland because that is not part of this discussion. That is not this commission's purpose. It is the Commission's purpose to look at what the proposal is and see how it fits into the fabric of the area, does it meet the conditions of the zoning as proposed, does it meet the conditions of the surrounding neighborhood or within the fabric of the surrounding neighborhood. It is purely a zoning consideration. Trustee Baum stated he has fought for the Rs-4 zoning and he supports the proposal.

Commissioner Shadid asked if a landscaping plan will come forward and questioned if condition #3 requires the removal of buckthorn on the east property line. Planner Retzlaff said a landscaping plan will be submitted with the plat and added the tree line will be preserved as a buffer but Plan Commission could add additional language to address that concern.

Commissioner Laszewski asked if the end of the cul de sac will be plowed by the Village. Planner Retzlaff said that will be addressed in the development agreement. He said the Fire Department may require the homeowners association to keep the cul de sac open and accessible to emergency vehicles. Commissioner Kimmler asked about the emergency access path and how close a building or trees could be, could equipment get through in the future. Planner Retzlaff said there will be setbacks that apply and that the access path will be an outlot and not an easement. The Fire Department will be included on the design review. It will be addressed through the preliminary plat process.

Chairman Wolter said he appreciated everyone that came forward and thanked them for coming to the meeting and expressed their opinions and needs and concerns. He explained this commission's duty is to look at the zoning as its proposed and see if it fits the criteria of Rs-4 within the fabric of the area that its being proposed within and then make a recommendation on the zoning change to the Village Board. He encouraged everyone to contact their trustees to make sure they know your concerns and wants. The rezoning will go to Village Board on March 16th. There is no public hearing. The opportunity to speak will be at the beginning of the meeting during public comment.

Mary Hudson said she was told the Village Board meeting would be April 6th. Dean stated it would be March 16 because April 6th is before the election and the Village Clerk has a fair amount of work before the election and sometimes that meeting is cancelled.

Trustee Baum asked if a super majority vote would still be in place. Planner Retzlaff explained that protest petition was against the previous proposal. We have not received a new protest petition concerning the Rs-4 rezoning proposal. He said there was a change to the protest petition section of the zoning code stating if a valid protest petition is filed and the adequate number of adjacent property owners file an objection, then it would require three quarters vote of the Village Board members present at the meeting when action is taken.

MOTION carried unanimously.

A break was called at 7:43 pm.

The meeting was called back to order at 7:48 pm.

Steven & Elizabeth Green - N116 W16033 & N116 W16011 Main Street. The property owners are seeking approval of a Certified Survey Map to combine two parcels on Main Street and remove a 10' access easement on their property. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the 2-lot Certified Survey Map land combination for the Steven & Elizabeth Green property located at N116 W16033 Main Street as proposed.

MOTION carried unanimously.

North Shore Bank - N112 W15780 Mequon Road. Reinhold Signs, agent for North Shore Bank, is requesting approval for two wall signs and two directional signs for the bank. Associate Planner Zandt summarized the proposal.

MOTION Baum second Shadid to Approve the proposed wall signs and two proposed directional signs for the North Shore Bank property subject to the following condition:

- 1. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components***

MOTION carried unanimously.

Grand Appliance - W188 N10707 Maple Road. Signarama, agent for Anderson Brothers Construction and Appliance World, is requesting approval for wall signage for Grand Appliance. Associate Planner Zandt summarized the proposal.

MOTION Baum second Laszewski to Approve the proposed wall sign for Grand Appliance subject to the following conditions:

- 1. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.***

MOTION carried unanimously.

Community Development Department - Results from the 2019 Village Community Survey.

Associate Planner Zandt summarized the results. She said Planning staff had completed the results from the survey which are a draft at this time, and we want to work with you to identify questions or suggestions for improvements or additions to the document. She stated there were a total of 1819 respondents to the survey which is approximately 10 percent of the population over the age of 18 in the Village of Germantown. Some of the results are:

- Age of respondents was an even distribution in the last four age groups with little to no representation of age 24 and under.
- 40 percent of respondents have lived, worked or owned property in the village for 20 or more years and the majority of those live in the south-central area of the Village.
- 44 percent of respondents have children under 18 living in their household
- The three most important factors on quality of life were public services (police/fire), low crime and good neighbors.
- Least important factors on quality of life were diversity of age, diversity of race and mix of uses.
- 83 percent of Respondents said their quality of life in Germantown was good or excellent

- 75 percent of respondents supported single family detached homes should be developed,
- 45 percent of respondents 65 years and older agree multi-family condominiums should be developed
- 65 percent of respondents disagree that additional manufactured homes should be developed
- 47 percent of respondents believe more conservation subdivisions should be developed
- 10 percent of respondents believe only conventions subdivisions should be developed
- The Survey response showed a strong preference for owned or condo family housing rather than tenant or multi-family housing
- 66 percent of respondents agree hobby farms should be allowed to develop outside the urban service area.
- 71 percent disagree that multi-family residential should be developed outside the sewer service area.
- 85 percent of respondents agreed there is a need for additional sit down and family restaurants and 61 percent agreed that is a need for additional entertainment and attractions in the Village
- Most appropriate location for multi-family development - strongest support is near the 41/45 corridor - 30 percent of respondents supported multi-family housing anywhere in sewer and water.
- Question regarding attitude toward future rural development - the most supported statement was about allowing development as long as it preserves the rural character, less supported statement was for protecting undeveloped farm and other agricultural land from future development and the least supported statement was about allowing agricultural land to develop as the property owner chooses.
- 41 percent of respondents in rural areas support the idea that all existing undeveloped farm and ag land should be protected from future development and, 22 percent of respondents in suburban areas agreed with that
- Question regarding the Germantown Gateway Area: which types of development would be supported in that area: sit down and family restaurants, specialty retail, large lot single family residential and grocery stores; least supported development: multi family residential, big box retail, independent and assisted senior housing and offices, banks and financial institutions.
- Village Recycling Center question: 58 percent of respondents would prefer the recycling center be relocated within the Village if the existing operation needs to be modified in the future and 40 percent of respondents would prefer the recycling center be eliminated and an alternate service be provided.

Planner Retzlaff commented it was a good summary and we will be discussing it in more detail with the consultants to see how the information will be used with the plan. He explained we will be putting together a report that will include this type of summary, the raw data and the open-ended questions and answers. He encouraged the PC members to look at the information. Chairman Wolter said he liked the summary format and the visual helps to make it better understood. Planner Retzlaff said the final draft report is anticipated to be completed within the next month.

ANNOUNCEMENTS: Planner Retzlaff said there would be a special meeting in a couple weeks with the consultant to discuss the survey and the future land use plan and neighborhood district concept. Chairman Wolter added that this is an open meeting and residents are invited to join the meeting.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:19 pm.

Respectfully submitted,

Lori Johnson
Planning Assistant