

PLAN COMMISSION MINUTES
April 9, 2018

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:30 p.m.

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Peter Nilles, Tony Laszewski, Bill Shadid and Mary Ellen Gray were present. Commissioner Bob Williams arrived at 6:35. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

APPROVAL OF MINUTES: *MOTION Baum second Gray to Approve the minutes from 3-26-18.*

MOTION carried unanimously.

Jeffrey & Shelly Davis – N112 W20569 Mequon Road and Patrick & Carolyn Quella – N112 W20451 Mequon Road. The property owners are seeking approval of a Certified Survey Map to relocate their common property line to facilitate construction of an addition to the Davis' existing dwelling. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the Certified Survey Map for the Davis and Quella properties at N112 W20569 & W20451 Mequon Road subject to the following condition:

- 1. All technical corrections and issues raised by the Village Surveyor in the April 4, 2018 memo shall be corrected prior to recording the CSM.*

MOTION carried unanimously.

Brookside Mobile Home Community – W209 N11681 Hilltop Circle. Herb Wolf, agent for Brookside MHP, is seeking approval of a revised site plan that creates five (5) additional home sites within the 40.8-acre mobile home community. Planner Retzlaff summarized the proposal. Commissioner Williams arrived 6:35 p.m.

MOTION Baum second Shadid to Approve the revised site plan for the Brookside Meadows Mobile Home Community with the additional five (5) home sites date stamped March 1, 2018, subject to the following conditions:

- 1. The trail system, gazebo, pavilion and "guest" parking stalls shown in the approved site plan dated January 1, 2004 shall be presented on the revised site plan as originally approved.*
- 2. The currently delineated wetland boundary and associated 25' wetland setback line shall be presented on the revised site plan.*
- 3. The perimeter boundary of the proposed five (5) additional home sites shall be revised so that no wetland area or the associated 25' wetland setback is contained in/on said home sites.*
- 4. A Certified Survey Map (CSM) shall be prepared and recorded to join the two parcels that comprise the Brookside Meadows area into one parcel. Hilltop Highlands, located on a separate 30.17-acre parcel (GTNV 191-994) should also be combined with the other parcels.*

5. ***The private community water system shall be tested and maintained per NFPA 25 with inspection, testing and maintenance done in cooperation with the Fire Department to ensure ongoing compliance;***
6. ***The water supply from the private water system hydrants has not proven to consistently provide a sufficient water supply with some hydrants currently tagged as “out of service”. This issue needs to be rectified prior to the issuance of building permits for the five additional home sites.***

Discussion followed. Planner Retzlaff said revised plans should show the trail system and the parking stalls for guest parking. Herb Wolf said the walking path on the west lot will be moved about 20 feet to reconnect with the existing path.

MOTION carried unanimously.

MacArthur Elementary School – W154 N11492 Fond du Lac Avenue. Site Plan Review for a new 52-stall parking lot and associated site improvements, Certified Survey Map to combine parcels and Rezoning Application to create an I: Institutional PDD (Planned Development District) and Rezone .95 acres from Rs-6: Single Family Residential to the I: Institutional PDD. Planner Retzlaff summarized the proposal.

Chris Hitch, Trio Engineering, said they were agreeable to the conditions and added the homeowner to the east was in support of the plans for additional landscaping but asked that the asphalt path be removed as part of the project. He said the request for additional plantings is likely to be met through a second row of plantings that will be staggered in that area and eliminating the path will accommodate that. He said widening the drive for the fire department gives the same functionality of the path. Planner Retzlaff asked for consideration to tie the existing path to the sidewalk adjacent to the drop off lane. Mr. Hitch said he didn't think that would be a problem and it would be doable. Discussion continued.

MOTION Baum second Laszewski to Approve creating an I: Institutional/PDD (the “MacArthur School PDD”) for the 8.6-acre property, and, rezoning the two residential lots from Rs-6: Single-Family to the I/PDD as proposed by the Germantown School District for the MacArthur School property located at W154 N11492 Fond du Lac Avenue subject to the following requirements and conditions:

1. ***The I: Institutional Zoning District regulations as amended by the School District and summarized herein shall constitute the specific conditions and restrictions for the PDD;***
2. ***Subject to revisions required by the Plan Commission or Village Board, a separate General Development Plan sheet showing the entire parcel area with the basic development features shown on Sheet C300 & C301 should be prepared and made part of the ordinance prior to recording;***
3. ***The PDD conditions & restrictions resolution shall contain a requirement that a certified survey map (CSM) land combination shall be completed and approved to combine the subject parcels.***

MOTION carried unanimously.

MOTION Baum second Shadid to Approve the proposed 3-lot CSM combining the MacArthur School property with the two residential lots for the total 8.6-acres as proposed by the Germantown School District subject to the following conditions:

- 1. All technical corrections identified by the Village Surveyor as summarized in the March 16, 2018 memo shall be made prior to recording the CSM by the Village Board;**
- 2. The CSM shall not be submitted to the Village Board for review/approval until the title/Ownership issue concerning the north driveway to/from Roberts Drive has been resolved.**

MOTION carried unanimously.

MOTION Baum second Shadid to APPROVE the revised site development plans for the proposed parking lot and site improvements to the existing MacArthur School property located at W154 N11492 Fond du Lac Avenue subject to the following conditions:

- 1. Approval is granted for the site development and landscaping plan sheets dated February 9, 2018 unless superseded by further revisions required by the Plan Commission as part of granting approval;**
- 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;**
- 3. Additional landscape plantings for a total of twenty (20) plantings comprised of both deciduous shade and evergreen trees shall be planted along the east property line adjacent to the Green Meadow Subdivision to provide a more adequate and immediate buffer between the parking lot and residential properties. Said plantings shall have a minimum planted size of 3" dia. deciduous and 8'-10' tall evergreen. A revised or supplemental landscape plan indicating the type and location of said plantings shall be submitted to the Village Planner for review/approval prior to issuance of an occupancy permit for the school building additions.**
- 4. The District shall enter into a Landscape Maintenance Agreement with the Village as required under 17.43(6a) of the Zoning Code. Said agreement shall be executed by the owner and submitted to the Village for recording prior to issuance of an occupancy permit.**
- 5. The "entry only" access driveway from Gettysburg Drive and the "exit only" driveway to Fond du Lac Avenue both need to have a minimum pavement width of 20 feet to accommodate emergency vehicles as required by the Germantown Fire Department.**
- 6. All technical corrections & issues identified by the Village Public Works Director summarized in the March 22, 2018 memo shall be addressed in revised plans and/or supplemental information reviewed and approved by the Village prior to issuing any permit required for the development.**

MOTION to Amend Baum second Gray to add Condition #7 that the walkway on the east side of the drop off lane be connected to the pathway on the east side of the property and remove the rest of it.

Discussion followed. Mr. Hitch said they'd move the path toward the public street, so it connects at the same place where the path connects at the street today. The neighbors wishes will be met by removing the asphalt to the north.

MOTION to Amend carried unanimously.

Commissioner Gray said she was opposed to the proposed smaller parking spaces saying its tricky to park in them. Planner Retzlaff explained the current code requires a parking stall size of 180 square feet but does not specify a minimum width. He said what is being proposed isn't really any dramatically inconsistent with what the code currently provides for, but he understands the concern. He said we have made changes to parking space sizes on other projects in the past.

MOTION to Approve as Amended carried unanimously.

Community Development Department – Proposed code Amendments (Zoning Code Public Hearing and Protest Petition Requirement. Planner Retzlaff explained he and the Village Attorney have gotten together to propose a couple changes to the zoning code specifically concerning public hearings and protest provisions in the Zoning Code. He said the existing Zoning Code requires public hearings for certain zoning related matters including, zoning map amendments, zoning code text amendments, conditional use permits, comprehensive plan map and text amendments and tax increment establishment. Wisconsin Statutes require public hearings for such zoning related matters but with regard to the first three does not prescribe any particular body of local government that should hold such meetings that are required. The Village Code does prescribe public hearings to be held before the Village Board for rezonings, text amendments and conditional use permits. The proposed amendment changes the public hearing requirement from the Village Board to the Plan Commission for those 3 items. It will allow the public to share information, opinions and identify issues at the beginning of the review process and allow the Plan Commission to make more informed recommendations to the Village Board. He said its typical of other communities to hold a public hearing before the Plan Commission and not necessarily before public officials. However, we could require a process to require both. Discussion followed.

Chairman Wolter said most communities hold their public hearings before Plan Commission. He mentioned a public hearing for a rezoning for Grace Lutheran church. He explained people lined up at a podium and were put on a 3-minute clock. He said it was handled very well and in an orderly fashion and everyone said what they needed to say. Planner Retzlaff said those procedural details will still need to be worked out. Commissioner Laszewski said people do come to speak during public input when there are certain hot topic issues but thinks a public hearing in front of elected officials is still important, so their concerns are heard. Trustee Baum said the Plan Commission needs to hear the feedback to make a recommendation to the Village Board based on what's been heard. The notification process says there is a vehicle to voice a grievance and we want them to come before Plan Commission, so we can make a recommendation or make changes based on what's been heard.

Chairman Wolter said it's important that Plan Commission hear that input, so it can be used to make a decision or to make changes that are helpful or necessary after hearing their concerns. He said most people that come to a meeting do so because its impacting them directly. He said this board could recommend a second public hearing, but board members are welcome to come to the public hearing as well. It's important for this body to hear it first as its being proposed to use in the decision process.

MOTION Baum second Gray to Approve the amendment as presented to Sections 17.51 and 17.53 of the Germantown Municipal Code relating to Public Hearings and Protest Provisions.

Discussion continued. Commissioner Gray said public comments can be heard at any meeting. Trustee Baum explained surrounding properties within 300 feet would only receive a mailing notice before a public hearing is scheduled. He said the Plan Commission reviews an application and then sends it on to the Village Board where a public hearing is scheduled. Commissioner Laszewski said he liked the 3-minute time limit for public comment.

Planner Retzlaff explained one of the most recent Acts signed into law is Act 243 which contains a provision that repeals the protest petition process. Because this provision affects municipal zoning regulations, the Village Attorney is recommending that the same protest petition provisions found in the zoning code under Section 17.51(7) be repealed in the same manner, effective January 1, 2019, as enacted by the Wisconsin Legislature and signed by the Governor. The proposed Ordinance includes this amendment as well. He explained there is still an opportunity for someone to protest a zoning change at the public hearing but the protest petition provision requiring a super majority vote would be eliminated. Chairman Wolter said a group could still propose a petition during a public hearing for or against a zoning change to show there is a force of people that are in favor or against a certain item, but it wouldn't have the teeth in it that forces a certain vote. Trustee Baum asked if the Village Board could still decide whether to accept a super majority vote if all the neighbors signed a petition and brought it to the Village Board. Planner Retzlaff said he would need to check on that question. He said this is the first of many code amendments that ultimately need to be changed as a result of Acts in the past.

MOTION carried unanimously.

ANNOUNCEMENTS: Planner Retzlaff said there will be a meeting on April 23rd and asked Plan Commission members to start thinking about setting aside the 4th Monday on a regular basis. He said we will begin to embark on our Comprehensive Planning update project and will start things off on the 23rd with some discussion about statute requirements we need to comply with, public participation requirements, and our own preferences how we want to approach the project. He said to think about the key issues we want to address including preserving the rural character of the Village, the highway 41 corridor, the north part of the village and the Holy Hill Road interchange. Trustee Baum said he cannot attend the meeting on the 23rd. Commissioner Shadid is not available on the 4th Monday of the month. Chairman Wolter said he attended the Ace Hardware ribbon cutting this past weekend and said it was nice to see a neighborhood hardware store. Commissioner Gray said she volunteered and sat in at the election.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:39 p.m.

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Respectfully submitted,

Lori Johnson
Planning Assistant