

PLAN COMMISSION MINUTES
July 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 Tony Laszewski and Bob Williams were present. Commissioner Peter Nilles and Matt Kimmler were absent and excused. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

APPROVAL OF MINUTES: ***MOTION Baum second Laszewski to Approve the minutes from 6-25-18. MOTION carried unanimously.***

Dave Leszczynski, W124 N11749 Wasaukee Road. The property owner is seeking approval of a Rezoning application (A-1: Agricultural to Rs-3: Single-Family Residential) to create a Planned Development District (PDD) to develop a 17-lot, 29.7-acre single family residential development north of Elm Lane and west of Wasaukee Road. Planner Retzlaff summarized the proposal. Discussion followed.

Dave Leszczynski spoke on the new development. He indicated he just received DNR confirmation regarding the wetland delineation and will work with staff on the issues with the driveway easement and other things that need to be addressed. He is hoping to submit the preliminary plat for phase 1 that connects to the Woodland Ponds subdivision, within the next 2 months. Commissioner Williams asked if there was an opportunity to eliminate a lot so the lots that fall under the 1 acre minimum would meet the zoning requirement. Leszczynski explained he was in the process of acquiring a permit from USACE to fill 2 small wetlands, and if granted, all the lots will be over 1 acre in size and the PDD will not be needed. But he doesn't want to wait for the determination and wants to proceed with the rezoning PDD to encroach into the wetland setback area. He stated all the Woodland Ponds covenants will be included in phase 1 and be a part of their association and architectural control committee. He was not sure if phase 2 would be included at this time. Discussion continued.

Trustee Baum said there may be opposition at the Village Board level with the PDD because the Village hasn't been given anything as a tradeoff. Planner Retzlaff stated in this case a more legitimate paved or gravel trail that would allow residents from Woodland Ponds to go through to Elm or Harvest Hills could be included as part of the PDD. He said the cul-de-sac bulb in Harvest Hills could also be constructed at the same time to save money and be coordinated with the timing of the construction. Trustee Baum said he doesn't like approving a PDD on a conceptual basis. While he is OK with the rezoning, he is not sure about going forward with anything else until he understands exactly what's being proposed with the lots. Planner Retzlaff said a lot rides on the jurisdictional approval. Leszczynski said he could do 7 lots instead of 8, but he is so close to getting an additional lot. He will work with staff on Phase 2 and the driveway easement. Chairman Wolter said he doesn't have an issue with lots 1-8 as long as they tie into the subdivision above and will use its covenants, oversight committees and pay towards the HOA. He also doesn't have any issues with the lots off Elm Lane and Wasaukee Road. But he thinks everyone has is struggling with lots 9, 10, 11, 12 and 13 and what the vision is and how it will look and how you'll cross and maintain a decent connection from the edge of the cul-de-sac to lot 13 and what is needed in the ordinances and make it a cohesive part of the subdivision to the west. Leszczynski said he was willing to take lots 12 and 13

out for now and move forward with the rest and come back with the preliminary plat with 1-acre lot sizes. He said phase 1 is ready to go. But phase 2 is still in conception mode and he may lose 2 lots there. He will try to build on them, but they do have issues with access. Discussion continued.

Mike Gleeson, W126 N11811 Forest Hill Road in Woodland Ponds subdivision, spoke regarding the proposal. He said the biggest thing their subdivision is asking for is that this development be the same as their neighborhood and agreed with having 7 lots in order to meet the zoning requirements. He is now satisfied that the developer has agreed to accept all the Woodland Ponds covenants. Chairman Wolter asked if the HOA will review the first house. Leszczynski said Bill Peterson, Developer of the Woodland Ponds subdivision, agreed to have him be a part of their HOA and architectural review board. Planner Retzlaff asked Leszczynski if he is willing to work with Harvest Hills as well, but he indicated he would need more information before he would agree to that. He was also unsure what covenants would cover lots 14 through 17. Chairman Wolter commented that he appreciates the lot layout and for helping to answer questions for the residents to the north. Planner Retzlaff recommended approving the rezoning to Rs-3 with the concept plan for 7 lots to the north. Mr. Leszczynski said he'd be happy with 7 lots in order to move forward.

MOTION Baum second Laszewski to Approve the Rezoning from A-1: Agricultural to Rs-3: Single-Family for the entire 29.7-acre property, provided the developer brings to staff a 7-lot subdivision subject to the following conditions.

- 1. Provide a detailed landscaping plan (type, amount, location, etc. plantings and methods to maintain) for the 5' wide vegetated buffer required under #3 above, and, a detailed plan for the proposed pedestrian trail and other amenities discussed in the Developers PDD application. Said plans to be prepared and submitted for review and approval by the Village concurrent with preliminary plat approval.***
- 2. This approval does NOT include any modification to the private street design requirements proposed by the Developer;***
- 3. The Developer shall submit soil evaluation reports reviewed and approved by Washington County indicating that all proposed lots can support a POWTS;***
- 4. The Developer shall submit a copy of the wetland delineation confirmation letter from the WisDNR. Any changes to the size or location of wetlands approved by the DNR shall be reflected in a revised General Development Plan and subdivision preliminary plat.***
- 5. All Village of Germantown development Code requirements, including but not limited to the General Zoning Code, Shoreland-Wetland Zoning Code and Subdivision Code shall be met prior to approval of the required subdivision plat by the Village.***
- 6. Phase 1 of the Development must comply with all the covenants of the Woodland Ponds Subdivision.***
- 7. If the Developer can eliminate outlot 1 and outlot 2 and re-layout the individual parcels and get the 8th parcel, and, comply with the ordinances and maintain the wetland setback, he can bring in an 8-lot subdivision.***

MOTION to Amend Baum second Laszewski that a revised concept plan for phase 2 shall be submitted at the time the preliminary plat is submitted to Plan Commission for review.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Top Leaf Development LLC and Alan & Lynda Luther – 107 acres south of Freistadt Road, North of Elm Lane and west of Wasaukee Road. The property owner is requesting approval of a Conditional Use Permit (CUP) for encroachment into a 25' wetland setback and Preliminary Subdivision Plat for Harvest Hills, a 37-lot residential development. Planner Retzlaff summarized the proposal.

MOTION Baum second Williams to Approve the Harvest Hills preliminary subdivision plat subject to the following conditions:

- 1. Developer shall enter into a Development Agreement with the Village pursuant to Section 18 of the Village Code (Subdivision and Platting), as well as, the preparation of detailed plans for the installation of public utilities and improvements including, but not limited to public street and intersection improvements, sanitary sewer, storm sewer & storm water management facilities, master grading plan and erosion control, trails, landscaping & street trees, open space, lighting and signage.***
- 2. The street tree landscape plan dated June 21, 2018 (revision date) shall be approved by the Village Forester prior to installation of any street trees within the development. Street trees shall be installed close to the front/street yard property line. The timing of installation of the street trees and common open space landscaping shall be determined as set forth in the Development Agreement.***
- 3. All of the comments, outstanding issues, construction plan details and corrections, and plat preliminary corrections identified by the Director of Public Works in a May 4 and June 13, 2018 review memos, and by the Village Surveyor in a May 1, 2018 review memo, shall be addressed prior to executing the Development agreement and/or commencement of construction.***
- 4. The Development Agreement shall include a requirement that subdivision deed restrictions and covenants be submitted to the Village prior to final plat submittal that include a requirement that each individual lot contain the minimum landscaping required under Section 17.43(5).***
- 5. The proposed landscaping and monument sign at the Freistadt Road shall be located outside of the vision triangle and within a landscape easement on Lot 18.***

MOTION carried unanimously.

MOTION Baum second Laszewski to Approve a Conditional Use Permit to allow development within the 25' wetland setback areas and proposed compensation as presented in the Wetland Mitigation Plan pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

- 1. The Developer shall prepare and submit an annual monitoring report to the Village and local DNR staff concerning the various management activities proposed in the plan, including the invasive species removal and wetland grass planting/restoration. Said report shall, at a minimum, detail the type and amount of plantings, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities to be carried out, and a list of planned activities for the upcoming year. Said report shall be submitted annually at the end of each year beginning in 2018 for a period of three (3) years.***

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:06 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant