

RESOLUTION NO. 11-2025

A RESOLUTION ADOPTING CONDITIONS AND RESTRICTIONS  
FOR THE SUTTON FARM PLANNED DEVELOPMENT DISTRICT  
("SUTTON FARM PDD")

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WHEREAS, Home Path Financial, LP, agent for Mohrhusen Family Farm, LLC, property owner (hereinafter the "Developer") has applied for an Rs-7: Single-Family Residential and Rm-2: Multi-Family Residential Planned Development District (Rs-7/Rm-2/PDD) to be applied to the property located in the Village of Germantown as described in Exhibit A attached hereto; and

WHEREAS, Section 17.24(4) of the Village of Germantown Municipal Code allows for the adoption of conditions and restrictions for Planned Development Districts (PDD) that modify the basic allowances, limitations, and bulk regulations of the underlying zoning districts, as well as allow for the establishment of specific uses, bulk regulations, density standards, yard setbacks, etc. to ensure proper development, operation, and maintenance of the proposed development in the General Development Plan; and

WHEREAS, the Village of Germantown Plan Commission on June 9, 2025, reviewed the Rs-7/Rm-2/PDD rezoning application and forwarded a positive recommendation regarding both the rezoning and General Development Plan to the Village Board.

NOW THEREFORE, BE IT RESOLVED by the Village Board of the Village of Germantown hereby adopts the following specific conditions and restrictions that shall apply to all development on and the use of property within the PDD:

1. **GENERAL DEVELOPMENT PLAN (GDP)**. The General Development Plan (Exhibit B dated June 23, 2025) establishes the basic parameters for development within the Sutton Farm PDD including the approximate size and orientation of lots, density of development, setbacks, location of internal roadways and intersections to the adjacent road system, and the general location and extent of landscaping, buffering, and recreational trails. While all development within the Sutton Farm PDD shall be generally consistent with the GDP, the GDP does not grant specific site development or building approval. Subsequent Village approvals shall be required as a prerequisite for development, including but not limited to a subdivision plat, condominium plat, and site plan.
2. **PERMITTED LAND USES**. Permitted Principal, Accessory, Conditional, and Temporary Uses allowed within the Sutton Farm PDD shall be as set forth in the Rs-7: Single-Family Residential (Section 17.20) and Rm-2: Multi-Family Residential (Section 17.23) Zoning Districts of the Zoning Code and in accordance with the Sutton Farm Zoning Plan (dated March 31, 2025). A future well site for the Village shall also

be an allowed use and generally positioned in accordance with the well site location depicted per the General Development Plan.

3. **ACCESS.** Public road/driveway access to the Sutton Farm PDD shall be limited only to the proposed public streets to/from Lannon Road (CTH Y) and County Line Road (CTH Q) as shown on the GDP, and that except for the potential well site, no direct access to Lannon Road or County Line Road from any lot or outlot shall be allowed.
4. **RESIDENTIAL DENSITY, UNIT SIZE, AND TYPE.** The project shall include a maximum of one-hundred seventy-one (171) single-family dwelling units (includes paired units) on individual platted lots ranging in size from 6,825 square feet to 16,092 square feet, and, no more than one-hundred two (102) multi-family dwelling attached townhome units in residential buildings containing no more than five (5) townhome dwelling units per building. Development of the single-family residential areas shall be approved consistent with and pursuant to the Village's subdivision platting procedures.
5. **SITE PLAN APPROVAL REQUIRED.** Development of the multi-family attached townhomes shall be consistent with and pursuant to the Village's Site Plan and Condominium Plat procedures.
6. **ARCHITECTURAL DESIGN AND BUILDIGN MATERIALS.** Final architecture design and exterior materials of all residential structures shall be consistent with the conceptual elevation drawings and building/home portfolio documents included with the Developer's General Development Plan submittal package, and attached hereto as Exhibit C.
7. **COMMON AREA/OPEN SPACE OWNERSHIP AND MAINTENANCE.** All open space shown on the General Development Plan shall be owned and maintained by a Homeowners Association in perpetuity. Maintenance guarantees shall be included in the Development Agreement. Details regarding intended use of and improvements to (if any) the common open space areas, including the 0.85-acre internal/central park and pedestrian paths, shall be provided by the Developer and included in the Development Agreement.
8. **STREET IMPROVEMENTS, INTERIOR ROAD CONSTRUCTIONS, AND OWNERSHIP.** All internal roadways intended for dedication shall be approved by the Plan Commission and constructed to standards deemed acceptable to the Department of Public Works. Detailed cross sections shall be approved by the Public Works and Highways Committee.
9. **PEDESTRIAN CIRCULATION.** The Developer shall install neighborhood trails in the form of low-impact woodchip mowed pedestrian paths in accordance with the General Development Plan. The construction of sidewalks along all internal roadways intended for dedication to the Village shall be required as directed by the Village's Public Works and Highways Committee. A sidewalk extending along the County Line

Road frontage and connecting to Lannon Road shall be evaluated and constructed as set forth in the Development Agreement, if feasible.

10. **SPECIFIC LIGHTING AND LANDSCAPING PLANS.** The Developer shall submit detailed lighting, street tree, and landscaping plans (for any common area improvements and the required 30' perimeter buffer) to the Plan Commission and Village Forester for review and approval prior to final plat approval as set forth in the Development Agreement. Lighting and landscaping including the installation of street trees shall comply with Village guidelines. The General Development Plan shall be used as a guide for the general location and character of landscaping, including location of buffers such as the required 30' perimeter buffer, and street trees. Street lighting shall be installed at all access entrances/intersections along Lannon Road (CTH Y) and County Line Road (CTH Q), and, at all internal road intersections within the development unless otherwise approved by the Village's Public Works and Highways Committee. Individual lot landscaping and lighting of the multi-family attached townhome areas shall be installed as required under the Village's Subdivision Code (or as part of site plan approval by the Plan Commission for the attached townhomes areas).
11. **SITE DEVELOPMENT AND BUILDING REQUIREMENTS.** Unless otherwise modified as set forth below, all development and buildings shall be in accordance with the lot, building, and other applicable bulk requirements set forth in the applicable underlying Rs-7: Single-Family Residential or Rm-2: Multi-Family Residential Zoning Districts and other applicable Zoning Code regulations:

**Modifications to the Rs-7: Single-Family Residential District:**

- a. Reduce maximum Residential Density from 4.4 DU/acre to 2.4 DU/acre.
- b. Reduce minimum Lot Width from 80 feet to 56 feet.
- c. Reduce minimum Lot Area from 10,000 sqft to 6,825 sqft.
- d. Reduce minimum Side Yard Setback from 10 feet to 8 feet.
- e. Increase Rear Yard Setback from 25 feet to 30 feet (applicable to flagship/pathway home lots only).
- f. Increase minimum Dwelling Size from 1,200 sqft for 3-bedroom to 1,450 sqft.
- g. Increase minimum Dwelling Size from 1,200 sqft for 4-bedroom to 1,690 sqft.

**Modifications to the Rm-2: Multi-Family Residential District:**

- a. Reduce the maximum Residential Density from 8.0 DU/acre to 5.9 DU/acre.
- b. Eliminate the minimum Lot Area requirement to allow the clustering of the attached townhome units and develop as a condominium.
- c. Reduce the minimum Front Yard Setback from 35 feet to 25 feet.
- d. Reduce the minimum Side Yard Setback from 25 feet to a combined total of 25 feet.
- e. Reduce the minimum Rear Yard Setback from 35 feet to 25 feet.
- f. Increase the maximum Number of Stories from 2.5 to 3.0 on the rear elevation.
- g. Increase minimum Dwelling Size from 800 sqft for 2-bedroom to 1,650 sqft.
- h. Increase minimum Dwelling Size from 1,000 sqft for 3-bedroom to 1,750 sqft.
- i. Increase minimum Dwelling Size from 1,000 sqft for 4-bedroom to 2,200 sqft.

12. **DEVELOPMENT AGREEMENT REQUIRED.** The Development Agreement shall be reviewed by the Public Works and Highways Committee and approved by the Village Board. 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 mandated under Section 17.43(5) of the Zoning Code.
13. **GARBAGE AND RECYCLING COLLECTION.** Unless mutually agreed to between the Developer and the Village as set forth in the Development Agreement, the provisions of Village Code Section 11.08 pertaining to garbage and recycling collection for multi-family structures containing five (5) or more units shall apply.
14. **BLASTING.** The Developer shall receive Village approvals for blasting permits prior to commencing any blasting activities. All blasting activities shall comply with all Federal, State, and local requirements.
15. **EXPIRATION.** The Developer shall obtain all necessary approvals and permits from the Village and other agencies in a timely manner consistent with a general development phasing plan set forth in the Development Agreement. If construction of the public improvements has not commenced within two (2) years after the date of PDD approval and continued toward completion, the Village may determine that the approvals and provisions granted under this PDD resolution and General Development Plan have expired and are null and void, unless an extension of said approvals and provisions is granted by the Village pursuant to the procedures under Section 17.43(11) and (11a) of the Zoning Code. If this requirement is not satisfied, the Sutton Farm PDD and General Development Plan (GDP) shall become null and void, and the property shall revert back to the previous A-1: Agricultural Zoning District.
16. **APPLICABILITY OF MUNICIPAL CODE.** Unless otherwise set forth herein, all other applicable zoning and development regulations contained in the Germantown Municipal Code (e.g. Shoreland-Wetland Zoning, Floodplain Zoning, Subdivision) shall apply to development and land use within the Sutton Farm PDD. In the event a requirement, restriction, or limitation set forth herein conflicts with a similar requirement, restriction, or limitation found in another section of the Municipal Code, the most stringent requirement, restriction, or limitation shall apply.

Adopted: July 7, 2025

  
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Robert A. Soderberg, Village President

ATTEST:

  
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Donna Ott, Village Clerk

**EXHIBIT A**

**Sutton Farm Planned Development District (PDD)  
Metes and Bounds Legal Description**

THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW ¼ SW ¼) AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW ¼ SW ¼) AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE ¼ SW ¼) OF SECTION THIRTY-TWO (32), TOWN NINE (9) NORTH, RANGE TWENTY (20) EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ¼ CORNER OF SAID SECTION 32; THENCE NORTH 01° 24' 32" WEST ALONG THE EAST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 32 (RECORDED AS NORTH 01° 25' 14" WEST), 219.222 FEET TO AN EXISTING 1-INCH I.P., SAID POINT BEING THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE CONTINUING NORTH 01° 24' 32" WEST ALONG SAID EAST LINE, 1114.738 FEET TO A SET 1-INCH I.P.; THENCE SOUTH 89° 35' 56" WEST, 1325.809 FEET TO A SET 1-INCH I.P.; THENCE NORTH 00° 22' 09" WEST, 665.595 FEET TO AN EXISTING "X" IN A ROCK; THENCE SOUTH 89° 35' 36" WEST, 1294.485 FEET TO AN EXISTING 1-INCH I.P., SAID POINT ALSO BEING ON THE EASTERLY R.O.W. LINE OF C.T.H. "Y" (LANNON ROAD); THENCE SOUTH 01° 30' 31" EAST ALONG SAID R.O.W. LINE, 1440.115 FEET TO A SET 1-INCH I.P.; THENCE ALONG THE ARC OF A CURVE, 234.733 FEET (CHORD BEARING OF SOUTH 12° 14' 10" EAST, 233.364 FEET) TO A SET 1-INCH I.P.; THENCE SOUTH 22° 57' 49" EAST, 175.906 FEET TO A SET 1-INCH I.P.; THENCE ALONG THE ARC OF A CURVE, 86.957 FEET (CHORD BEARING OF SOUTH 16° 55' 14" EAST, 86.796 FEET) TO A SET 1-INCH I.P.; THENCE SOUTH 64° 49' 42" EAST, 76.644 FEET TO A SET 1-INCH I.P., SAID POINT BEING ON THE NORTHERLY R.O.W. LINE OF C.T.H. "Q" (COUNTY LINE ROAD); THENCE NORTH 89° 38' 57" EAST ALONG SAID R.O.W. LINE, 1149.251 FEET TO A SET 1-INCH I.P.; THENCE NORTH 00° 21' 03" WEST, 364.030 FEET TO AN EXISTING 1-INCH I.P.; THENCE NORTH 89° 38' 57" EAST, 143.400 FEET TO A SET 1-INCH I.P.; THENCE SOUTH 00° 21' 03" EAST, 77.870 FEET TO A SET 1-INCH I.P.; THENCE SOUTH 89° 23' 34" EAST, 170.370 FEET TO AN EXISTING 1-INCH I.P.; THENCE SOUTH 00° 54' 50" EAST, 283.325 FEET TO A SET 1-INCH I.P., SAID POINT BEING ON THE NORTHERLY R.O.W. OF C.T.H. "Q" (COUNTY LINE ROAD); THENCE NORTH 89° 38' 57" EAST ALONG SAID R.O.W., 28.604 FEET TO A SET 1-INCH I.P.; THENCE NORTH 00° 21' 03" WEST, 170.000 FEET TO A SET 1-INCH I.P.; THENCE NORTH 89° 38' 57" EAST, 110.000 FEET TO A SET 1-INCH I.P.; THENCE SOUTH 00° 21' 03" EAST, 170.000 FEET TO A SET 1-INCH I.P., SAID POINT ALSO BEING ON THE NORTHERLY R.O.W. LINE OF C.T.H. "Q" (COUNTY LINE ROAD); THENCE NORTH 89° 38' 57" EAST ALONG SAID R.O.W., 702.830 FEET TO A POINT ON THE NORTH R.O.W. OF SAID C.T.H. "Q" (COUNTY LINE ROAD); THENCE NORTH 01° 29' 35" WEST, 169.186 FEET TO AN EXISTING 1-INCH I.P.; THENCE NORTH 89° 38' 01" EAST, 110.080 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THREE (3) PARCELS OF LAND, DESCRIBED AS FOLLOWS:

1. THAT PORTION DESCRIBED BY TRUSTEE'S DEEDS RECORDED AS DOCUMENT NO'S 440169, 440170 AND 440171.
2. THAT PORTION CONTAINED IN AWARD OF DAMAGES RECORDED ON APRIL 29, 2005, AS DOCUMENT NO. 1086250.
3. THAT PORTION CONTAINED IN CONVEYANCE RECORDED ON DECEMBER 27, 1938, AS DOCUMENT NO. 168138.



**EXHIBIT C**

**Sutton Farm Architectural Design and Building Materials**  
(See Attached Elevations and Building/Home Portfolio Products)

**Home Product Offering-Flagship**



**Home Product Offering-Pathway**



# Home Product Offering-Ranch Villas



**TYPE 1 - FRONT ELEVATION**  
 Character Elevation

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**TYPE 1 - REAR ELEVATION**  
Character Elevation



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**TYPE 3 - FRONT ELEVATION**  
Character Elevation



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TYPE 3 - REAR ELEVATION



The drawings presented are preliminary and subject to change without notice. All dimensions are approximate. All materials, finishes, and colors are subject to change without notice. All drawings are the property of BSB Design, Inc.



TYPE 2 - FRONT ELEVATION  
 Character Elevation



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