

THE CEREMONIAL OATH OF OFFICE WILL BE ADMINISTERED
PRIOR TO THE START OF THE MEETING

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

**MEETING: REGULAR AND ORGANIZATIONAL MEETING OF
THE VILLAGE BOARD**

DATE AND TIME: **MONDAY, APRIL 18, 2016** **7:00 p.m.**

LOCATION: **Germantown Village Hall Board Room**

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.*

II. **ROLL CALL**

III. **PLEDGE OF ALLEGIANCE**

IV. **PRESIDENT'S REPORT**

V. **APPOINTMENTS**

A. ***Standing Committees of the Village Board***

1. **General Government & Finance**

Chair	Trustee	Arthur Zabel	04/19/2016 – 04/17/2017
	Trustee	Terri Kaminski	04/19/2016 – 04/17/2017
	Trustee	Shane Daniels	04/19/2016 – 04/17/2017
	Trustee	Robert Warren	04/19/2016 – 04/17/2017

2. **Public Safety**

Chair	Trustee	Jeff Hughes	04/19/2016 – 04/17/2017
	Trustee	Shane Daniels	04/19/2016 – 04/17/2017
	Trustee	David Baum	04/19/2016 – 04/17/2017
	Trustee	Dennis Myers	04/19/2016 – 04/17/2017

3. **Public Works & Highways**

Chair	Trustee	Terri Kaminski	04/19/2016 – 04/17/2017
	Trustee	Rick Miller	04/19/2016 – 04/17/2017
	Trustee	Robert Warren	04/19/2016 – 04/17/2017
	Trustee	Arthur Zabel	04/19/2016 – 04/17/2017

B. ***Commissions/Boards/Committees***

1. ***Administrative Appeals Review Board***

	Trustee	Dean Wolter	04/19/2016 – 04/15/2019
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2. ***Board of Review***

	Member	William Shadid	05/01/2016 – 04/30/2021
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V. APPOINTMENTS continued:

3. **Board of Zoning Appeals**

Alternate	Carroll Merry	05/01/2016 – 04/30/2021
Alternate	Benjamin Goetter	05/01/2016 – 04/30/2021
4. **Economic Development Committee**

Member	Scott Coulthurst	05/01/2016 – 04/30/2019
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5. **Ethics Board**

Member	Richard Kent	05/01/2016 – 04/30/2019
Member	Wyatt Wiehr	05/01/2016 – 04/30/2019
Alternate member	VACANT	05/01/2016 – 04/30/2019
Alternate Member	VACANT	05/01/2015 – 04/30/2018
6. **Historic Preservation Commission**

Citizen Member	Christine Kauth	05/01/2016 – 04/30/2019
Citizen Member	Barbara Mendenahl	05/01/2016 – 04/30/2019
7. **Library Board**

School District Rep.	Brenda O'Brien	07/01/2016 – 06/30/2019
Member	Charlene Brady	07/01/2016 – 06/30/2019
8. **Park & Recreation Commission**

Chair Member	Scott Coulthurst	05/01/2016 – 04/30/2019
Trustee	Rick Miller	04/19/2016 – 04/17/2017
School Member	Brian Medved	05/01/2016 – 04/30/2019
Member	Kim Leukert	05/01/2016 – 04/30/2019
9. **Plan Commission**

Chair	Dean Wolter	04/19/2016 – 04/17/2017
Trustee	David Baum	04/19/2016 – 04/17/2017
10. **Senior Center Advisory Committee**

Senior Club member	Arline Flesch	04/19/2016 – 04/16/2018
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11. **Tourism/Community Betterment Committee**

Chair Trustee	Jeffrey Hughes	05/01/2016 – 04/18/2017
Chamber Rep	Lynn Grgich	05/01/2016 – 04/30/2017
Hotel Rep	Sue Ciurro	05/01/2016 – 04/30/2017
Member	Patricia Adair	05/01/2016 – 04/30/2017
Member	Charlene Brady	05/01/2016 – 04/30/2017
Member	Carroll Merry	05/01/2016 – 04/30/2017
Member	Judy Rogers	05/01/2016 – 04/30/2017
Member	Kevin Meyer	05/01/2016 – 04/30/2017
12. **Utility Advisory Committee**

Trustee	Benjamin Goetter	05/01/2016 – 04/30/2019
Member	Jeff Schleif	05/01/2014 – 04/30/2017*

*(completing term left vacant by prior resignation)
- C. **Weed Commissioner**

Planning/Zoning Adm.	Jeff Retzlaff	04/19/2016 – 04/17/2017
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- D. **Mid-Moraine Legislative Committee**

Trustee Representative	Art Zabel	04/19/2016 – 04/17/2017
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- E. **Official Posting Places**

Village Hall - N112 W17001 Mequon Road
 Public Library - N112 W16957 Mequon Road
 Village Website

VI. ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS:

The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney and Village Clerk.

VII. CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:

Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes)

VIII. CONSENT AGENDA:

A. Accounts payable/payroll

1.	March 31, 2016	Payroll (salary)	\$ 80,240.19
2.	March 2016	Accounts Payable	\$ 29,203.79
3.	April 5, 2016	Payroll (hourly)	\$ 214,374.82
4.	April 10, 2016	Accounts Payable	\$1,412,717.31
5.	April 15, 2016	Payroll (salary)	\$ 78,941.16

B. Operator Licenses: April 19, 2016 - June 30, 2016:

C. Jennifer M. Heinzl, Michelle L. Kind, Sangita Raut, Sardar Raza, Kim Wolff
[Recommended Approval]

The following items were forwarded from Public Safety with a unanimous recommendation:

D. Application For Fireworks User Permit, July 4th At Fireman's Park – Lynn Grgich
[Recommend Approval]

E. Request to Purchase Replacement 911 System Through Baycom Inc., In the Amount of \$136,842.02 Allocated from Acct #40-521-570-8460 (Police Dept.)
[Recommended Approval]

F. Purchase Upgrade to Building Security & Surveillance System Through H&S Protection Systems in The Amount of \$46,658.00 Allocated from Acct #40-521-570-8450, Which Would Include Replacing and Upgrading 13 Cameras, The Video Server and The Client Workstation, An Additional 40" Monitor for Communications Center, Also Includes Audio/Video Recording Systems for 3 Interview Rooms for Police Dept. [Recommended Approval]

G. Request to Re-Chassis 2 Ambulances At a Cost of \$270,000 Instead of Buying 1 New Ambulance at a Cost of \$250,000 (Fire Dept.) [Recommended Approval]

The following items were forwarded from the Public Works Committee with a unanimous recommendation:

H. Authorize Staff to Contract with Century Landscaping in the Amount of \$23,631.25 for the Replacement of Village Trees Removed as part of Emerald Ash Borer Initiative, with Funds to be Allocated from Acct. #10-553-530-5290
[Recommended Approval]

I. Approval of 2015 WI DNR MS4 Annual Report and Authorize Village President to Sign for Submission to the WDNR [Recommended Approval]

IX. UNFINISHED BUSINESS:

- A. Request to Award Contract for TID #6 Phase #1 Appleton Ave. Paving & Lighting
- B. Request to Accept Memorandum of Understanding with WisDOT for Future TID #6 Appleton Ave. – Lannon Rd. Roundabout Intersection Improvements
- C. **Certified Survey Map:** Tim Hiller, Agent for Steven Stoffel, Property Owner of a 7.14-acre Parcel located on Donges Bay Road ¼-mile west of STH145 (Parcel GTNV#351-990); Certified Survey Map (CSM) to create four (4) residential parcels in an existing Rs-4: Single-family Zoning District

X. PUBLIC HEARINGS – 7:00 P.M. OR LATER: *The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).*

- A. Daniel & Kim Skrober, Property Owners and Applicant for (1) a **CONDITIONAL USE PERMIT** to allow “recreational vehicle and boat storage” and “storage of commercial vehicles and equipment” pursuant to Sections 17.13(2)(s) and 17.13(2)(mm) of the Village Zoning Code from the following described property: GTNV #072-990, N136 W21801 Bonniwell Road
- B. Christopher Jackson, CJ Engineering, Agent, for Gehl Foods LLC, Property Owner and Applicant for: (1) an amendment to **CONDITIONAL USE PERMIT No. 07-10** to allow the expansion of an existing “off-site” parking lot pursuant to Section 17.45(5) of the Village Zoning Code on the Following Described Property: GTNV #224-017 N116 W15953 Main Street
- C. Skyline Development Corp., Property Owner and Petitioner for: (1) a **COMPREHENSIVE PLAN MAP AMENDMENT** to change the 2020 Land Use Plan Map classification for the property described below from “Commercial” to the “Industrial/Office” classification; (2) a **REZONING** application to rezone the property described below from the B-1: Neighborhood Business District to the M-1: Limited Industrial District; and (3) a **CONDITIONAL USE PERMIT** application to allow development within a 25’ wetland and 75’ navigable waterway setback on a portion of the property described below pursuant to Section 24.04(3) of the Municipal Code on the Following Described Property: GTNV #362-983 (S.E. Corner of STH145 @ Donges Bay Road Intersection)

XI. NEW BUSINESS:

- A. **CONDITIONAL USE PERMIT** to allow “recreational vehicle and boat storage” and “storage of commercial vehicles and equipment” pursuant to Sections 17.13(2)(s) and 17.13(2)(mm) of the Village Zoning Code from the following described property: GTNV #072-990, N136 W21801 Bonniwell Road, Daniel & Kim Skrober, Property Owners and Applicant
- B. **Amendment to CONDITIONAL USE PERMIT No. 07-10** to allow the expansion of an existing “off-site” parking lot pursuant to Section 17.45(5) of the Village Zoning Code on the Following Described Property: GTNV #224-017 N116 W15953 Main Street Christopher Jackson, CJ Engineering, Agent, for Gehl Foods LLC, Property Owner and Applicant
- C. **COMPREHENSIVE PLAN MAP AMENDMENT (ORDINANCE)** to change the 2020 Land Use Plan Map classification for the property described below from “Commercial” to the “Industrial/Office” classification; on the Following Described

XI. NEW BUSINESS continued:

- Property: GTNV #362-983 (S.E. Corner of STH145 @ Donges Bay Road Intersection) Skyline Development Corp., Property Owner and Petitioner for
- D. **REZONING (ORDINANCE)** application to rezone the property described below from the B-1: Neighborhood Business District to the M-1: Limited Industrial District; on the Following Described Property: GTNV #362-983 (S.E. Corner of STH145 @ Donges Bay Road Intersection) Skyline Development Corp., Property Owner and Petitioner
- E. **CONDITIONAL USE PERMIT** to allow development within a 25' wetland and 75' navigable waterway setback on a portion of the property described below pursuant to Section 24.04(3) of the Municipal Code on the Following Described Property: GTNV #362-983 (S.E. Corner of STH145 @ Donges Bay Road Intersection) Skyline Development Corp., Property Owner and Petitioner
- F. **CERTIFIED SURVEY MAP** to create two (2) parcels from a 11.2-acre Parcel located in the southeast corner of the Donges Bay Road @ STH145 intersection (Parcel GTNV#362-983); Skyline Development Corp., Property Owner and Applicant.
- G. **RESOLUTION No. XX-16** Authorizing Redemption Of General Obligation Promissory Notes Dated December 15, 2007
- H. **RESOLUTION No. XX-16** Awarding the Sale of \$4,500,000** General Obligation Promissory Notes, Series 2016A; Providing the Form of the Notes; and Levying a Tax in Connection Therewith
- I. **ORDINANCE No. XX-16** – An Ordinance to Amend Section 3.11(2) of Germantown Code of Ordinances as it relates to the imposition of a Room Tax Within the Village
- J. **ORDINANCE No. XX-16** – Ordinance to Amend Section 1.378 of the Germantown Code of Ordinances, Pertaining to the Composition of the Tourism and Betterment Committee
- K. Update on Brush Truck Re-Conditioning Project – Fire Dept.
- L. Deputy Fire Chief Position: Request to Create and Fill Position
- M. Employee Policy & Procedure Manual Revision Relating to Filling an Open, Existing, and Budgeted Position
- N. Authorization to Fill Clerk's Office Position
- O. Authorization to Contract – Replacement of Garage Doors - DPW
- P. Authorization to Purchase Tractor with Broom and Blade - DPW
- Q. Authorization to Purchase a Used Vehicle for Engineering Department Inspector
- R. The Germantown Municipal Employees Union Local 730 Negotiations. The Village Board May Enter into Closed Session Per WI Stats. 19.85(1)(E) For The Purpose of Deliberating or Negotiation the Purchase of Public Properties, The Investing of Public Funds, Or Conducting Other Specified Public Business, When 8Competitive or Bargaining Reasons Require a Closed Session and Then May Re-Enter Open Session to Take Such Action as It Deems Appropriate

XII. ADJOURNMENT

THE NEXT VILLAGE BOARD MEETING WILL BE ON MAY 2, 2016 AT 7:00 P.M.

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For Additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

IX. A

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 18, 2016

AGENDA ITEM: Unfinished Business

ITEM TITLE: Request to Award Contract for 2016 TID #6 Phase #1 Appleton Paving & Lighting Project

SUBMITTED BY: Lawrence W. Ratayczak, P.E., Director of Public Works

SUMMARY EXPLANATION:

Action taken at the March 7, 2016 Village Board Meeting was to "POSTPONE" until a future Village Board Meeting with staff to verify whether or not additional ROW is necessary to construct this project. Staff has reviewed the project plans and confirmed that no additional ROW is required to complete construction per bid documents.

Previously Submitted:

This project was designed by the Village's Engineering Dept. according to a developer's agreement with the land owner and developer MLG Commercial. This design includes Nimitz tee intersection improvements within the Appleton Ave. right-of-way. It does not include roundabout modifications, which have been deferred until warranted sometime in the future.

<i>Bid</i>	<i>Bidder</i>
\$432,899.03	Payne & Dolan
\$486,987.30	All-Ways

Streets: Account #46-574-530-4500 had \$465,000 budgeted in Year 2015 and \$878,000 in Year 2016.

Storm: Account #46-575-530-4500 had \$150,000 budgeted in Year 2015 and \$160,300 in Year 2016.

Sidewalk: Account #46-579-530-4500 had \$0 budgeted in Year 2015 and \$23,600 in Year 2016.

ATTACHMENTS: None

RECOMMENDATION:

The Director of Public Works recommends to the Village Board to award the contract for the Appleton Paving and Lighting project to Payne & Dolan, Inc in the amount of \$432,899.03 and to include a 5% contingency in the amount of \$21,650.00 for a total, not to exceed, project amount of \$454,549.03.

COMMITTEE ACTION:

Provide low bid to Ehlers & Associates for updating the pro forma, and advance to Village Board without recommendation. 3 Ayes: 1 No (Zabel)

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 18, 2016

AGENDA ITEM: Unfinished Business

ITEM TITLE: Request to Accept Memorandum of Understanding for Future TID #6
Appleton Ave. – Lannon Rd. Roundabout Intersection Improvements

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer

SUMMARY EXPLANATION:

Action taken at the March 7, 2016 Village Board Meeting was to “POSTPONE” until a future Village Board Meeting with staff to verify the timing for required improvements had to be made. Currently, as stated in the MoU the improvements will have to be made when the TID #6 Development reaches a combined building square footage of approximately 350,000 square feet. Scheduled construction of the Round-about is in 2017. DOT agreed to the deferment under condition that the Village enter into a Memorandum of Understanding with them. A draft of the MoU is attached for review. Staff recommends approval.

ATTACHMENTS: MoU

RECOMMENDATION:

The Director of Public Works recommends the Village Board to Approve the Memorandum of Understanding and direct the Director of Public Works to execute the agreement on behalf of the Village.

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

Memorandum of Understanding
between
THE VILLAGE OF GERMANTOWN
and
THE WISCONSIN DEPARTMENT OF TRANSPORTATION

This memorandum summarizes the agreement for future roadway improvements between the VILLAGE OF GERMANTOWN (Village) and the WISCONSIN DEPARTMENT OF TRANSPORTATION (State) for the Willow Creek development site generally located on lands bound by I-41, Maple Road, WIS 175 and County Highway Y (Lannon Road).

GENERAL

- Nothing in this memorandum of understanding (MOU) shall limit or otherwise affect the sovereign immunity of the State of Wisconsin or the Village of Germantown.
- This MOU shall not be construed to create third-party beneficiaries, nor to create a partnership between the Village and State.
- This MOU contains the entire agreement between the parties; all prior negotiations and discussions have been merged into and are superseded by this MOU.
- This MOU may be signed in counterparts.
- The alteration of highway features is a police power and does not entitle any person, public or private, to any damages or compensation for such work. This MOU shall not be construed to create in any person a property interest in a median opening or any other feature within WisDOT's highway.
- Nothing in this MOU referencing costs that could be or will be incurred by the Village is intended to limit the Village's ability to pass those costs on to land owners or developers through development agreements, zoning approvals, special assessments, impact fees, and/or any other lawful method.

VILLAGE RESPONSIBILITIES

1. Implement all improvements on all roadways under State jurisdiction listed as the responsibility of the Village/Developer in the State letter dated October 12, 2015 for the Willow Creek development (see attached Exhibit A).
2. **2030 Build Improvements.** Village shall monitor the buildout of the development and install the listed improvements for WIS 175 & County Highway Y (Lannon Road) when the combined square footage of buildings in the Willow Creek development area reaches approximately 350,000 square feet. A permit to work in State right-of-way will be required.
3. **2030 Total Improvements – Offsite Development.** Village shall install the listed improvements for WIS 175 & County Highway Y (Lannon Road) prior to the opening of the public streets serving the offsite development.
4. Village shall provide all necessary right-of-way and all necessary temporary limited easements required to install all of the improvements defined for the Willow Creek development in the State letter dated October 12, 2015.

5. Update the traffic impact analysis (TIA) in accordance with State Guidelines if the proposed uses within the development area change and would generate increased trips to WIS 175. The Village will not be responsible for the design and construction of any improvements from future updates to the TIA that are identified as background improvements.

STATE RESPONSIBILITIES

1. Review and issue necessary permits to the Village for the required improvements within State right-of-way. All permit work shall conform to the standards of the State's Facilities Development Manual (FDM).
2. Review any required land divisions and approve those meeting requirements of State Statutes.
3. Review any future updated TIAs for this development and accept those that are technically correct.

Village of Germantown

By: _____

Title: _____

Date: _____

Wisconsin Department of Transportation

By: _____

Title: _____

Date: _____



Division of Transportation System Development
Southeast Regional Office
141 N.W. Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

Scott Walker, Governor
Mark Gottlieb, P.E., Secretary
Internet: www.dot.wisconsin.gov

Telephone: (262) 548-5903
Facsimile (FAX): (262) 548-5662

E-Mail: waukesha.dtd@dot.wi.gov

October 12, 2015

BRIONNE BISCHKE, P.E.
VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
P.O. BOX 337
GERMANTOWN WI 53022

Subject: Log # 169708 – Development Submittal
Willow Creek Development
Appleton Avenue (WIS 175)
Washington County

Dear Mr. Bischke:

The Traffic Impact Analysis (TIA) performed by R.A. Smith National covering the Willow Creek Development has allowed the Wisconsin Department of Transportation to understand the impacts of the subject development and identify the necessary improvements. The attached lists the improvements that are to be incorporated into the permit plan for this development. Some design issues and permit requirements have been noted on the attached to aid in the development of the plans. A complete review of the design elements will be addressed through the permit review process.

The development can now proceed to WisDOT's Permit Process. The permit plans will require design preparation (please see attached plan requirements). **All permits will be issued to the maintaining authority and the design consultant will need to forward permit plans for review and submittal. Permits from multiple maintaining authorities shall be tied and constructed at the same time.**

If you have any questions regarding traffic issues, please contact the undersigned at (262) 548-5626. Please direct any questions regarding the Trans 233 process to Patricia Reikowski, Land Division Coordinator, at (262) 548-6704. David Yach at (262) 521-5344 will coordinate any permit issuance for this project. Also, please reference the log number (#169708) when forwarding all correspondence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Art Baumann".

Art Baumann, P.E.
Traffic Operations Engineer

Attachment

Cc: Tony Barth / Robert Elkin / Don Berghammer, DOT
Dan Dedrick / Dave Brantner / Cindy Vande Leest, DOT
David Yach / Patricia Reikowski / Rebecca Klein, DOT
Doug Cain / Tony Minto, DOT
Scott Schmidt, Washington County
John Bruggeman, R.A. Smith National

Project: Log # 169708 Willow Creek Development
Appleton Avenue (WIS 175)
Washington County
Review Unit: Traffic Operations
Reviewer: Art Baumann / Matthew Cowap
SE Region (262) 548-5626
Date: October 12, 2015

Improvement Measures

General Notes

Design

1. Contact David Yach, the WisDOT permit coordinator, at (262) 521-5344 prior to plan submittal to identify the plans that are required and obtain any supplemental design guidelines. Incomplete submittals will be returned without review.
2. The design for the improvements at all WisDOT intersections shall be prepared in accordance with the FDM requirements for design and plan preparation. The design shall accommodate a WB-65 truck. All lanes are to be a minimum of 12 feet in width, unless otherwise specified (final width to be determined during design). All left turn lanes should be opposing. All necessary drainage, utility, signage and pavement marking improvements shall be provided. The signing plan shall include sign details and signs that require moving.
3. For questions regarding signing or pavement marking, please contact Tom Heydel at tom.heydel@dot.wi.gov or (262) 548-6763.
4. For questions regarding work zone traffic control plans please contact Rebecca Klein at rebecca.klein@dot.wi.gov or (262) 548-8728.
5. Pedestrian/Bicycle accommodations and ADA requirements shall be addressed where appropriate. Please contact Chris Squires, the WisDOT Pedestrian/Bicycle Facilities Coordinator, at (262) 521-4417 or christopher.squires@dot.wi.gov with questions regarding pedestrian/bicycle accommodations.
6. WisDOT has ongoing projects on I-41 and WIS 175. Please contact Tony Minto at (414) 254-0816 for additional information regarding I-41 (1100-38-70) and Doug Cain at (262) 548-5603 for additional information regarding WIS 175 (3360-09-02/72).

Right of Way

1. A party other than WisDOT shall acquire any required right-of-way for the improvements.

Utilities

1. Utility coordination may be the responsibility of the village of Germantown/developer (or their consultant representative) constructing the work.
2. Utility relocations that occur as a result of this work may not be covered under Wisconsin Administrative Rule TRANS 220. The village of Germantown/developer (or their consultant representative) requesting the work shall be responsible for all costs associated with the needed relocation of any utility facility as a result of the work.

Access

1. Access to this section of Appleton Avenue (WIS 175) is under the jurisdiction of the village of Germantown. The location and number of access points to the Willow Creek Development property shall be determined by the village on Appleton Avenue (WIS 175).
2. **The village of Germantown/developer (or their consultant representative) shall be responsible for notifying any offsite property or business owners whose access or operations will be impacted as a result of the proposed development. The village of Germantown/developer (or their consultant representative) shall provide WisDOT with written documentation verifying that all impacted property or business owners have been contacted prior to permit submittal.**

Traffic Signals

1. The WisDOT Traffic Operations team reserves the right of first refusal to design the traffic signal plans for any impacted intersections. Please contact Dan Dedrick at (262) 548-5894 to discuss who will be responsible for designing the traffic signals. Traffic signal plans prepared by a consulting firm shall be submitted to Cindy Vande Leest for final approval by a WisDOT signal engineer. Upon receiving final approval, the consultant shall submit an original signed and sealed hard copy to Dave Brantner at (262) 548-8736. **Traffic signal plans submitted for permit without a WisDOT signal engineer signature approval will be returned.** Final electronic (AutoCAD) traffic signal plan files shall be submitted to Cindy Vande Leest prior to issuance of permit.
2. The design consultant retained by the village of Germantown/developer shall contact Dan Dedrick to schedule a scoping meeting prior to the signal design/update.
3. An engineering services agreement shall be required for the traffic signals work by WisDOT. This agreement will cover WisDOT signal design work and plan preparation (if any), the cost of any State furnished signal control equipment (above ground) and WisDOT staff time for site visits, coordination, review and field inspection. **Requests for the engineering services agreement shall be made to Dan Dedrick a minimum of 15 days prior to the scoping meeting. The engineering services agreement shall be signed and submitted to Dan Dedrick prior to the submission of the electronic intersection geometric plans. A signed engineering services agreement shall be in place prior to WisDOT performing any engineering services.**
4. Traffic signal plans shall be prepared in accordance with MUTCD, FDM and TSDM (Traffic Signal Design Manual) standards for all signalized intersections (current or proposed) whose design and/or operational improvements will conflict with the location of existing traffic signal system infrastructure (including, but not limited to: conduit, pull boxes, cabinets, signal poles, hardware and loop detectors), require readjustments to the current timing or phasing plans, or require the installation of additional or new signal infrastructure or hardware. **Plans shall be submitted in AutoCAD 2012 or later format per FDM standards requirements to WisDOT or the consultant firm preparing the traffic signal plans. Current template and block libraries can be found at: <http://www.dot.wisconsin.gov/business/engrserv/roadway-design-civil3d.htm>. Plans submitted shall be in the county coordinate system.** If further verification of signal infrastructure or timing impacts based on recommended improvements is needed, questions or concerns should be directed to Dave Brantner (WisDOT Signal Operations team) prior to permit issuance.
5. If traffic signal loops are to be placed on private property as part of the signal installation, a maintenance easement to the benefit of WisDOT shall be obtained from the private property owner. The easement shall allow WisDOT to enter the property at its discretion to maintain the loops. The easement shall encompass an area equal to the width of the driveway and extend from the road right of way to 20 feet past the furthest loop detector.

Year 2015 Background Improvements

No background improvements are needed.

Year 2015 Build Improvements – Willow Creek Development

The following improvements shall be designed, constructed and paid for by the village of Germantown/Developer prior to the development opening.

The roadways referenced in this section are oriented at a skew from the cardinal directions. The following orientation references will be used:

- Appleton Avenue (WIS 175) is considered to have northbound-southbound travel
- Lannon Road (County Y) and the proposed public road are considered to have eastbound-westbound travel

Appleton Avenue (WIS 175) with Proposed Public Road

1. The north approach should consist of two southbound lanes (one exclusive left turn lane and one through lane). The southbound left turn lane should have a minimum storage length of 300 feet and a proper taper.
2. The east approach should be constructed as a public street perpendicular to Appleton Avenue (WIS 175). It should consist of two westbound lanes (one exclusive left turn lane and one exclusive right turn lane). The westbound left turn lane should have a minimum storage length of 150 feet and a proper taper.
3. The south approach should consist of two northbound lanes (one through lane and one exclusive right turn lane). The northbound right turn lane should have a minimum storage length of 250 feet and a proper taper.
4. The intersection should be designed and constructed to allow for the addition of traffic signals at a later date.
5. Stop sign control should be installed on the east approach.

Year 2030 Background Improvements

The planned improvements under WisDOT projects (I.D.s 1100-38-70 and 3360-09-72) will provide sufficient capacity for 2030 background traffic. No further background improvements are needed.

Year 2030 Build Improvements – Willow Creek Development

The following improvements shall be designed, constructed and paid for by the village of Germantown/Developer prior to the development opening.

Appleton Avenue (WIS 175) with Lannon Road (County Y)

1. The village of Germantown/Developer shall contract with the consultant design engineer for the WisDOT WIS 175 resurfacing project (I.D. 3360-09-72) if they desire to include these improvements in the plans for project. Please contact Doug Cain (262) 548-5603 for contact information for the consultant design engineer.
2. This intersection will be reconstructed as a roundabout as part of the WisDOT project.
3. The north approach shall consist of two southbound lanes (one exclusive left turn lane and one shared through/right turn lane). Northbound traffic shall be merged into one lane at the proper distance downstream of the roundabout. The required signing and marking shall be placed for this merge.
4. The east approach shall consist of two westbound lanes (one shared left turn/through lane and one shared through/right turn lane). Until Lannon Road (County Y) has been expanded to four lanes between Appleton Avenue (WIS 175) and I-41, eastbound traffic shall be merged into one lane at the proper distance downstream of the roundabout. The required signing and marking shall be placed for the merge while this section of Lannon Road (County Y) remains a two lane road.
5. The south approach shall consist of two northbound lanes (one shared left turn/through lane and one shared through/right turn lane).

6. The west approach shall consist of two eastbound lanes (one shared left turn/through lane and one shared through/right turn lane).

Year 2030 Total Improvements – Offsite Development

The following improvements are to be constructed prior to the opening of the public streets within the offsite development.

General

1. Lannon Road (County Y) should be reconstructed as a four-lane road between Appleton Avenue (WIS 175) and I-41.

Appleton Avenue (WIS 175) with Lannon Road (County Y)

Construct one of the following:

1. Partial Bypass Alternative
 - a. The south approach shall consist of four northbound lanes (one shared left turn/through lane, one through lane and dual right turn partial bypass lanes).
2. Free Flow Bypass Alternative
 - a. The south approach shall consist of three northbound lanes (one shared left turn/through lane, one through lane and one free flow right turn bypass lane).
 - b. An acceleration/merge lane shall be constructed on the east approach for eastbound traffic.

Appleton Avenue (WIS 175) with Proposed Public Road

Either traffic signal or roundabout control should be provided at this intersection

1. Traffic Signal Alternative
 - a. A fully actuated traffic signal shall be installed at the intersection once the warrants have been met and WisDOT has authorized its installation. **The traffic signal shall not be installed until the warrants have been met and WisDOT has authorized its installation.** Prior to installing the traffic signal the side streets shall be stop sign controlled. The future traffic signal warrant study and the traffic signal installation shall be performed as a cost to the village of Germantown.
 - b. The north approach should consist of three southbound lanes (one exclusive left turn lane, one through lane and one exclusive right turn lane). The southbound left turn lane should have a minimum storage length of 300 feet and a proper taper. The southbound right turn lane should have a minimum storage length of 250 feet and a proper taper.
 - c. The east approach should consist of two westbound lanes (one exclusive left turn lane and one shared through/right turn lane). The westbound left turn lane should have a minimum storage length of 150 feet and a proper taper.
 - d. The south approach should consist of three northbound lanes (one exclusive left turn lane, one through lane and one exclusive right turn lane). The northbound left turn lane should have a minimum storage length of 300 feet and a proper taper. The northbound right turn lane should have a minimum storage length of 250 feet and a proper taper.
 - e. The west approach should consist of two eastbound lanes (one exclusive left turn lane and one shared through/right turn lane). The eastbound left turn lane should have a minimum storage length of 200 feet and a proper taper.

2. Roundabout Alternative

- a. The roundabout should be constructed with a single lane.
- b. The north approach should consist of one southbound lane (one shared left turn/through/right turn lane).
- c. The east approach should consist of two westbound lanes (one shared left turn/through lane and one semi-bypass right turn lane).
- d. The south approach should consist of one northbound lane (one shared left turn/through/right turn lane).
- e. The west approach should consist of one eastbound lane (one shared left turn/through/right turn lane).

IX C

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 18, 2016

AGENDA ITEM: Unfinished Business (CERTIFIED SURVEY MAP)

ITEM TITLE: Tim Hiller, Agent for Steven Stoffel, Property Owner of a 7.14-acre Parcel located on Donges Bay Road ¼-mile west of STH145 (Parcel GTNV#351-990); Certified Survey Map (CSM) to create four (4) residential parcels in an existing Rs-4: Single-family Zoning District.

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:

Tim Hiller, agent for Steven Stoffel, property owner, is requesting approval of a Certified Survey Map (CSM) to create four (4) residential parcels from the land once approved for a 9-lot residential subdivision known as "Walnut Grove". The property is located in an Rs-4: Single-family Zoning District (not exceeding 2.2 DU's per net acre).

At their meeting in February, the Plan Commission reviewed and passed a recommendation on to the Village Board approving a 4-lot CSM (see Alternative 1) with shared driveways each serving two lots. Based on a series of previous recommendations made by the Public Works Committee, the PC's recommended approval includes a number of conditions, including requirements to: (1) extend public water main through the property to complete a loop into Donges Bay Road; and (2) construct a permanent cul-de-sac closure at the end of Gatewood Place.

Since then, the developer prepared a revised 4-lot layout (see Alternative 2) and presented it to the Public Works Committee for further discussion and re-consideration of the requirement to install/extend public water main through the property. At their meeting on March 1, the Public Works Committee recommended approval of the revised 4-lot layout (Alternative 2) and rescinded their recommendation to require the extension of water main through the property subject to the Plan Commission approving the revised 4-lot layout.

At the March 21 Village Board meeting, the VB reviewed the revised 4-lot CSM (Alternative 2) and tabled action pending review of and a revised recommendation for the revised 4-lot CSM by the Plan Commission. Public comment was received at that time from a number of surrounding property owners who supported the proposal to NOT extend Gatewood Place to Donges Bay Road. Other comments and concerns regarding covenants and prohibiting construction traffic through Berrywood were provided.

The Plan Commission reviewed the revised CSM at their April 11 meeting and have recommended approval with revised conditions, including a requirement for sidewalk construction along Donges Bay Road as required under Section 18 of the Village Code (Subdivision & Platting).

ATTACHMENTS:

- ◆ 4/11/16 Staff Report
- ◆ 4/11/16 Plan Commission Meeting Minutes
- ◆ Original CSM (Alternative 1)
- ◆ Revised CSM (Alternative 2)

PLAN COMMISSION RECOMMENDATION:

APPROVE the REVISED 4-lot certified survey map (CSM) subject to the following conditions:

1. All requirements and technical corrections identified in the Village Surveyor's April 7 January 8, 2016 memo shall be addressed in a revised CSM prior to recording the CSM Village Board approval;
- ~~2. A notation be placed on the CSM prohibiting access to Donges Bay Road from Lot 2 and Lot 3 except for the 20' shared driveway ingress/egress easement as shown.~~
- ~~3. A shared driveway installed within the ingress/egress easement proposed to serve Lot 2 & 3 and Lot 1 & 4 must meet the design requirements in Section 18.07 of the Subdivision Code, including the preparation and recording of a shared driveway/access easement agreement. Said access easement agreement shall be submitted to the Village for approval and recording concurrent with recording of the CSM.~~
2. The developer shall construct a permanent closure at the end of Gatewood Place and dedicate it to the Village as a permanent closure to the public street. The design of said closure shall be approved by the Village Public Works Department. In the event that said closure requires additional right-of-way to accommodate the design, orientation and/or extent, the right-of-way shall be designed and taken from the subject property and dedicated to the Village. At a minimum, said closure shall be adequate in size, geometry and construction materials to adequately and safely accommodate the Village's emergency and public works vehicles. Said closure should be installed concurrent with the installation of other public utilities, and, prior to the issuance of a building permit for the development of Lot 4 Lot 2, 3 or Lot 4.
3. The developer shall enter into ~~be responsible for installing/extending public water main through the property in the easement as shown on the CSM, and, in compliance with the terms and requirements of a Developer's Agreement between the owner/developer and the Village regarding the construction of the cul-de-sac, water and sewer improvements, storm water improvements, sidewalk, and any other requirements under Section 18 of the Village Code.~~ Said agreement to be prepared and approved in accordance with Village procedures prior to the commencement of any development activities and/or building permits for any of the four (4) residential lots. Sanitary sewer laterals serving the four lots and connecting to the exiting sewer line in Gatewood Place shall be installed within the easement as shown except that the existing lateral in the line located in the Donges Bay Road right-of-way in the vicinity of Lot 3 may be utilized with approval from the Public Works Department.
4. The developer shall prepare detailed construction plans for the cul-de-sac, water and sewer lateral extensions/connections, and a storm water management and grading plan for the cul-de-sac road closure. Said plans shall also address and include required improvements to correct the existing drainage issue at the end of Gatewood Place.

CERTIFIED SURVEY MAP (CSM)

4/11/16 Plan Commission Meeting

Steven Stoffel / Hiller Company

Village Planner Report

Germantown, Wisconsin

Summary

Tim Hiller, agent for Steven Stoffel, property owner of a 7.14-acre parcel located on Donges Bay Road is requesting approval of a REVISED Certified Survey Map (CSM) in order to create four (4) residential parcels under the existing Rs-4: Single-family Zoning District.

Location: Donges Bay Road (1/4 mile west of STH 145/Fond du Lac Ave)

Property Owner/

Applicant:

Tim Hiller
Hiller Company
Milwaukee, WI

Steve Stoffel
Alpharetta, GA

Current Zoning District: Rs-4: Single-Family (2.2 units/acre)

Adjacent Land Uses		Zoning
North	Residential	Rs-6
South	Residential	Rs-4
East	Institutional	I
West	Residential	Rs-5



Background (REVISED for April 11 Meeting)

At their March meeting, the Village Board tabled action on the proposed 4-lot CSM in order for the Plan Commission to review and forward a revised recommendation and conditions of approval for a REVISED 4-lot layout of the CSM.

You will recall, At the February 8 PC meeting, a recommendation to approve a 4-lot CSM (see Alternative 1) with shared driveways each serving two lots was made and forwarded to the Village Board. The February 8 PC action was taken in part based on a series of previous comments and recommendations made by the Public Works Committee, including requirements to: (1) extend public water main through the property to complete a loop into Donges Bay Road; and (2) construct a permanent cul-de-sac closure at the end of Gatewood Place.

Since then, the developer prepared a revised and preferred 4-lot layout (see Alternative 2) and presented it to the Public Works Committee for further discussion and re-consideration of the requirement to install/extend public water main through the property. At their meeting on March 1, the Public Works Committee re-considered their previous comments and subsequently recommended approval of a REVISED 4-lot layout (Alternative 2). The Public Works Committee has also rescinded their previous recommendation to require the extension of water main through the property provided that the 4-lot layout is approved by the Plan Commission.

A this time, the Plan Commission needs to review the revised 4-lot layout (Alternative 2) and forward a revised recommendation and conditions of approval (if any) to the Village Board.

Conditions #2, #3 and #5 in the previous Plan Commission recommendation no longer apply as written. If the Village Board acts to approve the CSM with the revised 4-lot layout, there should be a requirement for a Developer's Agreement with respect to the public right-of-way dedication and road (i.e. cul-de-sac) construction and any other public improvements required under Section 18.08 of the Village Subdivision and Platting Code [*e.g. sidewalks per 18.08(6)*].

Finally, as directed by the Plan Commission, surrounding property owners who may be affected by recommendation to NOT extend and complete the road connection of Gatewood Place from the existing terminus to Donges Bay Road have been sent a letter explaining the proposal (copy attached).

Background (from ORIGINAL February 8 Staff Report)

The subject parcel is classified as "Low Density Residential" on the Village's 2020 Future Land Use Plan map. These areas are intended to develop with single-family residential uses at a density of approximately 2 DU's per acre or a minimum lot size of 20,000 sqft. It is intended that new development in these areas "... *should be required to develop or connect to the existing system of collector and local roads... and not have direct access to arterial roads*".

Consistent with that classification, the parcel is located in an Rs-4: Single-family Zoning District that allows single-family lots as small as 20,000 sqft. The 7.14-acre parcel was previously approved for residential development in 2007. At that time, the "Walnut Grove" subdivision plat was approved for a total of nine (9) single-family lots ranging in size from 20,000 sqft (.46 acres) to 34,701 sqft (.80 acres). The proposed development included: the extension of Gatewood Place through the property from the south to Donges Bay Road (see attached plat); three (3) outlots for storm water management basins; and the extension of water and sanitary sewer to serve the development. Although a preliminary plat and Developer Agreement were approved by the Village, the Walnut Grove development never commenced with all approvals expiring in 2010.

Proposal (REVISED)

At this time, Tim Hiller, agent for the property owner is requesting approval of a Certified Survey Map (CSM) in order to create four (4) residential parcels under the existing Rs-4: Single-family Zoning District. As shown on the REVISED preliminary CSM, the owner is proposing to divide the parcel into four (4) single-family lots with 3 lots having access to/from Gatewood Place and 1 lot with access to/from Donges Bay Road, shared driveway access. ~~Lots 1 & 4 would be served by a shared driveway constructed from the end of Gatewood Place, and, Lots 2 & 3 served by a shared driveway from Donges Bay Road. The extension of Gatewood Place is NOT proposed under this plan. Also, as discussed with the Public Works & Highway Committee, the developer will provide a 20' wide easement for the extension/looping of a water main between Donges Bay Road and Gatewood Place, and, a 30' wide easement for sanitary sewer to Gatewood Place.~~

As explained at the Plan Commission consultation in January, infrastructure and other development costs related to complying with storm water management and wetland regulations have made developing the land with more lots and the extension of Gatewood Place cost-prohibitive for the property owner.

Staff Comments (REVISED)Consistency with Village's Land Use Plan.

The existing Rs-4 zoning and 4-lot layout are generally consistent with the general intent of the 2020 Land Use Plan map "Low Density Residential" classification, but not consistent with the density and lot sizes of the other pre-existing development in the same "low density residential" area. Arguably, this property is the last large, undeveloped parcel in this particular neighborhood with the adjacent land to the south developed in a manner and served by a public street that logically could and should be extended into through this 7-acre parcel. Like the other surrounding developments, this

parcel is intended to be served by public water, sanitary sewer and other utilities that are already in place and adequately sized and located to serve this "in-fill" parcel. Not to mention, that development of this parcel with an extension of Gatewood Place would "do its part" to complete and enhance circulation and accessibility for the benefit of the entire area much like the pre-existing developments did when they were developed. Developing this parcel with less density than the existing infrastructure is set up to accommodate only makes this 4-lot development less cost-effective than it could/should be, and, increases the likelihood that the demand for new residential lots will have to be satisfied elsewhere in the Village where infrastructure and services are not already in place. While certainly an important consideration for the property owner, financial hardship for an owner should not be the Village's reason for compromising its land use plan.

Conformance with Zoning District Requirements.

The proposed lots meet the minimum bulk requirements of the Rs-4 Zoning District.

Conformance with Subdivision Requirements.

With respect to utilities, all four lots will be served by water and sewer by way of existing facilities in the vicinity. Further, ~~as summarized by the Village Engineer, at their meeting on March 1 January 5, 2016 regarding the REVISED 4-lot layout potential development of this parcel, the Village's Public Works Committee is recommending that the water loop would not have to go through the Donges Bay Road if the Village Board accepts the REVISED 4-lot layout, the following:~~

- ~~1. All connections to utilities in Donges Bay Road shall be installed before or during the Village's Donges Bay Road reconstruction project in 2016 at the developer's expense (special assessment would be acceptable);~~
- ~~2. Public water main shall be extended through the property from the existing public water main in Gatewood Place and connect to the public water main in Donges Bay Road at developer's expense;~~
- ~~3. Sanitary sewer connection from the four lots shall be to the existing stub in Gatewood Place (no determination was made whether the sanitary shall be private or public, so this could be at the developer's discretion);~~
- ~~4. The wastewater utility will entomb the existing sanitary lateral in Donges Bay Road during the "cured-in-place" pipe project presently underway upon written permission from the developer/property owner;~~
- ~~5. No recommendation was made regarding whether to extend Gatewood Place as a public street through the property to Donges Bay Road was made.~~

At their meeting on March 1, the Public Works Committee discussed the issue of possibly requiring the developer to install sidewalk along the Donges Bay Road frontage. Currently, sidewalk exists along the south side of Donges Bay Road from Preserve Parkway to the Sunberry Downs subdivision (adjacent to the west) up to the Stoffel property west property line (min. 5' asphalt). The Donges Bay Road @ STH145 round-about improvement project includes the construction of sidewalk (min. 5' concrete width) along the south side of Donges Bay Road all the way to the west to a point up to

the east property line of the Stoffel property. This would leave the 500' frontage along the Stoffel property the only remaining segment of sidewalk left to complete along the south side of Donges Bay Road. Section 18.08(6) of the Village's Subdivision and Platting Code provides that the Village Board may require developer's to install sidewalk along a collector street such as Donges Bay Road adjacent to a subdivision or development (including CSM land divisions). A recommendation from the PC on this issue would be prudent at this time. Staff supports a requirement for sidewalk construction.

With respect to street access, shared driveways between adjacent lots or parcels is permitted. However, when a shared driveway is proposed in a situation where the construction or extension of a public street is planned, Section 18.07 of the Subdivision regulations needs to be considered. Section 18.07(1)(d) provides that shared driveways (listed as one type of a "private street") may be permitted by the Village Board provided that certain criteria and design standards are met. In this case, it's difficult for staff to find that all of the criteria can be met under the owner's 4-lot development plan. Specifically, Section 18.07(1)(d)4. provides the following:

Private streets shall NOT be allowed under any circumstances when:

- a. The proposed private street will replace or otherwise conflict with a designated public street set forth in the Village's official map, Comprehensive Plan, or other official state, regional, county, or village transportation plan;*
- b. The Village determines that construction of a public street would be in the best interest of the Village and that a public (vs. private) street is determined to be needed for: (1) providing access to adjacent lands having the potential for future development; or (2) public circulation by way of connecting to or extending from an existing or future public street;*
- c. The proposed private street connects 2 or more public streets or highways where the connection would further the pattern and function of the public street system; or*
- d. The proposed street will or has the potential to provide access to more than 15 residential lots, or, has the potential to provide (or is needed for) access to future development of adjacent land.*

With respect to the above criteria, the extension of Gatewood Place is a planned extension. The Berrywood subdivision to the south was approved for development in 2004 with cul-de-sacs that exceed the maximum 500' length requirement. That development was only allowed to proceed given another provision in the Subdivision regulations that allows cul-de-sacs greater than 500 feet in length if the road is extended to the property line adjacent to another property such that the road can be further extended and connected to another roadway such that the resulting cul-de-sacs (once all are completed) do not exceed a length of 500 feet.

Community Development, Public Works/Engineering and Fire Department staff recommend that Gatewood Place be completed/extended through to Donges Bay Road to provide improved access to the subject parcel and to the existing residential area to

the south (Berrywood and beyond). However, in the event the road extension is not required, both departments are recommending that a permanent road closure be installed at the end of Gatewood Place with a design that is properly sized and configured to more easily accommodate the operation of fire trucks, snow plows and other large vehicles than the sub-standard, temporary closure that exists today. Because of the wetland location near the end of Gatewood Place, some sort of modified turn-around/cul-de-sac design would have to be agreed to with Public Works and the Fire Department.

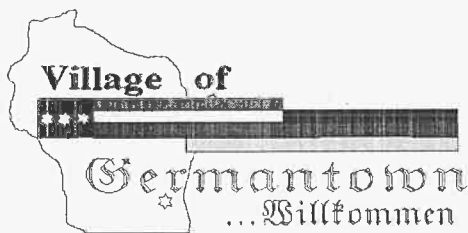
With regard to the two (2) existing wetlands on the property (8,467 sqft or .19 acres), the owner proposes to include both wetland areas (and the 25' setback) within Lot 1 in an effort to address the Land Suitability provisions of the Subdivision Code that prohibit wetlands from being included in lots less than 2 acres in area.

The Village Surveyor has identified a few technical corrections/issues in his April 7 ~~January 8~~, 2016 review memo (copy attached) that will need to be addressed as part of the final CSM prior to Village Board approval and recording.

Village Planner Recommendation

DENY the proposed 4-lot certified survey map (CSM) as proposed; however, if the Plan Commission chooses to recommend **APPROVAL**, staff recommends that the proposed 4-lot CSM be subject to the following conditions:

1. All requirements and technical corrections identified in the Village Surveyor's ~~April 7~~ January 8, 2016 memo shall be addressed in a revised CSM prior to recording the CSM Village Board approval;
2. ~~A notation be placed on the CSM prohibiting access to Donges Bay Road from Lot 2 and Lot 3 except for the 20' shared driveway ingress/egress easement as shown.~~
3. ~~A shared driveway installed within the ingress/egress easement proposed to serve Lot 2 & 3 and Lot 1 & 4 must meet the design requirements in Section 18.07 of the Subdivision Code, including the preparation and recording of a shared driveway/access easement agreement. Said access easement agreement shall be submitted to the Village for approval and recording concurrent with recording of the CSM.~~
2. The developer shall construct a permanent closure at the end of Gatewood Place and dedicate it to the Village as a permanent closure to the public street. The design of said closure shall be approved by the Village Public Works Department. In the event that said closure requires additional right-of-way to accommodate the design, orientation and/or extent, the right-of-way shall be designed and taken from the subject property and dedicated to the Village. At a minimum, said closure shall be adequate in size, geometry and construction materials to adequately and safely accommodate the Village's emergency and public works vehicles. Said closure should be installed concurrent with the installation of other public utilities, and, prior to the issuance of a building permit for the development of ~~Lot 4~~ Lot 2, 3 or Lot 4.
3. The developer shall enter into ~~be responsible for installing/extending public water main through the property in the easement as shown on the CSM, and, in compliance with the terms and requirements of a Developer's Agreement between the owner/developer and the Village regarding the construction of the cul-de-sac, water and sewer improvements, storm water improvements, sidewalk, and any other requirements under Section 18 of the Village Code.~~ Said agreement to be prepared and approved in accordance with Village procedures prior to the commencement of any development activities and/or building permits for any of the four (4) residential lots. Sanitary sewer laterals serving the four lots and connecting to the exiting sewer line in Gatewood Place ~~shall be installed within the easement as shown except that the existing lateral in the line located in the Donges Bay Road right-of-way in the vicinity of Lot 3 may be utilized with approval from the Public Works Department.~~
4. The developer shall prepare detailed construction plans for the cul-de-sac, water and sewer lateral extensions/connections, and a storm water management and grading plan for the cul-de-sac road closure. Said plans shall also address and include required improvements to correct the existing drainage issue at the end of Gatewood Place.



Engineering Department Memorandum

To: Jeff Retzlaff Village Planner

CC:

From: Bob Beilfuss, PLS, Village Surveyor

Date: April 7, 2016

Re: Stoffel CSM
Jeff,

Here are my review comments for the Revised CSM received 4-7-2016.

Certified Survey Map

Applicant or Owner: Steve Stoffel

Land Surveyor/Firm: Mike Berry, PLS Capitol Survey Enterprises

Current Zoning: RS-4

1. The planning commission secretary is Lori Johnson. This item has not been revised.
2. The Village no longer requires the line tables for the wetland delineation as shown on sheet 3 of 4 as long and the wetland lines are tied to either existing or proposed lot lines with a bearing and distance. The surveyor can remove these tables if need be. This item has been revised
3. Termination of Gatewood Drive to be determined after I receive a copy of the CADD file from the surveyor and can show a proposed offset bulb. This item has been revised
4. Revise Owner and Village Board certificate to reflect text in red shown below:
These items Owner and Village Board approval certificates has not been revised.

Owner's Certificate

- ☐ Complete statements per Chapter 236.34.
- ☐ Date and signature of all owners and all parties with an interest in the property.
- ☐ Notary statement, seal, signature and date.

The Village of Germantown requires all lands abutting a public road be dedicated to the ultimate right of way. If a road right of way dedication is required as part of the survey, include the following paragraph in the Owner's Certificate:

"As Owners, we hereby dedicate that part of (street name) to the Village of Germantown for public road purposes as represented on Sheet ____ of this Certified Survey Map."

Mortgagee's Certificate (Required if land is mortgaged)

- ☐ Complete statements per Chapter 236.21(2)(a)
- ☐ Lending institution name, signature of bank officer and date.
- ☐ Notary statement, seal, signature and date.

The mortgage certificate requirement is waived if owner can provide written proof of ownership that the property is free of mortgage from the lending institution.

No proof of ownership has been provided.

Village of Germantown Board Approval

This Certified Survey Map, being a division of (¼ ¼ Section __, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved and *(the dedication of that part of (insert street name) for public road purposes as shown on Sheet __ of __ is hereby)* accepted by the Village Board of Trustees of the Village of Germantown on this __ day of _____, 2012.

Dean Wolter, Village President

Date

Barbara K.D. Goeckner, Village Clerk

Date

5. There needs to be a 3"x3" square reserved in the upper right corner of Sheet 1 for recording data purposes at Washington County Register of Deeds Office.
6. While the 25' wetland setback line is shown, there is no label defining what the line represents. This needs to be addressed.
7. The developer needs to provide construction plans prepared by a professional engineer, in compliance with the Village Standard Specifications for Development and Construction and specifically for the following items:
 - Sanitary and water main line extension to serve Lots 2, 3 and 4. Plans will include all of the current standard details for sanitary manholes, hydrants etc., plan and profile of each utility showing pipe size and slope.
 - Road construction plan and profiles for the cul-de-sac construction including existing and proposed grades, typical cross section in compliance with the Villages standard cross section.
 - Storm drainage plan around the cul-de-sac to include ditch grades should a rural cross section be selected for the project and the installation of a reinforced concrete pipe located at the subdivision line to address the drainage/standing water problem located on the west side of Gatewood Drive and the south line of proposed Lot 2 of this CSM.
 - Developer will provide record drawings for all public improvements as defined in the developer's agreement including providing the documents in a hard copy and digital (.dwg) format and the coordinate system required for record drawing mapping.

No further review comments.

Document Submittals and Data Conversion

As of October, 2005, the Village of Germantown requires a digital copy of all Certified Survey Maps, Condominium Plats and Subdivision Plats in addition to the documents as required by Wisconsin Statute and Village Ordinances as part of the land division approval.

Prior to Recording the Certified Survey Map, the professional land surveyor is responsible for submitting a copy of the AutoCad drawing file (.dwg) of the document in version 2007 on compact disk (CD) or via email to the Village Surveyor.

All digital professional land surveyor seals and signatures will be purged from the digital copy prior to submittal.

April 7, 2016

The model space of the drawing will be done in Wisconsin State Plane Coordinate System, South Zone (NAD 1927 datum) and the Grid Bearing basis.

Prior to Recording the Certified Survey Map, the Village Engineering Department will verify that the boundary markers have been installed as described on the submitted map. All boundary corners are to be clearly marked in the field by the professional land surveyor of record.



Village of



Germantown

Willkommen

Fee must accompany application

☒ \$2,900 with public improvements

☐ \$1,960 without public improvements

Paid \$ Date 2-1-16

CERTIFIED SURVEY MAP APPLICATION

Pursuant to Section 18.06 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1 APPLICANT OR AGENT

THE HILLER COMPANY, LLC

(TIM HILLER)

777 N JEFFERSON ST

MILWAUKEE, WI 53202

Phone (414) 852 7037

Fax (414) 726-4960

E-Mail tim@thehillerco.com

PROPERTY OWNER

STEVEN STOFFEL

ATLANTA, GA

Phone (770) 241 0876

2 PROPERTY ADDRESS OR GENERAL LOCATION

N104 W14281 DUNES BAY ROAD

TAX KEY NUMBER

3 PURPOSE OF LAND SPLIT

SINGLE FAMILY LOTS

Will the land split require rezoning?

NO

From

To

4 READ AND INITIAL THE FOLLOWING:

TH

I understand that the Certified Survey Map is not valid until recorded at the Washington County Register of Deeds. The Village will record the document and charge the applicant all applicable recording fees.

TH

I understand that the Map will not be placed on the Village Board agenda until all the technical corrections to the CSM are made, the payment of any outstanding impact fees are paid to the Village Clerk's Department, and the original signed and stamped copy of the Map is submitted on the proper paper.

TH

I understand that parcels created outside the Sewer Service Area will require a soil test. I also understand that all properties abutting a State Highway will require DOT approval and I will be responsible for securing such approval prior to recording.

TH

I understand all delinquent property taxes on any of the properties involved shall be paid prior to recording.

SIGNATURES — ALL APPLICATIONS MUST BE SIGNED BY OWNER!

5

Applicant

Date

Owner

Date



Village of
★★★
Germantown
Willkommen

Community Development Department

Jeffrey W. Retzlaff, AICP, Director
N112 W17001 Mequon Road P.O. Box 337
Germantown, WI 53022-0337
(262) 250-4735 direct line
(262) 253-8255 fax

Property Owner(s):

You are receiving this notice because you own property in the vicinity of a 7.14-acre property located on the south side of Donges Bay Road that is subject of a residential development proposal that may be of interest to you.

The development proposal discussed herein will be considered for approval by the Village Board on Monday, March 21, 2016 (meeting to be held in Village Hall starting at 7:00 p.m). While the Village Board's review of this proposal does not require a public hearing, the Plan Commission has recommended that surrounding property owners be notified and given an opportunity to provide feedback regarding the proposal at the Village Board meeting.

While currently undeveloped, the subject property received Village approval back in 2007 for a 9-lot residential subdivision known as "Walnut Grove". At that time, the development included an extension of Gatewood Place from Donges Bay Road to the northern edge of the Berrywood residential subdivision. Because of the financial crisis in 2008 and other related reasons, the owner/developer of the property did not commence development and let the various permit and plan approvals expire.

At this time, the owner/developer is proposing to divide the 7.14-acre property into four (4) lots, and, NOT extend Gatewood Place to Donges Bay Road. Under the owner/developer's proposal (a copy of two alternative site plans are included on the back of this notice), a permanent cul-de-sac would be added to the end of Gatewood Place within a portion of the existing right-of-way and onto the 7.14-acre property as needed (see enclosed site plans).

At the meeting, the Village Board will review the owner/developer's 4-lot development proposal, the Plan Commission's recommendation (to approve Alternative 1), and other information they feel is important to consider before making a decision. For that reason, you are invited to attend the Village Board meeting and provide your opinion or other feedback you feel the Board should consider. Comments on this proposal will be received during the "Citizen Input" portion at the beginning of the meeting. As an alternative, you are welcome to provide feedback in writing by letter or e-mail addressed to the Community Development Department (address above) or to your Village Trustee.

Please visit the Village website for Trustee e-mail addresses: www.village.germantown.wi.us

If you have any questions or concerns please contact Lori at (262) 250-4735 or by e-mail at: ljohnson@village.germantown.wi.us.

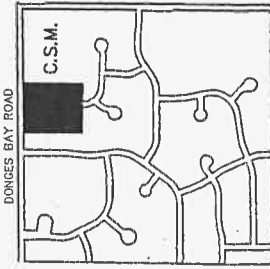
Respectfully,

Jeffrey W. Retzlaff, AICP
Director, Community Development Department
Village Planner/Zoning Administrator

CERTIFIED SURVEY MAP NO.

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

VICINITY MAP



CAPITOL SURVEY ENTERPRISES

220 REGENCY CT STE 210

BROOKFIELD, WI 53045

PH: (262) 786-6600

WWW.CAPITOLSURVEY.COM

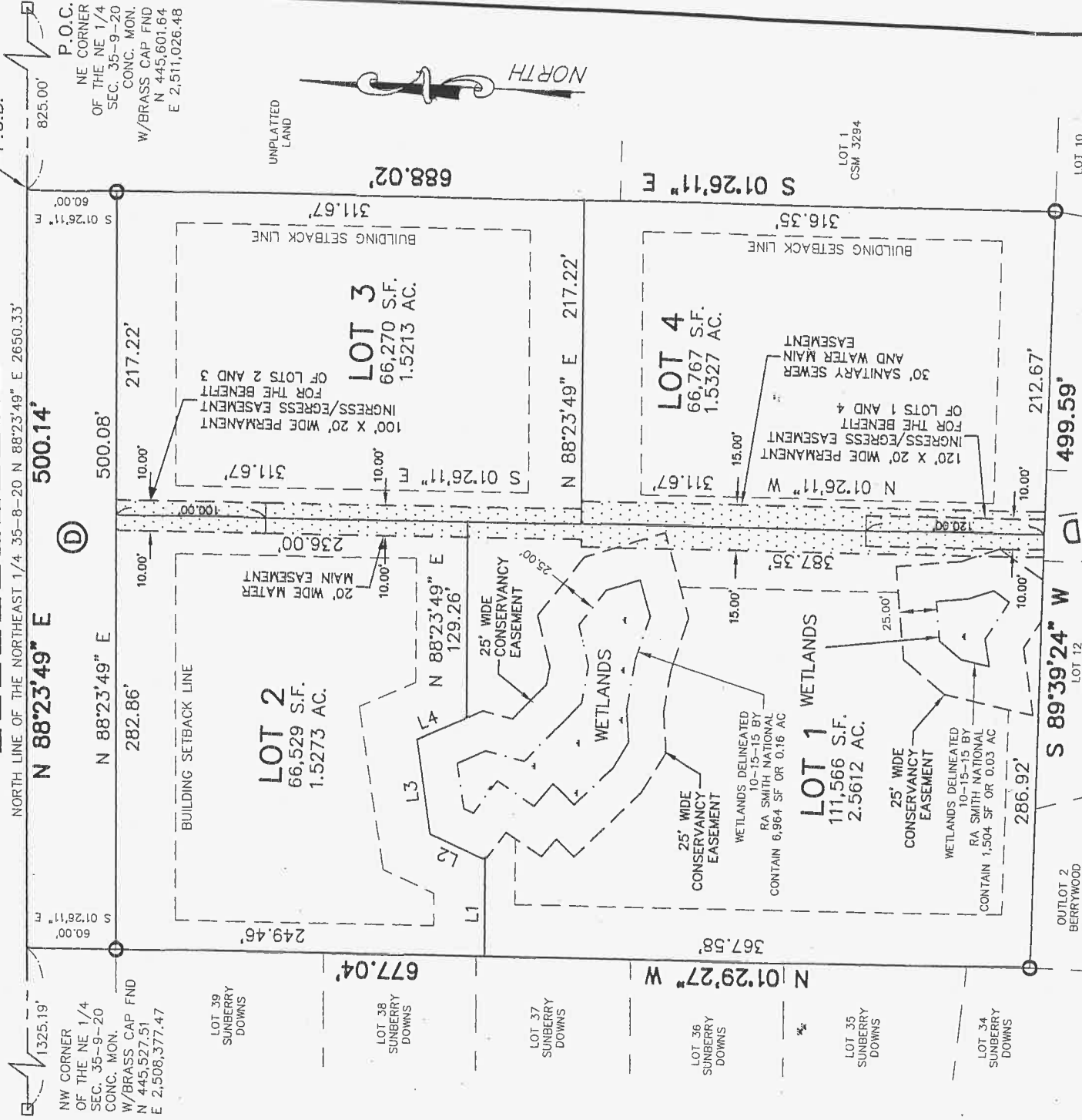
PREPARED FOR:
STEVEN A. STOFFEL
755 FALLS LANDING CT.
ALPHARETTA, GA 30022

SEE SHEET 2 FOR LINE TABLE.

SEE SHEET 3 FOR WETLAND AND
CONSERVANCY EASEMENT DETAIL.

PORTIONS OF SUBJECT PROPERTY ARE LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X: AREAS OF 0.2% ANNUAL CHANCE FLOOD; FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 55133C02166, WITH A DATE OF IDENTIFICATION OF NOVEMBER 5, 2014, IN COMMUNITY NO. 55047B, THE CITY OF BROOKFIELD, WHICH IS THE COMMUNITY IN WHICH THE SUBJECT PROPERTY IS SITUATED.

DONGES BAY ROAD



ALL BEARINGS REFER TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 35-9-20, WHICH HAS A WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)(REVISION JAN., 2013 DATUM NAD 27) BEARING OF N 88°23'49" E.

0 - 1" IRON PIPE, FOUND

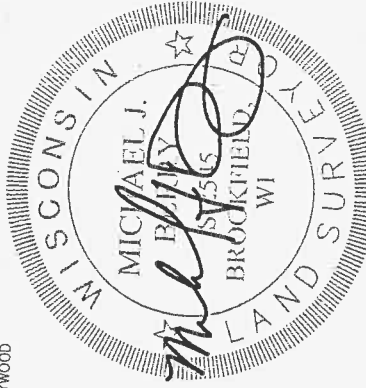
INDICATES 30,007 SQUARE FEET TO BE DEDICATED TO THE PUBLIC FOR ROADWAY PURPOSES.

ZONED: RS-4 SINGLE-FAMILY RESIDENTIAL SETBACKS: FRONT = 40' SIDES = 20' REAR = 35'

GRAPHIC SCALE



THIS INSTRUMENT DRAFTED BY MICHAEL J. BERRY



CERTIFIED SURVEY MAP NO.

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN) SS
MILWAUKEE COUNTY)

I, MICHAEL J BERRY, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED A PORTION OF LAND IN THE NORTHEAST 1/4, NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID 1/4 SECTION; THENCE SOUTH 88°23'49" WEST ALONG THE NORTH LINE OF SAID 1/4 SECTION 825.00 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE SOUTH 01°26'11" EAST 688.02' FEET; THENCE SOUTH 89°39'24" WEST 499.59 FEET; THENCE NORTH 01°29'27" WEST 677.04 FEET TO A POINT ON THE NORTH LINE OF SAID 1/4 SECTION; THENCE NORTH 88°23'49" EAST ALONG SAID NORTH LINE 500.14 FEET TO THE POINT OF BEGINNING.

LANDS CONTAIN 341,139 SQUARE FEET OR 7.8315 ACRES

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF STEVEN A. STOFFEL, OWNER OF SAID LAND.

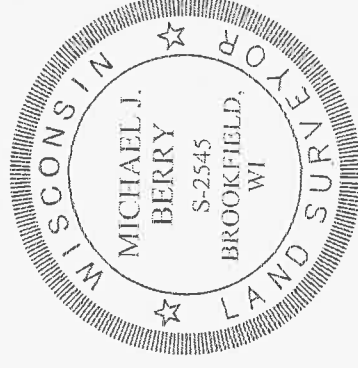
THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE STATUTES OF THE STATE OF WISCONSIN AND CHAPTER 330 OF THE VILLAGE OF GERMANTOWN CODE OF ORDINANCES IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

DATED THIS 7TH DAY OF MARCH, 2016.


MICHAEL J BERRY
PROFESSIONAL LAND SURVEYOR,
S-2545
STATE OF WISCONSIN

CURVE TABLE				
CURVE	ARC	RADIUS	BEARING	CHD. LENGTH DELTA
C1	13.09'	20.00'	N 16°47'31" W 12.85'	37°29'31"
C2	119.65'	60.00'	N 21°35'21" E 100.79'	114°15'16"
C3	40.51'	60.00'	S 81°56'24" E 39.75'	38°41'13"
C4	145.09'	60.00'	S 06°40'52" W 112.24'	138°33'20"
C5	305.24'	60.00'	S 69°47'22" W 67.54'	291°28'58"



CERTIFIED SURVEY MAP NO.

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWN 9 NORTH, RANGE 20
EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

STEVEN A. STOFFEL, AS OWNER, CERTIFIES THAT HE HAS CAUSED THE LAND DESCRIBED ON THIS
MAP TO BE SURVEYED, DIVIDED, MAPPED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH
THE REQUIREMENTS OF THE VILLAGE OF GERMANTOWN CODE OF ORDINANCES.

THIS AGREEMENT SHALL BE BINDING ON THE UNDERSIGNED AND ASSIGNS. IN WITNESS WHERE OF,
STEVEN A. STOFFEL HAS CAUSED THESE PRESENTS TO BE SIGNED AT THE VILLAGE OF
GERMANTOWN, WISCONSIN, THIS ____ DAY OF _____, 2016.

IN THE PRESENCE OF:

(WITNESS)

STEVEN A. STOFFEL

STATE OF WISCONSIN) SS
COUNTY)

PERSONALLY CAME BEFORE ME THIS ____ DAY OF _____, 2016, TIM HILLER, OF THE ABOVE NAMED
CORPORATION, TO ME KNOW AS THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME
KNOWN TO BE THE REPRESENTATIVE OF THE ABOVE CORPORATION, AND ACKNOWLEDGED THAT THEY
EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICER AS THE DEED OF THE CORPORATION, BY ITS
AUTHORITY.

NOTARY PUBLIC
STATE OF WISCONSIN
MY COMMISSION EXPIRES: _____

VILLAGE OF GERMANTOWN PLAN COMMISSION APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE PLAN COMMISSION OF THE
VILLAGE OF GERMANTOWN ON THIS DAY ____ OF _____, 2016.

DEAN WOLTER, VILLAGE PRESIDENT

DATE

BARBARA GOECKNER, VILLAGE CLERK

DATE

VILLAGE OF GERMANTOWN BOARD APPROVAL

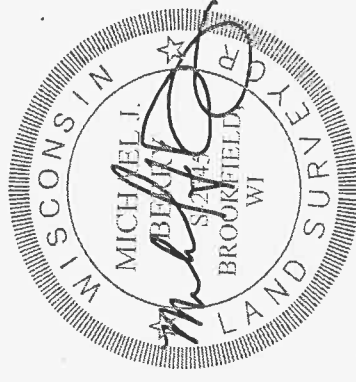
THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE VILLAGE BOARD OF THE
VILLAGE OF GERMANTOWN ON THIS DAY ____ OF _____, 2016.

DEAN WOLTER, VILLAGE PRESIDENT

DATE

BARBARA GOECKNER, VILLAGE CLERK

DATE



X. A.

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, April 18, 2016
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following petitioner for: (1) a CONDITIONAL USE PERMIT to allow "recreational vehicle and boat storage" and "storage of commercial vehicles and equipment" from the following described property located at N136 W21801 Bonniwell Road pursuant to Sections 17.13(2)(s) and 17.13(2)(mm) of the Village Zoning Code.

Petitioner: Daniel & Kim Skrober, Property Owners
Property: N136 W21801 Bonniwell Road (Parcel ID# 072-990)

Parcel 2 of Certified Survey Map (CSM) No. 4184; a 21.6 acre parcel being a part of the Northwest ¼ and Southwest ¼ of the Northwest ¼ of Section 7, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

A copy of the application is on file in the Village of Germantown Community Development Department (Planning & Zoning office) and is available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 23rd day of March, 2016
Barbara K. D. Goeckner, Village Clerk

To Be Published On: March 31st and April 7th, 2016

X. A.
X I. A.

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 18, 2016

AGENDA ITEM: Public Hearing & New Business **(Conditional Use Permit)**

ITEM TITLE: Daniel & Kim Skrober, Property Owners, Conditional Use Permit application for "Recreational Vehicle and Boat Storage" from the property located at N136 W21801 Bonniwell Road (Tax Key No. GTNV 072-990)

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department 

SUMMARY EXPLANATION:

Daniel and Kim Skrober are seeking a Conditional Use Permit to allow "recreational vehicle and boat storage" and "storage of commercial vehicles and equipment" from their Bonniwell Road property.

As discussed in the application materials, the Skrober's are seeking permission to use three metal buildings on their 21.6-acre (A-2: Agricultural District) and the area around the buildings for "recreational vehicle and boat storage" as provided for under Section 17.13(2)(s) and (mm) of the Zoning Code. The Code specifically provides for such storage "...if completely enclosed within a building". However, the Skrober's have requested the ability to use the 200' x 300' area surrounding the buildings for additional "outside" storage of recreational vehicles and equipment (as they have been for some time). The Plan Commission included a condition in their recommendation that would allow the Skrober's to come back for an amendment to the CUP (if granted) in the event that the Zoning Code was changed in the future to allow "outside" storage. Direction was also given to staff to consider making such an amendment to the Code.

ATTACHMENTS:

- ◆ 3-14-16 Staff Report
- ◆ 3-14-16 Plan Commission Meeting Minutes
- ◆ Application, plans & photos
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATION:

APPROVE a Conditional Use Permit for Daniel & Kim Skrober to allow "recreational vehicle and boat storage" and "storage of commercial vehicles and equipment" from the property located at N136 W21801 Bonniwell Road subject to the following conditions:

1. This permit authorizes the uses and activities set forth in the permit application dated February 8, 2016 and in the supporting documents made part of the application, including the February 24, 2016 e-mail and operation information provided therein.

2. If the use, activities and/or operation of the storage facility subject of this permit falls out of conformity with the conditions herein, or where there is a change in the character, intensity or extent of the activities that causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to ameliorate or eliminate harmful effects associated with the use but are insufficient to do so, or for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. The owner/operator shall cooperate with the Fire Department to conduct a pre-occupancy and semi-annual fire safety inspections and provide/install whatever fire safety measures are required under the Village and other applicable codes.
4. All of the following items shall be provided as required by the Fire Department:
(a) an approved fire lane per NFPA 18-2012 Chapter 18 shall be provided, including the trimming or removal of any trees and other vegetation in order to provide a minimum overhead clearance of 13.5 feet; (b) an approved turnaround area for emergency vehicles shall be provided; (c) the gravel access fire lane and parking lot area needs to be rated for the weight of fire trucks or a hard surface shall be provided; (d) the security gate is currently too narrow; if the security gate continues to be used, it will need to be widened and a Knox Box provided in a manner approved by the GFD; (e) storage of any items or vehicles between the three buildings shall be prohibited; (f) an approved exit sign shall be installed over all exit doors in all buildings used for storage as approved by the GFD.
5. The CUP shall not be transferrable to any other entity, organization or business operator. The CUP shall become null and void in the event the Skrober's sell or are no longer residents of the subject property.
6. All exterior signs shall comply with the Village's sign regulations including obtaining approval and/or permits from the Community Development Department.
7. The Applicant may return to the Plan Commission and Village Board for consideration of an amendment to this CUP that would allow outside storage in the area 200' feet by 300' square foot area around the buildings (except for those areas between the buildings that are prohibited from any storage use as required by the Fire Department) in the event that the Zoning Code is amended in the future to specially allow for outside storage.

{NOTE: CONDITION #7 WAS ADDED TO THE LIST OF STAFF-RECOMMENDED CONDITIONS BY THE PLAN COMMISSION; THE SPECIFIC LANGUAGE WAS DEVELOPED USING THE MOTIONS MADE}

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, April 18, 2016
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following petitioner for: (1) a **CONDITIONAL USE PERMIT** to allow "recreational vehicle and boat storage" and "storage of commercial vehicles and equipment" from the following described property located at N136 W21801 Bonniwell Road pursuant to Sections 17.13(2)(s) and 17.13(2)(mm) of the Village Zoning Code.

Petitioner: Daniel & Kim Skrober, Property Owners
Property: N136 W21801 Bonniwell Road (Parcel ID# 072-990)

Parcel 2 of Certified Survey Map (CSM) No. 4184; a 21.6 acre parcel being a part of the Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 7, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

A copy of the application is on file in the Village of Germantown Community Development Department (Planning & Zoning office) and is available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 23rd day of March, 2016
Barbara K. D. Goeckner, Village Clerk

To Be Published On: March 31st and April 7th, 2016

CUP # xx – 16

Document No.

CONDITIONAL USE PERMIT

Document Title

**VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN
CONDITIONAL USE ZONING PERMIT**

Whereas the Applicant & Property Owner:

Daniel & Kim Skrober, Property Owners

agrees to comply with applicable Codes and Ordinances of the Village of Germantown, Wisconsin, and further agrees that all work done pursuant to the permission granted herewith will conform with the applications and drawings filed with and approvals granted by officials of the Village for the purpose of obtaining this permit.

Now, therefore, this permit is issued to the Property Owners to allow "recreational vehicle and boat storage" and "storage of commercial vehicles and equipment" from the property located at N136 W21801 Bonniwell Road in compliance with Section 17.13(2)(s) and 17.13(2)(mm) of the Village Zoning Code.

Name & Return Address:

**Village of Germantown
P.O. Box 337
Germantown, WI 53022**

Parcel Identification No:

GTNV 072-990

On the following described property located in the Village of Germantown, Washington County, Wisconsin:

Parcel 2 of Certified Survey Map (CSM) No. 4184; a 21.6 acre parcel being a part of the Northwest ¼ and Southwest ¼ of the Northwest ¼ of Section 7, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

Address: N136 W21801 Bonniwell Road

Tax Key No: GTNV 072-990

Pursuant to the following condition(s):

1. This permit authorizes the uses and activities set forth in the permit application dated February 8, 2016 and in the supporting documents made part of the application, including the February 24, 2016 e-mail and operation information provided therein.
2. If the use, activities and/or operation of the storage facility subject of this permit falls out of conformity with the conditions herein, or where there is a change in the character, intensity or extent of the activities that causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to ameliorate or eliminate harmful effects associated with the use but are insufficient to do so, or for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. The owner/operator shall cooperate with the Fire Department to conduct a pre-occupancy and semi-annual fire safety inspections and provide/install whatever fire safety measures are required under the Village and other applicable codes.

4. All of the following items shall be provided as required by the Fire Department: (a) an approved fire lane per NFPA 18-2012 Chapter 18 shall be provided, including the trimming or removal of any trees and other vegetation in order to provide a minimum overhead clearance of 13.5 feet; (b) an approved turnaround area for emergency vehicles shall be provided; (c) the gravel access fire lane and parking lot area needs to be rated for the weight of fire trucks or a hard surface shall be provided; (d) the security gate is currently too narrow; if the security gate continues to be used, it will need to be widened and a Knox Box provided in a manner approved by the GFD; (e) storage of any items or vehicles between the three buildings shall be prohibited; (f) an approved exit sign shall be installed over all exit doors in all buildings used for storage as approved by the GFD.
5. The CUP shall not be transferrable to any other entity, organization or business operator. The CUP shall become null and void in the event the Skrober's sell or are no longer residents of the subject property.
6. All exterior signs shall comply with the Village's sign regulations including obtaining approval and/or permits from the Community Development Department.
7. The Applicant may return to the Plan Commission and Village Board for consideration of an amendment to this CUP that would allow outside storage in the area 200' feet by 300' square foot area around the buildings (except for those areas between the buildings that are prohibited from any storage use as required by the Fire Department) in the event that the Zoning Code is amended in the future to specially allow for outside storage.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the _____ day of _____, 2016.

ATTEST:

Dean Wolter, Village President

Barbara K. D. Goeckner, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this _____ day of _____, 2016, the above named Dean Wolter, Village President, and Barbara K. D. Goeckner, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

As Property Owners, we hereby accept the terms and conditions set forth in this Permit and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2016

Daniel Skrober, Property Owner

Kim Skrober, Property Owner

STATE OF WISCONSIN) SS
_____) COUNTY)

Personally came before me this ____ day of _____, 2016, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

CONDITIONAL USE PERMIT APPLICATION

3/14/16 Plan Commission Meeting

Daniel & Kim Skrober

Village Planner Report

Germantown, Wisconsin

Summary

Daniel and Kim Skrober, property owners of a 21.6-acre property, are seeking a Conditional Use Permit to allow "recreational vehicle and boat storage" and "storage of commercial vehicles and equipment" from the existing property located at N136 W21801 Bonniwell Road.

Property Location: N136 W21801 Bonniwell Road

Applicant/

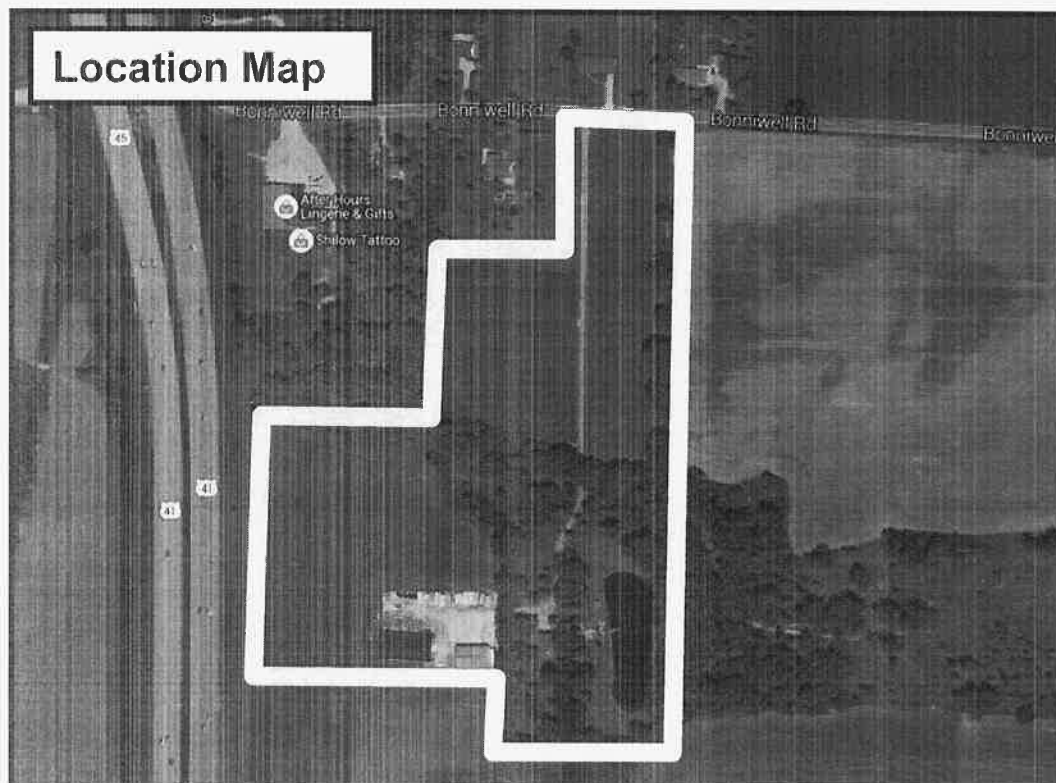
Property Owner:

Daniel & Kim Skrober
N136 W21801 Bonniwell Road
Richfield, WI 53076

Current Zoning: A-2: Agricultural District

Adjacent Land Uses		Zoning
North	Residential/Industrial	Rs-3/M-1
South	Commercial/Industrial	M-1
East	Agricultural	A-2
West	Residential	Rs-4

Location Map



Proposal/Background

Daniel and Kim Skrober, property owners of a 21.6-acre property, are seeking a Conditional Use Permit to allow "recreational vehicle and boat storage" and "storage of commercial vehicles and equipment" from the existing property located at N136 W21801 Bonniwell Road.

In October 2015, the Skrober's were issued a building permit for a new 60'x120' (7,200 sqft) metal pole building for their property (Building "C" on the attached site plan). At that time, the permit was approved with a condition that the building cannot be used for commercial vehicle storage without the requisite conditional use permit (CUP). A follow-up inspection and file inspection revealed that, although the Skrober's originally applied for a permit from the Village for commercial storage from a building on their property back in 1990, they withdrew the application given the lack of appropriate zoning and parcel size (at that time the land was only 9 acres and zoned Rs-1: Single-family. In the years since that time, the Skrobers acquired additional land to the west, combined and rezoned the entire 22.6-acre property to A-2: Agricultural. The Skrobers obtained a permit to build a 45'x72' (3,240 sqft) metal building in 1991 and began using that building for commercial storage (Building "A" on the site plan). They did not, however, pursue the necessary CUP for commercial storage. In 1997 the Skrobers built another 60'x120' metal building on the property (Building "B" on the site plan).

As discussed in the application materials and follow-up email information (e-mail dated February 24), the Skrobers are seeking permission to use all three buildings totaling 17,640 sqft for "recreational vehicle and boat storage" as provided for under Section 17.13(2)(s) and (mm) of the Zoning Code. No other services are provided by the Skrobers and no other or uses within the buildings are allowed by those renting space in the buildings or property.

Staff Comments

At the time the Skrobers applied for a permit from the Village in 1990, there was not a specific provision in the Zoning Code to accommodate their request. Like other non-specified uses, the Skrobers request for a commercial storage use from their property was processed under the "Unclassified or Unspecified Use" allowance in Section 17.07(3)(a)2. of the Zoning Code. However, sometime in 1990 (and maybe as a result of the Skrober's original request that was withdrawn), the Village amended the Zoning Code and added the allowance for commercial storage to the A-1 and A-2 Agricultural Zoning District regulations.

Section 17.13(2) of the A-2 District regulations provides the following:

- (s) *Recreational vehicle and boat storage if completely enclosed within a building.*
- (mm) *Storage of commercial vehicles and equipment if completely enclosed within a building.*

Note that both sub-sections require said storage to be "completely enclosed within a building". To date, the Skrobers have used both the existing buildings and adjoining land to be used for both enclosed and outside storage of recreational vehicles. In light of the requirements, staff supports the Skrobers request provided that the items being

stored are kept within the building(s).

In addition, the Fire Department has reviewed the proposal and is recommending approval subject to the following conditions:

- Commercial buildings require a semi-annual fire safety inspection by the GFD;
- An approved fire lane per NFPA 18-2012 Chapter 18 shall be provided, including the trimming or removal of any trees and other vegetation in order to provide a minimum overhead clearance of 13.5 feet;
- An approved turnaround area for emergency vehicles shall be provided;
- The gravel access fire lane and parking lot area needs to be rated for the weight of fire trucks or a hard surface shall be provided;
- The security gate is currently too narrow; if a security gate/fence continues to be used, it will need to be widened and a Knox Box provided in a manner approved by the GFD;
- Storage of any items or vehicles between the three (3) buildings shall not be allowed;
- An approved exit sign shall be installed over all exit doors as approved by the GFD.

Village Planner Recommendation

APPROVE a Conditional Use Permit for Daniel & Kim Skrober to allow “recreational vehicle and boat storage” and “storage of commercial vehicles and equipment” from the existing property located at N136 W21801 Bonniwell Road subject to the following conditions:

1. This permit authorizes the uses and activities set forth in the permit application dated February 8, 2016 and in the supporting documents made part of the application, including the February 24, 2016 e-mail and operation information provided therein.
2. If the use, activities and/or operation of the storage facility subject of this permit falls out of conformity with the conditions herein, or where there is a change in the character, intensity or extent of the activities that causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to ameliorate or eliminate harmful effects associated with the use but are insufficient to do so, or for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. The owner/operator shall cooperate with the Fire Department to conduct a pre-occupancy and semi-annual fire safety inspections and provide/install whatever fire safety measures are required under the Village and other applicable codes.
4. All of the following items shall be provided as required by the Fire Department: (a) an approved fire lane per NFPA 18-2012 Chapter 18 shall be provided, including the trimming or removal of any trees and other vegetation in order to provide a minimum overhead clearance of 13.5 feet; (b) an approved turnaround area for emergency vehicles shall be provided; (c) the gravel access fire lane and parking lot area needs to be rated for the weight of fire trucks or a hard surface shall be provided; (d) the security gate is currently too narrow; if the security gate continues to be used, it will need to be widened and a Knox Box provided in a manner approved by the GFD; (e) storage of any items or vehicles between the three buildings shall be prohibited; (f) an approved exit sign shall be installed over all exit doors in all buildings used for storage as approved by the GFD.
5. The CUP shall not be transferrable to any other entity, organization or business operator. The CUP shall become null and void in the event the Skrobbers sell or are no longer residents of the subject property.
6. All exterior signs shall comply with the Village’s sign regulations including obtaining approval and/or permits from the Community Development Department.

Daniel & Kim Skrober – N136 W21801 Bonniwell Road. The property owners of a 21.6 acre property are seeking a Conditional Use Permit to allow recreational vehicle and boat storage and storage of commercial vehicles and equipment from the existing property. Planner Retzlaff summarized the proposal.

MOTION Baum second Nilles to Approve a Conditional Use Permit for Daniel & Kim Skrober to allow “recreational vehicle and boat storage” and “storage of commercial vehicles and equipment” from the existing property located at N136 W21801 Bonniwell Road subject to the following conditions:

- 1. This permit authorizes the uses and activities set forth in the permit application dated February 8, 2016 and in the supporting documents made part of the application, including the February 24, 2016 e-mail and operation information provided therein.***
- 2. If the use, activities and/or operation of the storage facility subject of this permit falls out of conformity with the conditions herein, or where there is a change in the character, intensity or extent of the activities that causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to ameliorate or eliminate harmful effects associated with the use but are insufficient to do so, or for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***
- 3. The owner/operator shall cooperate with the Fire Department to conduct a pre-occupancy and semi-annual fire safety inspections and provide/install whatever fire safety measures are required under the Village and other applicable codes.***
- 4. All of the following items shall be provided as required by the Fire Department: (a) an approved fire lane per NFPA 18-2012 Chapter 18 shall be provided, including the trimming or removal of any trees and other vegetation in order to provide a minimum overhead clearance of 13.5 feet; (b) an approved turnaround area for emergency vehicles shall be provided; (c) the gravel access fire lane and parking lot area needs to be rated for the weight of fire trucks or a hard surface shall be provided; (d) the security gate is currently too narrow; if the security gate continues to be used, it will need to be widened and a Knox Box provided in a manner approved by the GFD; (e) storage of any items or vehicles between the three buildings shall be prohibited; (f) an approved exit sign shall be installed over all exit doors in all buildings used for storage as approved by the GFD.***
- 5. The CUP shall not be transferrable to any other entity, organization or business operator. The CUP shall become null and void in the event the Skrobers sell or are no longer residents of the subject property.***
- 6. All exterior signs shall comply with the Village's sign regulations including obtaining approval and/or permits from the Community Development Department.***

Trustee Baum asked the Skrober's if they were OK with inside storage only. Dan Skrober asked that limited outside storage be allowed for approximately 12 campers in a 200 to 300 foot area. He reasoned that the buildings cannot be seen from Bonniwell Road.

MOTION to Amend Baum second Shadid to allow outside storage in an area 200 feet by 300 square foot area, including all three of the buildings constructed today. The allowance should reflect and exclude what the Fire Department is recommending.

Discussion continued. Chairman Wolter asked if this condition was specific to this conditional use and would not be transferrable to anyone else who has storage buildings and would want the same type of condition on their property. Planner Retzlaff confirmed it is specific to this conditional use permit only, unless staff is directed to make amendments to the code provisions. Trustee Baum said his amendment is based on the landscaping and trees that are screening the property.

MOTION to Amend carried unanimously.

Attorney Sajdak said the code provision prohibits outdoor storage and does not say it's allowable with a conditional use. Trustee Baum confirmed that the Plan Commission cannot grant a provision to store outside because it is not allowed by code. Attorney Sajdak said a zoning amendment would be required. Planner Retzlaff said a condition could be added to include language in anticipation if the code is changed. Attorney Sajdak said a provision could be included as a "fee-free" amendment process within a period of time if something would change. He stated the amendment as follows.

MOTION to Amend the Amendment Baum second Gray to include a condition that would authorize the applicant to return to the Plan Commission for consideration of a potential amendment in the event that the zoning code changed to allow outdoor storage.

Trustee Baum said he has learned to be extremely specific in what is being said and done. He said he wants to help this applicant but cannot by ordinance and this motion provides the ability to help him, if Director Retzlaff brings forward a code change for consideration.

MOTION to Amend the Amendment carried unanimously.

MOTION to Approve the Amended Amendment carried unanimously.

MOTION to Approve as Amended carried unanimously.

Planner Retzlaff said the Conditional Use Permit will require Village Board approval. He said he intends to bring back a potential code amendment and indicated he will defer any further enforcement dealing with the outside storage issue.

Presbyterian Homes of Wisconsin for Germantown Commerce Center and Romano & Schmidt, property owners – N112 W17300 Mequon Road. The applicant has requested a consultation with the Plan Commission to discuss possible amendments to the Blackstone Creek Planned Development District General Development Plan and Conditions & Restrictions Resolution in order to develop a 190 unit senior living residential community on approximately 30 acres of land located along Mequon Road. Planner Retzlaff summarized the proposal.

Steve Nornes, Presbyterian Homes, said he believes there is a market for this type of development and that this is a good location that will also provide a good opportunity for

X. B.

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, April 18, 2016
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following petitioner for: (1) an amendment to CONDITIONAL USE PERMIT No. 07-10 to allow the expansion of an existing "off-site" parking lot located at N116 W15953 Main Street pursuant to Section 17.45(5) of the Village Zoning Code.

Petitioner: Christopher Jackson, CJ Engineering, Agent, for Gehl Foods LLC, Property Owner
Property: N116 W15953 Main Street; Tax Key No. 224-017

Outlot 2 in Assessor's Plat, Village of Germantown, and that part of the Northeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section Twenty-Two (22), Township (9) North of Range Twenty (20) East, Village of Germantown, Washington County, Wisconsin.

A copy of the application is on file in the Village of Germantown Community Development Department (Planning & Zoning office) and is available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 23rd day of March, 2016
Barbara K. D. Goeckner, Village Clerk

To Be Published On: March 31st and April 7th, 2016

X.B.
X.I.B

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 18, 2016

AGENDA ITEM: Public Hearing & New Business **(Conditional Use Permit)**

ITEM TITLE: CJ Engineering, Agent for Gehl Foods LLC, Property Owner;
Conditional Use Permit application for an amendment to CUP No.
07-10 to allow the expansion of an existing "Off-site Parking Lot" on
the property located at N116 W15953 Main Street (Tax Key No.
GTNV 224-017)

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:

Conditional Use Permit No. 07-10 was granted in November, 2010, to allow Gehl Foods to install and operate a 41-stall "off-site" parking intended to: (1) serve existing Gehl Foods employee parking needs; (2) improve on-site truck maneuvering in the existing parking areas around the plant; and (3) free up on-street, public parking spaces on Main Street that were being used by Gehl Foods employees.

At this time, CJ Engineering, agent for Gehl Foods LLC, property owner, is seeking approval of an amendment to CUP No. 07-10 and a revised site development plan to add 24 parking stalls to the existing "off-site" parking area on the .91-acre lot located at N116 W15953 Main Street.

At their March meeting, the PC voted to DENY the request to amend CUP No. 07-10 to allow the parking lot expansion. The PC also voted to DENY (motion to approve failed on a 3-3 tie vote) the revised site plans for the expansion. It was pointed out that, in the event the VB acted to approve the request to amend CUP No. 07-10 to allow the expansion, the site plans would have to go back to the PC for further consideration.

ATTACHMENTS:

- ◆ 3-14-16 Staff Report
- ◆ 3-14-16 Plan Commission Meeting Minutes
- ◆ Proposed Site Plan
- ◆ CUP No. 07-10

PLAN COMMISSION RECOMMENDATION:

DENY the requested amendment to CUP No. 07-10 to allow a 24-stall parking lot expansion to the existing off-site parking lot located at N116 W15953 Main Street.

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, April 18, 2016
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following petitioner for: (1) an amendment to CONDITIONAL USE PERMIT No. 07-10 to allow the expansion of an existing "off-site" parking lot located at N116 W15953 Main Street pursuant to Section 17.45(5) of the Village Zoning Code.

Petitioner: Christopher Jackson, CJ Engineering, Agent, for Gehl Foods LLC, Property Owner
Property: N116 W15953 Main Street; Tax Key No. 224-017

Outlot 2 in Assessor's Plat, Village of Germantown, and that part of the Northeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section Twenty-Two (22), Township (9) North of Range Twenty (20) East, Village of Germantown, Washington County, Wisconsin.

A copy of the application is on file in the Village of Germantown Community Development Department (Planning & Zoning office) and is available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

**Dated this 23rd day of March, 2016
Barbara K. D. Goeckner, Village Clerk**

To Be Published On: March 31st and April 7th, 2016

CONDITIONAL USE PERMIT & SITE PLAN REVIEW

3/14/16 Plan Commission Meeting

Gehl Foods LLC

Village Planner Report

Germantown, Wisconsin

Summary

CJ Engineering, agent for Gehl Foods LLC, property owner, is seeking approval of an amended conditional use permit and revised site development plan to add 24 parking stalls to an existing 39-stall "off-site" parking area on the .91-acre lot located at N116 W15953 Main Street.

Property Location: N116 W15953 Main Street

Applicant/-

Property Owners:

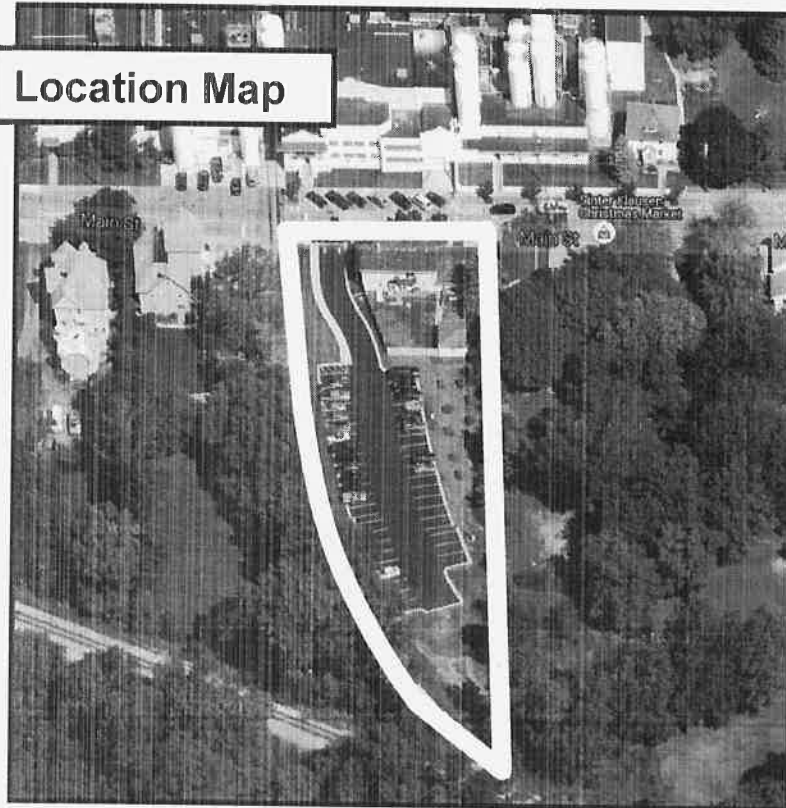
CJ Engineering
9205 W. Center St
Milwaukee, WI 53222

Gehl Foods LLC
N116 W15970 Main Street
Germantown, WI 53022

Current Zoning: B-3: General Business

Adjacent Land Uses		Zoning
North	Industrial	M-1
South	Residential	Rm-2
East	Residential / Commercial	B-3
West	Residential / Commercial	B-3

Location Map



Proposal/Background

In November, 2010, the Village approved Conditional Use Permit No. 07-10 to allow Gehl Foods to install and operate a 41-stall "off-site" parking lot the parking lot that was/is intended to: (1) serve existing parking needs by allowing 2nd shift employees an alternative location to park and avoid overlap problems at the time of shift changes; (2) improve on-site truck maneuvering in the existing parking areas around the plant; and (3) free up parking spaces on Main Street that were currently used by Gehl's employees.

At this time, CJ Engineering, agent for Gehl Foods LLC, property owner, is seeking approval of an amended conditional use permit and revised site development plan to add 24 parking stalls to the existing 39-stall "off-site" parking area on the .91-acre lot located at N116 W15953 Main Street.

As indicated in the project summary (February 7, 2016 letter), growth in the Gehl Foods operation and hiring of additional employees has resulted in the need to provide additional parking for employees. Gehl Foods intends to demolish and remove the existing 2-story residential duplex, detached garage and driveway approach. Utility connections to the duplex will be abandoned in accordance with Village Code requirements.

As shown in the "revised" site plan (dated February 1, 2016), the additional 24 parking stalls (for a total of 63 vehicle stalls plus a small area for motorcycle and bicycle parking) will yield a net increase of 2,720 sqft of impervious area (58% of the total site vs. a maximum allowance of 90% in the B-3 Zoning District). Access will continue to be by way of a separate driveway to/from Main Street on the west side of the lot (relocated slightly east of the existing location).

Concrete curb/gutter will be continued around the perimeter of the paved lot with a small section of sidewalk leading to/from a handicapped accessible stall near the entrance. As is the case with the existing pavement, the expanded parking area will be graded with the lot elevated from north to south to direct run-off from the parking lot to the south and the existing storm sewer inlet in the southernmost end of the property. There is also an existing depression/ditch created along the east property line that collects and carries any remaining run-off from the site (including snow storage run-off from the east side of the parking lot) via a 12" storm sewer south to an area just ahead of the existing storm sewer inlet on the south side of the property.

As far as buffering of the expanded parking area from the existing residence to the east, a 10' wide perimeter buffer comprised of turf grass and evergreen trees (five 5'-6' tall *Techny Arborvitae*), will be installed along the east property line. As indicated in a February 4, 2016 letter received from the adjacent property owner, they are requesting an evergreen buffer vs. a privacy fence along the common property line (as was provided with the original parking lot project).

Additional landscaping will be provided around the perimeter and along Main Street as shown in the landscaping plan (Sheet L1.0).

With respect to lighting, one existing (1) pole will be relocated to serve the expanded parking area which is comprised of two pole-mounted LED fixtures mounted at a height of 22' (20' pole with 2' concrete base). As is the case with the existing lights (and required under the existing CUP), all light fixtures will continue to have a timer or "high-low" feature to minimize light impacts on the neighbors in the evening.

Staff Analysis

At the time the original off-site parking lot was proposed, a unique aspect of that original proposal was Gehl Foods' desire to keep the existing residential duplex on the property as a rental property. In an effort to reduce the visual impact of a commercial parking lot on Main Street, Gehl's proposed to keep the duplex for residential use while installing some landscaping and a privacy fence to separate the two uses. That is obviously not the case any longer.

Ordinarily, incompatible uses are either kept separate through different zoning or development districts, or, buffered from one another through landscaping, fences, walls, etc. (or both). In addition, minimum lot sizes, setbacks and landscaping requirements are all used to ensure residential lots provide the minimum acceptable and/or necessary space and distance so that the occupants can live comfortably and, as the saying goes "...*promote the health, safety, morals, prosperity, aesthetics, and general welfare...*" for the residents and property owners in the Village. While the existing Main Street area and residential dwellings along it were developed many years ago and before our current (or any) Zoning Code was created to accomplish these goals, it is a stated goal in the Land Use plan that the Village should strive to preserve the existing character and quality of life along Main Street.

For that reason, staff is of the opinion that a greater effort is needed to further buffer the parking lot from the residences to the east. Although the proposed 5' tall Arborvitae along the east property line will eventually grow taller and fill out to make a hedge, the proposed 8-9' planted spacing will not allow the plants to fill in to make that hedge for some time. A minimum 4-5' planted spacing is recommended along with a minimum height of 7-8' (vs. the 5-6' proposed). Other existing trees and shrubs along the common property line will likely be removed as part of the construction project (including a rather large Pine in the vicinity of the existing garage). Therefore, additional evergreen trees should be planted along the common property line and within the proposed 10' buffer yard in an amount, type and minimum size once the parking lot has been installed and what's left of the existing vegetation along the east property line is inventoried.

Also, there are three (3) well-established street trees between the existing house and sidewalk. It is not known if those trees will be preserved or not according to the landscaper. Every attempt should be made to preserve all or as many of those trees as possible and incorporated into the landscape plan. As shown in the plan on Sheet L1.0,

the plan is to replace the existing street trees with two (2) new street trees (1 Maple and 1 Linden) in the event the existing trees cannot be saved.

Overall, the proposed parking lot expansion is consistent with the Zoning Code requirements for off-site parking areas. With regard to required setbacks from the property line, the existing residential dwellings to the east of this parcel are NOT located in a residential zoning district. Consequently, the min. 50' setback to the proposed commercial parking lot does not apply (although that does not mean the Village cannot require whatever setback is deemed necessary and appropriate given the proximity of the existing residences).

With respect to lighting, the original lighting plan that was approved required the light fixtures to not exceed a mounting height of 18' (15' pole and 3' base). The relocated light pole and fixture should not exceed that approved height.

The Engineering Department has identified a number of technical requirements and conditions that will need to be satisfied before commencement of construction (see February 24, 2016 memo from Village Engineer Bischke).

Village Planner Recommendation

APPROVE an amendment to Conditional Use Permit No. 07-10 and the revised Site Development Plans for Gehl Foods LLC and the proposed 24-stall expansion to the existing "off-site" parking area located at N116 W15953 Main Street subject to the following conditions:

1. This conditional use permit allows the development and operation of an off-site parking area as shown in the site plan set dated as received on March 7, 2016, subject to any further requirements and revisions adopted by the Plan Commission or Village Board and as required herein.
2. All landscaping, grading, and paving improvements shown on the approved site plans shall be installed as proposed within six (6) months after the plan approval date. To ensure completion by the required deadline, 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 shall be submitted to the Village within thirty (30) days after said approval date.
3. A revised landscape plan shall be prepared and submitted to the Village Planner for review/approval prior to commencement of construction. Said landscape plan shall include additional landscaping along the west property line and along the privacy fences required herein (Condition #6) and be comprised of evergreen trees and shrubs.
4. The landscape plan shall be revised to include evergreen trees along the east property line (Techny Arborvitae are currently proposed) planted at a maximum spacing of 4-5' on-center along with a minimum planted height of 7-8' (vs. the 5-6' proposed). The purpose is to require the planting of a more "instantaneous" and continuous landscape screen. In addition, additional evergreen trees meeting these min. planting requirements shall be planted along the east property line and within the proposed 10' buffer yard in an amount, type and minimum size once the parking lot has been installed and what's left of the existing vegetation along the east property line is inventoried. A revised landscape plan showing the additional landscaping shall be prepared with input from the adjacent property and reviewed and approved by the Village Planner.
5. The relocated/new light pole and fixtures shall not exceed a mounting height of 18' (15' pole and 3' base) in order to match the approved height for the original plan.
6. The parking lot shall only be used for Gehl Foods, Inc. employee parking and shall not be used for the storage of equipment, materials, trucks or trailers. Use of the parking lot for vehicle parking by neighborhood residents and/or businesses may be permitted with permission or agreement by and between Gehl Foods, Inc. and said residents and businesses.
7. Any signage of the off-site parking area shall be reviewed and approved by the Plan Commission.
8. All of the technical requirements and conditions of approval set forth in the Engineering Department's February 24, 2016 memo shall be addressed prior to commencement of construction.

Gehl Foods LLC – N116 W15953 Main Street. The property owner is seeking approval of an amended conditional use permit and revised site development plan to add 24 parking stalls to an existing 39 stall “off-site” parking area on the .91 acre lot. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve an amendment to Conditional Use Permit No. 07-10 and the revised Site Development Plans for Gehl Foods LLC and the proposed 24-stall expansion to the existing “off-site” parking area located at N116 W15953 Main Street subject to the following conditions:

- 1. This conditional use permit allows the development and operation of an off-site parking area as shown in the site plan set dated as received on March 7, 2016, subject to any further requirements and revisions adopted by the Plan Commission or Village Board and as required herein.***
- 2. All landscaping, grading, and paving improvements shown on the approved site plans shall be installed as proposed within six (6) months after the plan approval date. To ensure completion by the required deadline, 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 shall be submitted to the Village within thirty (30) days after said approval date.***
- 3. A revised landscape plan shall be prepared and submitted to the Village Planner for review/approval prior to commencement of construction. Said landscape plan shall include additional landscaping along the west property line and along the privacy fences required herein (Condition #6) and be comprised of evergreen trees and shrubs.***
- 4. The landscape plan shall be revised to include evergreen trees along the east property line (Techny Arborvitae are currently proposed) planted at a maximum spacing of 4-5’ on-center along with a minimum planted height of 7-8’ (vs. the 5-6’ proposed). The purpose is to require the planting of a more “instantaneous” and continuous landscape screen. In addition, additional evergreen trees meeting these min. planting requirements shall be planted along the east property line and within the proposed 10’ buffer yard in an amount, type and minimum size once the parking lot has been installed and what’s left of the existing vegetation along the east property line is inventoried. A revised landscape plan showing the additional landscaping shall be prepared with input from the adjacent property and reviewed and approved by the Village Planner.***
- 5. The relocated/new light pole and fixtures shall not exceed a mounting height of 18’ (15’ pole and 3’ base) in order to match the approved height for the original plan.***
- 6. The parking lot shall only be used for Gehl Foods, Inc. employee parking and shall not be used for the storage of equipment, materials, trucks or trailers. Use of the parking lot for vehicle parking by neighborhood residents and/or businesses may be permitted with permission or agreement by and between Gehl Foods, Inc. and said residents and businesses.***
- 7. Any signage of the off-site parking area shall be reviewed and approved by the Plan Commission.***
- 8. All of the technical requirements and conditions of approval set forth in the Engineering Department’s February 24, 2016 memo shall be addressed prior to commencement of construction.***

Trustee Baum said he cannot support this plan because it's in conflict with the Main Street concept master plan that came forward previously. Commissioner Gray agreed adding that removing the building changes a piece of the feeling of Main Street. She understands parking is a problem but putting a parking lot there doesn't do anything for Main Street or the master plan around the back. Chairman Wolter asked why the additional 24 parking spaces are needed and if the lot was currently full. Lyle Roecker, Facility Manager Gehl Foods, said the lot is full on all three shifts and indicated that Gehl's will be hiring more people. Planner Retzlaff pointed out that another parking lot expansion to add 58 additional stalls will be coming forward at the next meeting to be located on the property to the east of the main building. Mr. Roecker said Gehl's is trying to alleviate their parking problems and indicated the duplex is not being lived in because it is in a fall down state. Attorney Sajdak stated there are two separate issues before the Plan Commission, the conditional use permit and the site plan. He summarized the Chapter 17 code provisions as they pertain to conditional use permit and site plan approval. Discussion continued regarding the need to be in compliance with the comprehensive master plan and the future plan the Plan Commission has come up with for the Main Street area. Planner Retzlaff said he doesn't see how this site plan is consistent with the plan that has already been reviewed as a re-development plan for the Main Street area. Attorney Sajdak said a more appropriate motion may be to add an additional condition that puts some sort of time on the conditional use that it be reviewed and renewed after a period of time to bring it more into compliance, but would allow the applicant to move forward now.

Discussion continued. Mr. Bruckner said the building will be razed and the parking lot is there already with a need for additional parking. The intent is to remove the employee parking on Main Street. He said the neighbor to the east as requested trees as a buffer to the parking lot. Chairman Wolter asked what Gehl's will do to have employees use the parking lot and not park on the street. Mr. Roecker said they will post and enforce in house.

MOTION to Amend Baum second Shadid to separate the two motions and Approve the conditional use permit for revised site plans for a 24 unit parking expansion.

MOTION to Amend carried (5-1 Baum).

MOTION to Approve as Amended failed (unanimous).

MOTION Baum second Shadid to Approve the site plan as presented with the conditions as presented by Planner Retzlaff.

MOTION to Amend Gray second Baum that the new plant design should not include spirea, potentilla or grasses and include larger shrubs to make the screening along the road much stronger.

Commissioner Gray said she wanted to see strong shrubs screened along the road like viburnum and a cute wrought iron fence may be nice. Daylilies in front along the sidewalk would be also be fine. Planner Retzlaff said a wrought iron fence was a good idea and would tie in with the residential area. Mr. Bruckner said the Police Department had indicated it did not want large screenings so they could see the end of the parking lot.

MOTION to Amend the Amendment Baum second Gray to leave the 5 TA's, tighten them up as indicated in #4 but extend them the entire length of the new parking area.

MOTION to Amend the Amendment carried unanimously.

MOTION to Amend carried (5-1 Baum).

MOTION to Amend Baum second Shadid to require a decorative fence be added along Main Street 4 feet tall the full length of the parking area.

MOTION to Amend carried unanimously.

MOTION to Amend Baum second Laszewski to have the final landscape plan brought back to Plan Commission for approval.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended failed (3-3 Walter, Baum, Nilles against).

Planner Retzlaff explained if the Village Board approves the conditional use permit for the expanded parking, then the site plan will need to come back to the Plan Commission for approval including a revised landscaping plan.

Skyline Development Corporation -- N104 W13885 Donges Bay Road. The property owner is seeking approval of an amendment to the Village's 2020 Future Land use Plan Map (Commercial to Industrial/Office) and a rezoning application (B-1: Neighborhood Business to M-1: Limited Industrial) for portions of an 11.2 acre property located in the Germantown Business Park at the southeast corner of Donges Bay Road @ STH 145/Fond du Lac Avenue intersection in order to develop a 32,000 sqft industrial building. Planner Retzlaff summarized the proposal.

Discussion followed. Trustee Baum asked for clarification on what was being asked for approval, a Land Use Plan Amendment and Rezoning, and nothing to do with the landscaping and architecture concerns as detailed in the staff report. Planner Retzlaff explained a rezoning request typically requires some sort of site plan to give some clarity as to why and what the rezoning is being asked for even though the plan may not be the same plan eventually submitted for approval. The site plan could be used to help make a decision on the request to rezone. Chairman Wolter felt the landscaping and architecture concerns were discussed at the previous consultation meeting in 2013 and was concerned that Planner Retzlaff may be somewhat telegraphing the next step to this body without them seeing a site plan. Planner Retzlaff agreed he is telegraphing what he considers to be his concerns and is only giving the members the opportunity to provide feedback before final plans are submitted.

MOTION Baum second Shadid to Approve the proposed 2020 Land Use Plan Map amendment to reclassify the 4.7 acre area from "Commercial" to "Industrial/Office".

Motion to Amend Shadid to include the stipulation from the Village Planner's recommendation.

Motion fails no second.

Commissioner Gray said the plans for a future industrial building will need more detail and more interesting landscaping if it is located on that corner.

CUP # 7 - 10
Document No.

CONDITIONAL USE PERMIT
Document Title

1271239



VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN
CONDITIONAL USE ZONING PERMIT

January 14, 2011 9:30 AM
SHARON A MARTIN, REGISTER OF DEEDS
WASHINGTON COUNTY, WISCONSIN

Fee Amount: \$30.00

Whereas the Property Owner:

Gehl Foods, Inc. (Property Owner)

agrees to comply with applicable Codes and Ordinances of the Village of Germantown, Wisconsin, and further agrees that all work done pursuant to the permission granted herewith will conform with the applications and drawings filed with and approvals granted by officials of the Village for the purpose of obtaining this permit.

Now, therefore, this permit is issued to the Property Owner for the development of an "off-site" parking area pursuant to Section 17.45(5) of the Village's Zoning Code.

Name & Return Address:

Village of Germantown
P.O. Box 337
Germantown, WI 53022

Parcel Identification No:

GTNV 224-017

On the following described property located in the Village of Germantown, Washington County, Wisconsin:

Outlot 2 in Assessor's Plat, Village of Germantown, and that part of the Northeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section Twenty-Two (22), Township (9) North of Range Twenty (20) East, Village of Germantown, Washington County, Wisconsin.

Tax Key No. 224-017; N116 W15953 Main Street

Pursuant to the following condition(s):

1. This conditional use permit allows the development and operation of an off-site parking area as shown in the plan set date stamped "received" October 18, 2010, subject to any further requirements and revisions set forth or required herein.
2. All landscaping, grading, and paving improvements shown on the approved site plans shall be installed as proposed within six (6) months after the plan approval date. To ensure completion by the required deadline, 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 shall be submitted to the Village within thirty (30) days after said approval date.
3. A revised landscape plan shall be prepared and submitted to the Village Planner for review/approval prior to commencement of construction. Said landscape plan shall include additional landscaping along the west property line and along the privacy fences required herein (Condition #6) and be comprised of evergreen trees and shrubs.

4. The unimproved portions of the lot beyond the parking lot and adjacent to the residential duplex and adjoining residential lots to the east and west shall not be used for parking, storage (other than snow storage) and shall be kept clean, appropriately landscaped and continuously maintained.
5. The parking lot shall only be used for Gehl Foods, Inc. employee parking and shall not be used for the storage of equipment, materials, trucks or trailers. Use of the parking lot for vehicle parking by neighborhood residents and/or businesses may be permitted with permission or agreement by and between Gehl Foods, Inc. and said residents and businesses.
6. The existing wooden privacy fence along the west property line shall be repaired or replaced and be a minimum of 6' high (maximum 10'). The same wooden privacy fence shall also be installed along the east property south from a point nearest the existing detached garage. Both fences shall be extended along the property lines to ensure headlights and pedestrian traffic does shine onto or intrude into the adjoining residential dwellings and lots. Said fences shall be installed in accordance with applicable zoning
7. Any signage of the off-site parking area shall be reviewed and approved by the Plan Commission.
8. Erosion control and driveway permits from the Village are required prior to commencement of construction.
9. All of the technical corrections and easement issues raised in the Engineering Department's October 1, 2010 approval memo shall be addressed prior to commencement of construction.
10. All lighting shall be installed as shown in the approved site development plan. Lighting operation shall include having all light fixtures regulated with a timer and/or a "high-low" feature to ensure a safe lit environment for employees using the parking lot at night while minimizing light impacts on the adjacent properties. A lighting operation plan identifying which lights will be lit and at what times and at what "high-low" settings shall be reviewed and approved by the Village Planner.

CUP # 7-10
Gehl Foods, Inc.
Village of Germantown, Washington County, Wisconsin
Page 3 of 4

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin
on the 15th day of November, 2010.

ATTEST:

Elizabeth Knaack
Elizabeth Knaack
Village Clerk

Dean M. Wolter
Dean M. Wolter
Village President

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this 7th day of JANUARY, 2010, the above
named Dean M. Wolter, Village President, and Elizabeth Knaack, Village Clerk, to me known
to be the persons who executed the foregoing instrument and acknowledged the same.

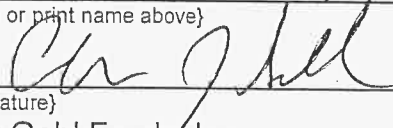
Janice P. Wick
~~Christine M. Micka~~, Notary JANICE P. WICK
My Commission Expires: Dec. 4, 2011

CUP # 7-10
 Gehl Foods, Inc.
 Village of Germantown, Washington County, Wisconsin
 Page 4 of 4

ACCEPTANCE OF TERMS AND CONDITIONS BY APPLICANT

I, as authorized representative for Gehl Foods, Inc. hereby accept the terms and conditions set forth in this Permit, and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this 17th day of December, 2010

Andrew Gehl
 (type or print name above)

 (signature)
 For Gehl Foods, Inc.

STATE OF WISCONSIN)
WASHINGTON)SS
 COUNTY)

Personally came before me this 17th day of DECEMBER, 2010 the above named ANDREW GEHL, (title) to me known to be the person who executed the foregoing instrument and acknowledged the same.

Michael A Stewart
 Print Name of Notary: Michael A. Stewart

Notary Public, State of Wisconsin

My Commission Expires: 04/24/11

This instrument was drafted by:
 Jeffrey W. Retzlaff, AICP
 Village Planner/Zoning
 Administrator
 Village of Germantown, Wisconsin

X. C.

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, April 18, 2016
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the applications filed by the following Petitioner for: (1) a COMPREHENSIVE PLAN MAP AMENDMENT to change the 2020 Land Use Plan Map classification for the property described below from "Commercial" to the "Industrial/Office" classification; (2) a REZONING application to rezone the property described below from the B-1: Neighborhood Business District to the M-1: Limited Industrial District; and (3) a CONDITIONAL USE PERMIT application to allow development within a 25' wetland and 75' navigable waterway setback on a portion of the property described below pursuant to Section 24.04(3) of the Municipal Code:

Petitioner: Skyline Development Corp., Property Owner
Property: Tax Key No. 362-983 (S.E. corner of STH145 @ Donges Bay Road intersection)

Part of Lot 1 of Certified Survey Map No. 5464, in the Northwest ¼ of Section 36, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said Northwest ¼ of said Section; thence S 01°26'11" E, 721.87 feet along the West line of said Section; thence N 88°33'48" E, a distance of 60.00 feet to the East Right-of-Way line of Fond du Lac Avenue (also known as S.T.H. 145) and the POINT OF BEGINNING of the lands to be described; thence N 01°26'11" W, 278.91 feet; thence N 10°15'45" E, 53.15 feet; thence 188.92 feet along the arc of a curve, whose center lies to the Northwest, whose radius is 925.00 feet, and whose chord bears N 04°24'52" E, 188.59 feet; thence N 01°26'11" W, 73.96 feet to the South Right-of-Way line of Donges Bay Road; thence N 88°09'19" E, 346.52 feet along said South line; thence S 01°50'41" E, 750.16 feet; thence S 88°33'48" W, 406.54 feet to the POINT OF BEGINNING.

Copies of the three (3) applications are on file in the Village of Germantown Community Development Department-Planning & Zoning Services office and available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 23rd day of March, 2016.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: March 31st and April 7th, 2016

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

X.C.
X.I.C.
X.I.D.
X.I.E
X.I.F

MEETING DATE: April 18, 2016

AGENDA ITEM: Public Hearing & New Business **(Conditional Use Permit)**

ITEM TITLE: Skyline Development Corp. Property Owner; Comprehensive Plan Map Amendment, Rezoning Petition, Conditional Use Permit and Certified Survey Map (CSM); to allow development of a 32,000 sqft warehouse distribution & office building on a 4.7-acre parcel located in the southeast corner of the Donges Bay Rd @ STH145 intersection (Tax Key No. GTNV 362-983)

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:

Skyline Development Corp. owner of a 11.2-acre property on Donges Bay Road, is seeking approval of a series of applications needed in order to create and develop a 4.7-acre parcel located southeast corner of the STH145/Fond du Lac Avenue intersection with a 32,000 sqft warehouse distribution/office building. The approvals required include:

1. An amendment to the Village's 2020 Future Land Use Plan map ("Commercial" to "industrial/Office");
2. A Rezoning Application ("B-1: Neighborhood Business" to "M-1: Limited Industrial");
3. A Conditional Use Permit application (development within a 25' wetland and 75' navigable waterway setback); and
4. A Certified Survey Map (CSM) to divide the 11.2-acre property into two parcels; including the 4.7-acre parcel proposed for development).

At their meetings on March 14 and April 11, the Plan Commission made recommendations to the Village Board to conditionally approve all four (4) applications, but withheld action on the detail site development & building plans pending the submission of revised building plans with additional and/or enhanced architectural features to improve the appearance of the building.

ATTACHMENTS:

- ◆ 3-14-16 & 4-11-16 Staff Reports
- ◆ 3-14-16 & 4-11-16 Plan Commission Meeting Minutes
- ◆ Proposed Site Plan
- ◆ Draft Plan Amendment & Rezoning Ordinances
- ◆ Draft CUP
- ◆ Preliminary CSM

PLAN COMMISSION RECOMMENDATIONS:

APPROVE the proposed 2020 Land Use Plan Map amendment to reclassify the 4.7 acre area from "Commercial" to "Industrial/Office".

APPROVE the proposed rezoning of the 4.7 acre area from B-1: Neighborhood Business to M-1: Limited Industrial.

APPROVE the proposed Certified Survey Map (CSM) to combine the two parcels into one parcel subject to the following conditions:

1. All technical corrections listed in the Village Surveyor's March 22, 2016 review memo shall be addressed and/or reflected in a revised CSM prior to recording the CSM.

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 owner 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 planting/restoration of native vegetation. 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 2017 for a period of three (3) years.

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, April 18, 2016
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the applications filed by the following Petitioner for: (1) a COMPREHENSIVE PLAN MAP AMENDMENT to change the 2020 Land Use Plan Map classification for the property described below from "Commercial" to the "Industrial/Office" classification; (2) a REZONING application to rezone the property described below from the B-1: Neighborhood Business District to the M-1: Limited Industrial District; and (3) a CONDITIONAL USE PERMIT application to allow development within a 25' wetland and 75' navigable waterway setback on a portion of the property described below pursuant to Section 24.04(3) of the Municipal Code:

Petitioner: Skyline Development Corp., Property Owner
Property: Tax Key No. 362-983 (S.E. corner of STH145 @ Donges Bay Road intersection)

Part of Lot 1 of Certified Survey Map No. 5464, in the Northwest ¼ of Section 36, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said Northwest ¼ of said Section; thence S 01°26'11" E, 721.87 feet along the West line of said Section; thence N 88°33'48" E, a distance of 60.00 feet to the East Right-of-Way line of Fond du Lac Avenue (also known as S.T.H. 145) and the POINT OF BEGINNING of the lands to be described; thence N 01°26'11" W, 278.91 feet; thence N 10°15'45" E, 53.15 feet; thence 188.92 feet along the arc of a curve, whose center lies to the Northwest, whose radius is 925.00 feet, and whose chord bears N 04°24'52" E, 188.59 feet; thence N 01°26'11" W, 73.96 feet to the South Right-of-Way line of Donges Bay Road; thence N 88°09'19" E, 346.52 feet along said South line; thence S 01°50'41" E, 750.16 feet; thence S 88°33'48" W, 406.54 feet to the POINT OF BEGINNING.

Copies of the three (3) applications are on file in the Village of Germantown Community Development Department-Planning & Zoning Services office and available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 23rd day of March, 2016.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: March 31st and April 7th, 2016

COMPREHENSIVE PLAN AMENDMENT & REZONING APPLICATION

3/14/16 Plan Commission Meeting

Skyline Development Corporation

Village Planner Report

Germantown, Wisconsin

Summary

Skyline Development Corp., property owner, is seeking approval of an amendment to the Village's 2020 Future Land Use Plan map ("Commercial" to "Industrial/Office") and a rezoning application ("B-1: Neighborhood Business" to "M-1: Limited Industrial") for portions of an 11.2-acre property located in the Germantown Business Park at the southeast corner of the Donges Bay Road @ STH145/Fond du Lac Avenue intersection in order to develop a 32,000 sqft Industrial building.

Property Location: Donges Bay Road @ STH145/Fond du Lac Avenue

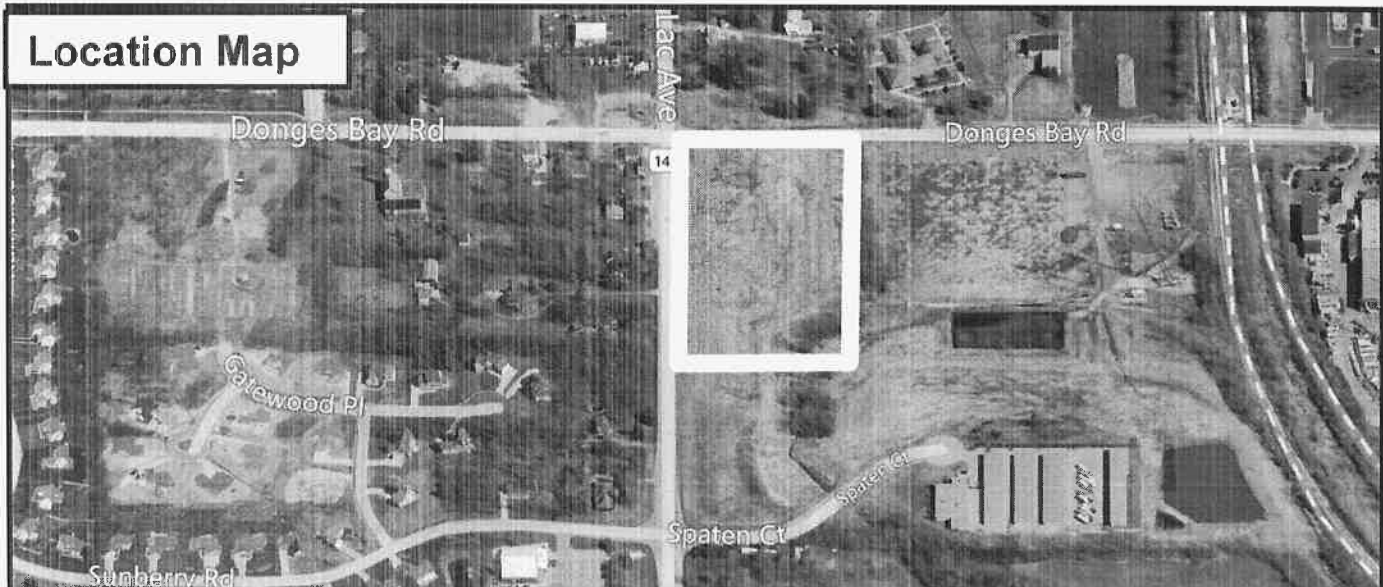
Applicant/

Property Owner:

Mike Krenz
Skyline Development Corp.
9400 N. 107th St
Milwaukee, WI 53224

Current Zoning: B-1: Neighborhood Business District

Adjacent Land Uses		Zoning
North	Residential & Institutional	Rs-4 & I
South	Industrial	M-1
East	Industrial	M-1
West	Commercial & Residential	B-3 & Rs-4



Proposal/Background

Skyline Development Corp., property owner, is seeking approval of an amendment to the Village's 2020 Future Land Use Plan map ("Commercial" to "Industrial/Office") and a rezoning application ("B-1: Neighborhood Business" to "M-1: Limited Industrial") for portions of an 11.2-acre property located in the Germantown Business Park in the southeast corner of the Donges Bay Road @ STH145/Fond du Lac Avenue intersection in order to develop a 32,000 sqft Industrial building.

As presented in the enclosed preliminary site plan, Skyline is proposing to develop approximately 4.7 acres of an existing 11.2-acre parcel (Lot 1 of CSM #5464) with a 32,000 sqft industrial building with associated parking and loading docks. Eventually, the 4.7-acre area will be divided as a separate parcel. In addition to the 2020 LUP map amendment and rezoning, the following approvals will be required:

- Certified Survey Map (CSM) to divide the 11.2-acre parcel
- Conditional Use Permit (CUP) for encroachment into a 25' wetland and 75' navigable waterway setback
- Site Development & Building Plans

In 2013, Skyline appeared before the Plan Commission to discuss a similar industrial development proposal for the property. At that time, as well as in the current plan amendment and rezoning applications, Skyline indicated that they have owned the property for some time (since 1998), had the land rezoned from M-1: Limited Industrial to B-1: Neighborhood Business, and have marketed the property for retail/business use to no success. According to Skyline, the only interest in developing the property over the last 5 years is/has been for possible industrial uses. At this time, there's a prospective industrial user interested in constructing an industrial warehouse/office building in order to relocate and expand an existing business from the Germantown Industrial Park to this location.

In addressing the question of why a 2020 LUP map amendment and subsequent rezoning would be in the best interest of the Village, Skyline indicates that an industrial building such as the 32,000 sqft facility proposed *"...will enhance the scenery for existing owners in the Business Park... and help open the door for additional businesses to come into the area"*.

Staff Comments

As discussed above, this proposal involves a number of development approvals from the Village. Currently, the 4.7-acre area is designated as "Commercial" on the 2020 Future Land Use Plan, and, located within a B-1 Zoning District. Both the 2020 LUP map amendment and rezoning are pre-requisites for any industrial development of this area.

In 2013, the Plan Commission discussed the proposal and expressed the following comments and concerns:

- Industrial use preferred versus commercial use
- Schematics look good
- Concerned with tall vertical façade so close to Fond du Lac Ave.
- The building is at an entrance to Germantown – should have more landscaping

and better aesthetics

- Move building farther south on lot
- The building is very close to road and will be overbearing
- Wetland issues need to be addressed
- Surrounding residential owners may oppose an industrial use
- May be some challenges with size of trucks used and potential issues that may occur with the future round-about.

At that time, the proposed building had 24' high vertical walls and was oriented with the primary entrance and office area in the northwest corner nearest to the Donges Bay Road @ STH145 intersection (soon-to-be re-constructed with a round-about as depicted on the preliminary site plan). Since then and as shown in the preliminary site plan, the orientation of the building has been "reversed" with the primary entrance and office area in the southeast corner of the property, the height of the exterior walls has increased to 28', access to Spaten Court to the south has been removed as a secondary means of access, the parcel size has been reduced from 5.5 to 4.6 acres due to additional right-of-way taken by the WisDOT for the STH145 and round-about improvement and by the DNR for re-aligning the navigable stream along Donges Bay Road, and additional easements granted for the high-pressure gas main project running across the property. In staff's opinion, all of these factors have had the effect of reducing the suitability of this quadrant of the intersection for such a large, intensive industrial use.

To counter these impacts, the Village did make a change to the minimum building setback requirements affecting development in the Germantown Business Park (GBP) development for those parcels abutting Donges Bay Road and STH145/Fond du Lac Avenue. In the GBP covenants and restrictions, the building setback abutting Donges Bay Road and STH145 was reduced from 75 feet to 30 feet. In so doing, it is/was staff's understanding that in exchange for the reduced building setback, additional landscaping and architectural enhancements would be made to the sites and buildings for those properties that would benefit from the reduced building setback. Unlike other GBP properties fronting a major arterial such as Mequon Road, this property and others along Donges Bay Road and STH145 do not have the benefit of an existing 10-25' high and extensively landscaped berm. These concerns were brought up back in 2013 by the Plan Commission and are equally if not more important today given what has transpired since 2013 in terms of the development ability of this property; notwithstanding this properties relative location as an entrance into the Village and proximity to existing residential uses west of STH145.

Consequently, staff feels strongly that, if the 2020 LUP map amendment and subsequent rezoning are approved in order for this property to develop with an industrial use, the detailed site development and building plans need to include significant landscaping, architectural enhancements and high-quality exterior materials equal to and even greater than that provided elsewhere in the Business Park.

The existing B-1 Zoning District is intended for individual or small groups of retail and customer service establishments in a shopping center setting. Given that the parcel has been zoned and marketed for commercial development for with no success in the past,

reclassification from "Commercial" to "Industrial/Office" on the LUP and rezoning from B-1: Neighborhood Business to M-1: Limited Industrial appears reasonable and appropriate. However, that factor alone is not necessarily a reason to change the classification if the Plan Commission feels the property and relative location within this corridor is suitable for commercial/retail land uses in the future. Arguably, the surrounding area has not fully developed with planned residential and industrial uses that may create a demand for commercial/retail uses in the future.

The Plan Commission should also consider the following issues:

- The need/desire to retain this quadrant of the intersection for future commercial development (given the availability of the other quadrants of the intersection for commercial development)
- Visual impact of an industrial building close to the intersection and roadway
- Possible architectural & exterior material requirements
- Type, amount and location of landscaping & buffering
- Compatibility with adjacent land uses

Village Planner Recommendation:

Land Use Plan Map Amendment

Recommend **APPROVAL** of the proposed 2020 Land Use Plan Map amendment to reclassify the 4.7-acre area from "Commercial" to "Industrial/Office" subject to the following stipulations:

1. Detailed site development and building plans for the subject property need to include significant landscaping, architectural enhancements and high-quality exterior materials equal to or greater than the requirements in the Germantown Business Park covenants and restrictions applicable to the property to improve appearance and compatibility with surrounding land uses.

Village Planner Recommendation:

Rezoning

Recommend **APPROVAL** of the proposed rezoning of the 4.7-acre area from B-1: Neighborhood Business to M-1: Limited Industrial.

MOTION to Amend the Amendment carried unanimously.

MOTION to Amend carried (5-1 Baum).

MOTION to Amend Baum second Shadid to require a decorative fence be added along Main Street 4 feet tall the full length of the parking area.

MOTION to Amend carried unanimously.

MOTION to Amend Baum second Laszewski to have the final landscape plan brought back to Plan Commission for approval.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended failed (3-3 Walter, Baum, Nilles against).

Planner Retzlaff explained if the Village Board approves the conditional use permit for the expanded parking, then the site plan will need to come back to the Plan Commission for approval including a revised landscaping plan.

Skyline Development Corporation – N104 W13885 Donges Bay Road. The property owner is seeking approval of an amendment to the Village's 2020 Future Land use Plan Map (Commercial to Industrial/Office) and a rezoning application (B-1: Neighborhood Business to M-1: Limited Industrial) for portions of an 11.2 acre property located in the Germantown Business Park at the southeast corner of Donges Bay Road @ STH 145/Fond du Lac Avenue intersection in order to develop a 32,000 sqft industrial building. Planner Retzlaff summarized the proposal.

Discussion followed. Trustee Baum asked for clarification on what was being asked for approval, a Land Use Plan Amendment and Rezoning, and nothing to do with the landscaping and architecture concerns as detailed in the staff report. Planner Retzlaff explained a rezoning request typically requires some sort of site plan to give some clarity as to why and what the rezoning is being asked for even though the plan may not be the same plan eventually submitted for approval. The site plan could be used to help make a decision on the request to rezone. Chairman Wolter felt the landscaping and architecture concerns were discussed at the previous consultation meeting in 2013 and was concerned that Planner Retzlaff may be somewhat telegraphing the next step to this body without them seeing a site plan. Planner Retzlaff agreed he is telegraphing what he considers to be his concerns and is only giving the members the opportunity to provide feedback before final plans are submitted.

MOTION Baum second Shadid to Approve the proposed 2020 Land Use Plan Map amendment to reclassify the 4.7 acre area from "Commercial" to "Industrial/Office".

Motion to Amend Shadid to include the stipulation from the Village Planner's recommendation.

Motion fails no second.

Commissioner Gray said the plans for a future industrial building will need more detail and more interesting landscaping if it is located on that corner.

Bill Burkhart, Skyline Development, said the commercial use of the property was greatly diminished by the State of Wisconsin with the improvement of the round about and no driveway allowance to Fond du Lac Avenue. Most commercial uses of this size would require a better driveway access. He indicated he has worked very hard to obtain a commercial use for this property without success. He indicated he has an existing user that wants to move in this fall and understands the concerns about landscaping and architecture.

MOTION carried unanimously

MOTION Baum second Nilles to Approve the proposed rezoning of the 4.7 acre area from B-1: Neighborhood Business to M-1: Limited Industrial.

MOTION carried unanimously.

ANNOUNCEMENTS: Planner Retzlaff said there may be special Plan Commission on March 28, 2016.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

CERTIFIED SURVEY MAP (CSM), CONDITIONAL USE PERMIT (CUP) & SITE PLAN APPLICATIONS

4/11/16 Plan Commission Meeting

Skyline Development Corp. / Sports Specialists of Milwaukee Inc.

Village Planner Report

Germantown, Wisconsin

Summary

Skyline Development Corp. property owner and agent for Sports Specialists of Milwaukee Inc., has submitted Certified Survey Map (CSM), Conditional Use Permit (CUP), and Site Plan applications for a 32,000 sqft warehouse distribution and office building on a 4.7-acre parcel located on Donges Bay Road @ STH145/Fond du Lac Avenue in the Germantown Business Park.

Property Location: Donges Bay Road @ STH145/Fond du Lac Avenue

Applicant/

Property Owner: Mike Krenz
Skyline Development Corp.
9400 N. 107th St
Milwaukee, WI 53224

Current Zoning: B-1: Neighborhood Business District (*rezoning application to M-1: Limited Industrial pending for VB action on April 18, 2016*)

Adjacent Land Uses		Zoning
North	Residential & Institutional	Rs-4 & I
South	Industrial	M-1
East	Industrial	M-1
West	Commercial & Residential	B-3 & Rs-4



Background

Skyline Development Corp. property owner and agent for Sports Specialists of Milwaukee Inc., has submitted Certified Survey Map (CSM), Conditional Use Permit (CUP), and Site Plan applications for a 32,000 sqft warehouse distribution and office building on a 4.7-acre parcel located on Donges Bay Road @ STH145/Fond du Lac Avenue in the Germantown Business Park.

Sports Specialists is distributor of approximately 30,000 different fishing tackle and related items in the upper Midwest. Sports Specialists relocated to Germantown in 1993 to their existing facility in the Germantown Industrial Park. As discussed in the project summary, Sports Specialists has outgrown their existing location and are looking to double their warehouse floor space with the proposed high bay facility at the Donges Bay Road site. Sports Specialists estimates the new facility can/will employ up to 24 employees.

Proposal: Certified Survey Map (CSM)

The 4.7-acre parcel proposed for development is currently part of a larger 11.2-acre parcel. Skyline is proposing to divide the land into two parcels as shown in the preliminary CSM (copy enclosed). Lot 1, the 4.7-acre parcel proposed for development, contains a number of utility easements and environmental features that affect the amount and relative location of developable area on the parcel. The parcels will be divided along the unnamed navigable stream that meanders across the north side of Lot 1 from west to east, then south along the east property line, then across the southeast corner of Lot 1.

Proposal: Conditional Use Permit (CUP)

The applicant has submitted a conditional use permit (CUP) application under the Village's Shoreland-Wetland Zoning Code because of proposed development activity within portions of the 25' wetland and 75' navigable water setback areas associated with the unmade navigable stream.

Although the Village's Shoreland-Wetland Code requires a 25' setback from all DNR-approved delineated wetlands (regardless of size or location), the Village may allow development within the 25' setback with a CUP. Section 24.04 of the Code permits development in the required 25' and 75' setbacks to provide additional buffering and/or compensation for the affected area(s) at a 1:1 ratio (for "horizontal" development) and a 2:1 ratio (for "vertical" development having impervious surface or a grade change greater than 3' height).

As shown in the Mitigation Plan Narrative (dated April 1, 2016), almost all of the proposed development activity within the 25' and 75' setback areas is associated with the access driveway and parking area on the east side of the parcel. Detailed in the narrative and exhibits, the total amount of setback area encroachment is approximately 17,960 sqft, including:

- 16,800 sqft with < 3' of grade change (horizontal development)
- 1,160 sqft with > 3' of grade change (vertical development)

Due to some of the encroachment being "vertical" development (> 3' grade change) with a compensation ratio of 2:1, the total amount of area requiring compensation totals 19,120 sqft.

Compensation will be provided in an area totaling 19,500 sqft lying along the east property line within and around portions of the setback areas. Compensation will be provided in the form of: (1) invasive species removal/eradication; and (2) planting native prairie vegetation comprised of a native prairie seed mix and species-appropriate ornamental trees as shown in Exhibit 1 and Exhibit 2 to the Mitigation Plan Narrative.

Proposal: Site Development & Building Plans

As presented in the detailed site plans and other supporting information, Skyline proposes to develop the site with a 32,000 sqft warehouse/office building with the following features:

- 32,000 gross sqft (w/ potential 20,000 sqft future expansion)
 - 26,200 sqft 1st floor
 - 7,578 sqft mezzanine
 - 4,660 sqft office
- Smooth Pre-cast concrete 28' wall panels w/ reveals (2-color architectural finish)
- Anodized aluminum solar screen over office area windows (southeast corner)
- (2) recessed truck docks & (1) at-grade overhead door
- (2) Roof-Top Mechanicals over office area

Access & Parking. The development will be served by one (1) driveway onto Donges Bay Road. A total of (40) parking stalls are proposed in two separate lots east of the building. An area for additional future parking is provided on the south side of the building to be installed if/when needed.

Storm Water Management. A total of 69,260 sqft (34%) of impervious surfaces are proposed for the 4.7-acre site leaving 66% in open space. The site is served by an existing regional storm water basin located east of the storage facility at the end of Spaten Court. Existing and additional storm sewer will be installed to convey run-off from the site to the off-site regional basin to the south.

Landscaping. An extensive landscaping plan is proposed consistent with the street tree and overall landscaping requirements of the Business Park covenants. Landscaping is comprised of deciduous shade and ornamental trees, evergreen trees, and deciduous and evergreen shrubs, and ornamental grasses. A total of (42) street trees will be installed along the frontage of STH145 and the north property line (south of the navigable stream and Donges Bay Road).

As discussed above, invasive species will be removed from and native prairie vegetation will be established in the disturbed portions of the wetland and navigable stream setback areas as compensation for encroachment into the 25' wetland setback areas as a protective transition to the existing wetlands and stream along the east side of the parcel.

Lighting. Exterior lighting of the building and site will include:

- (3) 168W LED 5700K “cool white” cut-off fixtures mounted at a height of 25’ on exterior poles in the parking area;
- (7) 42W LED 5700K “cool white” cut-off fixtures mounted on the building at heights varying from 8’ at the entrance doors and 14’6” over the loading dock doors.

Signage. No signage is proposed at this time.

Staff Comments

Wetland Setback CUP

With regard to the CUP for development within the 25’ wetland and 75’ setback areas, staff supports the proposed mitigation plan that includes the removal of invasive species and the planting/restoration of native prairie vegetation in the disturbed setback areas. However, success of the native grass plantings and invasive plant removal depends on monitoring of the actions taken. Consequently, the owner should be required to prepare and submit an annual monitoring report to the Village documenting all management activities, the success of those management activities, and any corrective actions needed to ensure success of the mitigation plan for a minimum of three (3) years after initial implementation.

Certified Survey Map (CSM)

The Village Surveyor identified a series of technical corrections (see March 22, 2016 memo) for the CSM that will need to be addressed prior to recording the CSM. The current draft CSM has been revised to address almost all of the items listed; however, final confirmation from the Village Surveyor has not yet been received.

Site Development & Building Plans

In 2013, the Plan Commission discussed a similar proposal and expressed the following comments and concerns:

- Industrial use preferred versus commercial use
- Schematics look good
- Concerned with tall vertical façade so close to Fond du Lac Ave.
- The building is at an entrance to Germantown – should have more landscaping and better aesthetics
- Move building farther south on lot
- The building is very close to road and will be overbearing
- Wetland issues need to be addressed
- Surrounding residential owners may oppose an industrial use
- May be some challenges with size of trucks used and potential issues that may occur with the future round-about.

At that time, the proposed building had 24’ high vertical walls and was oriented with the primary entrance and office area in the northwest corner nearest to the Donges Bay Road @ STH145 intersection (soon-to-be re-constructed with a round-about as depicted on the site plan). Since then and as shown in the site plan, the orientation of the building has been “reversed” with the primary entrance and office area in the southeast corner of the property, the height of the exterior walls has increased to 28’,

access to Spaten Court to the south has been removed as a secondary means of access, the parcel size has been reduced from 5.5 to 4.7 acres due to additional right-of-way taken by the WisDOT for the STH145 roundabout improvement and DNR's realignment of the navigable stream along Donges Bay Road, and additional easements granted for the high-pressure gas main project running across the property.

To counter some of these impacts, the Village agreed to make changes to the minimum building setback requirements affecting development in the Business Park for those parcels abutting Donges Bay Road and STH145/Fond du Lac Avenue. Last year the Village obtained permission from land owners in the Business Park to revise the covenants and restrictions by reducing the minimum building setback abutting Donges Bay Road and STH145 from 75 feet to 30 feet. In so doing, it is staffs understanding and intent that in exchange for a reduced building setback, additional landscaping and architectural enhancements would be made to the sites and buildings developed on those properties that benefit from the reduced building setback. Unlike other Business Park properties fronting a major arterial such as Mequon Road, this site and others along Donges Bay Road and STH145 do not have the benefit of a 10-25' high and extensively landscaped berm or the minimum 75' setback.

These concerns were brought up back in 2013 by the Plan Commission and are equally if not more important today given what has transpired since 2013 in terms of the development ability of this property; notwithstanding this properties relative location as an entrance into the Village and proximity to existing residential uses west of STH145.

Consequently, staff feels strongly that the site development and building plans for development of this site include significant landscaping, architectural enhancements and high-quality exterior materials equal to and even greater than that provided elsewhere in the Business Park.

While the proposed landscaping plan does include significant landscaping that more than meets the Business Park covenants and staff concerns, the building architecture and exterior materials do not. Some type of architectural devices, e.g. pilaster, more pronounced reveals and/or articulation, material changes, etc., or other architectural features and/or enhancements should be added to the building, specifically to the south and west elevations (that also wrap the northwest corner of the north expansion wall). Also, the wall panels proposed are comprised of smooth concrete painted two different colors. While the Business Park covenants allow tilt-up concrete wall panels, the covenants discourage the use of smooth masonry block as a primary material. Staff is not sure where on the continuum of smooth concrete wall panels are relative to block, but the appearance is likely not any different. Given the above concerns, if wall panels are acceptable for this building, some sort of architectural finish in addition to color should be required).

The building plans indicate that at least two (2) RTU's up to 4'6" high (over the office area) will be installed. A sight line exhibit has been prepared that attempts to show that RTU's would not be visible from STH145. Nonetheless, the use of RTU's without some method of screening is unacceptable if the RTU's are visible from the public right-of-way. As with similar Business Park projects, staff recommends that the need for architectural screening be reassessed by Skyline after the building has been constructed and operation with the Plan Commission determining the possibility of screening being required in the future.

Engineering

The Engineering Department has identified a number of technical corrections and construction plan/permitting requirements (see February 23, 2016 memo) that will need to be addressed prior to any construction. The current set of plans been revised to address all of the items listed; however, final confirmation from the Engineering Department has not yet been received.

Fire Department

The Fire Department has the following comments and requirements:

- Knox Box is required with the location approved by the Fire Department. The Fire Department Connection (FDC) and alarm panel locations also need to be approved by the Fire Department.

The Police Department is requesting that all doors and docks be numbered with reflective numbers to aid emergency personnel access.

Inspection Services

The Building Inspector has indicated that the submission of state-approved plans will be required prior to issuing a building permit along with the required \$20,000 occupancy bond

VILLAGE PLANNER RECOMMENDATION

APPROVE the proposed Certified Survey Map (CSM) to combine the two parcels into one parcel subject to the following conditions:

1. All technical corrections listed in the Village Surveyor's March 22, 2016 review memo shall be addressed and/or reflected in a revised CSM prior to recording the CSM.

VILLAGE PLANNER RECOMMENDATION

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 owner 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 planting/restoration of native vegetation. 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 2017 for a period of three (3) years.

Village Planner Recommendation

APPROVE the site development and building plans for the proposed 32,000 sqft warehouse distribution and office building on a 4.7-acre parcel located on Donges Bay Road @ STH145/Fond du Lac Avenue in the Germantown Business Park subject to the following conditions:

1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development and building plan set dated stamped April 5, 2016 unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission.
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. The following items shall be provided as required by the Village Fire Department: (a) one Knox box shall be installed at a location approved by the Fire Department; (b) the Fire Department Connection (FDC) and alarm panel locations shall be approved by the Fire Department.
4. All exterior doors (except primary entrance) shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.
5. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.
6. All technical corrections raised in the Village Engineer's February 23, 2016 review memo shall be addressed and reflected in a revised set of plans submitted to the Village Engineer for review/approval prior to issuance of a building permit.
7. The requirement for architectural screening of any roof-mounted HVAC equipment shall be re-assessed by Skyline and the Plan Commission within one (1) year after issuance of an occupancy permit. If deemed necessary by the Plan Commission, the owner shall submit plans and renderings for said screening to the Plan Commission for review/approval with any required screening to be installed within two (2) years after issuance of an occupancy permit.
8. To comply with the Business Park covenants and restrictions, additional architectural devices, e.g. pilaster, more pronounced reveals, wall panel articulation, material changes or other architectural features or enhancements shall be added to the south and west elevations that also wrap the northwest corner of the north expansion wall. The proposed smooth-finish wall panels shall include an additional architectural finish that is not limited to just different color. A revised elevation/architectural plan and rendering showing these changes shall be prepared and submitted to the Plan Commission for review/approval prior to issuance of a building permit.



Village of



Germantown

...Willkommen

Fee must accompany application

☒ \$2,900 with public improvements

☒ \$1,960 no public improvements

Paid h. Date 2-8-16

CERTIFIED SURVEY MAP APPLICATION

Pursuant to Section 18.06 of the Municipal Code

Please read and complete this application carefully. **All applications must be signed and dated.**

1 APPLICANT OR AGENT

Skyline Development Corp.

9400 North 107th Street

Milwaukee, WI 53224

Phone (414) 354-2880

Fax (414) 354-2885

E-Mail mrk@skylinedc.com

PROPERTY OWNER

Skyline Development Corp.

9400 North 107th Street

Milwaukee, WI 53224

Phone (414) 354-2880

EMAIL: bill@skylinedc.com

PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

2 SE Corner of Donges Bay Road & Fond du Lac Avenue

GTNV362983

3 PURPOSE OF LAND SPLIT

Industrial Development - 32,000 sq. ft. Bldg.

Will the land split require rezoning?

yes

From B-1

To M-1

4 READ AND INITIAL THE FOLLOWING:

WK I understand that the Certified Survey Map is not valid until recorded at the Washington County Register of Deeds. The Village will record the document and charge the applicant all applicable recording fees.

WK I understand that the Map will not be placed on the Village Board agenda until all the technical corrections to the CSM are made, the payment of any outstanding impact fees are paid to the Village Clerk's Department, and the original signed and stamped copy of the Map is submitted on the proper paper.

WK I understand that parcels created outside the Sewer Service Area will require a soil test. I also understand that all properties abutting a State Highway will require DOT approval and I will be responsible for securing such approval prior to recording.

WK I understand all delinquent property taxes on any of the properties involved shall be paid prior to recording.

5 SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Michael Kruey
Applicant

2/8/2016
Date

Michael Kruey
Owner

2-8-2016
Date

CERTIFIED SURVEY MAP NO.

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, MICHAEL J BERRY, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION;
THENCE S 01°26'11" E 721.87 FEET ALONG THE WEST LINE OF SAID SECTION; THENCE N 88°33'48" E 60.00 FEET TO THE EAST RIGHT OF WAY LINE OF FOND DU LAC AVENUE (ALSO KNOWN AS S.T.H. "145") AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N 01°26'11" W 278.91 FEET; THENCE N 10°15'45" E 53.15 FEET; THENCE 188.92 FEET ALONG THE ARC OF A CURVE, WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 925.00 FEET, AND WHOSE CHORD BEARS N 04°24'52" E 188.59 FEET; THENCE N 01°26'11" W 73.96 FEET TO THE SOUTH RIGHT OF WAY LINE OF DONGES BAY ROAD; THENCE N 88°09'19" E 346.52 FEET ALONG SAID SOUTH LINE; THENCE S 01°50'41" E 595.00 FEET; THENCE N 88°09'19" E 845.28 FEET TO THE WEST LINE OF A WISCONSIN D.O.T. RIGHT OF WAY; THENCE ALONG SAID WEST LINE 173.65 FEET ALONG THE ARC OF A CURVE, WHOSE CENTER LIES TO THE NORTHEAST, WHOSE RADIUS IS 2281.71, AND WHOSE CHORD BEARS S 17°55'15" E 173.61 FEET; THENCE S 88°12'24" W 249.44' FEET; THENCE S 01°47'36" E 95.95 FEET; THENCE S 88°12'24" W 339.53 FEET; THENCE S 78°01'18" W 56.55 FEET TO THE NORTH RIGHT OF WAY LINE OF SPATEN COURT; THENCE ALONG SAID NORTH LINE 153.95 FEET ALONG THE ARC OF A CURVE, WHOSE CENTER LIES TO THE SOUTHWEST, WHOSE RADIUS IS 60 FEET, AND WHOSE CHORD BEARS N 85°29'13" W 115.06 FEET; THENCE CONTINUING ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTHEAST, WHOSE RADIUS IS 230.00 FEET, AND WHOSE CHORD BEARS S 58°44'56" W 123.26 FEET; THENCE CONTINUING ALONG SAID NORTH LINE S 43°12'24" W 141.97 FEET; THENCE N 59°11'45" W 89.07 FEET; THENCE N 15°21'43" W 159.36 FEET; THENCE N 37°04'08" E 47.67 FEET; THENCE N 01°26'12" W 181.26 FEET; THENCE S 88°33'48" 226.16 FEET TO THE POINT OF BEGINNING.

CONTAINING: 488,282 SQUARE FEET OR 11.2094 ACRES

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF SKYLINE DEVELOPMENT CORP., OWNER OF SAID LAND.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE STATUTES OF THE STATE OF WISCONSIN AND CHAPTER 18 OF THE VILLAGE OF GERMANTOWN CODE OF ORDINANCES IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

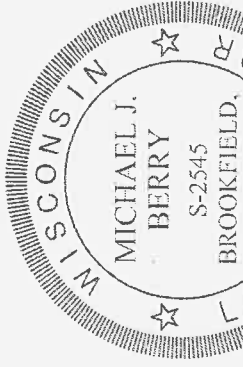
DATED THIS 5TH DAY OF FEBRUARY, 2016.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 88°33'48" E	60.00'
L2	N 10°15'45" E	53.15'
L3	N 01°26'11" W	73.96'
L4	S 78°01'18" W	56.55'
L5	S 43°12'24" W	141.97'
L6	N 59°11'45" W	89.07'
L7	N 15°21'43" W	159.36'
L8	N 37°04'08" E	47.67'
L9	N 01°26'12" W	181.28'
L10	N 88°33'48" E	18.47'
L11	N 01°50'41" W	15.00'
L12	S 88°12'24" W	15.79'

CURVE TABLE				
CURVE	ARC	RADIUS	BEARING	CHD. LENGTH DELTA
C1	188.92'	925.00'	N 04°24'52" E	188.59'
C2	173.65'	2281.71'	S 17°55'15" E	173.61'
C3	153.95'	60.00'	N 85°29'13" W	115.06'
C4	124.78'	230.00'	S 58°44'56" W	123.26'
C5	158.08'	2296.71'	S 18°00'20" E	158.05'

THIS INSTRUMENT DRAFTED BY NICHOLAS J. FIRER


MICHAEL J. BERRY
PROFESSIONAL LAND SURVEYOR,
S-2545
STATE OF WISCONSIN



REVISED: MARCH 4, 2016
REVISED: MARCH 28, 2016
REVISED: APRIL 11, 2016

CERTIFIED SURVEY MAP NO.

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



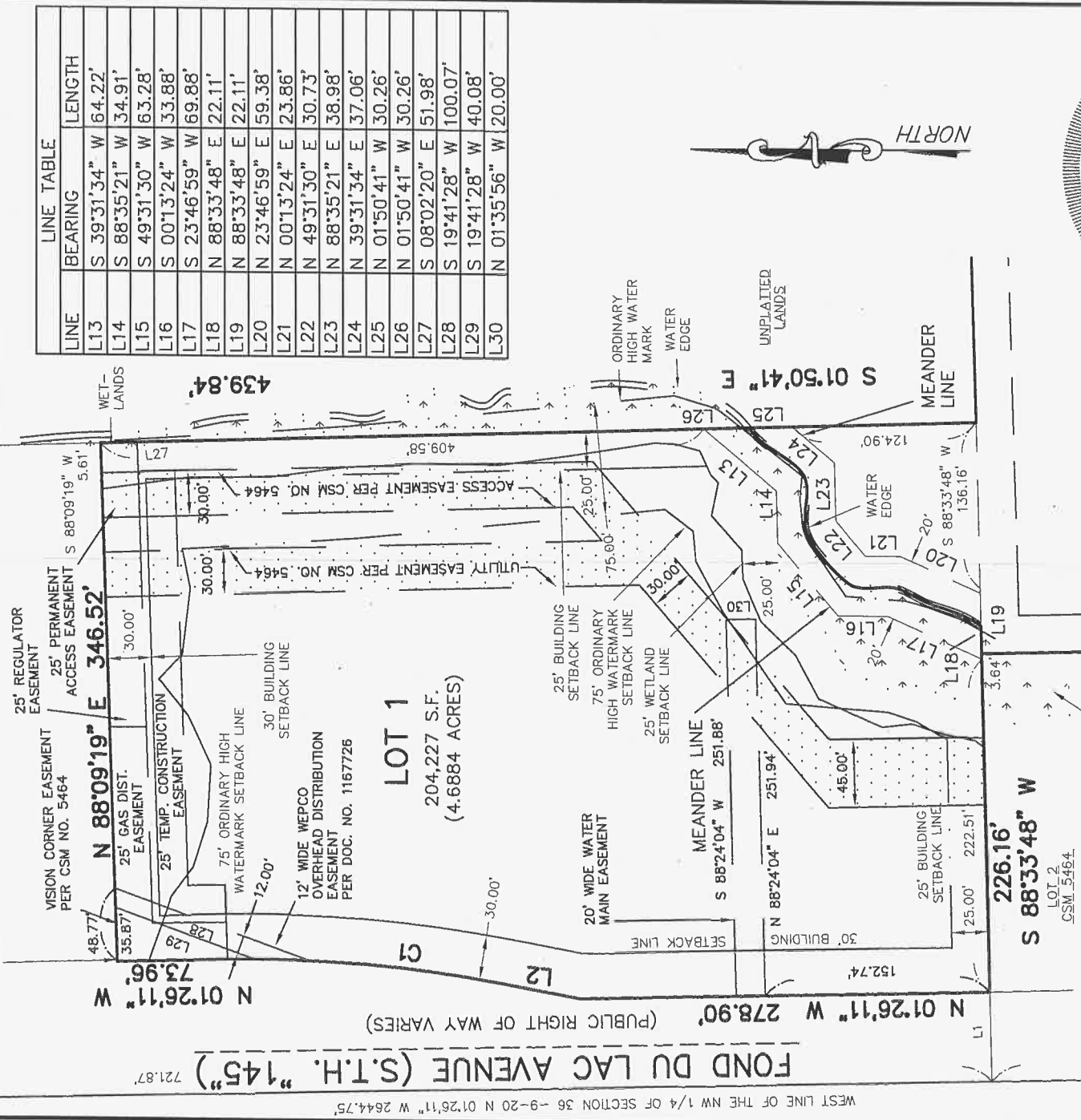
NW COR.
NW 1/4
SEC. 36-9-20
FND P.K. NAIL
N 445,601.64
E 2,511,026.48

LOT 1 DETAIL

CAPITOL SURVEY ENTERPRISES
220 REGENCY CT STE 210
BROOKFIELD, WI 53045
PH: (262) 7866600
WWW.CAPITOLSURVEY.COM

NORTH LINE OF THE NW 1/4 OF SECTION

DONGES BAY ROAD
(PUBLIC RIGHT OF WAY VARIES)



SEE SHEET 2 FOR PROPERTY LINE AND CURVE TABLE

SEE SHEET 4 FOR NORTH LINE EASEMENT DETAIL

SEE SHEET 5 FOR WETLAND AND LOT 2 EASEMENT DETAIL

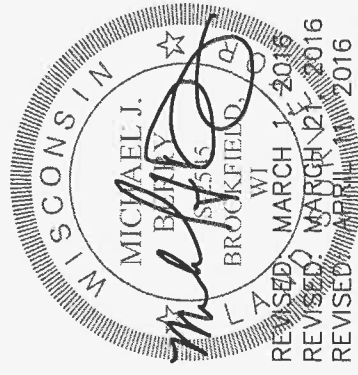
GRAPHIC SCALE



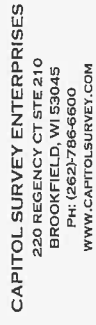
1 inch = 100 ft.

THIS INSTRUMENT DRAFTED BY NICHOLAS J. FIRER

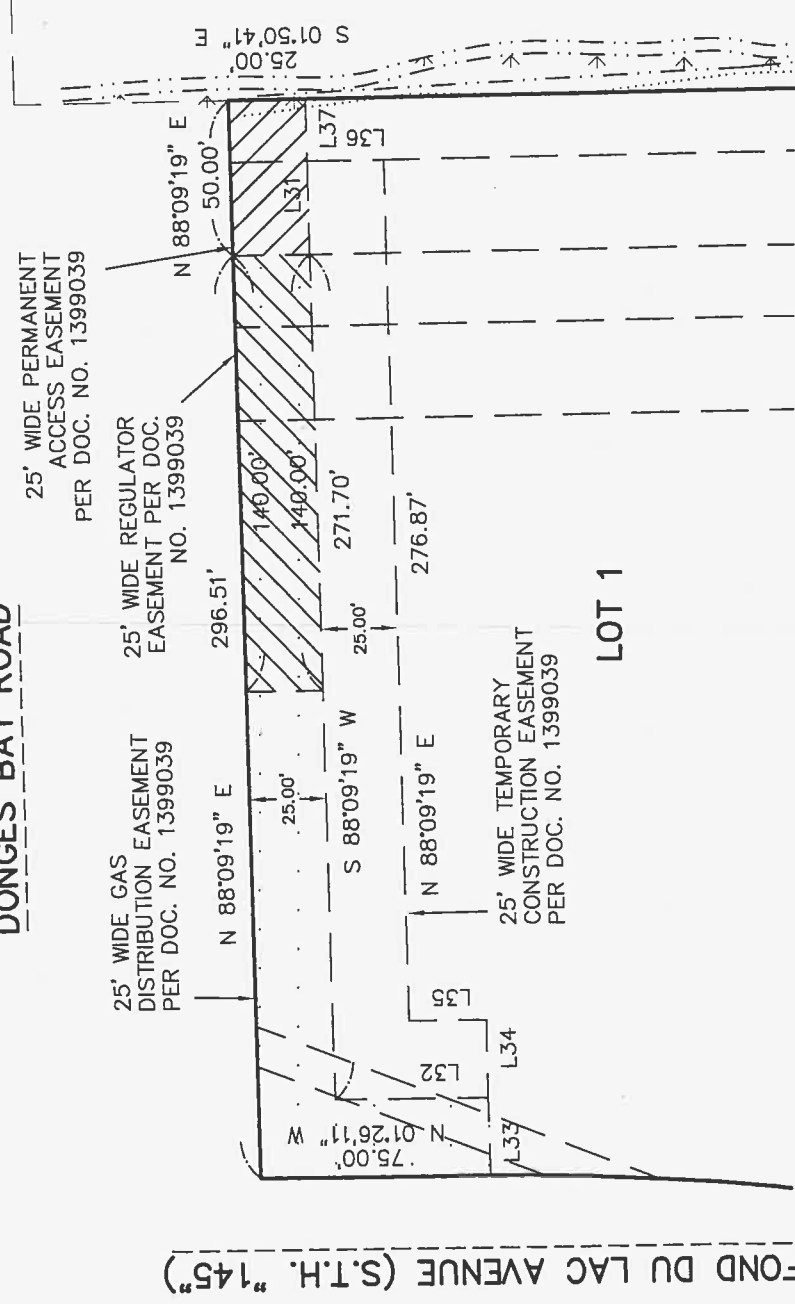
SHEET 3 OF 7



PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



DONGES BAY ROAD



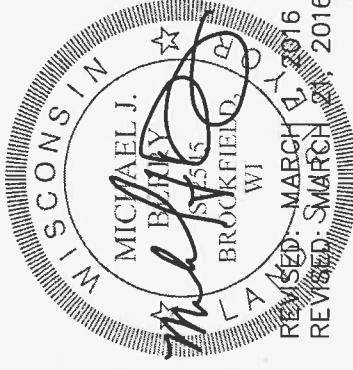
LINE TABLE		
LINE	BEARING	LENGTH
L31	S 88°09'19" W	50.00'
L32	S 01°26'11" E	50.00'
L33	S 88°09'19" W	25.00'
L34	N 88°09'19" E	25.00'
L35	N 01°26'11" W	25.00'
L36	N 01°50'41" W	25.00'
L37	N 88°09'19" E	20.00'



GRAPHIC SCALE


$$1 \text{ inch} = 60 \text{ ft.}$$

THIS INSTRUMENT DRAFTED BY NICHOLAS J. FIRER



SHEET 4 OF 7

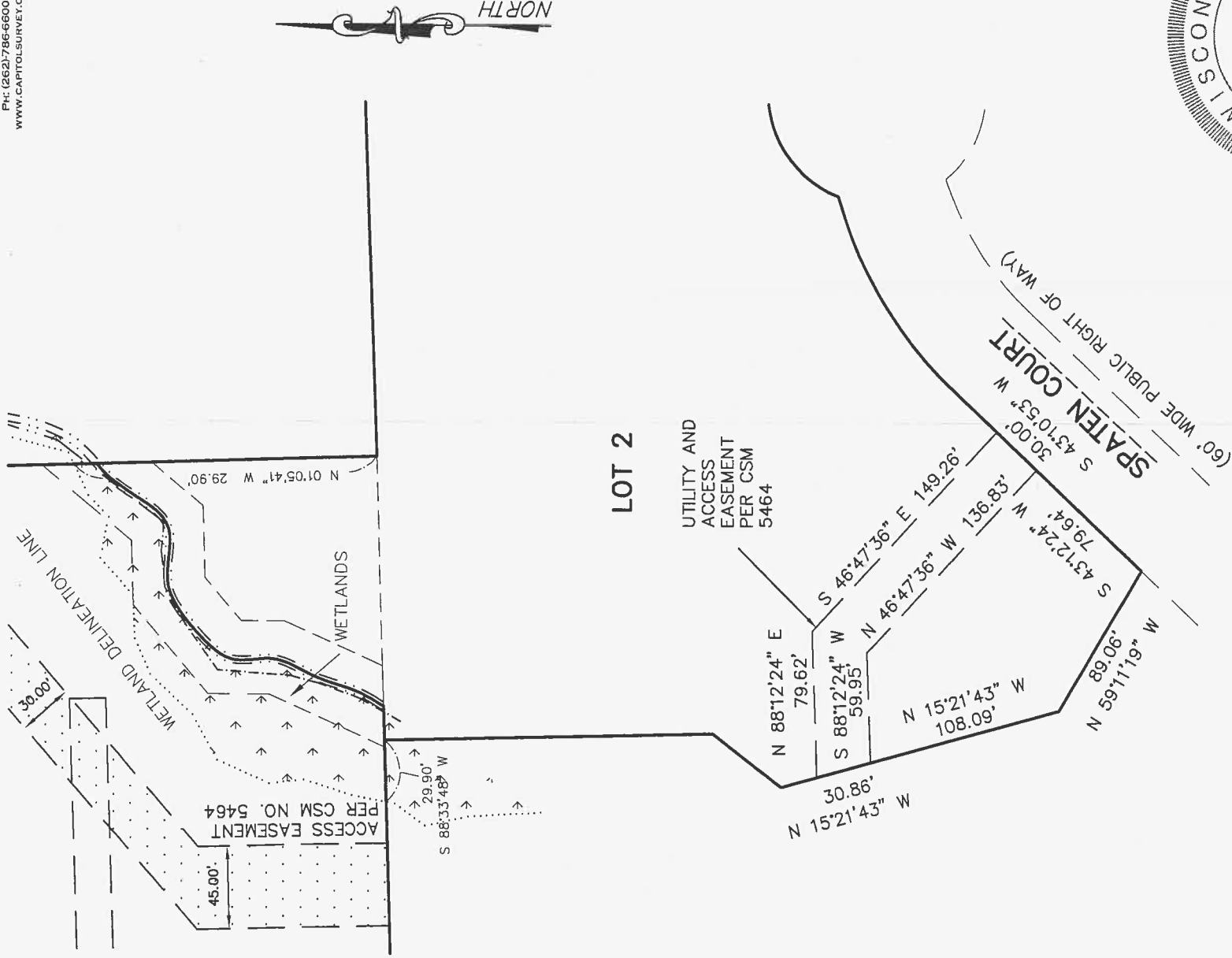
CERTIFIED SURVEY MAP NO.

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



CAPITOL SURVEY ENTERPRISES
220 REGENCY CT STE 210
BROOKFIELD, WI 53045
PH: (262)-786-6600
WWW.CAPITOLSURVEY.COM

LOT 2 EASEMENT AND WETLANDS DETAIL



GRAPHIC SCALE



1 inch = 80 ft.

THIS INSTRUMENT DRAFTED BY NICHOLAS J. FIRER

SHEET 5 OF 7



CERTIFIED SURVEY MAP NO.

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE

SKYLINE DEVELOPMENT CORP., A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, CERTIFIES THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED ON THIS MAP, AND SUBMITTED TO THE VILLAGE OF GERMAN TOWN AS REQUIRED IN ACCORDANCE WITH THE ORDINANCES OF THE VILLAGE OF GERMAN TOWN.

IN WITNESS WHEREOF, THE ABOVE NAMED CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY WILLIAM SCOTT BURKHART, ITS REGISTERED AGENT, AT _____, WISCONSIN, THIS _____ DAY OF _____, 2016.

STATE OF WISCONSIN) SS
WAUKESHA COUNTY)

WILLIAM SCOTT BURKHART, REGISTERED AGENT

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2016 WILLIAM SCOTT BURKHART, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC
STATE OF WISCONSIN
MY COMMISSION EXPIRES:

CONSENT OF CORPORATE MORTGAGE

BMO BANK, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS MORTGAGEE OF THE ABOVE DESCRIBED LAND, DOES HEREBY CONSENT TO THE ABOVE CERTIFICATION OF SKYLINE DEVELOPMENT CORPORATION, AS OWNER OF SAID LAND.

IN WITNESS WHEREOF, WISCONSIN PRESERVATION FUND, HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____, ITS REPRESENTATIVE AND ITS CORPORATE SEAL HEREUNTO AFFIXED, THIS _____ DAY OF _____, 2016.

REPRESENTATIVE

STATE OF WISCONSIN) SS
COUNTY)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2016, THE ABOVE NAMED _____ TO ME KNOWN AS THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC
STATE OF WISCONSIN
MY COMMISSION EXPIRES: _____



CERTIFIED SURVEY MAP NO.

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4
OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY,
WISCONSIN.

VILLAGE OF GERMANTOWN PLAN COMMISSION APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE PLAN COMMISSION OF THE
VILLAGE OF GERMANTOWN ON THIS DAY _____ OF _____, 2016.

DEAN WOLTER, VILLAGE PRESIDENT _____

DATE _____

LAURA A. JOHNSON, SECRETARY _____

DATE _____

VILLAGE OF GERMANTOWN BOARD APPROVAL

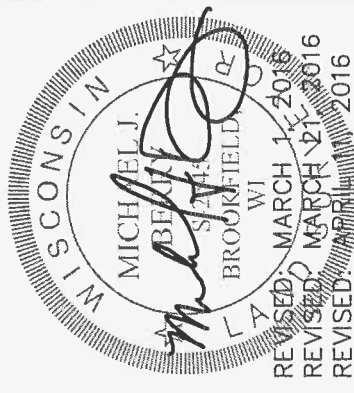
THIS CERTIFIED SURVEY MAP, BEING A DIVISION OF PART OF LOT 1 OF CERTIFIED SURVEY
MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9
NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN,
HAVING BEEN APPROVED BY THE PLANNING COMMISSION BEING THE SAME, IS HEREBY
APPROVED AND ACCEPTED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF
GERMANTOWN ON THIS _____ DAY OF _____, 2016.

DEAN WOLTER, VILLAGE PRESIDENT _____

DATE _____

BARBARA GOECKNER, VILLAGE CLERK _____

DATE _____



AN ORDINANCE TO AMEND THE LAND USE PLAN MAP OF THE VILLAGE OF GERMANTOWN 2020 "SMART GROWTH" COMPREHENSIVE PLAN
Skyline Development Corp. Property (Donges Bay Road @ STH145)

THE VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1. That pursuant to Sections 60.22(3), 62.23(2) and (3), and 66.1001(4)(c), Wisconsin Statutes, the Village Board of the Village of Germantown did, on October 4, 2004, enact Ordinance No. 30-04 formally adopting the "Village of Germantown Year 2020 Smart Growth Plan" to guide the use of land and future development in the Village.

SECTION 2. That pursuant to the consistency requirement of the comprehensive planning requirements established in Sections 66.1001(1)(a) and 66.1001(2), Wisconsin Statutes, the "Village of Germantown Year 2020 Smart Growth Plan" contains specific policies that require development proposals and decisions regarding rezoning and subdivision to be consistent with the Land Use element of the Plan.

SECTION 3. That Skyline Development Corp. property owners of approximately 11.2 acres of land located in the southeast quadrant of the Donges Bay Road @ STH145 intersection (Tax Parcel #362-983) has submitted an application to amend the Land Use Plan map of the Village of Germantown Year 2020 Smart Growth Plan to change the land use classification from "Commercial" to "Industrial/Office" as a prerequisite for an application to rezone the property from the B-1: Neighborhood Business District to the M-1: Limited Industrial District.

SECTION 4. That the Village Board conducted a public hearing of the application on April 18, 2016 following publication and notification of said hearing in compliance with the requirements of Section 66.1001(4), Wisconsin Statutes.

SECTION 5. That, after consideration of the application, supporting documentation, and public hearing testimony received, the Village Board does by enactment of this ordinance formally change the land use classification from "Commercial" to "Industrial/Office" for the following described property:

Part of Lot 1 of Certified Survey Map No. 5464, in the Northwest ¼ of Section 36, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said Northwest ¼ of said Section; thence S 01°26'11" E, 721.87 feet along the West line of said Section; thence N 88°33'48" E, a distance of 60.00 feet to the East Right-of-Way line of Fond du Lac Avenue (also known as S.T.H. 145) and the POINT OF BEGINNING of the lands to be described; thence N 01°26'11" W, 278.91 feet; thence N 10°15'45" E, 53.15 feet; thence 188.92 feet along the arc of a curve, whose center lies to the Northwest, whose radius is 925.00 feet, and whose chord bears N 04°24'52" E, 188.59 feet; thence N 01°26'11" W, 73.96 feet to the South Right-of-Way line of Donges Bay Road; thence N 88°09'19" E, 346.52 feet along said South line; thence S 01°50'41" E, 750.16 feet; thence S 88°33'48" W, 406.54 feet to the POINT OF BEGINNING.

SECTION 6. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

Introduced by Trustee: _____

Adopted: _____, 2016

Vote: Ayes: _____
 Nays: _____

Dean Wolter
Village President

ATTEST:

Barbara K. D. Goeckner, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

Published:

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF GERMANTOWN ZONING CODE**
(Skyline Development Corp. Property)

THE VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY,
WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1. That the zoning map of the Village of Germantown is amended by rezoning from the B-1: Neighborhood Business District to the M-1: Limited Industrial District the following described property:

A 4.7 +/- acre part of Lot 1 of Certified Survey Map No. 5464, in the Northwest ¼ of Section 36, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said Northwest ¼ of said Section; thence S 01°26'11" E, 721.87 feet along the West line of said Section; thence N 88°33'48" E, a distance of 60.00 feet to the East Right-of-Way line of Fond du Lac Avenue (also known as S.T.H. 145) and the POINT OF BEGINNING of the lands to be described; thence N 01°26'11" W, 278.91 feet; thence N 10°15'45" E, 53.15 feet; thence 188.92 feet along the arc of a curve, whose center lies to the Northwest, whose radius is 925.00 feet, and whose chord bears N 04°24'52" E, 188.59 feet; thence N 01°26'11" W, 73.96 feet to the South Right-of-Way line of Donges Bay Road; thence N 88°09'19" E, 346.52 feet along said South line; thence S 01°50'41" E, 750.16 feet; thence S 88°33'48" W, 406.54 feet to the POINT OF BEGINNING.

SECTION 2. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

Introduced by Trustee: _____

Adopted: _____, 2016

Vote: Ayes: _____
 Nays: _____

Dean Wolter, Village President

ATTEST:

Barbara K. D. Goeckner, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

Published:

CUP # xx – 16 Document No.	CONDITIONAL USE PERMIT Document Title
VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN CONDITIONAL USE ZONING PERMIT	
Whereas the Applicant: Skyline Development Corp., Property Owner agrees to comply with applicable Codes and Ordinances of the Village of Germantown, Wisconsin, and further agrees that all work done pursuant to the permission granted herewith will conform with the applications and drawings filed with and approvals granted by officials of the Village for the purpose of obtaining this permit. Now, therefore, this permit is issued to the Applicant to permit the to allow development within the 25' wetland and 75' navigable water setback areas as presented in the Wetland Mitigation Plan dated April 1, 2016, and exhibits contained in the application pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code.	
Name & Return Address: Village of Germantown P.O. Box 337 Germantown, WI 53022	
Parcel Identification No: GTNV 362-983	

On the following described property located in the Village of Germantown, Washington County, Wisconsin:

Part of Lot 1 of Certified Survey Map No. 5464, in the Northwest ¼ of Section 36, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said Northwest ¼ of said Section; thence S 01°26'11" E, 721.87 feet along the West line of said Section; thence N 88°33'48 E, a distance of 60.00 feet to the East Right-of-Way line of Fond du Lac Avenue (also known as S.T.H. 145) and the POINT OF BEGINNING of the lands to be described; thence N 01°26'11" W, 278.91 feet; thence N 10°15'45" E, 53.15 feet; thence 188.92 feet along the arc of a curve, whose center lies to the Northwest, whose radius is 925.00 feet, and whose chord bears N 04°24'52" E, 188.59 feet; thence N 01°26'11" W, 73.96 feet to the South Right-of-Way line of Donges Bay Road; thence N 88°09'19" E, 346.52 feet along said South line; thence S 01°50'41" E, 750.16 feet; thence S 88°33'48" W, 406.54 feet to the POINT OF BEGINNING.

Tax Key No. GTNV 362-983

Pursuant to the following condition(s):

1. The owner 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 planting/restoration of native vegetation. 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 2017 for a period of three (3) years.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the ____ day of _____, 2016.

ATTEST: _____
Dean Wolter, Village President

Barbara K. D. Goeckner, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)
Personally came before me this ____ day of _____, 2016, the above named Dean Wolter, Village President, and Barbara K. D. Goeckner, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER
The following named person, who is authorized to represent Skyline Development Corp., hereby accepts the terms and conditions set forth in this Permit, and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2016

{type or print name on this line}

{signature on this line}
Agent for Skyline Development Corp.

STATE OF WISCONSIN) SS

COUNTY)
Personally came before me this ____ day of _____, 2016, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING REDEMPTION OF GENERAL OBLIGATION
PROMISSORY NOTES DATED DECEMBER 15, 2007

WHEREAS, on December 15, 2007 the Village of Germantown, Washington County, Wisconsin (the "Village") issued its \$2,600,000 General Obligation Promissory Notes (the "2007 Notes");

WHEREAS, the 2007 Notes are subject to call and prior redemption on March 1, 2009 or any date thereafter;

WHEREAS, the Village Board deems it to be necessary, desirable and in the best interest of the Village to proceed with the redemption of the 2017 principal installment of the 2007 Notes in the amount of \$305,000 on or after May 26, 2016 (the "2007 Note Redemption");

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village that:

Section 1. Authorization of the 2007 Note Redemption. For the purpose of paying the cost of the 2007 Note Redemption the Village shall use special assessment prepayments and other Village funds on hand to redeem the 2017 principal installment of the 2007 Notes on or after May 26, 2016 at a price of par plus accrued interest to the redemption date.

Section 2. Redemption of the 2007 Notes. The Village hereby calls the 2017 principal installment of the 2007 Notes for redemption on or after May 26, 2016. The Village hereby directs the Village Clerk to cause a notice of such redemption to be given to JPMorgan Chase Bank, N.A., Milwaukee, Wisconsin, the registered owner of the 2007 Notes.

Section 3. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Village or any parts thereof in conflict with the provisions hereof shall be and the same are hereby rescinded insofar as they may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted this 18th day of April, 2016.

Dean Wolter, Village President

ATTEST:

Barbara K.D. Goeckner, Village Clerk

(SEAL)

XI H.

RESOLUTION NO. ____

RESOLUTION AWARDING THE SALE OF \$4,500,000**
GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2016A;
PROVIDING THE FORM OF THE NOTES; AND
LEVYING A TAX IN CONNECTION THEREWITH

WHEREAS, on March 7, 2016, the Village Board of the Village of Germantown, Washington County, Wisconsin (the "Village") adopted a resolution entitled: "Resolution Authorizing the Borrowing of Not to Exceed \$4,500,000; and Providing for the Issuance and Sale of General Obligation Promissory Notes Therefor" (the "Authorizing Resolution") which authorized the issuance and sale of general obligation promissory notes for the purpose of paying the costs of 2016 capital improvements including road, building and park improvements; equipment acquisition for the police, fire and public works departments; and storm water project engineering (the "Project"), and refunding the Village's \$5,505,000 General Obligation Refunding Bonds dated June 15, 2005 (the "2005 Bonds") (hereinafter the refinancing of the 2005 Bonds shall be referred to as the "Refunding");

WHEREAS, pursuant to the Authorizing Resolution, the Finance Director (in consultation with the Village's financial advisor) caused an Official Notice of Sale to be distributed, offering the aforesaid general obligation promissory notes for public sale on April 18, 2016; and

WHEREAS, sealed bid proposals were received as summarized on Exhibit C attached hereto; and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by _____, _____, _____, fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the Village. A copy of said bid is attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village that:

Section 1. Award of the Notes. The bid proposal of _____, _____, _____ (the "Purchaser") is hereby accepted, said proposal offering to purchase the FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000) General Obligation Promissory Notes, Series 2016A (the "Notes") for the sum of _____ DOLLARS (\$ _____), plus accrued interest to the date of delivery resulting in a net interest cost of _____ DOLLARS (\$ _____) and a true interest rate of ____%.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2016A"; shall be dated May 11, 2016; shall be in the denomination of _____

** Preliminary, subject to change.

\$5,000 or any integral multiple thereof; shall bear interest at the rates per annum and mature on March 1 of each year, in the years and principal amounts as set forth in the Pricing Summary attached hereto as Exhibit D and incorporated herein by this reference. Interest is payable semi-annually on March 1 and September 1 of each year commencing March 1, 2017. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit E and incorporated herein by this reference (the "Schedule").

Section 3. Designation of Purchaser as Agent. The Village hereby designates the Purchaser as its agent for purposes of distributing the Final Official Statement relating to the Notes to any participating underwriter in compliance with Rule 15c2-12 of the Securities and Exchange Commission.

Section 4. Redemption Provisions. At the option of the Village, the Notes maturing on March 1, 2024 and thereafter shall be subject to redemption prior to maturity on March 1, 2023 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, from maturities selected by the Village and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. [If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption are set forth on Exhibit G attached hereto and incorporated herein by this reference.]

Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit B and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the Village are hereby irrevocably pledged and a direct annual irrepealable tax is hereby levied upon all taxable property of the Village. Said direct annual irrepealable tax shall be levied in the years 2016 through 2025 for payments due in 2017 through 2026 in the amounts as set forth on the Schedule.

The aforesaid direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the Village levied in said years are collected. So long as any part of the principal of or interest on the Notes remains unpaid, the tax herein above levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein, including any capitalized interest funded with proceeds of the Notes.

Section 7. Debt Service Fund Account. There is hereby established in the Village treasury a fund account separate and distinct from every other Village fund or account designated "Debt Service Fund Account for \$4,500,000 Village of Germantown General Obligation Promissory Notes, Series 2016A, dated May 11, 2016." There shall be deposited in said fund account any premium plus accrued interest paid on the Notes at the time of delivery to the Purchaser, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Notes when the same shall become due and to retire the Notes at their respective maturity dates. Said fund account shall be used for the sole purpose of paying

the principal of and interest on the Notes and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

Section 8. Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and be disbursed solely for the purposes for which borrowed or for the payment for the principal of and the interest on the Notes.

Section 9. Arbitrage Covenant. The Village shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Notes (the "Closing"), would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and any income tax regulations promulgated thereunder (the "Regulations").

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the Village hereby covenants and agrees that so long as the Notes remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Notes, whether such moneys were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Notes to be "arbitrage bonds" within the meaning of the Code or Regulations.

The Village Clerk, or other officer of the Village charged with responsibility for issuing the Notes, shall provide an appropriate certificate of the Village, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the Village regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The Village hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Notes) to assure that the Notes are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. The Village Clerk or other officer of the Village charged with the responsibility of issuing the Notes, shall provide an appropriate certificate of the Village as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the Village to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Notes will continue to be obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

With respect to that portion of the proceeds of the Notes allocable to the Project and in accordance with Section 148(f)(4)(D) of the Code, the Village covenants that it is a governmental unit with general taxing powers; that the Notes are not "private activity bonds" as

defined in Section 141 of the Code; that ninety-five percent (95%) or more of the net proceeds of the Notes are to be used for local governmental activities of the Village; and that the aggregate face amount of all tax-exempt obligations (other than "private activity bonds") issued by the Village, including all subordinate entities of the Village, during calendar year 2016 will not exceed \$5,000,000. If for any reason the Village did not qualify for the small issuer exemption or any other exemption from the rebate requirements of the Code, the Village covenants that it would take all necessary steps to comply with such requirements.

With respect to that portion of the proceeds of the Notes allocable to the Refunding, the Village expects that it will qualify for the six-month expenditure exemption from the rebate requirements of the Code.

The Village hereby designates the Notes to be "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the Village Clerk or other officer of the Village charged with the responsibility for issuing the Notes, shall provide an appropriate certificate of the Village, all as of the Closing.

Section 11. Persons Treated as Owners; Transfer of Notes. The Village Clerk shall keep books for the registration and for the transfer of the Notes. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Village Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Village Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Village Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Village Clerk shall cancel any Note surrendered for transfer.

The Village shall cooperate in any such transfer, and the Village President and Village Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

The 15th day of each calendar month next preceding each interest payment date shall be the record date for the Notes. Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the Village maintained by the Village Clerk at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only-System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the Village has heretofore agreed to the applicable provisions set forth in the DTC Blanket Issuer Letter of Representation and an official of the Village has executed such Letter of Representation and delivered it to the DTC on behalf of the Village.

Section 13. Official Statement. The Village Board hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as “final” as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the “Rule”). All actions taken by officers of the Village in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with Closing, the appropriate Village official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The appropriate Village official shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 14. Execution of the Notes. The Notes shall be issued in typewritten form, one Note for each maturity, executed on behalf of the Village by the manual or facsimile signatures of the Village President and Village Clerk (except that one of the foregoing signatures shall be manual), sealed with its official or corporate seal, if any, and delivered to the Purchaser upon payment to the Village of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the delivery of the Notes, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 15. Payment of the Notes. The principal of and interest on the Notes shall be paid by the Treasurer or his or her agent in lawful money of the United States.

Section 16. Continuing Disclosure. The Village hereby covenants and agrees that it will comply with and carry out all of the provisions of its Continuing Disclosure Certificate, which the Village will execute and deliver on the Closing Date. Any Noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Village to comply with its obligations under this Section.

Section 17. Redemption of the 2005 Bonds. The Village hereby calls the 2005 Bonds maturing on March 1, 2017 and thereafter for redemption on or after May 25, 2016. The Village Board hereby directs the Village Clerk, to give notice of such redemption in the form and as provided in Exhibit F attached hereto.

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Village or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted this 18th day of April, 2016.

Dean Wolter,
Village President

ATTEST:

Barbara K.D. Goeckner,
Village Clerk

(SEAL)

EXHIBIT B

(Form of Note)

REGISTERED
NO. R-___ UNITED STATES OF AMERICA
STATE OF WISCONSIN
WASHINGTON COUNTY
VILLAGE OF GERMANTOWN
GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2016A

MATURITY DATE:	ORIGINAL DATE OF ISSUE:	INTEREST RATE:	CUSIP:
MARCH 1, 20__	MAY 11, 2016	__%	374118__

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS
(\$_____)

KNOW ALL MEN BY THESE PRESENTS, that the Village of Germantown, Washington County, Wisconsin (the "Village"), hereby acknowledges itself to owe and for value received promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on March 1 and September 1 of each year commencing March 1, 2017 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by the Village Clerk or Treasurer at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date").

For the prompt payment of this Note together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the Village are hereby irrevocably pledged.

This Note is one of an issue of Notes aggregating the principal amount of \$4,500,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the Village pursuant to the provisions of Chapter 67, Wisconsin Statutes, for the purpose of paying the costs of 2016 capital improvements including road, building and park improvements; equipment acquisition for the police, fire and public works departments; and storm water project engineering, and refunding the Village's \$5,505,000 General Obligation Refunding Bonds dated June 15, 2005, all as authorized by a resolution of the Village Board duly

adopted by said governing body at a meeting held on April 18, 2016. Said resolution is recorded in the official minutes of the Village Board for said date.

At the option of the Village, the Notes maturing on March 1, 2024 and thereafter are subject to redemption prior to maturity on March 1, 2023 or on any date thereafter. Said Notes are redeemable as a whole or in part, from maturities selected by the Village and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

In the event the Notes are redeemed prior to maturity, as long as the Notes are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, or overnight express delivery, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all the Notes of a maturity are to be called for redemption, the Notes of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Notes called for redemption, CUSIP numbers, and the date of redemption. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Depository receives the notice. The Notes shall cease to bear interest on the specified redemption date, provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Notes shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the Village, including this Note and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Note, together with the interest thereon, when and as payable. It is hereby further certified that the Village has designated this Note to be a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Note is transferable only upon the books of the Village kept for that purpose at the office of the Village Clerk or Treasurer. In the event that the Depository does not continue to act as depository for the Notes, and the Village Board appoints another depository, new fully registered Notes in the same aggregate principal amount shall be issued to the new depository upon surrender of the Notes to the Village Clerk or Treasurer, in exchange therefor and upon the payment of a charge sufficient to reimburse the Village for any tax, fee or other governmental charge required to be paid with respect to such registration. The Village Clerk or Treasurer shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Village may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever.

IN WITNESS WHEREOF, the Village of Germantown, Washington County, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the signatures of its duly qualified Village President and Village Clerk; and to be sealed with its official or corporate seal, if any, all as of the 11th day of May, 2016.

(SEAL)

By: _____
Dean Wolter,
Village President

By: _____
Barbara K.D. Goeckner,
Village Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or its Nominee
Name)

(Authorized Officer)

NOTICE: The above-named
Depository or its Nominee Name must
correspond with the name as it appears upon
the face of the within Note in every
particular, without alteration or enlargement
or any change whatever.

EXHIBIT F

NOTICE OF REDEMPTION*

VILLAGE OF GERMANTOWN
WASHINGTON COUNTY, WISCONSIN
\$5,505,000 GENERAL OBLIGATION REFUNDING BONDS
DATED JUNE 15, 2005

NOTICE IS HEREBY GIVEN that the outstanding principal amounts of the following maturities of the above-referenced issue have been called for prior payment on May 25, 2016 (the "Redemption Date"):

<u>Maturity Date</u>	<u>Outstanding Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP Number</u>
03/01/17	\$495,000	3.850%	374118RB5
03/01/18	515,000	3.850	374118RC3
03/01/19	255,000	3.900	374118RD1
03/01/20	265,000	3.950	374118RE9
03/01/21	275,000	4.000	374118RF6

The Depository Trust Company, New York, New York, is the securities depository for said Bonds. The holders of said Bonds will be paid the principal amount of the Bonds plus accrued interest to the Redemption Date.

Said Bonds will cease to bear interest on May 25, 2016.

By Order of the Village Board

Barbara K.D. Goeckner,
Village Clerk

Dated April 18, 2016

* To be sent to The Depository Trust Company, Call Notification Department, Muni Reorganization Manager, 711 Stewart Avenue, Garden City, New York 11530, the securities depository for the Bonds, not less than thirty (30) days nor more than sixty (60) days prior to the Redemption Date by registered or certified mail, or overnight express delivery.

XI. I.

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

ORDINANCE NO. ____-16

AN ORDINANCE TO AMEND §3.11(2) OF GERMANTOWN CODE OF ORDINANCES
AS IT RELATES TO THE IMPOSITION OF A ROOM TAX WITHIN THE VILLAGE

WHEREAS, 2015 Wisconsin Act 55, an Act to modify Wis. Stat. § 66.0615, relating to the amount of room tax revenue a local government unit may retain for general use and how the balance is to be spent, was enacted on July 12, 2015 and will become effective on January 1, 2017; and

WHEREAS, based upon these changes, it is necessary to amend the existing Municipal Code to incorporate statutory provisions as required and as permitted by the Wisconsin Statutes to modify the Village of Germantown's authority to spend room tax revenue, and

WHEREAS, the Village Board having found and determined that such amendment is necessary to protect the public health, safety and welfare.

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I:

Section 3.11(2). of the Municipal Code of the Village of Germantown, Wisconsin, is hereby repealed and recreated to read as shown in the attached Exhibit A.

SECTION II:

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III:

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION IV:

This ordinance shall take effect and be in full force upon its passage and January 1, 2017.

ORDINANCE NO. ____-16

Page 2

Introduced by _____ on April 18, 2016.

Adopted: April 18, 2016

Vote: Ayes:

Nays:

Absent:

Dean M. Wolter, Village President

ATTEST:

Approved as to form:

Brian C. Sajdak, Village Attorney

Posted: _____

Barbara K.D. Goeckner, Village Clerk

EXHIBIT A TO ORDINANCE NO. ____-16

3.11(2) ROOM TAX IMPOSED

Pursuant to Wis. Stat. 66.0615(1m)(a), a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of 6% of the gross receipts from such retail furnishing of rooms or lodgings. Such tax shall not be subject to the selective sales tax imposed by §77.52(2)(a)l., Wis. Stats. In order to defray the cost of collection, 1% of the proceeds of the gross tax collected under this section may be retained by the hotel, motel or other person filing a return and the balance shall be paid to the Village as hereinafter provided. As required under Wis. Stat. §66.615(dm), Wis. Stats., the Village authorizes the Tourism Commission to spend that portion of room tax collected not otherwise retained by the Village hereunder, pursuant to §1.378. The village may retain, for general use, the greater of either 30 percent of the of the current year room tax revenue or one of the following amounts:

- (a) For the fiscal year 2017, the same dollar amount of the room tax retained by the Village in its 2014 fiscal year.
- (b) For the fiscal year 2018, the same dollar amount of the room tax retained by the Village in its 2013 fiscal year.
- (c) For the fiscal year 2019, the same dollar amount of the room tax retained by the Village in its 2012 fiscal year.
- (d) For the fiscal year 2020, the same dollar amount of the room tax retained by the Village in its 2011 fiscal year.
- (e) For the fiscal year 2021 and thereafter, the same dollar amount of the room tax retained by the Village in its 2010 fiscal year.

XI. J.

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

ORDINANCE NO. ____-16

ORDINANCE TO AMEND §1.378 OF THE GERMANTOWN CODE OF ORDINANCES,
PERTAINING TO THE COMPOSITION OF THE TOURISM AND BETTERMENT
COMMITTEE

WHEREAS, 2015 Wisconsin Act 55, an Act to modify Wis. Stat. § 66.0615, relating to the amount of room tax revenue a local government unit may retain for general use and how the balance is to be spent, was enacted on July 12, 2015 and will become effective on January 1, 2017; and

WHEREAS, based upon these changes, it is necessary to amend the existing Municipal Code to incorporate statutory provisions as required and as permitted by the Wisconsin Statutes to modify the composition of the Village Board Tourism and Betterment Committee, and

WHEREAS, the Village Board having found and determined that such amendment is necessary to protect the public health, safety and welfare.

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I:

Section 1.378. of the Municipal Code of the Village of Germantown, Wisconsin, is hereby repealed and recreated to read as shown in the attached Exhibit A.

SECTION II:

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III:

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION IV:

This ordinance shall take effect and be in full force upon its passage and the day after publication.

ORDINANCE NO. ____-16

Page 2

Introduced by _____ on April 18, 2016

Adopted: April 18, 2016

Vote: Ayes:

Nays:

Absent:

Dean M. Wolter, Village President

ATTEST:

Approved as to form:

Barbara K.D. Goeckner, Village Clerk

Brian C. Sajdak, Village Attorney

Posted: _____

EXHIBIT A TO ORDINANCE NO. ____-16

1.378 GERMANTOWN TOURISM COMMISSION

- (1) **Definitions.** The following definitions apply to this subsection:

Tourism promotion and tourism development – means any of the following that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at more than one establishment on which a room tax under § 3.11(2) may be imposed, that are owned by different persons and located within a municipality in which a tax under this section is in effect; or, if the municipality has only one such establishment, reasonably likely to generate paid overnight stays in that establishment:

(a) Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups.

(b) Transient tourist informational services.

(c) Tangible municipal development, including a convention center.

- (2) **Membership.** The Germantown Tourism Commission is hereby reconstituted, and shall consist of a minimum of 4 members but not more than 6 members, who shall be appointed by the President and confirmed by the Village Board by majority vote of Board members present. At least one member must represent the Wisconsin hotel and motel industry.

- (3) **Term.** Members shall be appointed for a term of one year, at the pleasure of the President, and may be re-appointed.

- (4) **Powers and Duties.**

- (a) The Tourism Commission shall meet regularly, and shall elect a chairperson, vice chairperson and secretary.
- (b) The commission shall use the room tax revenue it receives from the Village for tourism promotion and tourism development in the Village.
- (c) The commission shall report annually to the Village the purposes for which the revenues were spent.
- (d) The commission may not use any of the room tax revenue to construct or develop a lodging facility.
- (e) The commission shall develop and promulgate simple and straightforward substantive and procedural guidelines for its ranking, prioritization and awarding of funding requests, and may amend the same from time to time.

Guidelines and amendments shall be submitted to the Village Board for approval.

XI. K.

Business of the Village Board of Trustee's
Germantown, WI
Fire Department

Meeting Date: April 18, 2016

Agenda item: New Business

Item Title: Update on Brush Truck Re-Conditioning Project

Submitted By: Gary L. Weiss, Fire Chief

The Fire Department has finished the refurbish project of our Brush truck. As you know the Brush Truck is a 1979 Ford pickup truck, a new engine was installed in 2002. The motor, drive train and cab was in good shape considering the age of the truck. The bed was rusted through in many spots and the water tank was also rusted and patched several times.

We were permitted to sell the Dive Gear and put those funds into refurbishing the brush truck. This project is complete. The truck is now in-service at a total cost of less than \$12,000. It should be noted that Richfield Volunteer Fire Department just purchased a new Brush Truck at a total cost of \$80,000, this equates to a total saving to the Village of Germantown of approximately \$69,000.

Attachment: Ordinance _____ Resolution _____ Other _____

Public Safety Action: N/A

Requested Action: N/A

X 7. L ,

COPY

Business of the Village Board of Trustee's

Germantown, WI

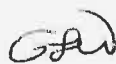
Fire Department

Meeting Date: April 18, 2016

Agenda item: New business

Item Title: Promotion of e Deputy Fire Chief Position

Submitted By: Gary L. Weiss, Fire Chief



Summary Explanation: Currently the Fire Department has a staffing of:

Fire Chief (full-time)	1
Firefighter /EMT (full-time)	1
Firefighter/Inspectors (full-time)	2
Part Time Firefighter/EMT's	4
POC Deputy Chief	
(on-call every other week from 6pm to 6am)	1
POC Firefighters	24

The Fire Department Command structure includes:

Fire Chief

POC Deputy Chief (on-call every other week from 6pm to 6am)

4 POC Captains

4 POC Lieutenants (this is a reduction of 1 Lieutenant during my tenure at my choice for operational efficiency)

I am respectfully requesting to promote one full time Deputy Fire Chief. This is a new position that will be replacing a POC Deputy Chief that has been vacant by the retirement of Mike Maury. This full time position is needed for additional support to the Fire Chief during the day for training, fire prevention, daily operations and incident command positions. Additionally this position will be an on-call chief officer at nighttime on a rotation schedule.

COPY

As you are aware the staffing level of the Fire Department is low, but our Chief Officer staffing is support is extremely low. Basically we have 1.35 chief officer positions for the entire village. Please note this proposal is to promote an existing position full-time to Deputy Chief.

This position will receive a 10% pay increase to their base pay and will be an exempt employee (no overtime). Currently the three full time firefighter earn \$62,119.00.

FUNDING-Currently the full-time firefighters earn their base pay plus overtime for calls, training, etc., if this position is approved the overtime for the promoted Deputy would be eliminated. Currently in the FD budget there is the funds that were paid to DC Maury. These funds would be used to fund the pay increase and benefits.

Attachment: Ordinance _____ Resolution _____ Other X _____

Employee Vacancy Justification Worksheet

Fire Department Organizational Chart

Position Requirements

Public Safety Action: This was unanimously approved to move forward to the full Board.

Requested Action: Approval of this item.

EMPLOYEE VACANCY JUSTIFICATION WORKSHEET

All positions left vacant by retirement, quitting, or termination need to complete the following worksheet before the vacant position may be advertised or filled. This worksheet shall not pertain to temporary, seasonal, and sworn public safety employees.

Position to be filled: Deputy Chief, Full-Time

Department: Fire Department

Pay: 10% Pay increase to Firefighter Base Pay This is an exempt position and no overtime if offered.

How long was the previous personnel in position: This is a new position, to replace a POC Deputy Chief position.

Can the Position be:

Deferred for a period of time? ☐ Yes ☒ No:

Why: The Fire Department is becoming busier; command level support to safely mitigate fire or EMS incident and to assist with day-to-day operations is minimal. When the fire chief is out of the Village there is no command level member during the day. Additionally this position will coordinate all firefighter training, be on a night on-call rotation ad assist with other administrative support.

Transferred or shared with existing staff: ☐ Yes ☐ No:

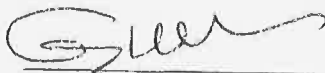
Why: No person in a position to complete these tasks

Consolidated with another position? ☐ Yes ☒ No:

Why: The position cannot be consolidated as workloads dictates replacement position.

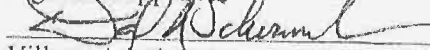
Privatized/Contractual? ☐ Yes ☒ No:

Why: This position has a leadership role with multiple responsibilities within fire department, including but not limited to Incident Command, Firefighter Safety, ambulance responses and patient care, fire response, fire inspections, prefire plans, training coordination of all department members and administrative functions.



Department Director

Signature/Approval



Village Administrator

Signature/Approval

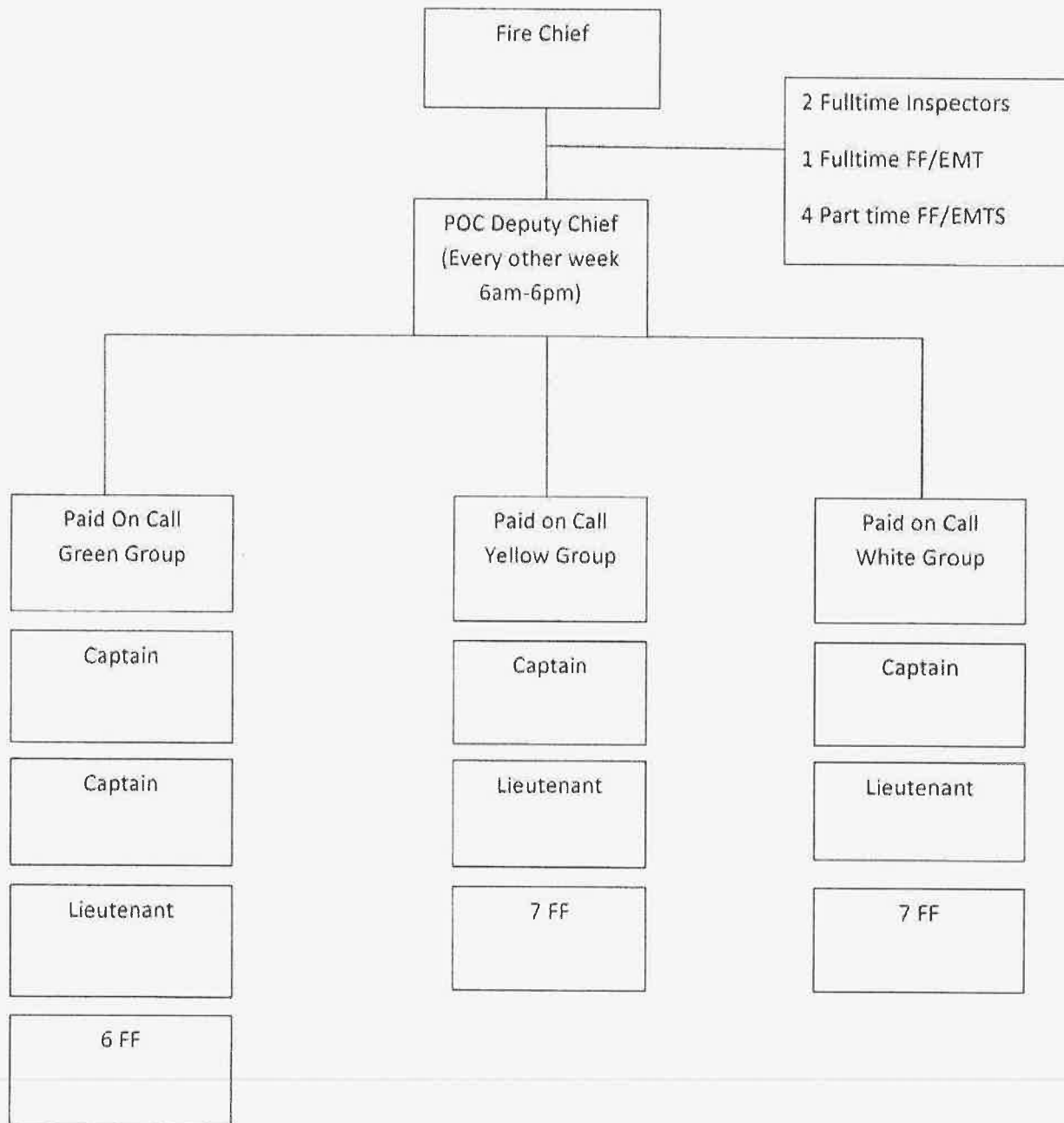
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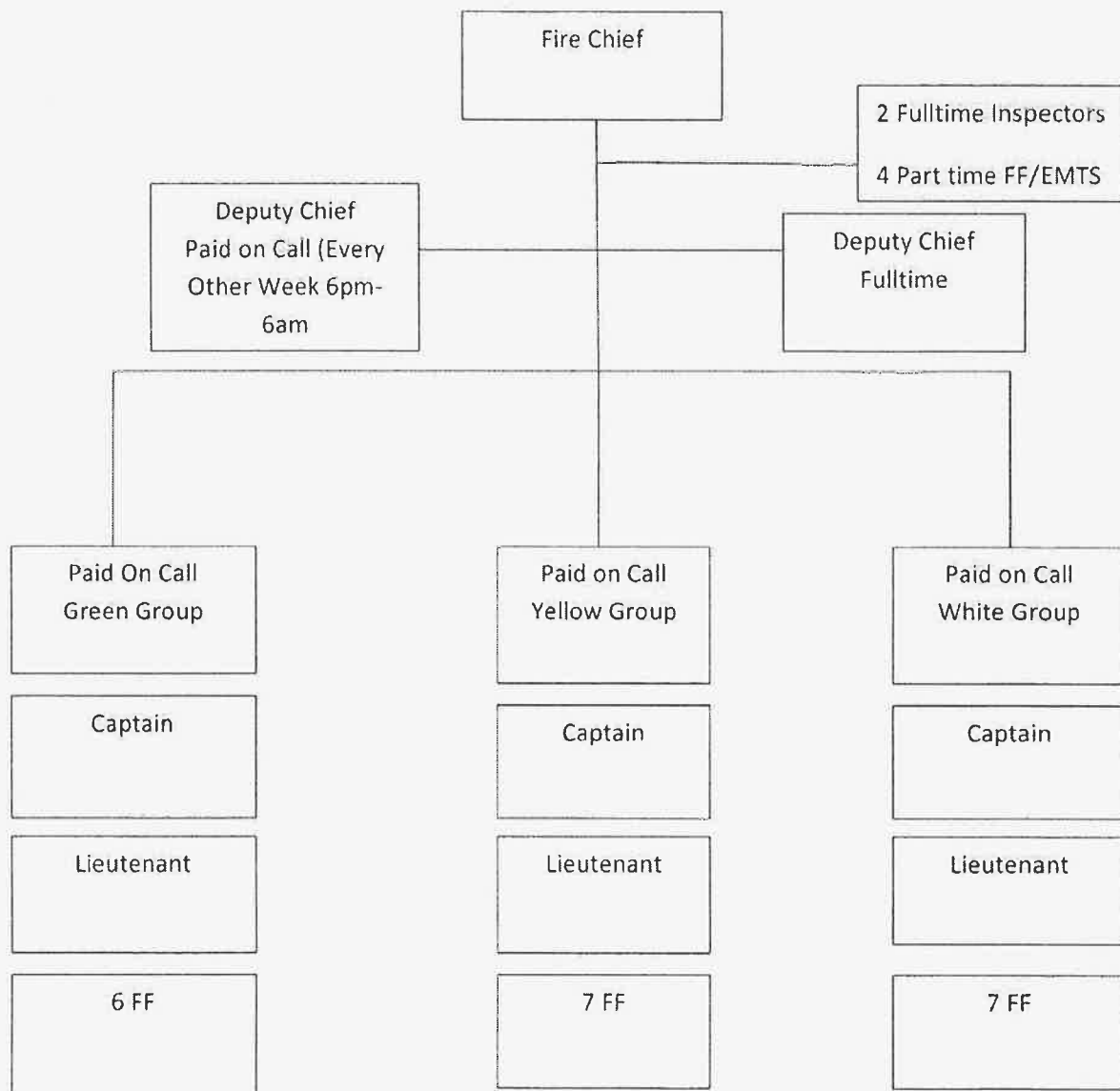
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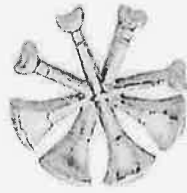
Date

Current Organization Chart



Proposed Organization Chart





POSITION ANNOUNCEMENT

DEPUTY FIRE CHIEF-FULL TIME

Position Title: Deputy Fire Chief

Type: Full Time, Exempt

Eligibility: All Full-Time Firefighters that meet the minimum requirements

Closing Date: XX/XX/XX

General: The position of Deputy Fire chief (career) requires the following qualifications:

- Full Time Firefighter
- Current WI Driver License (must maintain throughout employment)
- Minimum 10 Years Fire Service Experience
- EMT Basic (must maintain throughout employment)
- WI Firefighter II Certification
- MPO Certification
- FEMA ICS 100, 200, 700, 800
- ICS 300*
- Fire inspector Certification*
- Fire Instructor Certification*
- Fire Officer 1 Certification**
- ICS 400**

This is an exempt non-bargaining unit position. Additionally the position does required being on call for major incidents and on a rotation schedule for Chief coverage at night and weekends. There may be the need to attend meeting after normal business hours.

If interested in this position, please submit a resume with associated proof of certifications to the Fire Chief's Office by 5pm on xx/xx/xx.

A Police & Fire Commission Interview will be required.

*-required within one year of promotion (if class is offered)

** -required within two years of promotion (if class is offered)

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 18, 2016

AGENDA ITEM: New Business

ITEM TITLE: Employee Policy & Procedure Manual Revision Relating to Filling an Open, Existing, and Budgeted Position

SUBMITTED BY: Dave Schornack, Village Administrator

SUMMARY EXPLANATION:

This item was requested to be placed on the agenda by the General Government and Finance Committee. Quite a few years ago the Village Board changed the procedure to filling positions that are open, existing and in the current year budget to require that before filling such positions that authorization be granted by the Committee of Jurisdiction and also the Village Board. Trustee Zabel has informed the Village Administrator that some of the Trustees have wondered why we are doing this if it is an existing position and in the current year's budget. Going through this extra process can also add four to six weeks to the hiring process depending on when the Committee of Jurisdiction's next meeting is.

Below are the proposed revisions by the General Government and Finance Committee for the Village Board's consideration.

All employee vacancies or replacement of existing budgeted positions must first go through the Village Administrator. The position will be reviewed by the Committee of Jurisdiction in order to evaluate the need and appropriateness of filling the position. ~~The Village Board shall grant approval for the hiring of all regular full-time and regular part-time personnel.~~ The position ~~may~~ will be reviewed and evaluated for consolidation, sharing, contracting, or elimination prior to the advertising and hiring. Some positions may require additional approval by the Village Board as outlined in the Village Code.

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER X

- Employee Policy & Procedure Manual sections:
 - Hiring, Promotions, Transfers and Assignments

RECOMMENDATION:

As desired

HIRING, PROMOTIONS, TRANSFERS AND ASSIGNMENTS

The Village of Germantown seeks to hire the best-quality and qualified candidates who fit the needs and culture. The Village may use hiring, interview and screening processes designed to fulfill this objective.

All employee vacancies or replacement of existing budgeted positions must first go through the Village Administrator. The position will be reviewed by the Committee of Jurisdiction in order to evaluate the need and appropriateness of filling the position. The Village Board shall grant approval for the hiring of all regular full time and regular part-time personnel. The position may be reviewed and evaluated for consolidation, sharing, contracting, or elimination prior to the advertising and hiring.

When in the interests of the employer, the employer may attempt to fill a job vacancy by promotion from within the organization. The employer may consider both internal and external applicants.

From time to time and in the interests of the employer, the employer may transfer employees from assignment to assignment, position to position or department to department.

Employees may request to be transferred from one position or department to another. Such a request may be given consideration when a suitable opportunity exists and such request can be fulfilled in the interests of the employer. Requests for transfer by an employee must be in writing, must include a resume of qualifications from the employee and the reasons for the transfer, and must be directed to the person in charge of the department to which they wish to transfer, with notice to their current department director of the request.

Appointment of personnel by the Administrator to a higher classification on a temporary basis in order to fill a vacancy is considered an "acting appointment." An employee holding an acting appointment may receive a temporary pay increase if authorized by the employer.

Depending on the nature of the position and the applicants applying for the position, the employer may conduct varying levels of background screening to determine whether candidates for employment, promotion, assignment or transfer are suitable for the position they desire to obtain. Information that may be obtained or requested includes information relating to references, past employment, work habits, education, judgments, liens, criminal background and offenses, character, general reputation and driving records. The employer may also obtain information from a consumer reporting agency. Before denying an extension, assignment, promotion, or other benefit of employment, based in whole or in part, on information obtained in the credit report, the employer will provide a copy of the report and a description in writing of the applicant's rights under the Fair Credit Reporting Act.

INTERVIEWING

Once the advertising and application process has been completed for hiring full-time employees, the following steps and procedures should be followed:

Department Director Positions

XI. 0

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: Monday April 18th, 2016

AGENDA ITEM: New Business

ITEM TITLE: Authorization to Contract- Replacement of Garage Doors DPW

SUBMITTED BY: Jay Olszewski, Highway Superintendent

SUMMARY EXPLANATION:

The 2016 Buildings Major Repairs Budget includes \$25,000 for the full replacement of 6 garage doors and partial repair of 3 others. Staff obtained quotes from 3 area contractors and the results are follows:

Midwest Overhead Door	\$25,132.30
Door Master Door Co.	\$25,675.00
Consolidated Doors	\$37,071.00

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER x

RECOMMENDATION:

The Public Works Committee recommends having **Door Master Door Co.** furnish the labor and materials for the garage door repairs/replacement at the DPW campus. Door Master is NOT the low bidder. Typically I recommend the low bidder for projects such as these. When staff was assessing this project and meeting with contractors the scope of the project was 3 full door replacements and 4 partials. We also explained to them (as well as the other contractors) that we were having a problem with the garage door in our wash bay area. Door Master's approach to the project allowed us to "expand" the scope of the project and still stay near our budget. After meeting with them we did reach out to the other contractors and had the project "rebid" to make sure we were getting fair comparisons. The quality of product and workmanship between Door Master and Midwest is the same, and if Committee would prefer the low bidder staff will have NO reservation in awarding Midwest the work. I will gladly provide more information at the upcoming PW meeting. If approved funds shall be allocated from Buildings line item 10-519-570-8242.

BOARD ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

XI. P

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: Monday April 18th, 2016

AGENDA ITEM: New Business

ITEM TITLE: Authorization to Purchase- Tractor with Broom and Blade

SUBMITTED BY: Jay Olszewski, Highway Superintendent

SUMMARY EXPLANATION:

The 2016 Highway Capital Budget includes funding for the purchase of a new tractor with a broom and blade. Staff solicited quotes from 3 distributors. The results are as follows:

Mid -State Equipment Jackson	\$73,016.55
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Proven Power Inc.	\$73,203.71
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Riesterer & Schnell Inc.	\$73,697.00
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ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER x

RECOMMENDATION:

The Public Works and Highways Committee recommends purchasing a new **2016 5075M John Deer with MB 96" front broom and Rhino 950 Rear blade** in the amount not to exceed \$73,016.55. This is **OVER** the \$70,000 budgeted for this purchase. The additional \$3,016.55 could be absorbed by other capital purchases that have come in under budget. If approved funds shall be allocated from Highway capital account 40-542-570-8530.

BOARD ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

XI.Q.

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 18, 2016
AGENDA ITEM: New Business
ITEM TITLE: Authorization to Purchase- Used Vehicle for
Engineering Department Inspector
SUBMITTED BY: Lawrence Ratayczak, P.E.- Director of Public Works

SUMMARY EXPLANATION:

The 2016 Engineering Department Capital Budget includes funding for the purchase of a used vehicle to replace an existing vehicle, utilized by engineering inspectors, that has become costly to repair. Staff will search the internet for a used vehicle, this has been successful for past used vehicle purchases

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER _____

RECOMMENDATION:

Public Works and Highway Committee recommends the Village Board to approve the purchase of a used vehicle suitable for ingress and egress from construction sites in the amount not to exceed \$17,000.00. If approved funds shall be allocated from Engineering Capital account 10-541-570-8100.

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.