

**VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022**

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, December 19, 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. **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.

- VI. **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)

VII. **CONSENT AGENDA:**

- A. Approval of Village Board Minutes: Regular Village Board Meetings
- B. Accounts payable/payroll
- | | | | |
|----|-------------------|------------------|---------------|
| 1. | November 2016 | Accounts Payable | \$ 28,505.76 |
| 2. | December 10, 2016 | Accounts Payable | \$ 667,644.41 |
| 3. | December 13, 2016 | Payroll (hourly) | \$ 238,661.20 |
- C. Operator Licenses: December 14, 2017 to June 30, 2017:
Richard L. Eastman; Anfernee A. Whitaker; Ciara R. Wilson [Recommended Approval]

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

- D. Request Approval of Animal Fancier License for Jan 1, 2017 – Dec 31, 2017, Phil Secker, W167 N10532 Bridle Path, with Stipulation that Mr. Secker Complete the Conditions Passed by Village Board on 12/21/2015 (Enclose the One Wall and Add A 6' Fence) and Have This Done by July 1, 2017 [Recommended Approval]

VII. CONSENT AGENDA continued:

- E. Request Authorization to Pay Invoice to Lakeside International LLC for Repairs to Ambulance 52 in the Amount of \$6,701.94 with \$1,995.00 being Returned for Core Charges. Funds to be allocated from Acct. #10-522-530-5500 [Recommended Approval]
- F. Request Authorization to Pay Invoice to ProPhoenix for 2017 Annual Service Support & Maintenance in the Amount of \$10,349.72, with Funds to be Allocated from Acct. # 10-522-530-7910 [Recommended Approval]

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

- G. Request Authorization of Payment of HACH Corporation Invoice in the amount of \$5,865.85 for Replacement of One On-Line Fluoride Analyzer with Funds to be Allocated from Acct. #50-742-530-6770 [Recommended Approval]

VIII. UNFINISHED BUSINESS: None.

IX. 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. Rachit Dhingra, Agent for Odyssey Hotels, Property Owner & Agent for Riversbend Country Club Inc., Property Owner; Riversbend Country Club: N96W18034 County Line Road (Tax Key No. 333-951); Holiday Inn Express: W177N9675 Riversbend Lane (Tax Key No. 334-100): (1) Amendments to the Neviaser Planned Development District (PDD) and the Riversbend Country-Continental 246 Fund LLC Planned Development District (PDD) to allow for an expansion of a hotel and development of an off-site parking lot on the Odyssey Hotels property (Holiday Inn Express) and the adjacent Riversbend Country Club Inc. Property Located on County Line Road
- B. Matthew Schaetzel & Carrie D'Acquisto, Property Owners for (1) an application to REZONE the following described Schaetzel property located at N116W16416 Main Street (Tax Key No. 222-011) from the Rs-3: Single-Family to the Rd-2 One & Two Family Zoning District and the D'Acquisto property located at N116W16366 (Tax Key No. 221-010) from the Rs-3: Single-Family to the Rs-4: Single-Family Zoning District
- C. Michelle Richards, Operator and Agent for A&V Waterjet Tech, Property Owners for (1) a CONDITIONAL USE PERMIT to allow a dog daycare, training, grooming, boarding and retail shop for accessories from the following described property located at N116W18395 Morse Drive (Tax Key #212-978) pursuant to Section 17.33(3)(c) of the Village Zoning Code
- D. David & Lori Gutbrod, Property Owners, for (1) an application to REZONE the property located at W162N11840 Fond du Lac Avenue (Tax Key No. 221-986) from the Rs-2: Single-Family to the B-4: Professional Office Zoning District for purposes of converting the existing residential dwelling to an office building
- E. Corey Becker, Surge Martial Arts LLC, Operator and Agent for James Barry, Property Owner for (1) a CONDITIONAL USE PERMIT for the operation of a martial arts and fitness center from the property located at W188N11927 Maple Road Suite 10 (Tax Key No. 201-964), pursuant to Section 17.33(3)(h) of the Village Zoning Code

X. NEW BUSINESS:

- A. **ORDINANCE AMENDMENTS & CERTIFIED SURVEY MAP:** Matthew Schaetzel & Carrie D'Acquisto, Property Owners For (1) An Application to REZONE the Following Described Schaetzel Property Located at N116W16416 Main Street (Tax Key No. 222-011) From the Rs-3: Single-Family to The Rd-2: One & Two Family Zoning District and The D'Acquisto Property Located at N116W16366 Main Street (Tax Key No. 221-010) f from The Rs-3: Single-Family to The Rs-4: Single-Family Zoning District & a 2-Lot CERTIFIED SURVEY MAP Application (CSM)
- B. **CONDITIONAL USE PERMIT:** Michelle Richards, Operator and Agent For A&V Waterjet Tech, Property Owners for A CONDITIONAL USE PERMIT to Allow a Dog Daycare, Training, Grooming, Boarding and Retail Shop for Accessories from The Following Described Property Located at N116W18395 Morse Drive (Tax Key #212-978) Pursuant to Section 17.33(3)(C) Of the Village Zoning Code
- C. **ORDINANCE AMENDMENTS:** David & Lori Gutbrod, Property Owners, for (1) An Application to REZONE the Property Located at W162N11840 Fond Du Lac Avenue (Tax Key No. 221-986) From the Rs-2: Single-Family to the B-4: Professional Office Zoning District for Purposes of Converting the Existing Residential Dwelling to An Office Building
- D. **CONDITIONAL USE PERMIT:** Corey Becker, Surge Martial Arts LLC, Operator and Agent for James Barry, Property Owner For (1) A CONDITIONAL USE PERMIT for The Operation of a Martial Arts and Fitness Center from The Property Located at W188N11927 Maple Road Suite 10 (Tax Key No. 201-964), Pursuant to Section 17.33(3)(H) Of the Village Zoning Code
- E. **RESOLUTION NO. xx-16:** Rachit Dhingra, Agent For Odyssey Hotels, Property Owner & Agent For Riversbend Country Club Inc., Property Owner; Riversbend Country Club: N96W18034 County Line Road (Tax Key No. 333-951): Holiday Inn Express: W177N9675 Riversbend Lane (Tax Key No. 334-100): (1) Amendments To The Neviaser Planned Development District (PDD) And The Riversbend Country-Continental 246 Fund LLC Planned Development District (PDD) To Allow For An Expansion Of A Hotel And Development Of An Off-Site Parking Lot On The Odyssey Hotels Property (Holiday Inn Express) And The Adjacent Riversbend Country Club Inc. Property Located On County Line Road
- F. Request Authorization to Approve Allocation of \$150,000 in the Form of a Blanket Purchase Order for the Continuing Purchase of Water Meters on a Time and Need Basis; Funds to be Allocated from the 2017 Capital Budget Acct.#50-180-183-3460
- G. An ordinance amendment Section 1.378(3) of the Germantown Municipal Code as it relates to the terms of office for members of the Tourism Commission.
- H. Request Approval of Cooperative Agreement Between the Village of Germantown and the Aging & Disability Resource Center of Washington County
- I. Request Approval of Letter of Agreement Between the Village of Germantown and the Aging & Disability Resource Center of Washington County for Year 2017
- J. Request Approval of Public Grant Application – Kennedy Middle School PTA Germantown Community Color A Thon
- K. Request for School District Facility Fund Purchase
- L. **RESOLUTION NO. xx-16 Salary Resolution Amendment Merit Adjustment Calendar Year 2016**
- M. **ORDINANCE** Amending Section 2.02(1) Regular Meetings, as it Relates to Rescheduling of Certain Meetings of the Village Board

NEW BUSINESS continued:

- N. Request Approval of Change of Agent – Walmart Store # 1515, W190N9855 Appleton Ave, Germantown, to Shante T. Travis, N165W20166 Hickory Ln # 2, Jackson, WI
- O. Request Approval for Secondhand Article Dealer & Secondhand Jewelry Dealer License Renewal for January 1, 2017 to December 31, 2017, Kessler's Diamond Center
- P. Request Approval of Secondhand Article Dealer License Renewal for January 1, 2017 to December 31, 2017 White House of Music
- Q. Request Approval of Permit for Wisconsin Technology Networking, LLC to Install a 120' Utility Pole in Right-of-Way on Maple Road

XI. ADJOURNMENT

The next Village Board meeting will be on January 16, 2017 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.

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
December 5, 2016**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Campbell, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Also present: Administrator Schornack, Attorney Sajdak, DPW Director Ratayczak, Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: Fire Chief Gary Weiss reported on changes within the Fire Department and one of their processes.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees announced upcoming meetings and events.

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

CONSENT AGENDA:

- A. Approval of Village Board Minutes: November 21, 2016 Regular Village Board Meeting
- B. Accounts payable/payroll
 - 1. November 25, 2016 Accounts Payable \$ 90,124.96
 - 2. November 29, 2016 Payroll (hourly) \$ 228,194.45
 - 3. November 30, 2016 Payroll (salary) \$ 84,532.92
- C. Operator Licenses: December 6, 2016 to June 30, 2017:
Carolyn F. Feuerstahler; James H. Milkie [Recommended Approval]

The following items were forwarded from the General Government and Finance Committee with a unanimous recommendation:

- D. Request Approval of Amendment to Techware PC, LLC Tower Lease Agreement to change Water Tower #2 to Water Tower #3 [Recommended Approval]

MOTION (Baum/Meyers) to approve Consent Agenda Items A-D, roll call vote, carried.

UNFINISHED BUSINESS: None.

PUBLIC HEARINGS – 7:00 P.M. OR LATER: None.

NEW BUSINESS:

- A. Discussion/Action on PILOT Agreement with Presbyterian Homes
MOTION (Myers/Baum) to approve. Discussion: New Exhibit B provided by Attorney Sajdak at meeting. **Roll call vote, carried.**
- B. Appointment of Assessor for the 2017-20XX Assessment Years and Authorization for Village Administrator and Attorney to Negotiate a Contract with the Same
Present were Associated Appraisal and Tyler Technologies Appraisal firms. Dean Peters of Associated Appraisal presented information regarding their firm and the bid provided. Did not include price based on work to bring items into compliance when they take over. Have not reviewed current information to determine what is or is not in compliance. Discussion of what may be out of compliance with current assessor and

NEW BUSINESS continued:

current assessment program being used. Clerk to provide a copy of Village's digital records for Associated to review and provide price on. Discussion of plan/proposal and ability to handle hundreds of municipalities at a time.

Tyler Technologies information was provided by Mark Link. Did discuss information with Dept. of Revenue and assessor taking over files would be assessor responsible if complaints were filed. They would accept a 3-year plan to bring records into compliance and that plan is included in proposal. Plan for conversion of records in 2017 and work from there to update digital and required records. They work with 16 communities in Wisconsin and he would be named assessor for this contract.

Discussion of information provided to Mr. Link. Data files to be copied to disc for Tyler Technologies as well as Associated by the Clerk. **MOTION (Baum/Kaminski) to release current data to both applicants tomorrow and they have until Monday, December 12th to provide response to the Village.** Discussion: Proposal to provide line items for Maintenance and line item to bring Village into compliance in a 3-year period. **Carried.**

MOTION (Baum/Kaminski) to hold a Special Village Board meeting on Wednesday, December 14th at 6:00 p.m. for this item, carried.

- C. Request to Reschedule or Cancel the February 20, 2017 Village Board Meeting Due to the Clerk's Office Election Duty Requirements

MOTION (Baum/Hughes) to cancel the meeting of February 20, 2017, carried.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:16 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

IX. A
X. E

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

MEETING DATE: December 19, 2016

AGENDA ITEM: Public Hearing & New Business **(PDD Amendments)**

ITEM TITLE: Rachit Dhingra, Agent for Odyssey Hotels and Riversbend Country Club Inc., Property Owners; Amendments to the Riversbend Country Club-Continental 246 Fund Planned Development District (PDD), and, to the Neviaser Planned Development District (PDD)

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

PROJECT SUMMARY:

Rachit Dhingra, agent for Odyssey Hotels and owner of the Riversbend Country Club, has submitted a proposal to amend the Neviaser PDD (Holiday Inn property) and the Riversbend-Continental 246 PDD (Riversbend golf course, Buffalo Wild Wings restaurant and Starbucks retail center properties) to allow for a vertical expansion of the hotel located at W177 N9675 Riversbend Lane and expansion of the parking lot on the Riversbend golf course property located at N96 W18034 County Line Road.

Odyssey Hotels is exploring the possibility of re-branding the existing hotel. Given existing site constraints and the changing demands for transient lodging, Odyssey Hotels is proposing to:

- Increase the number of rooms to a maximum of 130 (current max. of 73 rooms); and
- Increase the height of the building to a maximum of four (4) stories with a maximum 50' parapet wall height & 60' tower height (current 35' max. height)

Odyssey Hotels has an accepted offer to acquire the golf course property and convert it into a private conservancy area except for the following two small areas on the property (outside of the floodplain):

- .64-acre area on the north end of the existing parking lot (shared with BWW and the multi-tenant retail center) to be expanded with an additional 33-58 stall "off-site" parking lot to serve the hotel expansion; and
- 1.34-acre area in the northeast corner of the property adjacent to the Fountain Square/JBJ Companies property at the end of Rivercrest Drive for possible development.

ATTACHMENTS:

- ◆ 11/14/16 Staff Report
- ◆ 11/14/16 Plan Commission Meeting Minutes
- ◆ Amended Neviaser PDD Conditions & Restrictions Resolution (Draft)
- ◆ Amended Riversbend-Continental 246 Fund PDD Conditions & Restrictions Resolution (Draft)

PLAN COMMISSION RECOMMENDATION:

APPROVE the proposed amendments by Odyssey Hotels and Riversbend Country Club Inc., to the Neviaser PDD and the Riversbend Country Club-Continental 246 Fund LLC PDD to allow for the expansion of the hotel and off-site parking lot on the Riversbend golf course property subject to the following conditions:

1. The General Development Plans for and referenced in both the Neviaser PDD and the Riversbend Country Club-Continental 246 Fund LLC PDD shall be revised to reflect the proposed improvements and features shown in the plan set dated November 8, 2016; specifically Sheet C-1 that represents the maximum amount of guest rooms up to 130 and parking lot expansion up to 135 parking stalls. It shall be understood that the building and parking lot expansion approved under these PDD amendments shall be the maximum amount allowed with lesser amount of guest rooms and/or parking stalls allowed to develop provided any future expansion is generally consistent with the plan set dated November 8, 2016.
2. The proposed amendments shall be codified into an appropriate resolution amending the current list of conditions & restrictions for the respective PDD's to be considered for approval by the Village Board.
3. The proposed amendment to the Riversbend PDD shall not include or otherwise allow the division and/or development of the 1.34-acre area in the northeast corner of the property adjacent to the Fountain Square/BJB Companies property as a separate parcel. This area may be combined with the adjacent property provided all applicable Village, state and federal code requirements and regulations can be met.
4. Detailed site development & building plans shall be submitted to the plan Commission for review and approval prior to commencement of any new or re-development of either property subject of these PDD amendments. Said plans shall reflect or otherwise address the comments and recommendations of the Village departments set forth in this staff report *[dated 11-14-2016]* unless otherwise superseded by updated and/or new code requirements or regulations.

MOTION to Amend APPROVED with the following requirement added:

5. Odyssey Hotels shall come back within 6 months with a plan for the Plan Commission to look at in terms of future maintenance and/or how they want to use the conservation area of the property and so the plan Commission can look at and review it (and so Odyssey Hotels has had time to think about and talk to other people about maintenance of the conservation area.

FINAL NOTE:

The Plan Commission discussed conversion of the golf course to a conservancy area and specifically asked "How will property taxes change if the property is not a golf course"?

According to the 2016 tax bill for the Riversbend Country Club property, the total net tax due for 2016 is \$4,388 with approximately 30% or \$1,357 due the Village of Germantown.

**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, December 19, 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 for: (1) Amendments to the Neviasser Planned Development District (PDD) and the Riversbend Country-Continental 246 Fund LLC Planned Development District (PDD) to allow for an expansion of a hotel and development of an off-site parking lot on the Odyssey Hotels property (Holiday Inn Express) and the adjacent Riversbend Country Club Inc. property located on County Line Road.

Petitioners: Rachit Dhingra, Agent for Odyssey Hotels, Property Owner & Agent for Riversbend Country Club Inc., Property Owner
Properties: Riversbend Country Club: N96 W18034 County Line Road (Tax Key No. 333-951)
Holiday Inn Express: W177 N9675 Riversbend Circle (Tax Key No. 334-100)

Riversbend Country Club Inc.
Lot 3 of Certified Survey Map No. 6562 being a part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Odyssey Hotels
Lot 1 of Certified Survey Map No. 3903 being a part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

A copy of the application is on file in the Village Planning Department 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 22nd day of November, 2016.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: December 1st and December 8th, 2016

PLANNED DEVELOPMENT DISTRICT (PDD) AMENDMENT & CONDITIONAL USE PERMIT (CUP) APPLICATION

11/14/16 Plan Commission Meeting

Odyssey Hotels / Riversbend Country Club Inc.

Village Planner Report

Germantown, Wisconsin

Summary

Rachit Dhingra, agent for Odyssey Hotels and Riversbend Country Club Inc., property owners, has submitted a proposal to amend the Holiday Inn Hotel (a.k.a. Neviaser) and Riversbend Planned Development Districts to allow an expansion of the hotel and development of an off-site parking lot on the Riversbend golf course property located at N96 W18034 County Line Road.

Location: N96 W18034 County Line Road

Agent/

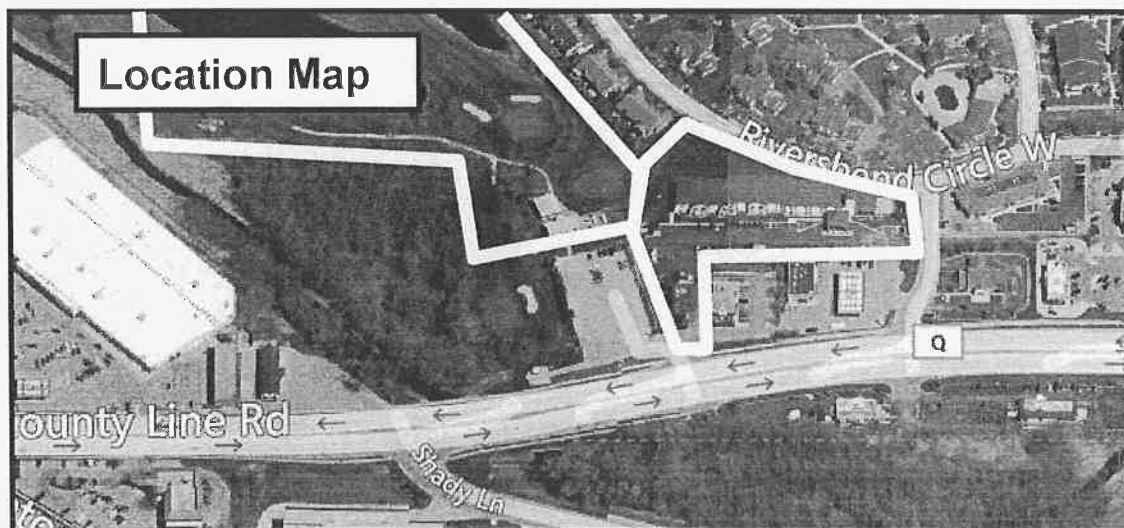
Property Owner:

Rachit Dhingra
Odyssey Hotels
1808 N. Wells Street
Chicago, IL

Charles L. Schmit
Riversbend Country Club Inc.
N96 W18034 County Line Road
Germantown, WI 53022

Current Zoning: B-5: Highway Business/PDD (Holiday Inn Hotel)
I: Institutional/PDD (Riversbend Golf Course)

Adjacent Land Uses		Zoning
North	Residential/	Rm-3
South	Commercial	B-5
East	Commercial/Residential	B-5/Rm-3
West	Commercial	B-1/B-2



Background

The 34.6-acre Riversbend golf course property located at N96 W18034 County Line Road lies between the Menomonee River on the west and the Rivers Bend condominium neighborhood to the east. Historically, use of the property has been limited to a 9-hole public golf course given that wetlands and floodplain associated with the Menomonee River extend across almost the entire property. Since 2013, when the Riversbend PDD was created for purposes of facilitating commercial re-development of a 3.5-acre area along County Line Road (containing the Buffalo Wild Wings restaurant and a 9,150 sqft multi-tenant retail building), the golf course has been operating under terms of a temporary use permit that has since expired in October, 2016. While specific plans for development of a new clubhouse with shared parking were approved as part of the Riversbend PDD, the owner did not follow through to complete those plans and has marketed the golf course for sale.

The 2.88-acre Odyssey Hotel property located at W177 N9675 Riversbend Lane is east and adjacent to the Riversbend golf course property and south of the residential area known as the Riversbend Condominiums. In 1997 the Holiday Inn/Neviaser PDD was created to facilitate development of the property with a 72-room hotel. Currently, the hotel is operated by Odyssey Hotels as a Holiday Inn Express.

Proposal

At this time, Rachit Dhingra, agent for Odyssey Hotels and Riversbend Country Club Inc., has submitted a proposal to amend the Holiday Inn Hotel PDD and the Riversbend PDD to allow for an expansion of the hotel and development of an off-site parking lot on the Riversbend golf course property located at N96 W18034 County Line Road.

Odyssey Hotel/Holiday Inn Express Property

Odyssey Hotels is exploring the possibility of re-branding the existing hotel to meet future and changing demand for transient lodging. Given site constraints and the changing transient lodging market, Odyssey Hotels is proposing to:

- increase the number of guest rooms to a maximum of 130;
- increase the height of the building to a maximum four (4) story with a 50' parapet wall height & 60' tower height

Note that two (2) guest room expansion "options" are being presented in two slightly different development plans. The first option (see Sheet C1) would result in 130 guest rooms and the second option (see Sheet C1-2) would result in a maximum of 123 guest rooms; both options require increasing the building to a 4-story building. Odyssey Hotels has provided renderings of three (3) possible building architecture & material combinations that could result from the re-branding under either guest room expansion option (copies enclosed).

Riversbend Property

As detailed in the November 8 project description, Odyssey Hotels has an offer to acquire the golf course property and convert it into a private conservancy area except for the following two areas:

- a .64-acre area on the north end of the existing parking lot (shared with BWW and the multi-tenant retail center) to be re-developed with a 33-58 stall “off-site” parking lot to serve the hotel expansion; and
- a 1.34-acre area in the northeast corner of the property adjacent to the Fountain Square/BJB Companies property at the end of Rivercrest Drive for possible sale or development.

NOTE: While not specifically stated, Odyssey Hotels does not anticipate that the potential re-branding and proposed building, site and parking improvements would be completed sooner than a period of 3-4 years from now. However, Odyssey Hotels is seeking approval of the necessary changes to the two PDD's in order to plan accordingly and prepare for the opportunity to do so.

Odyssey Hotel/Neviaser PDD Amendments

The original PDD that affects what is now known as the Odyssey/Holiday Inn Express property affects just the 2.88-acre parcel upon which the hotel is located. Resolution No. 16-97 (copy enclosed) adopted a specific set of “conditions and restrictions” that apply to the property in addition to the underlying B-5: Highway Business Zoning District regulations (unless there’s a conflict in which case the PDD restrictions supersede).

As summarized in the November 8 project description, there are a few restrictions in the original PDD resolution (Res. No. 16-97) that would need to be amended in order to facilitate the proposed hotel expansion, including:

1. Section #2a and #2b require that “the building shall include no more than 73 guest rooms and be no more than 35 feet in height; except for the eastern tower, which may be up to 35 feet tall.” The proposed amendments are:
 - a. Increase the guest room count to a maximum of 130 guest rooms
 - b. Increase the building height to a maximum four (4) story building with a maximum typical parapet height not to exceed 50 feet and a maximum hotel “brand” parapet (tower) not to exceed 60 feet in height.
2. Section #2c establishes a minimum 49 foot side yard setback from the west property line. The proposed amendments are:
 - a. Decrease the minimum side yard setback to ten (10) feet from the west property line. This is in compliance with the minimum side yard setback required by Section 17.32(4) of the Municipal Code and is consistent with side yard setbacks of buildings on adjacent properties.

-
3. Section #3 requires a minimum of 85 off-street parking spaces. The current site has 77 spaces. The proposed amendment would increase the number of parking stalls depending on which guest room expansion option is pursued:
 - a. For the option of expanding to 130 guest rooms (see Sheet C1), the amendment includes the 77 stalls on the hotel site, the potential to add 10 stalls west of the hotel building, 31 stalls on the Riversbend golf course property, and 17 existing stalls in the shared parking lot to the west that would be available to the hotel via the existing shared parking easement agreement for stalls used by the golf course. The resulting total would be 135 stalls.
 - b. For the option of expanding to only 123 guest rooms (see Sheet C1-2), the amendment includes the 77 stalls on the hotel site, the potential to add 33 stalls on the Riversbend golf course property, and 18 existing stalls in the shared parking lot to the west that would be available to the hotel via the existing shared parking easement agreement for stalls used by the golf course. The resulting total would be 128 stalls.

Additional PDD amendments revising certain requirements of the underlying B-5 Zoning District would also be required:

4. The existing hotel site contains parking stalls that are 162 square feet in area (9'x18') rather than 180 square feet as required by Section 17.45(1)(a) of the Municipal Code. The PDD would have to be revised to allow the smaller stall size (NOTE: the Riversbend PDD already had adopted a smaller 162 sqft stall size).
5. Section 17.45(1)(c) of the Municipal Code requires an eight foot (8') parking setback. The existing drives and parking areas located to the north, south and west of the hotel are less than eight feet (8') to the property lines. The PDD would have to be revised to reduce this setback to match the existing condition and accommodate the site improvements shown for the expanded parking area west of the hotel.
6. Section 17.45(1)(b) of the Municipal Code requires a 50 foot parking setback to adjacent residential districts. The PDD would have to be revised to reduce the proposed setback between the north parking area and the adjacent residential district from 50 to 43 feet (NOTE: the Riversbend PDD already adopted a reduced parking lot-to-residential area from 50 to 32 feet).

Riversbend PDD Amendments

The original PDD that affects the 34.6-acre Riversbend golf course property, as well as, the Buffalo Wild Wings restaurant and the multi-tenant retail building property, was created in 2013. Resolution No. 02-13 (copy enclosed) adopted a specific set of "conditions and restrictions" that apply to these properties in addition to the underlying I: Institutional Zoning District regulations that apply to the Riversbend golf course parcel.

While not included in the November 8 project description, there are a number of restrictions in the original PDD resolution (Res. No. 02-13) that would need to be amended in order to facilitate the proposed parking lot expansion onto the golf course parcel, including:

1. Section 1 (General Development Plan). The GDP site plan will have to be revised to:
 - a. Remove the previously proposed clubhouse building and cart storage area; and
 - b. Add the proposed parking lot expansion and additional berming and landscaping (consistent with the development plan options in Sheet C1 or C1-2).
2. Section 3 (Use Regulations). The list of specific uses allowed in the PDD would need to be revised to:
 - a. Add "off-site" parking lot as a permitted use (consistent with the development plan options in Sheet C1 or C1-2). NOTE: this would eliminate the need to require a separate conditional use permit provided that the same design requirements in 17.45(5) of the Zoning Code are required.
 - b. Remove the golf course and clubhouse as permitted uses.
3. Section 9.a. (Specific Lighting & Landscaping). The list of berming and landscaping improvements provided in the northeast corner of the golf course parcel adjacent to the residential area will need to be revised to add more berming and landscaping in a manner that enhances/increases the buffer between the parking and residential dwellings (consistent with the development plan options in Sheet C1 or C1-2).

Staff Comments

Ordinarily, changes to a PDD go through the PDD amendment process requiring both Plan Commission and Village Board approval. As stated in Section 17.27 of the Zoning Code, the overall intent of the Planned Development (PD) overlay District is to "...*permit greater flexibility...more creative design...while providing a higher level of amenities...while providing the Village with assurances that the project will retain the character envisioned at the time of approval*".

As required under Section 17.27(9) of the Zoning Code, the Plan Commission must determine if the proposed amendments to the two PDD's are "minor", or, if the proposed amendments are significant enough to "...materially affect the intended design of the project and the impact of the project on neighboring uses". (NOTE: A finding that the change is a "minor" change means that the Plan Commission recommendation can be considered by the Village Board without a public hearing; a "substantial" change requires a public hearing before the Village Board renders a decision on the proposed change). With regard to the proposed/required amendments to the two PDD's, it is Staff's opinion and recommendation that the proposed amendments are significant changes to the respective developments and should warrant a public hearing as part of the Village Board's review of this request.

Rezoning & Land Use Plan Map Consistency

The golf course property is currently in an I: Institutional Zoning District with a Floodplain Zoning overlay across most of the property; including a portion of the proposed lot expansion. With an amendment to the Riversbend PDD as discussed above, there would not be a need to rezone the property (or portion thereof) just to accommodate the small .64-acre parking lot expansion. In addition, parking areas are permitted uses in floodplain areas provided that there are no obstructions to flow or increases in flood elevations. And although there was some minor filling of the floodplain and off-setting decreases in flood elevations as part of the original Riversbend re-development project, no further filling or floodplain rezoning may be needed (nor proposed) as part of the parking lot expansion project.

As discussed in the November 8 project description, Odyssey Hotels proposes to convert the majority of the golf course parcel into a private conservancy area except for the .64-acre "off-site" parking lot expansion, and, a 1.34-acre area in the northeast corner of the property adjacent to the Fountain Square/BBJ Companies property. While the plan to expand the parking lot and convert the parcel to a private conservancy area is consistent with both the I: Institutional Zoning district and "Park/Recreation Area" classification on the 2020 Land Use Plan map, the desire to retain the 1.34-acre area for future sale or development for any use other than recreation would NOT be consistent with the 2020 LUP. A LUP map amendment would also be required as a pre-requisite to any change in zoning or use other than what it currently is today. Moreover, the 1.34-acre area is not a separate parcel nor does it have direct frontage on a public right-of-way from which legal access could be obtained. For these reasons, staff does NOT support this aspect of the proposal.

As discussed previously, the time frame for commencing the re-branding and proposed parking lot, site and building improvements is 3-4 years into the future. If the proposed PDD and General Development Plan amendments outlined herein are approved, only the approval of detailed site development and building plans by the Plan Commission would be required at that time provided such improvements are consistent with the PDD and General Development Plan amendments (unless modifications to the floodplain are required as a result of any grading and/or storm water management system changes needed to accommodate the parking lot expansion).

Site Development & Building Plan Considerations

Although detailed site plans are not expected to be submitted for a few years, it's important to identify any issues or items the Village currently considers important and that will/may need to be addressed in those detailed plans. One of those issues concerns the berming and landscaping in the area adjacent to the Riversbend condominium residential area. The berm and landscaping plan that was approved in the original PDD anticipated the construction of a golf course clubhouse having a particular orientation and additional landscaping deemed necessary to buffer the residential area. After development of the restaurant and multi-tenant building, it became clear that without the clubhouse and remaining landscaping that wasn't completed, the amount of buffering was less than adequate. Consequently, the detailed landscaping plan to be prepared for the parking lot and building expansion will have to present a substantial amount of landscaping and/or berming to achieve the desired buffering effect.

Also, the renderings of the three possible building architecture and material combinations is not being scrutinized or even commented on at this time by staff given the time frame for these improvements. However, the developer is advised that the acceptability of any building architecture and/or materials will be determined at the time the detailed building plans are submitted for Plan Commission review, and, that staff's support of the proposed PDD amendments is not necessarily an endorsement of the building renderings provided as part of the PDD amendment application.

Riversbend Residential & Neighborhood Support

In an attempt to keep potentially affected property owners and nearby residents informed and involved in the pre-planning process, Odyssey Hotels held a "community meeting" with approximately 30 participants in late October. As we will likely hear at the meeting on November 14, Odyssey has indicated that the general response to their proposal is favorable. Odyssey has also reached out to the owners of the multi-tenant retail building and the Buffalo Wild Wings properties. The response from those adjacent owners is also apparently supportive.

Fire Department

The Fire Department has recommended approval of the proposal subject to the following:

- No occupancy of the hotel during construction should be permitted.
- The trash & recycling enclosure location needs to be at least 10 feet from any building(s).
- All new and/or additional fire protection measures will need to be consistent with the commercial building code with actual locations of any new or relocated fire protection equipment to be approved by the Fire Department.

Building Inspection

State approved plans and the standard \$20,000 occupancy bond will be required prior to issuing a building permit for any building expansion.

Village Planner Recommendation

APPROVE Staff's recommendation that the proposed PDD amendments are "significant" changes that require a public hearing prior to (or concurrent with) the Village Board's review and consideration.

Village Planner Recommendation

APPROVE the proposed amendments by Odyssey Hotels and Riversbend Country Club Inc. to the Neviaser PDD and the Riversbend Country Club-Continental 246 Fund LLC PDD to allow for the expansion of the hotel and development of an off-site parking lot on the Riversbend golf course property except as provided below and subject to the following conditions:

1. The General Development Plans for and referenced in both the Neviaser PDD and the Riversbend Country Club-Continental 246 Fund LLC PDD shall be revised to reflect the proposed improvements and features shown in the plan set dated November 8, 2016; specifically Sheet C-1 that represents the maximum amount of guest rooms up to 130 and parking lot expansion up to 135 parking stalls. It shall be understood that the building and parking lot expansion approved under these PDD amendments shall be the maximum amount allowed with lesser amount of guest rooms and/or parking stalls allowed to develop provided any future expansion is generally consistent with the plan set dated November 8, 2016.
2. The proposed amendments shall be codified into an appropriate resolution amending the current list of conditions & restrictions for the respective PDD's to be considered for approval by the Village Board.
3. The proposed amendment to the Riversbend PDD shall not include or otherwise allow the division and/or development of the 1.34-acre area in the northeast corner of the property adjacent to the Fountain Square/JBJ Companies property as a separate parcel. This area may be combined with the adjacent property provided all applicable Village, state and federal code requirements and regulations can be met.
4. Detailed site development & building plans shall be submitted to the plan Commission for review and approval prior to commencement of any new or re-development of either property subject of these PDD amendments. Said plans shall reflect or otherwise address the comments and recommendations of the Village departments set forth in this staff report unless otherwise superseded by updated and/or new code requirements or regulations.

residential. Chairman Wolter said it could be a mixed use development with office and a commercial component and restaurant with a PDD.

Discussion continued. Chairman Wolter said he appreciates the Gutbrod's wanting to revitalize the building and thanked them for putting money into it to bring it back. He said the Schwalbach's have a long history with Germantown and it's a nice way to keep history in the area. Dave Gutbrod said he had done a lot of research on the building and wants to clean it up so his wife can use it in the future for work. He said subdividing the property would be an opportunity for someone down the road and that he would consider residential zoning at that time.

MOTION Baum second Gray to Approve the proposed Rezoning of the 4.24 acre parcel from Rs-2: Single-Family to B-4: Professional Office Zoning District.

Trustee Baum said he can't put restrictions on the property until he sees what is brought forward at some point in the future.

MOTION carried unanimously.

Odyssey Hotel Group LLC for Holiday Inn Express – W177 N9675 Riversbend Lane & Riversbend Country Club – N96 W18034 County Line Road. The proposal is to amend the Holiday Inn Hotel and Riversbend Planned Development Districts to allow an expansion of the hotel and development of an off-site parking lot on the Riversbend golf course property. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid that the proposed PDD amendments are significant changes that require a public hearing prior to the Village Board's review and consideration.

Trustee Baum said the residents need to be able to come forward and voice their concerns. Chairman Wolter said an extensive berm plan is being proposed and will be a substitute for the building that wasn't built and will be an advantage for the property owners to help block the view. Planner Retzlaff said Odyssey Hotels initiated a community meeting with the Riversbend community and the reaction was very positive. Rachit Dhingra, Odyssey Hotels, confirmed the residents were in favor of the expansion. He said the plan is to upgrade the hotel brand. Chairman Wolter if the enhanced berming would need to go through additional hoops. Jason Day, Excel Engineering commented that the majority of the berming is already outside of the floodplain. Chairman Wolter asked how the golf course property would be maintained. Mr. Dhingra said the community would rather have it as private property with no trespassing and it would go back to its natural state. Commission Gray said it would become a weed filled disaster and something would need to be done with it. Mr. Day said the intent for the golf course is to leave it as a conservancy and a buffer yard for the neighborhood. Planner Retzlaff said now would be the time to require a management plan for the golf course property and make that recommendation as a condition of the PDD. Wolter said a maintained plan would be preferred instead of weeds but should be looked at and discussed. Mr. Dhingra said they could look into it further but said he has had conversations with the park dept regarding putting a trail system together for the hotel guests and the community. But the residents would prefer no trespassing or attraction to the area. Planner Retzlaff commented that he had talked to MMSD and they are aware of the property, but he hasn't heard back from them.

Trustee Baum said he would not have a problem with supporting the 4 story height of the building if the residents were ok with it and would prefer option #1 because there is contiguous asphalt from both properties compared to option #2 where there's no connectivity. Planner Retzlaff explained the proposal is for amendments to the PDD and not the site plan that will still need approval. Mr. Rachit explained he is looking at acquiring the golf course for parking in order to expand the hotel which needs to go to 4 floors to bring it to current times. He knows he will be back for other approvals, but he wants the PDD amended so that the 4 floors, height and parking are already allowed.

MOTION carried unanimously.

MOTION Baum second Shadid to approve the proposed amendments by Odyssey Hotels and Riversbend Country Club Inc., to the Neviasser PDD and the Riversbend Country Club-Continental 246 Fund LLC PDD to allow for the expansion of the hotel and development of an off-site parking lot on the Riversbend golf course property except as provided below and subject to the following conditions:

- 1. The General Development Plans for and referenced in both the Neviasser PDD and the Riversbend Country Club-Continental 246 Fund LLC PDD shall be revised to reflect the proposed improvements and features shown in the plan set dated November 8, 2016; specifically Sheet C-1 that represents the maximum amount of guest rooms up to 130 and parking lot expansion up to 135 parking stalls. It shall be understood that the building and parking lot expansion approved under these PDD amendments shall be the maximum amount allowed with lesser amount of guest rooms and/or parking stalls allowed to develop provided any future expansion is generally consistent with the plan set dated November 8, 2016.***
- 2. The proposed amendments shall be codified into an appropriate resolution amending the current list of conditions & restrictions for the respective PDD's to be considered for approval by the Village Board.***
- 3. The proposed amendment to the Riversbend PDD shall not include or otherwise allow the division and/or development of the 1.34-acre area in the northeast corner of the property adjacent to the Fountain Square/BJB Companies property as a separate parcel. This area may be combined with the adjacent property provided all applicable Village, state and federal code requirements and regulations can be met.***
- 4. Detailed site development & building plans shall be submitted to the plan Commission for review and approval prior to commencement of any new or re-development of either property subject of these PDD amendments. Said plans shall reflect or otherwise address the comments and recommendations of the Village departments set forth in this staff report unless otherwise superseded by updated and/or new code requirements or regulations.***

Robert Eastman, W179 N9773 Riversbend Circle West, said the Riversbend community is in favor of the hotel expanding and said there have been issues with berming in the past. He liked the idea of extending the berm to the west. Discussion continued.

MOTION to Amend Gray second Baum that the conservation part of that property that the buyer come back within 6 months with a plan for us to look at in terms of maintenance or how they want to treat the conservation part of that property, so we can look at and review it and they have had time to think about and talk to other people about it.

Chairman Wolter said the Village already has rules in place to manage noxious weeds and although he agrees with the premise of Commissioner Gray's motion, he has an issue with government telling someone what to do with private property. Mr. Dhingra said he is not planning on mowing the property but understands noxious weeds are not allowed. Trustee Baum asked how the taxes will change if the property is not a golf course. Planner Retzlaff said he could come up with additional information before the Board meeting.

MOTION to Amend carried 6-1 (Goetter)

MOTION to Approve as Amended carried unanimously.

MOTION Baum second Shadid to not act on the Conditional Use Permit for offsite parking due to prior approvals.

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

RESOLUTION NO. R16 - 97

RESOLUTION ADOPTING CONDITIONS AND RESTRICTIONS FOR THE
NEVIASER PLANNED DEVELOPMENT DISTRICT:

WHEREAS, Daniel Neviaser of Neviaser Investments has applied for rezoning to a B-5, Highway Business Planned Development District (PDD) on the subject parcel (Key Number GTNV 334-100, hereinafter "the property") which was granted by the Village Board on March 17, 1997, and has submitted a Project Plan revised through November 8, 1996; and

WHEREAS, Section 17.27(4) of the Village of Germantown Municipal Code allows for the adoption of conditions and restrictions for PDD's; and

WHEREAS, the Germantown Plan Commission adopted a Land Use Plan 2010 on August 23, 1993, for the general development guidelines, lot density and land use on this property; and

WHEREAS, the Germantown Plan Commission has recommended approval of the conceptual site, architectural and landscaping plans at its meeting on November 25, 1996; and

WHEREAS, the application proposes a single building to house a hotel with accessory enclosed swimming pool on the 2.88-acre site;

NOW, THEREFORE BE IT RESOLVED that the Village Board of the Village of Germantown hereby adopts the following conditions and restrictions for the Neviaser Planned Development District:

1. General Development Plan - The plan dated and revised through November 8, 1996, shall be considered the approved General Development Plan for the subject property, including the location of driveways, parking spaces, buildings and signage. Detailed surveys, utility plans, building plans, lighting and landscaping plans covering any portion of the total project intended for construction shall be presented to the Plan Commission prior to issuance of any building permits. These plans shall conform substantially to the approved General Development Plan in both location, design and number. Utility and driveway plans shall be based on the standards of the Village Public Works Department. If revisions of the development plan are necessary due to adverse site conditions, resubmittal and approval of all revisions by the Plan Commission will be required.

2. Building size, height, location, and lot coverage

- a. The building shall include no more than 73 guest rooms.
- b. The building shall be no more than 35 feet in height as per Section 17.08(13),

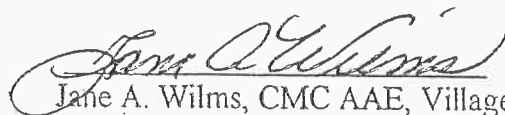
- except the eastern tower, which may be up to 35 feet tall.
- c. The buildings shall meet the following setback and lot coverage requirements:
- | | |
|--|-----------------|
| Front yard setback from Riversbend Lane | minimum 50 feet |
| Front yard setback from Riversbend Circle West | minimum 15 feet |
| Side yard setback from south property line | minimum 50 feet |
| Side yard setback from west property line | minimum 49 feet |
- d. The overall building, parking and hard surfaces shall not exceed 70% lot area.
3. Parking - The project shall include a minimum of 85 off-street parking spaces.
No garages or maintenance buildings are approved for this site.
4. Driveway Construction and Ownership - All internal driveways shall be constructed and maintained by the owner. Construction standards will be to Village specifications. Private easements and access agreements are not enforced by the Village and must be addressed separately.
5. Public Utilities - The developer will provide all necessary easements and dedication of facilities as required by the Village Engineer.
6. Signage
- The property is allowed one free-standing sign, maximum 160 square feet area, maximum 25 foot height.
 - The property is allowed two wall-mounted signs, maximum 150 square feet each.
 - All signs shall be internally illuminated.
 - No roof signage is allowed for this project.
 - No wall-mounted signage is allowed on the north side of the building.
7. Specific lighting and landscaping plans shall be submitted to and approved by the Plan Commission prior to occupancy of the building.
8. Garbage and refuse collection and disposal shall be provided by the property owner at his cost.
9. The berm (including plantings) to be repaired and maintained by the property owner, with replacement of any dead plantings.

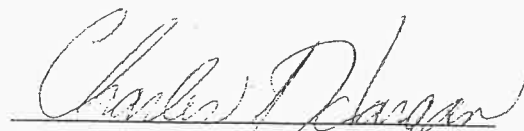
Introduced by Trustee Charlene Brady

Adopted: March 17, 1997

Vote: 8 Aye; 0 Nay; Absent: 1 (Johnson)

Attest:


Jane A. Wilms, CMC AAE, Village Clerk


Charles J. Hargan
Village President

RESOLUTION NO. R02-13

ADOPTING CONDITIONS AND RESTRICTIONS
FOR THE RIVERSBEND COUNTRY CLUB INC-CONTINENTAL 246 FUND LLC
PLANNED DEVELOPMENT DISTRICT ("RIVERSBEND PDD")

WHEREAS, Continental 246 Fund LLC, agent for Riversbend Country Club Inc., property owner (hereinafter "Developer") has applied for B-1 Neighborhood Business District zoning with a Planned Development District (PDD) overlay on the subject parcels located on County Line Road in the Village of Germantown more particularly described in Exhibit A attached hereto (the "PDD Property"); and

WHEREAS, Section 17.27(4) of the Village of Germantown Municipal Code allows for the adoption of conditions and restrictions for Planned Development Districts; and

WHEREAS, the Germantown Plan Commission on January 14, 2013, reviewed the rezoning application and forwarded a positive recommendation for the rezoning and general site plan to the Village Board;

NOW, THEREFORE BE IT RESOLVED that the Village Board of the Village of Germantown hereby adopts the following specific conditions and restrictions for the Riversbend Planned Development District that shall apply to all/any development on the property:

1. **General Development Plans.** Exhibit B, the detailed set of site development and building plans dated December 20, 2012, shall be considered the General Development Plans for this PDD, including the size and orientation of the building, setbacks, and location of access points, landscaping, utilities, grading and erosion control plan, floor plan and architectural elevations. All development within the PDD property shall be consistent with these plans or any subsequent plans (additional or revised) submitted pursuant to the conditions of approval adopted by the Plan Commission on January 14, 2013. Significant changes to said site development and building plans may require further review and approval by the Plan Commission as deemed necessary by the Zoning Administrator.
2. **Certified Survey Map.** A certified survey map (CSM) has been submitted to the Village for approval concurrently with the Riversbend PDD rezoning. Said CSM is for purposes of dividing the PDD Property into three (3) separate parcels: a 1.723 acre parcel (Lot 1); a 1.795 acre parcel (Lot 2); and a 34.45-acre parcel (Lot 3).
3. **Use Regulations.** The uses allowed for Lot 1 and Lot 2 shall be as set forth in the B-1: Neighborhood Business Zoning District regulations (Zoning Code Section 17.28), except that a restaurant with outdoor service shall be allowed on Lot 2 to the extent shown in the approved plans. The uses allowed for Lot 3 shall be as set forth in the I: Institutional Zoning District regulations (Zoning Code Section 17.26), except that a golf course with a club house facility shall be allowed on Lot 3 only to the extent shown in the General Development Plans.

4. **Building/Bulk Regulations.** One (1) 7,660 sqft. commercial building for a sit-down restaurant is permitted on Lot 1 as shown in the General Development Plans. One (1) 7,715 sqft. commercial building for a sit-down restaurant is permitted on Lot 2 as shown in the General Development Plans. One (1) 1,500 sqft. commercial building for a golf course club house is permitted on Lot 3 as shown in the General Development Plans.

Unless otherwise set forth below, development shall be in accordance with the building, bulk and other applicable zoning requirements set forth in the underlying zoning district that applies to each lot as established in Section 4 above and other applicable sections of the Zoning Code.

The specific bulk requirements set forth below are reflected in the General Development Plans:

- a. Minimum Lot Frontage Requirement:
 - 1. Lot 1: 89'
 - 2. Lot 2: 27'
 - 3. Lot 3: 0' (Lot 3 will have access easement across Lot 1 and Lot 2);
 - b. Minimum Building Setbacks:
 - 1. Lot 1: Side Yard: 9'
 - 2. Lot 2: Side Yard: 8'
 - 3. Lot 3: Front Yard: 19.5'
 - c. Maximum Lot Coverage (Impervious Area):
 - 1. Lot 1: 79.1 percent
 - 2. Lot 2: 76.3 percent
 - d. Minimum Parking Setbacks:
 - 1. Parking lot Setback from property line: 0' (within parking lot and at various points around perimeter)
 - 2. Commercial parking lot from residential district: 32' (at northeast corner of parking lot adjacent residential area)
5. **Parking.** The minimum number of required parking stalls, stall size, and layout shall be as set forth below and as shown on the General Development Plans:
- a. Minimum Parking Stall size:
 - 1. Lot 1: 144 sqft (9' x 16') for six (6) "Compact Car Only" stalls
 - 2. Lots 1, 2, 3: 162 sqft (9' x 18') for all remaining parking stalls

The parking stall requirement for Lot 3 shall be satisfied through a shared-parking and access easement agreement across Lot 1 and Lot 2.

Riversbend Planned Development District (PDD)
Resolution No. R 02-13

6. **Access.** Access to/from the PDD Property shall be from the two (2) access driveways onto the shared driveway easement serving the Holiday Inn and KFC commercial properties as shown in the General Development Plans.
7. **Architectural Design & Exterior Materials.** The architectural design and exterior materials shall be as shown on the plan elevations contained in the General Development Plans and set forth below (unless otherwise replaced by subsequent plans required pursuant to the conditions of approval adopted by the Plan Commission):
 - a. Lot 1 (Olive Garden restaurant) building elevation and floor plans dated December 27, 2012 (including Sheets A1.1, A5.1, A5.2 and the color renderings dated December 27, 2012);
 - b. Lot 2 (Buffalo Wild Wings restaurant) building elevation and floor plans dated December 11, 2012 (including Sheets 54-12.011.00 and the color renderings dated December 11, 2012);
 - c. Lot 3 (Riversbend Golf Course club house) building elevation and floor plans dated December 27, 2012;
8. **Public Utilities.** All sanitary sewer, water and storm sewer improvements shall be installed as shown in the General Development Plans, or as may be revised pursuant to the conditions of approval adopted by the Plan Commission and/or Public Works Department/Village Engineer.
9. **Specific Lighting, Landscaping & Trash Enclosure Plans.** All lighting, landscaping and trash enclosure plans shall be installed as shown in the General Development Plans, except that additional and/or revised plans have been required by the Plan Commission, requiring the following:
 - a. The landscape berm and evergreen tree buffer adjacent to the northeast corner of the parking area and along the east side of the parking area shall be extended to include the area within the 50' minimum setback area and enhanced with more and larger/taller (min. 10-12' planted height) evergreen and deciduous trees. Additional landscaping comprised of deciduous and evergreen trees shall also be installed along the common property line and/or around the perimeter of the outdoor patio on the north side of the club house to better buffer the residential area from outdoor club house activity. This additional landscape screening shall be shown in a revised landscape plan submitted to the Village Planner for review/approval prior to issuance of an occupancy permit;
 - b. The applicant shall submit a detailed foundation planting plan as either a supplemental plan or revision to the overall landscape plan to the Village Planner for review and approval prior to issuance of a building permit;

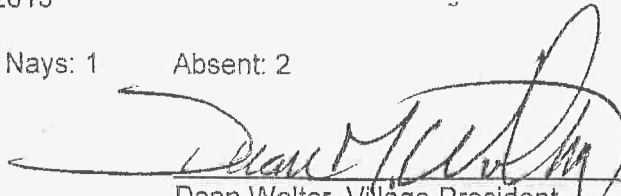
Riversbend Planned Development District (PDD)
Resolution No. R 02-13

- c. Complete dumpster enclosure plans shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a building permit. Each enclosure shall be comprised of the same masonry or other comparable materials as their respective principal buildings. Particular attention shall be given to the appearance of the enclosure proposed for Lot 2 given its proximity to and visibility from County Line Road.
10. **Expiration.** The developer shall obtain appropriate permits and commence construction and continue toward completion of all three (3) of the commercial buildings and other site improvements within one (1) year from the date this PDD District was adopted by the Germantown Village Board.

Introduced by: Trustee Baum

Adopted: January 28, 2013

Vote: Ayes: 6 Nays: 1 Absent: 2



Dean Wolter, Village President

ATTEST:



Barbara K.D. Goeckner, Village Clerk

EXHIBIT A

Riversbend Planned Development District (PDD)
Legal Description

A part of the Southwest 1/4 and the Northwest 1/4 of the Southeast 1/4 and a part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin being more particularly described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of said Section 33; thence North 01°-24'-44" West along the West line of the Southeast 1/4 of said Section 33, a distance of 168.69 feet to the point of beginning; thence continuing North 01°-24'-44" West along said West line, a distance of 540.81 feet to a line parallel with the South line of the Southwest 1/4 of said Section 33; thence South 89°-20'-37" West along said parallel line, a distance of 509.26 feet to an Easterly Meander Line of the Menomonee River; thence North 34°-25'-06" West along said meander line, a distance of 944.50 feet; thence North 64°-55'-06" East along said meander line, a distance of 236.00 feet; thence North 10°-18'-05" East along said meander line, a distance of 105.50 feet; thence North 38°-36'-55" West along said meander line, a distance of 176.00 feet; thence North 64°-41'-19" East along said meander line, a distance of 207.00 feet; thence North 05°-08'-01" East along said meander line, a distance of 288.00 feet; thence North 60°-08'-58" West along said meander line, a distance of 360.00 feet; thence North 08°-37'-51" East along said meander line, a distance of 256.50 feet to the North line of the Southwest 1/4 of said Section 33; thence North 88°-58'-24" East along said North line, a distance of 933.50 feet to the Northeast corner of said Southwest 1/4; thence North 89°-21'-41" East along the North line of the Southeast 1/4 of said Section 33, a distance of 309.26 feet to the Southwesterly right of way line of USH 41/45; thence South 41°-58'-50" East along said Southwesterly line, a distance of 417.99 feet to the Northwesternly line of a parcel of land described per Document No. 749719; thence South 48°-01'-10" West along said Northwesternly line, a distance of 209.14 feet to a Northerly line of the Riversbend Condominium; thence Northwesternly 117.35 feet along said Northerly line on a curve to the left having a radius of 242.33 feet; the chord of said curve bears North 76°-07'-22" West, a chord distance of 116.21 feet; thence North 89°-59'-46" West along said Northerly line, a distance of 103.33 feet; thence Southwesterly 298.87 feet along said Northerly line on a curve to the left having a radius of 611.56 feet, the chord of said curve bears South 76°-00'-14" West, a chord distance of 295.90 feet; thence North 27°-59'-46" West along said Northerly line, a distance of 110.00 feet to a Westerly line of the Riversbend Condominium; thence Southwesterly 511.68 feet along said Westerly line on a curve to the left having a radius of 472.86 feet, the chord of said curve bears South 31°-00'-14" West, a chord distance of 487.08 feet; thence Southeasterly 563.69 feet along said Westerly line on a curve to the left having a radius of 734.02 feet, the chord of said curve bears South 21°-59'-46" East, a chord distance of 549.94 feet; thence South 43°-59'-46" East along said Westerly line, a distance of 195.95 feet; thence Southeasterly 324.06 feet along said Westerly line on a curve to the right having a radius of 1326.23 feet, the chord of said curve bears South 36°-59'-46" East, a chord distance of 323.25 feet; thence South 29°-59'-46" East along said Westerly line, a distance of 80.00 feet; thence Southeasterly 263.74 feet along said

Riversbend Planned Development District (PDD)
Resolution No. R 02-13

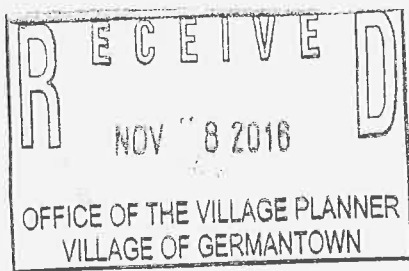
Westerly line on a curve to the left having a radius of 755.54 feet, the chord of said curve bears South 39°-59'-46" East, a chord distance of 262.40 feet to a Westerly line of Lot 1 of Certified Survey Map No. 3903 recorded in the Washington County Register of Deeds office as Document No. 607696 in Volume 25, Page 14; thence South 00°-00'-14" West along said Westerly line, a distance of 95.00 feet; thence South 19°-26'-50" West along said Westerly line, a distance of 108.76 feet; thence South 15°-59'-46" East along said Westerly line, a distance of 184.00 feet; thence South 23°-00'-14" West along said Westerly line, a distance of 122.00 feet to the Northerly right-of-way line of County Trunk Highway "Q"; thence South 74°-23'-44" West along said Northerly right-of-way line, a distance of 117.00 feet; thence North 15°-36'-16" West, a distance of 70.00 feet; thence Southwesterly 152.05 feet on a curve to the right having a radius of 1943.48 feet, the chord of said curve bears South 75°-12'-06" West, a chord distance of 152.01 feet to the point of beginning and containing 37.972 acres (1,654,083 sq. ft.) more or less and being subject to all easements and restrictions of record.

Riversbend Planned Development District (PDD)
Resolution No. R 02-13

EXHIBIT B

Riversbend Planned Development District (PDD)
General Development Plans

**{See Site Development & Building Plan Set
Dated December 12, 2012 available in the Planning & Zoning
Services, Community Development Department}**



November 8, 2016



HOTEL GROUP ODYSSEY GDP/PDD AMENDMENT NARRATIVE

This submittal addresses amendments to the General Development Plan (GDP) and Planned Development District (PDD) for both the Riversbend Country Club property at N96 W18034 County Line Road (Tax Parcel #GTNV_333951) and the Holiday Inn property at W177 N9675 Riversbend Lane (Tax Parcel #GTNV_334100).

The requested amendments address the potential maximum build-out of the hotel use with the understanding that market demand and the economy will factor into the owner's decision if the maximum build-out is feasible or if expansion of a smaller scale is ultimately proposed. In addition to the information contained in this narrative, please refer to plan sheets C1, C1-2, and C2 for conceptual general development build-out options.

Amendments to Rivers Bend Planned Development District (Resolution No. 01-14):

The applicant for this property (Odyssey Hotels, Rachit Dhingra) has an offer to purchase the Riversbend Country Club (Lot 4 of the General Development Plan for the subject Planned Development District) from the current owner, Mr. Charles Schmit. It is Mr. Dhingra's intent to discontinue the golf course use of the land and convert the property into a private conservancy area with the exception of the following areas:

- The current golf course clubhouse and cart storage area will be reserved for possible future use as an off-site parking area for the hotel in the event the current hotel is re-branded and expanded such that the expansion requires additional parking spaces per the Village of Germantown Municipal Code.
- Approximately 1.34 acres of area near the current green number nine (#9) and immediately north of and adjacent to the Fountain Square LLC property has been determined to be above the floodplain elevation associated with the Menomonee River; Mr. Dhingra would like to reserve this area for potential future sale or development.

It is understood that the proposed use of the parking area on the golf course property as an off-site parking area for the hotel property requires the granting of a Conditional Use Permit by the Village of Germantown.

It is understood that any proposed future development of the upland area located in the area of the current golf course green number nine (#9) will require rezoning and applicable approvals and permits from the Village of Germantown, as well as an access easement from the adjacent owner to the south (JB Development; d.b.a. Fountain Square, LLC).

Floodplain exists on the subject property. It is understood that any development in the floodplain must be reviewed and approved by both the Village and the DNR upon the completion of full site engineering (no net fill in the floodplain).

Holiday Inn Property :

The owner of the property, Odyssey Hotels (Rachit Dhingra) is exploring the potential to re-brand the current Holiday Inn; in the process, expand the re-branded hotel to meet the future demand for additional transient lodging. To facilitate this, the following amendments to the original GDP and PDD (Resolution No. R16-97) are being requested:

GDP/PDD Amendments

- Site layout and existing hotel site contains parking stalls that are 162 square feet in area (9'x18') rather than 180 square feet as required by Section 17.45(1)(a) of the Municipal Code.
- Section 17.45(1)(c) of the Municipal Code requires an eight foot (8') parking setback. Existing drives and parking areas located to the north, south and west of the hotel are less than eight feet (8') to the property lines; this amendment requests a relaxation for proposed parking and drives consistent with current conditions where lot lines are located within shared drives and parking areas.
- Section 17.45(1)(b) of the Municipal Code requires a 50 foot parking setback to residential districts. The proposed setback between the north parking area and the adjacent residential district is 43 feet.

PDD Specific Amendments:

- Condition #2a. and #2b. require "the building shall include no more than 73 guest rooms and be no more than 35 feet in height; except for the eastern tower, which may be up to 35 feet tall." This request is to amend the guest room count to a maximum of 130 guest rooms, a maximum four (4) story building with a maximum typical parapet height not to exceed 50 feet and a maximum hotel "brand" parapet (tower) not to exceed 60 feet in height. The increased guest rooms and number of building stories would allow Mr. Dhingra to meet the increasing need for transient lodging without major expansions to the building footprint. The increased height would accommodate brand specific architecture that allows the public to easily recognize a particular hotel brand. Note that two (2) options are being presented; the first option (C1) would result in 130 guest rooms while the second option (C1-2) would result in a maximum of 123 guest rooms; neither option exceeds the requested maximum 130 guest room count.

- Condition #2c. establishes a minimum 49 foot side yard setback from the west property line. This amendment requests a minimum ten foot (10') side yard setback from the west property line. This is in compliance with the minimum side yard setback required by Section 17.32(4) of the Municipal Code and is consistent with side yard setbacks of buildings on adjacent properties.
- Condition #3 requires the project shall have a minimum of 85 off-street parking spaces. The current site has 77 spaces. In anticipation of some expansion in the number of guest rooms, this amendment (C1) includes the potential to add ten (10) on-site spaces to the west of the hotel building, 31 spaces on the current golf course site (the proposed off-site parking area for which a CUP is required), and 17 existing parking spaces on the existing retail development to the west via a modification to the cross parking agreement that currently exists for the area of 25 spaces to be used by the golf course owner. The resulting total parking spaces would be 135; pursuant to the Village of Germantown Municipal Code [Section 17.45(1)(d)12] this is an adequate number of spaces for a hotel having 130 guest rooms (1 space per guest room) and 10 employees (1 space for each 2 employees) per shift. The lesser impact option (C1-2) retains the 77 stalls on the hotel site, makes use of the 33 spaces on the current golf course site [an increase of two (2) spaces from option C-1 due to the elimination of the connecting driveway between the hotel site and the golf course site], and 18 existing parking spaces on the existing retail development to the west via a modification to the cross parking agreement that currently exists for the area of 25 spaces to be used by the golf course owner. The resulting total parking spaces under this option would be 128 spaces; pursuant to the above-mentioned section of the Village's Municipal Code, this is an adequate number of spaces for a hotel having 123 guest rooms (1 space per guest room) and 10 employees per shift (1 space for each 2 employees).









Prototype Design Guide

January 2014, Version 1





It is important to keep perspective on the
 1990s. It is not a 1960s-style Movement for
 Minorities in the U.S. We are not trying to
 make a new Movement for Minorities in the
 U.S. We are trying to keep the Movement
 for Minorities in the U.S. alive and healthy
 and growing. We are not trying to make
 a new Movement for Minorities in the U.S.

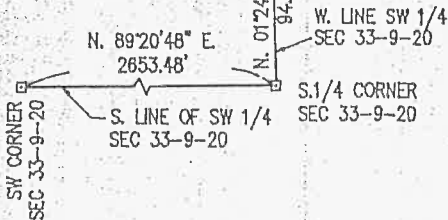
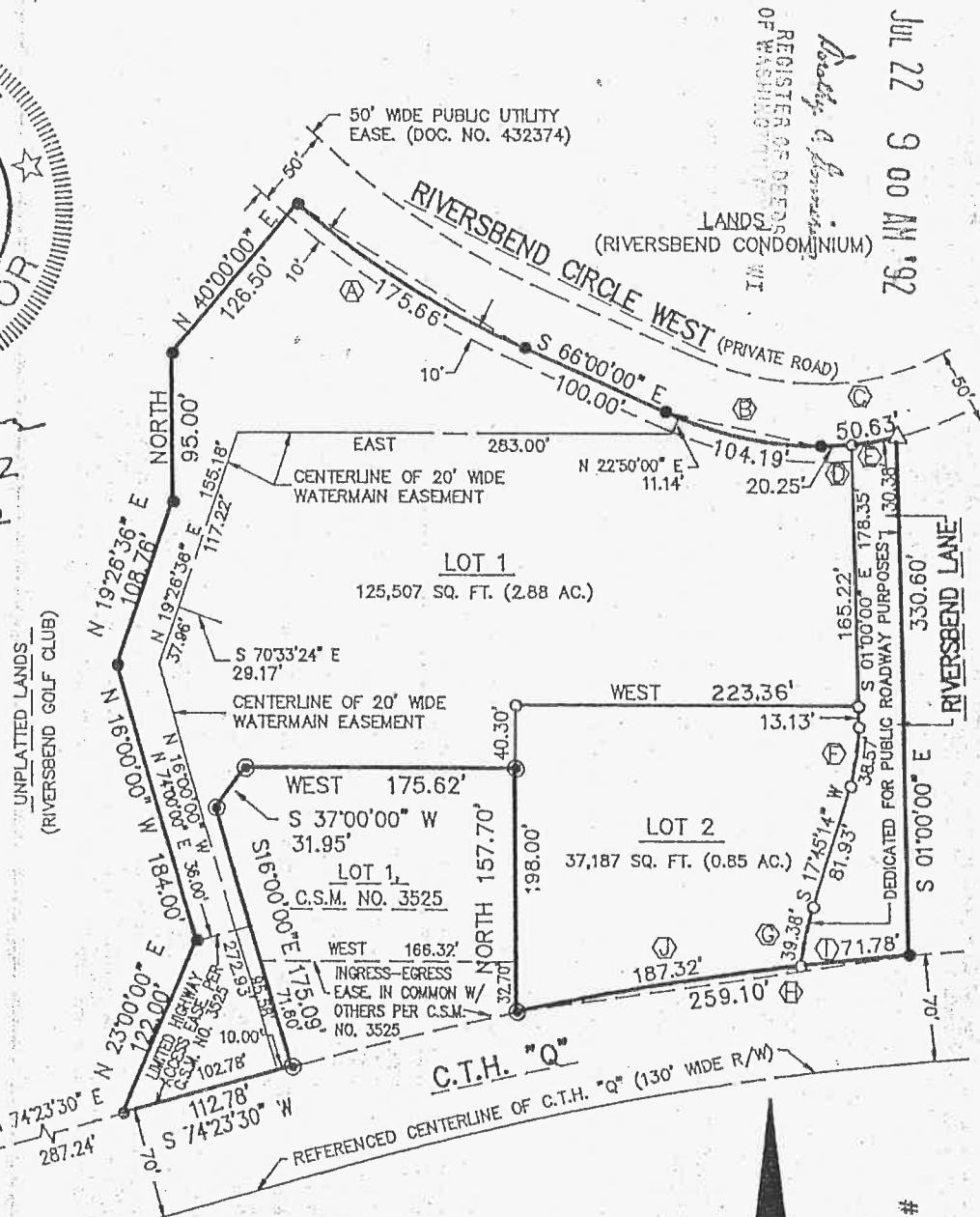
FAIRFIELD
INN & SUITES[®]
Marriott

Design Considerations	
Police (law)	100% No.
10/2004-2006	
Geographical	*
Cost	100% No.

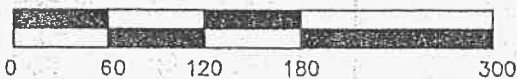
NOTE: SEE PAGE 3 OF 4 FOR CURVE DATA AND LOT RESTRICTION NOTES



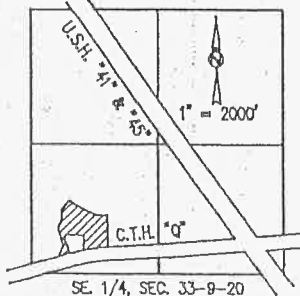
Mark A. Powers
June 1, 1992
Revised 7/1/92



SCALE: 1" = 120'



LOCATION MAP



FEE
EXEMPT
1725(20)

BEARINGS ARE REFERENCED TO WISCONSIN
STATE PLANE COORDINATES, SOUTH ZONE,
ON THE SOUTH LINE OF THE SW 1/4,
SEC. 33-9-20, AS N. 89°20'48" E.

RECORDED

607696

Map No. 3903 Vol. 25 Page 14

JUL 22 9 00 AM '92

REGISTER OF DEEDS
OF WASHINGTON COUNTY
WI

LANDS
(RIVERSBEND CONDOMINIUM)

RIVERSBEND CIRCLE WEST (PRIVATE ROAD)

LOT 1
125,507 SQ. FT. (2.88 AC.)

LOT 2
37,187 SQ. FT. (0.85 AC.)

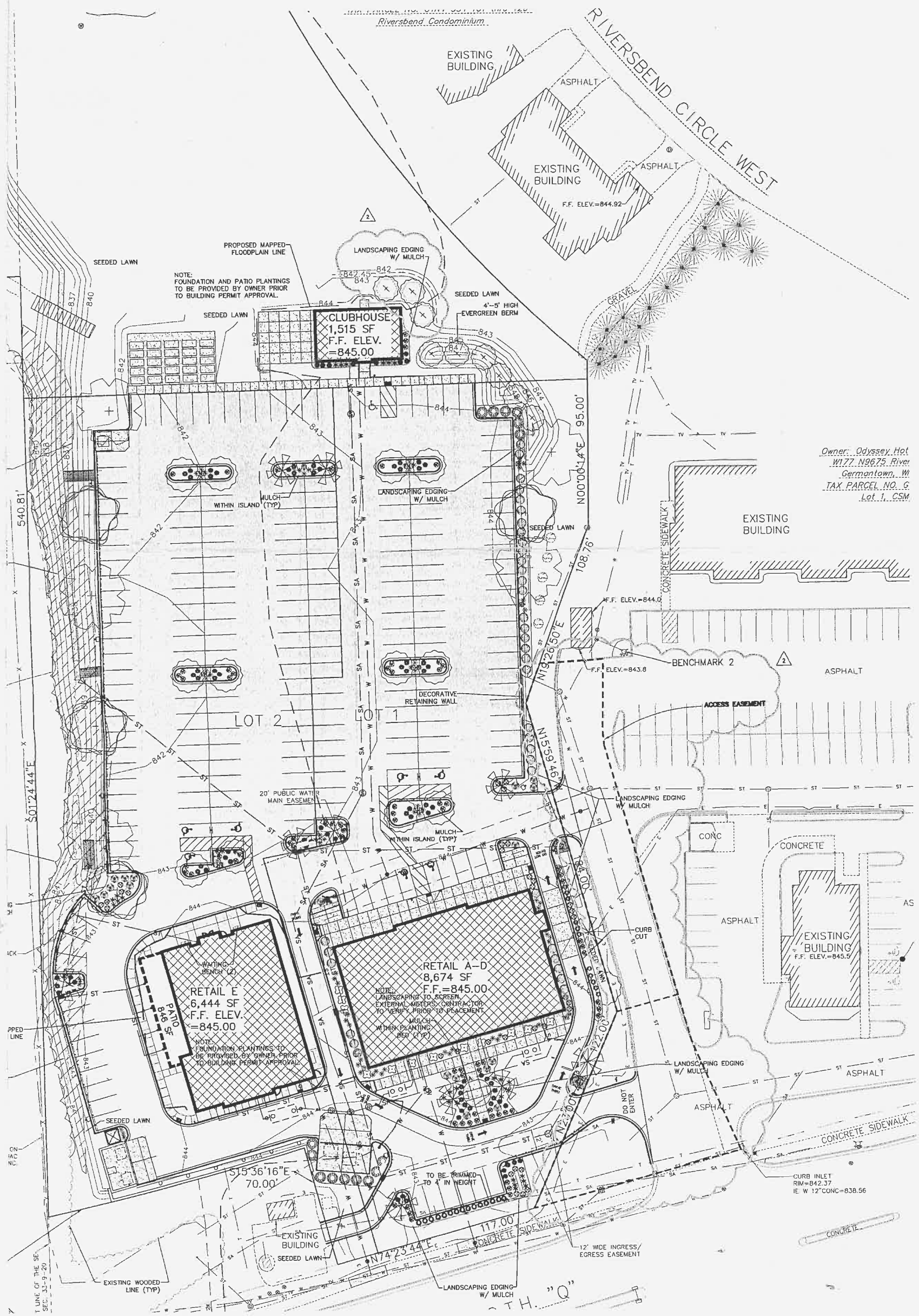
C.T.H. "Q"

REFERENCED CENTERLINE OF C.T.H. "Q" (130' WIDE R/W)



100 CAMELOT DRIVE
FOND DU LAC, WI 54935
PHONE: (920) 926-9800
FAX: (920) 926-9801

Always a Better Plan.



Owner: Odyssey, Hot
W177 N9675 River
Germantown, WI
TAX PARCEL NO. 6
Lot 1, CSM

OWNER:

CONTINENTAL 246 FUND LLC
W134 N8675 EXECUTIVE DRIVE
MENOMONEE FALLS, WI 53051

PROJECT:

CONTINENTAL 246 FUND LLC
N96 W18034 COUNTY LINE ROAD
GERMANTOWN, WI 53022

SHEET ISSUE:

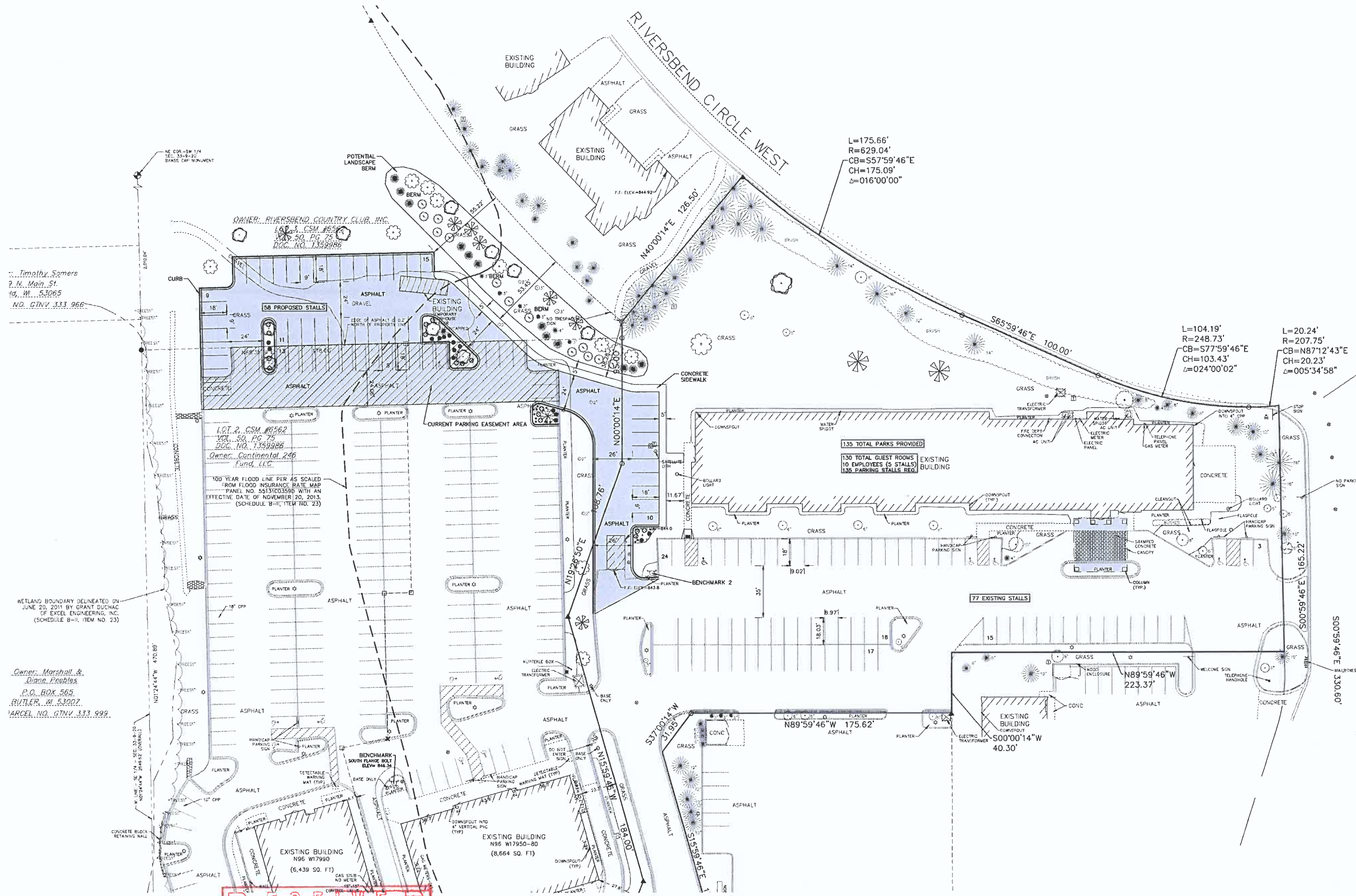
FEBRUARY 17, 2014
SEE TITLE SHEET TO CONFIRM
THAT THIS SHEET HAS BEEN
ISSUED FOR CONSTRUCTION

REVISIONS:

APRIL 21, 2014
MAY 13, 2014

JOB NUMBER:

GENERAL DEVELOPMENT PLAN FOR:
ODYSSEY HOTELS
RIVERSBEND LA • GERMANTOWN, WI



PROFESSIONAL SEAL

PRELIMINARY DATES
OCTOBER 6, 2016
OCTOBER 31, 2016
NOV. 8, 2016

NOT FOR CONSTRUCTION

SHEET INFORMATION
ODYSSEY HOTEL GDP
SITE PLAN
SHEET NUMBER

C1



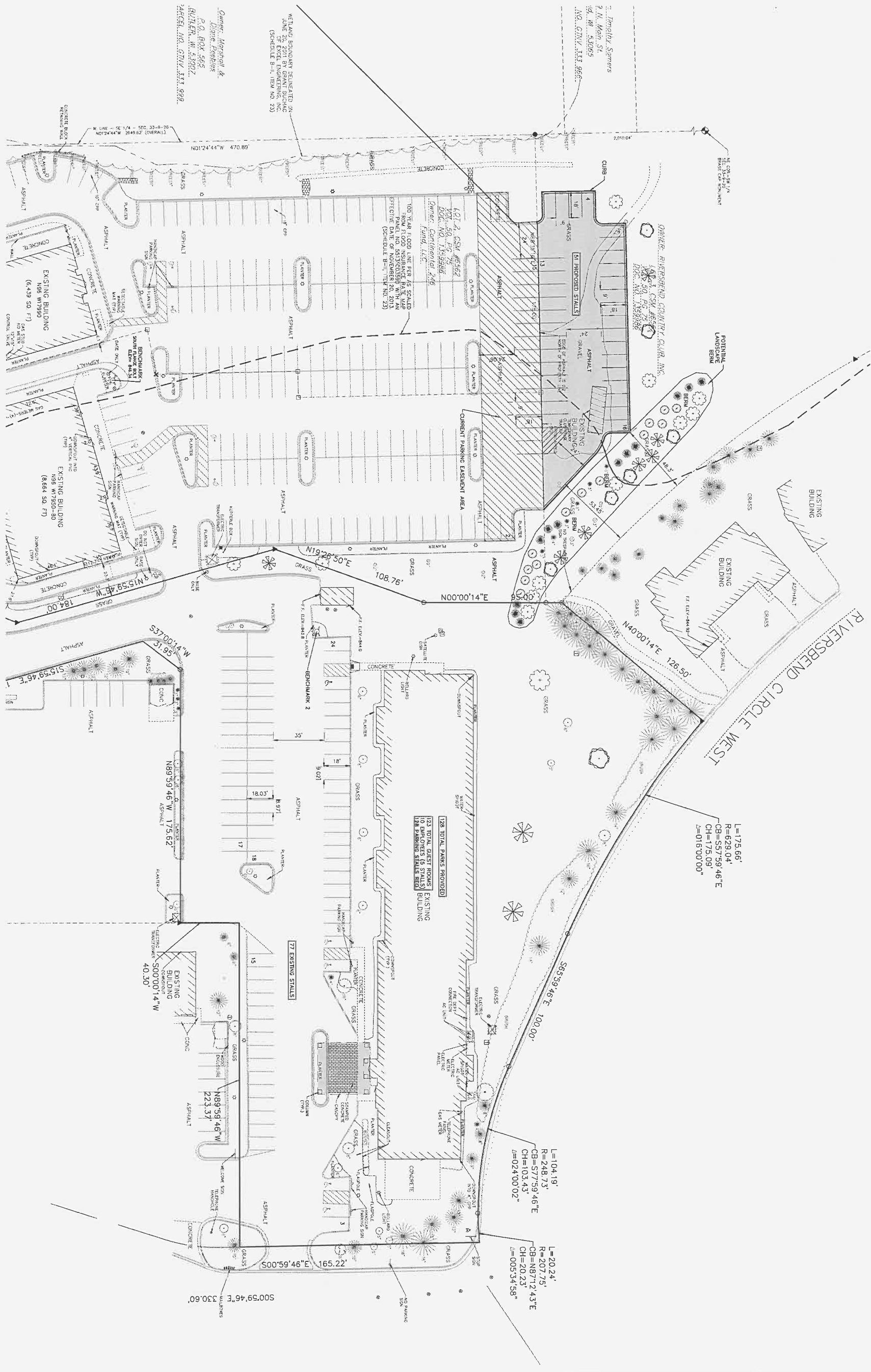


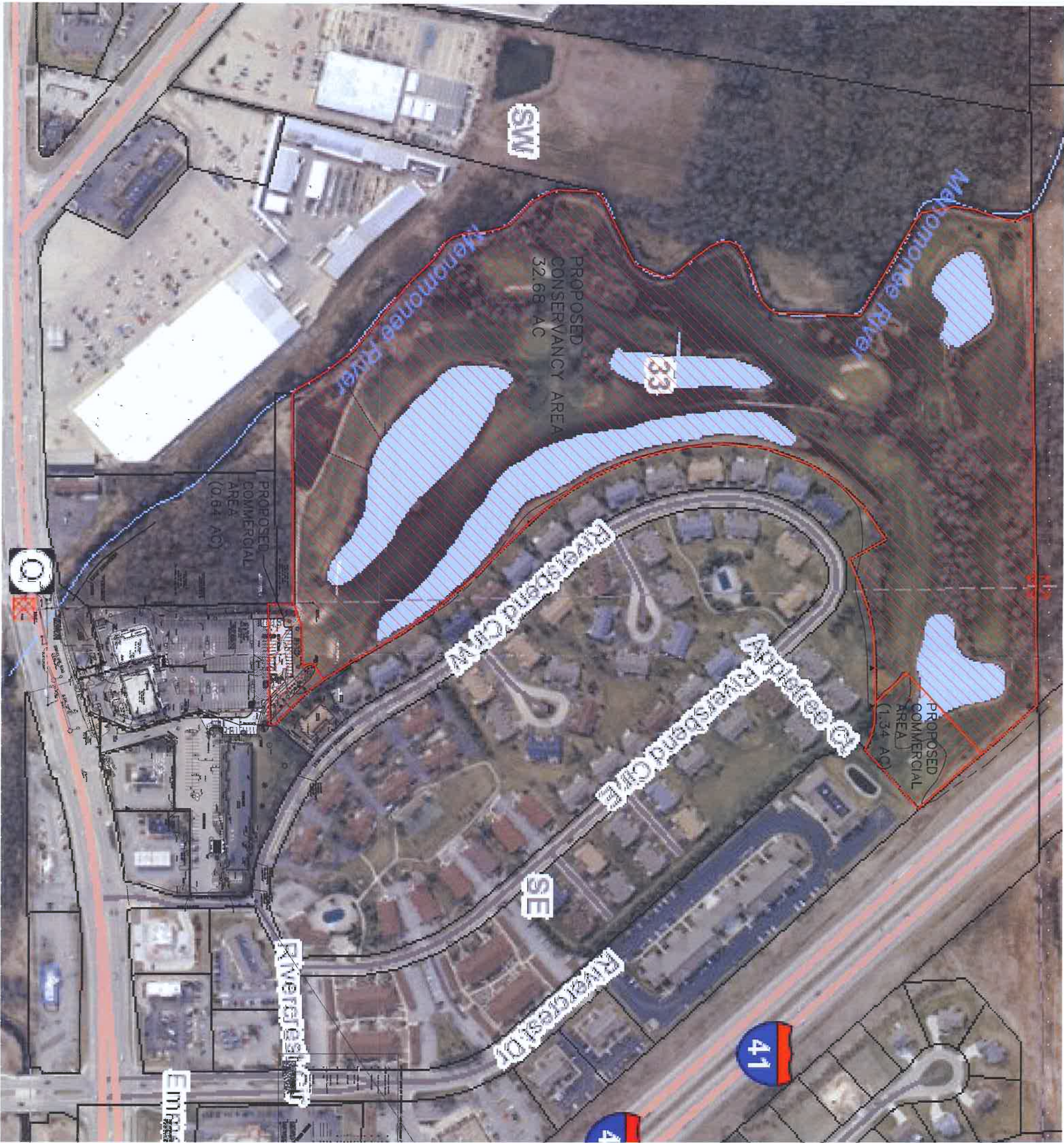
PROJECT NUMBER 1637520

PROFESSIONAL SEA

NOT FOR CONSTRUCTION

ODYSSEY HOTEL GDA
SITE PLAN - OPTION 2





EXCEL
ARCHITECTS • ENGINEERS • SURVEYORS
100 CAMELOT DRIVE
FOND DU LAC, WI 54935
PHONE: (920) 928-5800
WWW.EXCELENGINEER.COM

PROJECT INFORMATION
PROJECT NUMBER: 1637520

GENERAL DEVELOPMENT PLAN FOR:
ODYSSEY HOTELS
RIVERSBEND LA • GERMANTOWN, WI

PROPOSED DEVELOPMENT

PRELIMINARY DATES
OCTOBER 6, 2016

NOT FOR CONSTRUCTION

SHEET INFORMATION
RIVERBEND GOLF COURSE
GDP SITE PLAN
SHEET NUMBER

C2

© 2016 EXCEL ENGINEERING, INC.

NOTE: TOPOGRAPHICAL CONTOURS ON THIS SHEET ARE EXISTING. FOR NEW GRADING REFER TO SHEET C2.

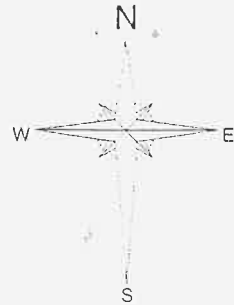
PLANT SCHEDULE

96008/ German town

MARK	COMMON NAME	BOTANICAL NAME	SIZE
A	Thornless Honey Locust	Gleditsia triacanthos "Skyline"	1 1/2" B&B
B	Summit Green Ash	Fraxinus pennsylvanica	1 1/2" B&B
C	Austrian Pine	Pinus nigra	4" B&B
D	Eastern Redbud	Cercis canadensis	4" B&B
E	Woodward Ginkgo Arborescens	Thuja occidentalis "Woodward"	5-gal. cont.
F	Tall Hedge Buckthorn	Rhamnus fraxinea "columnaris"	3" pot
G	Bailey Red Twig Dogwood	Cornus baileyi	3" pot
H	Goldfinger	Potentilla fruticosa "Goldfinger"	18" pot
J	Frederick Spirea	Frederick	18" pot
K	Japanese Barberry	Berberis thunbergii	1" gal
L	Hedge Cotoneaster	Cotoneaster lucidus	36" pot

GENERAL NOTES

- Mulch beds shall be washed stone mulch, 3" deep 30" wide, or approved equal.
- Mulch area shall be underlain with 6 mil polyfilm, with edges to overlap 6 inches minimum and 1 inch minimum on edging foundation of building. Provide at mulch bed areas black plastic edging.
- Landscape Contractor shall space shrubs for growth in three years as appropriate.
- Verify planter sizes at site with General Contractor.
- Substitutions shall be verified with Architect and Owner for availability.
- Verify removal of all existing trees with Owner/Architect prior to work.
- Where quantities of one plant variety are called for, space plants equally within the area shown.
- Single trees to be mulched with shredded bark 2" deep. Deciduous trees to have mulch circles 3' diameters. Evergreen trees to have mulch circles 1' beyond drip line.
- Provide sod in area between building and parking on south side of building. Provide seeded grass in all disturb areas around building and parking.



LANDSCAPE PLAN
SITE PLAN

1"=30'-0"

NOTE: TOPOGRAPHICAL CONTOURS ON THIS SHEET ARE EXISTING. FOR NEW GRADING REFER TO SHEET C2

HOLIDAY INN EXPRESS
& SUITES
Germantown, Wisconsin

Owner:
NEVIASER INVESTMENTS INC.
25 W. Main
Madison, Wisconsin
608.257.3777

SIEGER ARCHITECTS

1501 Monroe St., Madison WI 53711-2020
Phone: 608/283-6100 Fax: 608/283-6101

Job No. 96008

R-3/23/96

R-5/14/96 R-3/9/96

7/24/97 12:19:55 PM

C3

*NOTE: Drawings are 50% scale for 11x17 print sets.

IX.B
X.A

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

MEETING DATE: December 19, 2016

AGENDA ITEM: Public Hearing & New Business **(REZONING APPLICATION &
CERTIFIED SURVEY MAP)**

ITEM TITLE: Matthew Schaetzel & Carrie D'Acquisto, Property Owners of parcels located at N116 W16416 & W16366 Main Street; Rezoning & 2-Lot Certified Survey Map (CSM)

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

SUMMARY EXPLANATION:

Matthew Schaetzel & Carrie D'Acquisto, owners of two existing residential lots on Main Street, are seeking approval of a 2-lot Certified Survey Map (CSM) for the purpose of adjusting the common lot line between the two lots by conveying 7,700 sqft from the D'Acquisto lot to the Schaetzel lot. The small area in question is oddly shaped, already lies behind of the Schaetzel lot and contains an accessory building that already appears to be part of the Schaetzel lot (but isn't). The proposed Rs-3 to Rd-2 rezoning affects the 7,700 sqft area being attached to the Schaetzel lot in order to put the entire parcel into the same Rd-2 District (and avoid split-zoning on the lot). The proposed Rs-3 to Rs-4 rezoning affects the entire D'Acquisto lot in order to make it conforming (but not able to be divided into additional lots).

ATTACHMENTS:

- ◆ 11/14/16 Staff Report
- ◆ 11/14/16 Plan Commission Meeting Minutes
- ◆ Draft Ordinance
- ◆ Preliminary CSM

PLAN COMMISSION RECOMMENDATION:

APPROVE the 2-lot Certified Survey Map and proposed rezoning for the Schaetzel and D'Acquisto properties located on Main Street subject to the following conditions:

1. All technical corrections identified by the Village Surveyor as summarized in the November 7, 2016 memo shall be made prior to recording the CSM.
2. In addition to rezoning the approximately 7,700 sqft area being conveyed from D'Acquisto to Schaetzel from the Rs-3: Single-Family to the Rd-2: Two-Family Zoning District, the Village shall also rezone the remaining D'Acquisto property from the Rs-3: single-Family to the Rs-4: Single-Family Zoning District.

**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, December 19, 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 for: (1) an application to REZONE the following described Schaetzel property from the Rs-3: Single-Family to the Rd-2: One & Two Family Zoning District; and the D'Acquisto property from the Rs-3: Single-Family to the Rs-4: Single-Family Zoning District.

Petitioners: Matthew Schaetzel & Carrie D'Acquisto, Property Owners
Property: Schaetzel: N116 W16416 Main Street (Tax Key No. 222-011)
D'Acquisto: N116 W16366 Main Street (Tax Key No. 221-010)

A Redivision of Outlot 9, and part of Outlot 7 of Assessor's Plat Village of Germantown Southeast 1/4, Northwest 1/4 of Section 22 and that part of Outlot 24 Assessor's Plat Village of Germantown Southwest 1/4, Northeast 1/4 of Section 22, all in Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin; Described as follows; Commencing at the Southeast corner of the Northeast 1/4 of said Section 22, thence S88°37'57"W along the South Line said Section 22, 2463.29 feet to the point of beginning of this description; thence continuing S88°37'57"W, 174.71 feet to the Southwest corner of said Northeast 1/4; thence S88°33'42"W along the South line of the Northwest 1/4 of said Section 22, 120.00 feet; thence N01°26'18"W, 314.80 feet to a point on the Southerly RJW Railroad; thence S63°17'22"E along said Southerly line, 335.14 feet; thence S01°09'03"E, 156.91 feet to the point of beginning of this description. Said area contains 1.598 acres.

I

A copy of the application is on file in the Village Planning Department 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 22nd day of November, 2016.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: December 1st and December 8th, 2016

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF GERMANTOWN ZONING CODE**
(Matthew Schaetzel & Carrie D'Acquisto, Property Owners)

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 the Schaetzel property from the Rs-3: Single-Family to the Rd-2: One & Two Family Zoning District and the D'Acquisto property from the Rs-3: Single-Family to the Rs-4: Single-Family Zoning District on the following described property:

A Redivision of Outlot 9, and part of Outlot 7 of Assessor's Plat Village of Germantown Southeast 1/4, Northwest 1/4 of Section 22 and that part of Outlot 24 Assessor's Plat Village of Germantown Southwest 1/4, Northeast 1/4 of Section 22, all in Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin; Described as follows; Commencing at the Southeast corner of the Northeast 1/4 of said Section 22, thence S88°37'57"W along the South Line said Section 22, 2463.29 feet to the point of beginning of this description; thence continuing S88°37'57"W, 174.71 feet to the Southwest corner of said Northeast 1/4; thence S88°33'42"W along the South line of the Northwest 1/4 of said Section 22, 120.00 feet; thence N01°26'18"W, 314.80 feet to a point on the Southerly RJW Railroad; thence S63°17'22"E along said Southerly line, 335.14 feet; thence S01°09'03"E, 156.91 feet to the point of beginning of this description. Said area contains 1.598 acres.

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:

The Plan Commission had the following comments and concerns:

- Commissioner Laszewski asked if the B-3 zoning district is appropriate and needs to be continued for this property. Planner Retzlaff said it would make the properties consistent with what's currently there.
- Commissioner Niles is in favor of the concept but has some concerns with the users and traffic impact. Mr. Laurent said the users would be 1500-3000 sqft businesses with 2-5 employees. He said he could put together something with anticipated traffic counts if needed.
- Planner Retzlaff commented that the proposed buildings have a lesser quality building material than the existing building which has stone brick veneer on all four sides. Commissioner Gray said the buildings look like garage doors marching down the front and back and look very blocky and kind of square. She added they don't seem to have a lot of character and that landscaping may help break up the panels of the building especially the siding. Commissioner Baum said the buildings have no vertical or horizontal articulation, the roofline is just flat with no projections above, and the projections of the entries don't stand out. He'd like to see something that punches through the roof line on both sides. The vertical architectural metal siding is making the building look very drab. He suggested popping up the 2 stone panels on the street side above the roof line and at the corners to break up the roof line. He was less interested in doing something on the buildings on the inside area. He added that the building code will require sidewalks around the building and they should be put on the plans.
- Planner Retzlaff said the proposed parking meets the minimum requirements. The need for additional parking will depend on the tenants and be assessed at the time a zoning permit comes in.
- Commissioner Gray was concerned with the lack of landscaping on the interior space and also asked for some type of landscaping to break up the front of buildings to make them less industrial looking. Mr. Laurent said there really wasn't any room for landscaping. Commissioner Gray suggested the inside island could be raised up with a mixed use of plants and shrubs. Trustee Baum said some landscaping could be put in between the drive lane and the wetland boundary and at the northwest end by the water detention pond and bits and pieces around the property.
- Mr. Laurent said he would work with some high/low to break up the roof line along the high way side and add natural stone to tie back into the other office building. He asked if the vertical metal panels are acceptable. Trustee Baum suggested bringing in material samples or something more interesting. Trustee Baum suggested horizontal 1x2 or 2x4 metal panels might be interesting. Mr. Laurent mentioned possibly using insulated metal panels similar to the D&G building that look like pre-cast panels.

This item was for discussion only. No action was taken.

Chairman Wolter arrived at 7:05 p.m.

Matthew Schaetzel N116 W16416 Main Street & Carrie D'Acquisto – N116 W16366 Main Street. The property owners are seeking approval of a 2-lot Certified Survey Map and rezoning application. Planner Retzlaff summarized the proposal.

MOTION Laszewski second Baum to Approve the 2-lot Certified Survey Map and proposed rezoning for the Schaetzel and D'Acquisto properties located on Main Street subject to the following conditions:

- 1. All technical corrections identified by the Village Surveyor as summarized in the November 7, 2016 memo shall be made prior to recording the CSM.**
- 2. In addition to rezoning the approximately 7,700 sqft area being conveyed from D'Acquisto to Schaetzel from the Rs-3: Single-Family to the Rd-2: Two-Family Zoning District, the Village shall also rezone the remaining D'Acquisto property from the Rs-3: single-Family to the Rs-4: Single-Family Zoning District.**

MOTION carried unanimously.

Paula & Chad Wagner – W159 N9657 Butternut Road. The property owners are seeking approval to install a fence within an existing drainage easement on their residential lot. Planner Retzlaff summarized the proposal.

MOTION Gray second Baum to Approve the request to install a fence within an existing drainage easement on the residential lot located at W159 N9657 Butternut Road subject to the following conditions:

- 1. The owner shall regularly inspect the fence installed within the easement, including during and after storm events, to remove any debris accumulated around his fence and the fence must be maintained and otherwise kept free of debris that can clog the openings and restrict storm water flow across the easement.**
- 2. Any easement agreement shall remain in effect.**
- 3. In the event that the Village needs to remove the fence in order to maintain the drainage easement or for any other reason, the Village shall have the right to remove the fence at the owner's expense and shall not be responsible for replacement or reinstallation.**
- 4. The property owner is responsible for all damage caused by and/or resulting from installation of any fence within the 20' drainage easement.**
- 5. Once installed, if the fence is deemed by the Village to cause and/or contribute to flooding of property that wouldn't have occurred or be as severe if the fence had been installed outside of the drainage easement, the Village may require the property owner to modify the fence design and materials, or, relocate the fence outside the drainage easement.**

Trustee Baum asked the owners if they were aware of the conditions. Commissioner Laszewski stated he doesn't think its good policy to approve a fence in a drainage easement.

MOTION carried 6-1 (Laszewski).

Lori & David Gutbrod for Advantage Research – W162 N11840 Fond du Lac Avenue. The property owners have submitted an application to rezone the 4.24 acre parcel from the Rs-2: Single-Family Residential Zoning District to the B-4: Professional Office Zoning District to accommodate the conversion of the residential dwelling to an office building. Planner Retzlaff summarized the proposal. His recommendation was to Table action until further information is received from the owners regarding a potential division of the property before rezoning the entire parcel because there could be compatibility issues with the existing residential areas to the North and East. He said there is a potential for developing a significant amount of office development on 4 acres of land and the area has been identified as suitable for a future mixed used type development. He suggested placing a cap on the north half of the property to keep it

CERTIFIED SURVEY MAP (CSM) & REZONING APPLICATION

11/14/16 Plan Commission Meeting

Matthew Schaetzel & Carrie D'Acquisto

Village Planner Report

Germantown, Wisconsin

Summary

Matthew Schaetzel & Carrie D'Acquisto, property owners of two existing residential lots on Main Street are seeking approval of a 2-lot Certified Survey Map (CSM) and rezoning application.

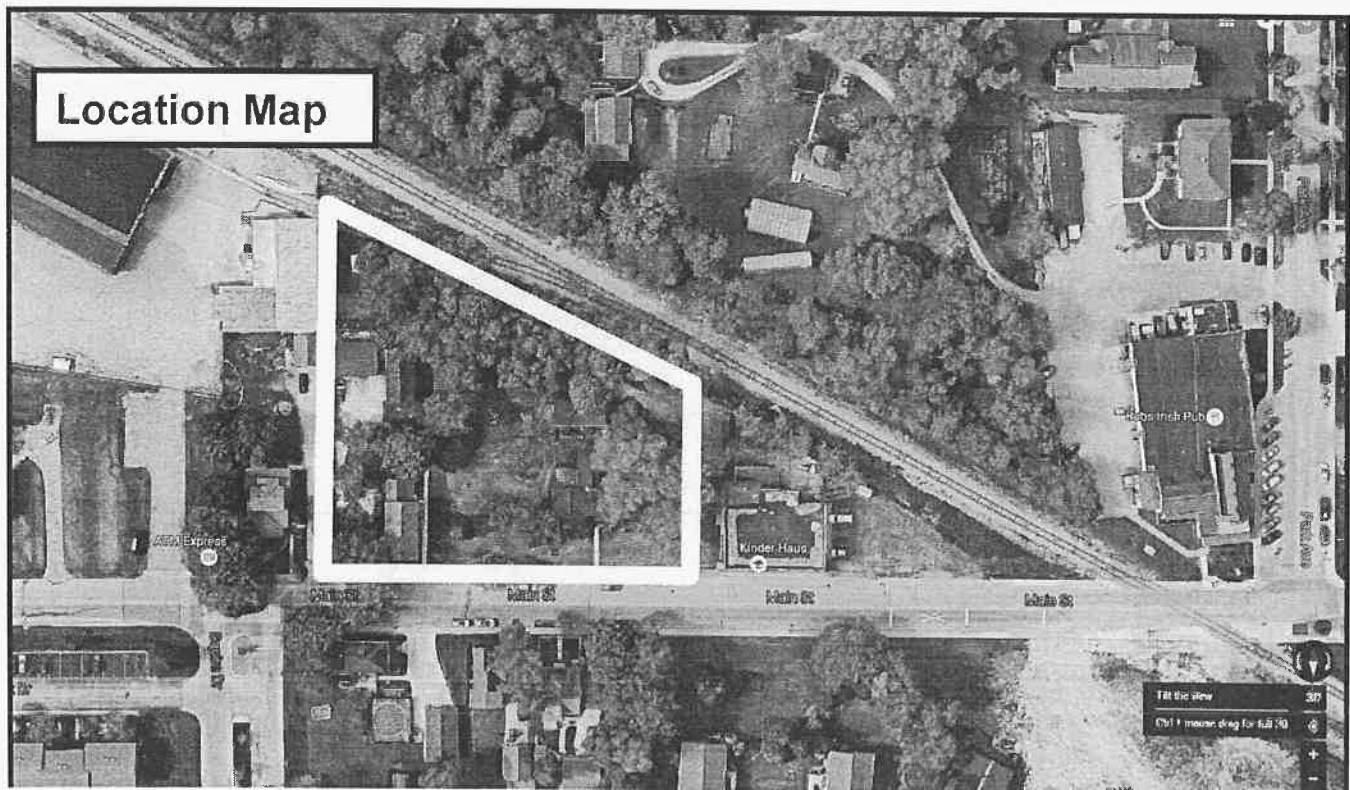
Location: Main Street (north side between Squire Drive & Park Street)

Applicants/

Property Owners: Matthew Schaetzel N116 W16416 Main Street
Carrie D'Acquisto N116 W16366 Main Street

Current Zoning: Schaetzel Rd-2: Two-Family
D'Acquisto Rs-3: Single-Family

Adjacent Land Uses		Zoning
North	Railroad ROW	n/a
South	Residential	Rs-4/Rs-7
East	Business	B-3
West	Business/Residential	B-3/Rs-5



Proposal

Matthew Schaetzel & Carrie D'Acquisto, property owners of two existing residential lots on Main Street are seeking approval of a 2-lot Certified Survey Map (CSM) for the purpose of adjusting the common lot line between the two lots by conveying an approximately 7,700 sqft area from the D'Acquisto lot to the Schaetzel lot. As shown in the proposed CSM, the small area in question is oddly shaped, already lies behind (north) of the Schaetzel lot and contains a detached accessory building that, by its existing location, already appears to be part of the Schaetzel lot. The proposed Rs-3 to Rd-2 rezoning only affects the 7,700 sqft area being conveyed in order to put the entire Schaetzel lot into the Rd-2 District (and avoid split-zoning on the lot).

Staff Analysis

Consistency with the Village's Land Use Plan & Applicable Zoning Districts.

The Land Use Plan map classifies both lots as "Village Mixed Use". This land division affects two existing residential lots created many years ago and is not inconsistent with the land use classification that encourages the preservation of existing residential uses.

As presented in the table below, both the Schaetzel and D'Acquisto properties are "conforming" in terms of the minimum area required for the respective zoning districts (Rd-2 and Rs-3). However, while the proposed detachment appears reasonable in terms of better defining the common property line in light of the existing buildings, it does reduce the D'Acquisto lot below the minimum 1.0-acre requirement for the Rs-3 Zoning District. Consequently, staff is recommending that the entire remaining D'Acquisto lot be rezoned from Rs-3 to Rs-4 in order to make it conforming (but still unable to be divided into any additional lots).

Lot Owner	Existing		Proposed	
	Zoning	Area	Zoning	Area
Schaetzel	Rd-2	21,100	Rd-2	25,506 sqft
	min: 15,000 sqft	.48 Ac	min: 15,000 sqft	.59 Ac
D'Acquisto	Rs-3	48,521 sqft	Rs-4	34,387 sqft
	min: 43,560 sqft	1.11 Ac	min: 20,000 sqft	.79 Ac
NOTE: Proposed areas reflect 9,728 sqft. ROW dedication for Main Street				

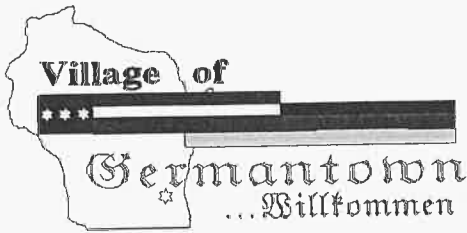
With regard to the existing detached accessory building that is effectively being "transferred" from the D'Acquisto to the Schaetzel lot, the Rd-2 Zoning district allows for two (2) detached accessory building per lot.

The Engineering Department (Village Surveyor) has identified a few technical corrections in a November 7, 2016 memo (copy attached) that will have to be corrected prior to recording of the CSM.

Village Planner Recommendation

APPROVE the 2-lot Certified Survey Map and proposed rezoning for the Schaetzel and D'Acquisto properties located on Main Street subject to the following conditions:

1. All technical corrections identified by the Village Surveyor as summarized in the November 7, 2016 memo shall be made prior to recording the CSM.
2. In addition to rezoning the approximately 7,700 sqft area being conveyed from D'Acquisto to Schaetzel from the Rs-3: Single-Family to the Rd-2: Two-Family Zoning District, the Village shall also rezone the remaining D'Acquisto property from the Rs-3: single-Family to the Rs-4: Single-Family Zoning District.



Engineering Department Memorandum

To: Jeff Retzlaff Village Planner

CC:

From: Bob Beilfuss, PLS, Village Surveyor

Date: November 7, 2016

Re: Schaetzel-Main Street CSM

Jeff,

Here are my review comments for the CSM received 10/14/2016.

Certified Survey Map

Applicant or Owner: Matt Schaetzel and Carrie D 'Acquisto

Land Surveyor/Firm: Don Chaput, PLS, Chaput Land Surveys

1. The angular and distance accuracy statement is missing and needs to be added
2. The point of beginning needs to be added.
3. The 33' road dedication meets the requirements of the Engineering Department.

No further review comments.

Document Submittals and Data Conversion

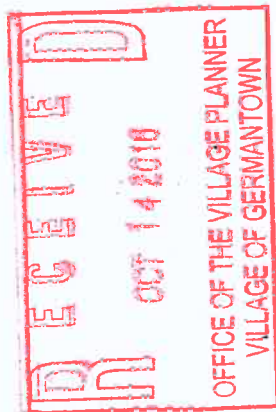
As of October, 2005, the Village of Germantown requires a digital copy of all Certified Survey Maps, Condominium Plats and Subdivision Plats in addition to the documents as required by Wisconsin Statute and Village Ordinances as part of the land division approval.

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.

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.



Certified Survey Map No. _____

A Redivision of Outlot 9, and part of Outlot 7 of Assessor's Plat Village of Germantown Southeast 1/4, Northwest 1/4 of Section 22 and that part of Outlot 24 Assessor's Plat Village of Germantown Southwest 1/4, Northeast 1/4 of Section 22, all in Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Owners:

Matthew R. Schaezel
Carrie A. Schaezel
N116 W16416 Main Street
Germantown, WI 53022

Owners:

Carrie M D'Acquisto
N116 W16366 Main Street
Germantown, WI 53022

Surveyor:

Richard Simon
Cornerstone Land Surveying, Inc.
5080 Fairy Chasm
West Bend, WI 53095
(262) 424-5630

CSM 490

Legend:

- Denotes Iron Pipe Found
- 3/4" OD X 18" Iron Rod 1.50 Lbs./Lin. Ft., Set

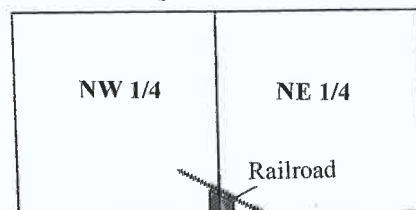
RD - 2 Zoning

30' - Front
10' - Side
25' - Rear

Scale 1"= 60'



Location Map
North 1/2 of Section 22-9-20



Main Street

Notes:

- 1) Bearings or Distances in () are Recorded Measurements
- 2) In providing this boundary survey no attempt has been made to obtain or show data concerning the existence of any utility on the site, whether private, municipal, or public owned.
- 3) Bearings are referenced to the South Line of the Northeast 1/4 of Section 22-9-20, bearing N88°37'57"E, per State Plane Coordinate System, South Zone. (NAD 1927)

Southwest corner of the
Northwest 1/4 of Section 22-9-20
Concrete Mon. w/Brass Cap
453272.01
2500256.94

2487.91'
South Line of the Northwest 1/4 of Section 22-9-20
S 88°33'42" W 2607.91'

Main Street

Southeast corner of the
Northwest 1/4 of Section 22-9-20
Concrete Mon. w/Brass Cap
453337.46
2502863.76

South Line of the Northeast 1/4 of Section 22-9-20
N 88°37'57" E 24638.00'

33' Dedicated to the Public for Road Purposes
9728 Sq. Ft.
0.223 Acres

Southeast corner of the
Northeast 1/4 of Section 22-9-20
Concrete Mon. w/Brass Cap
453400.41
2505500.73

Outlot 24



Neighboring Building
2.84' from Property Line

Neighboring Garage
0.30' from Property Line

Outlot 8

Lot 1

25506 Sq. Ft.
0.586 Acres

Lot 2

34387 Sq. Ft.
0.789 Acres

Certified Survey Map No. _____

A Redivision of Outlot 9, and part of Outlot 7 of Assessor's Plat Village of Germantown Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$ of Section 22 and that part of Outlot 24 Assessor's Plat Village of Germantown Southwest $\frac{1}{4}$, Northeast $\frac{1}{4}$ of Section 22, all in Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Surveyor's Certificate

I, Richard L Simon, Professional Land Surveyor, hereby certify:

A Redivision of Outlot 9, and part of Outlot 7 of Assessor's Plat Village of Germantown Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$ of Section 22 and that part of Outlot 24 Assessor's Plat Village of Germantown Southwest $\frac{1}{4}$, Northeast $\frac{1}{4}$ of Section 22, all in Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Described as follows:

A Redivision of Outlot 9, and part of Outlot 7 of Assessor's Plat Village of Germantown Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$ of Section 22 and that part of Outlot 24 Assessor's Plat Village of Germantown Southwest $\frac{1}{4}$, Northeast $\frac{1}{4}$ of Section 22, all in Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin; Described as follows; Commencing at the Southeast corner of the Northeast $\frac{1}{4}$ of said Section 22, thence S88°37'57"W along the South Line said Section 22, 2463.29 feet to the point of beginning of this description; thence continuing S88°37'57"W, 174.71 feet to the Southwest corner of said Northeast $\frac{1}{4}$; thence S88°33'42"W along the South line of the Northwest $\frac{1}{4}$ of said Section 22, 120.00 feet; thence N01°26'18"W, 314.80 feet to a point on the Southerly R/W Railroad; thence S63°17'22"E along said Southerly line, 335.14 feet; thence S01°09'03"E, 156.91 feet to the point of beginning of this description.

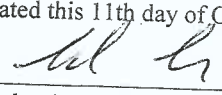
Said parcel contains 1.598 Acres Gross

That I have made such survey, division, and map by the direction of Matthew R. Schaetzel & Carrie A. Schaetzel and Carrie M D'Acquisto .

That this map is a correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with provisions of s. 236.34 of the Wisconsin Statutes and the subdivision regulations of the Village of Germantown in surveying, dividing, dedicating and mapping the same.

Dated this 11th day of October, 2016


Richard L Simon, P.L.S. #2698
Cornerstone Land Surveying
5080 Fairy Chasm Road
West Bend, WI 53095
262-424-5630



Village of Germantown Planning Commission Approval

This Certified Survey Map is hereby approved by the Planning Commission of the Village of Germantown on this _____ day of _____, 20__.

Dean Wolter, Chairman Date

Laura A. Johnson, Secretary Date

Village of Germantown Board Approval

This Certified Survey Map, being a division of (SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ all in Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, having been approved by the Planning Commission being the same, hereby approved the dedication of that part of Main Street for public road purposes as shown on Sheet 1 of 4 is hereby accepted by the Village Board of Trustees of the Village of Germantown on this _____ day of _____, 2016.

Dean Wolter, Village President Date

Barbara K.D. Goeckner, Village Clerk Date

Certified Survey Map No. _____

A Redivision of Outlot 9, and part of Outlot 7 of Assessor's Plat Village of Germantown Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$ of Section 22 and that part of Outlot 24 Assessor's Plat Village of Germantown Southwest $\frac{1}{4}$, Northeast $\frac{1}{4}$ of Section 22, all in Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Owner's Certificate

We, Matthew R. Schaetzel & Carrie A. Schaetzel do hereby certify that we caused the land described in the foregoing affidavit of Richard L. Simon, Surveyor, to be surveyed, divided, dedicated and mapped as represented on this Certified Survey Map. "As Owners, we hereby dedicate that part of Main Street to the Village of Germantown for public road purposes as represented on Sheet 1 of 4 of this Certified Survey Map."

WITNESS the hand and seal of said Signer, this _____ day of _____,

Matthew R. Schaetzel

Carrie A. Schaetzel

State of Wisconsin) SS
_____ County)

Personally came before me this _____ day of _____, _____, the above named, Matthew R. Schaetzel & Carrie A. Schaetzel to me, known to be the people who executed the foregoing instrument and acknowledge the same.

Notary Public

_____ County, State of Wisconsin

My commission expires: _____

Consent of Mortgagee

I, _____ of _____, mortgagee of the above described land, do hereby consent to the surveying, dividing, and mapping of the described land on this Certified Survey Map, and I do hereby consent to the certificate of Matthew R. Schaetzel & Carrie A. Schaetzel, as owners of said land.

Witness the hand and seal of said mortgagee this _____ day of _____,

Bank Officer

State of Wisconsin) SS
_____ County)

Personally came before me this _____ day of _____, _____, the above named, Matthew R. Schaetzel & Carrie A. Schaetzel to me, known to be the people who executed the foregoing instrument and acknowledge the same.

Notary Public

_____ County, State of Wisconsin

My commission expires: _____



Certified Survey Map No. _____

A Redivision of Outlot 9, and part of Outlot 7 of Assessor's Plat Village of Germantown Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$ of Section 22 and that part of Outlot 24 Assessor's Plat Village of Germantown Southwest $\frac{1}{4}$, Northeast $\frac{1}{4}$ of Section 22, all in Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Owner's Certificate

I, Carrie M D'Acquisto do hereby certify that we caused the land described in the foregoing affidavit of Richard L. Simon, Surveyor, to be surveyed, divided, dedicated and mapped as represented on this Certified Survey Map. "As Owners, we hereby dedicate that part of Main Street to the Village of Germantown for public road purposes as represented on Sheet 1 of 4 of this Certified Survey Map."

WITNESS the hand and seal of said Signer, this _____ day of _____,

Carrie M D'Acquisto

State of Wisconsin) SS
_____ County)

Personally came before me this _____ day of _____, _____, the above named, Carrie M D'Acquisto to me, known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public

_____ County, State of Wisconsin

My commission expires: _____

Consent of Mortgagee

I, _____ of _____, mortgagee of the above described land, do hereby consent to the surveying, dividing, and mapping of the described land on this Certified Survey Map, and I do hereby consent to the certificate of Carrie M D'Acquisto, as owner of said land.

Witness the hand and seal of said mortgagee this _____ day of _____,

Bank Officer

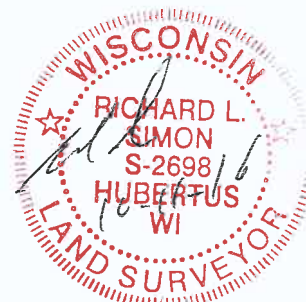
State of Wisconsin) SS
_____ County)

Personally came before me this _____ day of _____, _____, the above named, Carrie M D'Acquisto, known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public

_____ County, State of Wisconsin

My commission expires: _____



ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF GERMANTOWN ZONING CODE**
(Carrie D'Acquisto, Property Owner)

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 the following described property from the Rs-3: Single-Family to the Rs-4: Single-Family Zoning District on the following described property:

A Redivision of Outlot 9, and part of Outlot 7 of Assessor's Plat Village of Germantown Southeast ¼, Northwest ¼ of Section 22 and that part of Outlot 24 Assessor's Plat Village of Germantown Southwest ¼, Northeast ¼ of Section 22, all in Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin; Described as follows; Commencing at the Southwest corner of said Northwest ¼; thence N88°33'42"E along the South Line of said Northwest ¼, 2,487.91 feet; thence N01°26'18"W, along the west line of said Outlot 9, 33.00 feet; thence N88°33'42"E 100.00 feet to the point of beginning of this description; thence N01°26'16"W, 228.29 ; thence S63°17'22"E 221.72 feet; thence S01°09'03"E, 123.91 feet; thence S88°37'57"W, 175.14 feet; thence S88°37'57"E, 19.74 feet to the point of beginning. Said parcel contains .789 acres.

Address: N116 W16366 Main Street

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:

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF GERMANTOWN ZONING CODE**

(Matthew Schaetzel, Property Owner)

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 the following described area from the Rs-3: Single-Family to the Rd-2: One & Two Family Zoning District:

A Redivision of Outlot 9, and part of Outlot 7 of Assessor's Plat Village of Germantown Southeast 1/4, Northwest 1/4 of Section 22 and that part of Outlot 24 Assessor's Plat Village of Germantown Southwest 1/4, Northeast 1/4 of Section 22, all in Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin; Described as follows;

Commencing at the Southwest corner of the Northwest 1/4 of said Section 22, thence N88°33'42"E along the South Line said Northwest 1/4, 2,487.91 feet; thence N01°26'18"W, along the West line of said Outlot 9, 314.80 feet to the point of beginning of this description; thence continuing N01°26'18"W, 29.80 feet; thence S63°17'22"E, 113.42 feet; thence S01°26'18"E, 111.29 feet; thence S88°33'42"E, 50.00 feet; thence N01°26'18"W, 109.00 feet; thence N63°57'50"W, 56.36 feet to the point of beginning of this description. Said area contains 0.177 acres.

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:

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

IX. C
X. B

MEETING DATE: December 19, 2016

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

ITEM TITLE: Michelle Richards, Agent for Happy Hounds LLC, Operator, and A&V WaterJet Tech, Property Owner; Conditional Use Permit Application; Amendment to CUP #03-04 to allow an existing Dog Daycare Operation from a new property located at N116 W18395 Morse Drive

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

SUMMARY EXPLANATION:

Happy Hounds LLC is seeking approval of revisions to their existing Conditional Use Permit (CUP#03-04 granted in 2004) for the continued operation of a dog daycare, training, grooming and boarding facility at a new location located at N116 W18395 Morse Drive in the Germantown Industrial Park. Happy Hounds has operated from their current location at N115 W19150 Edison Drive since 2004. Conditional Use Permit #3-04 was granted in 2004 with a series of conditions (see CUP #3-04 attached).

Happy Hounds is looking to relocate from their current leased space on Edison Drive to a building they will purchase. The operation will remain essentially the same but in a larger building (10,000 sqft vs. the current 7,200 sqft). Uses and activities include: dog daycare, dog training, dog grooming & bathing, dog boarding, and retail sales of dog accessories.

ATTACHMENTS:

- ◆ 12-12-16 Staff Report
- ◆ 12-12-16 Plan Commission Meeting Minutes
- ◆ CUP#03-04
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATION:

APPROVE amendments to CUP #3-04 for the Happy Hounds dog daycare facility to be located at N116 W18395 Morse Drive in the Germantown Industrial Park subject to revisions to the existing (11) conditions and (5) additional conditions.

{see Draft CUP for all conditions recommended by the Plan Commission}

**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, December 19, 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 a dog daycare, training, grooming, boarding and retail shop for accessories from the following described property located at N116 W18395 Morse Drive pursuant to Sections 17.33(3)(c) of the Village Zoning Code.

Petitioner: Michelle Richards, Operator and Agent for A&V Waterjet Tech, Property Owners
Property: N116 W18395 Morse Drive (Parcel ID# 212-978)

Parcel 1 of Certified Survey Map (CSM) No. 3584; a 1.01 acre parcel being a part of the South ½ of the Northwest ¼ of Section 21, 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 November, 2016
Barbara K. D. Goeckner, Village Clerk*

To Be Published On: December 1st and December 8th, 2016

CONDITIONAL USE PERMIT APPLICATION

12/12/16 Plan Commission Meeting

Happy Hounds LLC / Ziming Wu

Village Planner Report

Germantown, Wisconsin

Summary

Michelle Richards, agent for Happy Hounds LLC, operator and Ziming Wu, property owner, is seeking a revised Conditional Use Permit for the operation of a dog daycare, training, grooming and boarding facility in the building located at N116 W18395 Morse Drive in the Germantown Industrial Park.

Property Location: N116 W18395 Morse Drive

Applicant/

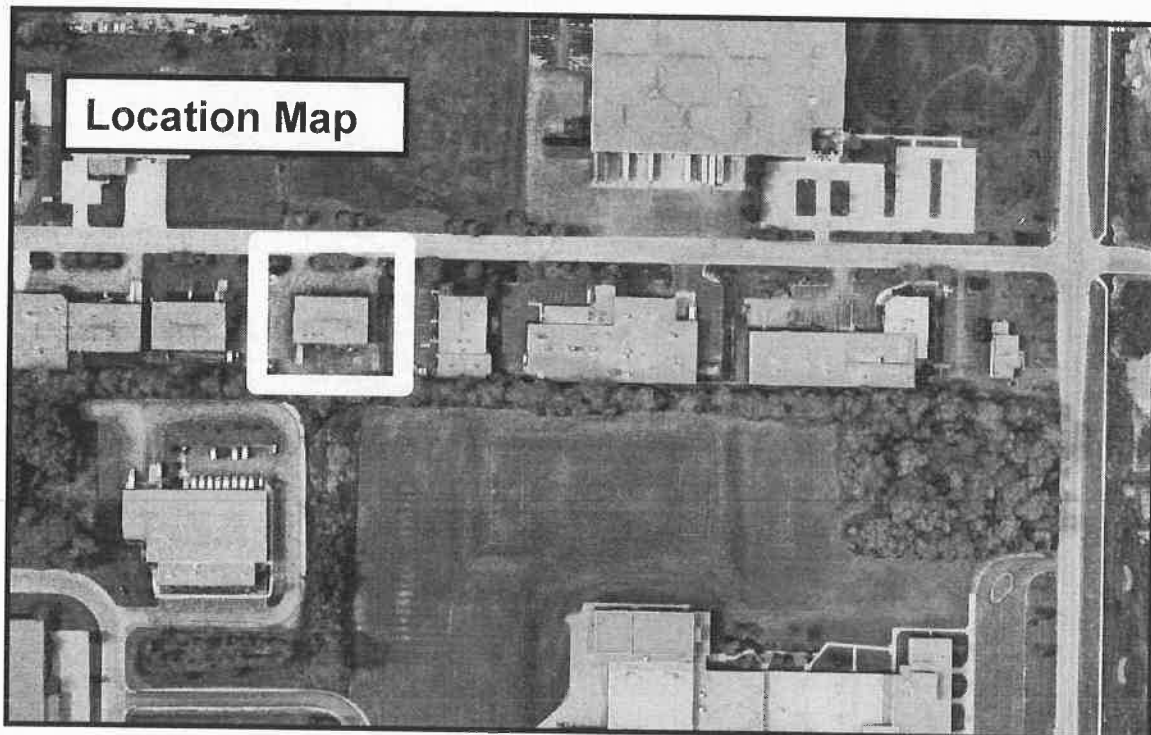
Property Owner:

Michelle Richards
Happy Hounds LLC
3624 Kacin Ct
Richfield, WI

Ziming Wu
A&V Waterjet Tech Inc.
N116 W18395 Morse Drive
Germantown, WI

Current Zoning: M-1: Limited Industrial District

Adjacent Land Uses		Zoning
North	Industrial	M-1
South	Institutional (Germantown HS)	I
East	Industrial	M-1
West	Industrial	M-1



Proposal

Michelle Richards, agent for Happy Hounds LLC, operator and Ziming Wu, property owner, is seeking a revised Conditional Use Permit for the operation of a dog daycare, training, grooming and boarding facility at the building located at N116 W18395 Morse Drive in the Germantown Industrial Park.

Happy Hounds has operated from their current location in the Germantown Industrial Park at N115 W19150 Edison Drive since 2004. Conditional Use Permit #3-04 was granted in 2004 with a series of conditions (see CUP #3-04 attached).

As discussed in the application materials, Happy Hounds is looking to relocate from their current leased space on Edison Drive to a building they will purchase. The operation will remain essentially the same but in a larger building (10,000 sqft vs. the current 7,200 sqft). Uses and activities include: dog daycare, dog training, dog grooming & bathing, dog boarding, and retail sales of dog accessories. Of the eleven (11) CUP conditions set forth in CUP #3-04, the operator is seeking revisions to the following conditions as explained in the application materials and summarized below:

- Condition #1: Increase building size from 7,200 to 10,000 sqft (and keep the list of uses the same);
- Condition #2: Delete max. number of dogs allowed on the premises (65)
- Condition #3: Delete max. number of dogs allowed outside (30)
- Condition #7: Delete requirement for PC approval of special events (optional)
- Condition #8: Delete requirement for sound mitigation measures if noise complaints received (optional)

Staff Comments

CUP#3-04 was issued for the existing dog daycare operation under Section 17.33(3)(c) of the Zoning Code that allows for *"Yards and structures used for the temporary storage or holding of animals not for slaughter"*. At that time, the Village Board debated the applicability of this allowance to a dog daycare operation. While acknowledging that an interpretation of this provision to allow a dog daycare operation was somewhat of a "stretch", the Plan Commission and Village Board agreed with staff that a use such as this is suitable (and possibly more preferable) in an industrial park setting. Consequently, CUP#3-04 was issued.

While the Zoning Code was never changed to specifically provide for dog daycare operations in the M-1 District, there's little question that the proposed dog daycare operation is a suitable and compatible use for the industrial park (in part as evidenced by the past 12 years of operation without issues or complaints). While proposed for a slightly different location, the surrounding properties are all industrial uses except for the high school property to the southeast.

As summarized above, Richards is requesting revisions to five (5) of the original eleven conditions. Condition #1 should be revised as requested because the new building size is larger (7,200 to 10,000 sqft).

Conditions #2 and #3 establish limits on the number of dogs that can be kept on the premises and outside at any one time. Richards explains that, although the new building is much larger (10,000 vs. 7,200 sqft) and there will be more outside play area (3 fenced yards vs. 1), maintaining an appropriate mix of dogs with their varied personalities and temperaments is a more important factor to mitigating potential problems than simply the quantity of dogs. Moreover, Richards points out that they are willing to abide by the other existing condition (Condition #8) that provides the Village the ability to require noise mitigation measures in the event that noise becomes a problem. Consequently, staff supports removing the current "number restriction" in favor of other conditions that will better enable the Village to work with the owner to address any future noise or other problems that might arise from an expanded operation.

Finally, Conditions #7 requires Plan Commission approval of any "special events". Richards indicates that Happy Hounds does not conduct special events. Staff points out that the Village has a more appropriate and flexible "Temporary Use Permit" requirement for any business owner conducting special events that might warrant extraordinary involvement or control by the Village (thereby eliminating the need to require PC approval as a condition of approval in this CUP).

Fire Department

Fire Department staff was initially concerned with maintaining 360 degree access around the building. However, the building is already fully sprinkled for fire protection. A sprinkled building allows 450 feet travel distance around the building/fencing. If this application moves forward, two new exit/access doors for the building need to be installed: one in the southwest and the other on the east side of the building. These doors need to be identified with code-compliant exit signs. Outside in the Southwest corner of the parking lot is a large electrical transformer. An access way will need to be provided at least 42" wide for Fire Department access around the existing wood guarding. Also, at the south end of the existing parking lot (within the proposed fenced area) the operator will be cleaning up the area with a grass surface providing 4 to 5 feet between the tree line. The east side of the building has an existing grass surface. All outside fenced in areas will require a man gate access with interconnecting access gates within the fenced dog play area. I estimate the travel distance to be 225 feet for Fire Department access from each side of the building.

Consequently, the following requirements should be included with any CUP approval:

1. Owner/Operator shall install a Knox Box at a location on the building to be determined by the Fire Department;
2. Owner/Operator shall install two (2) exit/access doors to the building: one in southwest corner and one on the east wall. Both exits/access doors shall be marked with code-compliant exit lighting;
3. Owner/Operator shall install access gates/doors on all fenced areas to provide outside perimeter access and inside gates to provide interior access.
4. Owner/Operator shall maintain a hard surface access walkway at least 42 inches wide along the west side of proposed fenced area and around the corner of the electrical transformer (southwest corner) extending to the south end of the parking lot. The lawn shall be maintained along the south side of the paved surface.

Village Planner Recommendation

APPROVE amendments to CUP#3-04 for the Happy Hounds dog daycare facility to be located at N116 W18395 Morse Drive in the Germantown Industrial Park subject to the following **REVISED** and **ADDITIONAL** conditions:

REVISED CONDITIONS

1. The facility shall be limited to a 10,000 ~~7,200~~ sq. ft. area, with the following allowed uses:
 - a. Dog daycare
 - b. Dog training.
 - c. Dog grooming and bathing.
 - d. Retail, sales of dog accessories.
 - e. Dog boarding.
- ~~2. The maximum number of dogs allowed on the premises at one time is 65.~~
- ~~3. The maximum number of dogs allowed outside the building at one time is 30.~~
4. Outside dog area shall be completely fenced in with a minimum 6 ft. solid or chain link fence with privacy slats.
5. The hours of operation shall be between 6:00 a.m. and 10:00 p.m.
6. All waste outside must be picked up on a daily basis and disposed of properly.
7. Any outside special events requires Plan Commission approval.
8. If the Village receives any complaints regarding the noise generated from barking dogs, the Village ~~Plan Commission~~ may require ~~that request~~ the applicant install sound softening or other mitigative measures within the areas of the building that the dogs are kept or take other action regarding the operation pursuant to Condition #13 herein.
9. All permanent and temporary signage requires Village permits and approval by the Plan Commission (if applicable).
10. Any future paving may requires Village approval and/or permits ~~by the Plan Commission.~~
11. Any change of the conditions listed above requires approval by the Village Board to officially amend the Conditional Use Permit.

ADDITIONAL CONDITIONS

12. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated November 4, 2016 and in the supporting documents made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
13. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, if there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP, or, if the conditions imposed are subsequently determined to be insufficient to mitigate or eliminate such problems or harmful effects, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.
14. All interior and exterior building modifications (including exterior lighting and fencing) and/or site improvements will require building permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Structural engineering calculations are required as part of the building permit needed for the proposed exterior canopy/awning.
15. Owner/Operator shall install and maintain the following life-safety features as required by the Fire Department:
 - a. Knox Box at a location on the building to be determined by the Fire Department;
 - b. Two (2) exit/access doors to the building: one in southwest corner and one on the east wall. Both exits/access doors shall be marked with code-compliant exit lighting;
 - c. Access gates/doors on all fenced areas to provide outside perimeter access and inside gates to provide interior access.
 - d. A hard surface access walkway at least 42 inches wide along the west side of proposed fenced area and around the corner of the electrical transformer (southwest corner) extending to the south end of the parking lot. The lawn shall be maintained along the south side of the paved surface.
16. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.

CUP # xx-16
Document No.

CONDITIONAL USE PERMIT
Document Title

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

Amendment to CUP No. 03-04

Whereas the Applicants:

Michelle Richards, Owner/Operator and Agent for Ziming Wu, Property Owner

agree 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 Applicants to permit the operation of a dog daycare, training, grooming, boarding and retail shop for accessories (Happy Hounds LLC) from the property located at N116 W18395 Morse Drive pursuant to Section 17.33(3)(c) of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTNV 212-978

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

Parcel 1 of Certified Survey Map (CSM) No. 3584; a 1.01 acre parcel being a part of the South ½ of the Northwest ¼ of Section 21, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

Tax Key No: 212-978

Address: N116 W18395 Morse Drive

Pursuant to the following condition(s):

1. The facility shall be limited to a 10,000 ~~7,200~~ sq. ft. area, with the following allowed uses:
 - a. Dog daycare
 - b. Dog training.
 - c. Dog grooming and bathing.
 - d. Retail, sales of dog accessories.
 - e. Dog boarding.
2. ~~The maximum number of dogs allowed on the premises at one time is 65.~~
3. ~~The maximum number of dogs allowed outside the building at one time is 30.~~
4. Outside dog area shall be completely fenced in with a minimum 6 ft. solid or chain link fence with privacy slats.
5. The hours of operation shall be between 6:00 a.m. and 10:00 p.m.
6. All waste outside must be picked up on a daily basis and disposed of properly.
7. Any outside special events requires Plan Commission approval.
8. If the Village receives any complaints regarding the noise generated from barking dogs, the Village Plan Commission may require that ~~request~~ the applicant install sound softening or other mitigative ~~measures~~ within the areas ~~of the building~~ that the dogs are kept or take other action regarding the operation pursuant to Condition #13 herein.
9. All permanent and temporary signage requires Village permits and approval by the

Plan Commission (if applicable).

10. Any future paving may requires Village approval and/or permits by the Plan Commission.
11. Any change of the conditions listed above requires approval by the Village Board to officially amend the Conditional Use Permit.
12. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated November 4, 2016 and in the supporting documents made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
13. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, if there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP, or, if the conditions imposed are subsequently determined to be insufficient to mitigate or eliminate such problems or harmful effects, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.
14. All interior and exterior building modifications (including exterior lighting and fencing) and/or site improvements will require building permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Structural engineering calculations are required as part of the building permit needed for the proposed exterior canopy/awning.
15. Owner/Operator shall install and maintain the following life-safety features as required by the Fire Department:
 - a. Knox Box at a location on the building to be determined by the Fire Department;
 - b. Two (2) exit/access doors to the building: one in southwest corner and one on the east wall. Both exits/access doors shall be marked with code-compliant exit lighting;
 - c. Access gates/doors on all fenced areas to provide outside perimeter access and inside gates to provide interior access.
 - d. A hard surface access walkway at least 42 inches wide along the west side of proposed fenced area and around the corner of the electrical transformer (southwest corner) extending to the south end of the parking lot. The lawn shall be maintained along the south side of the paved surface.
16. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.

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

Dean Wolter, Village President

ATTEST:

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 OPERATOR

As the business owner/operator, Michelle Richards, I 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

Michelle Richards, Business Owner/Operator, Happy Hounds LLC

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: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

As property owner, Ziming Wu, I 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

Ziming Wu, 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}

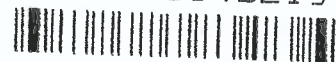
This instrument was drafted by:
Jeffrey W. Retzlaff, AICP
Community Development Director/Zoning Administrator
Village of Germantown, Wisconsin

Notary Public, State of Wisconsin
My Commission Expires: _____

CUP # **3.04**
Document No

CONLITIONAL USE PERMIT
Document Title

file
DOC#: 1045219



VILLAGE OF GERMANTOWN
CONDITIONAL USE ZONING PERMIT

Whereas, **HAPPY HOUNDS LLC.**, applicant
Michelle Richards, agent

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 officials of the Village for the purpose of obtaining this permit.

Now, therefore, this permit is issued to:

HAPPY HOUNDS LLC.

to allow for:

a dog daycare, training, grooming, boarding and retail shop, in accordance with Section 17.33 (3)(c) of the Municipal Code

on the following described real estate in the Village of Germantown, Washington County, Wisconsin:

Lot 3 of Certified Survey Map No, 1825,
located in the NE 1/4 of the SE 1/4 of
Section 20, T9N, R20E,
Village of Germantown, Washington County, Wisconsin.
Containing approximately 1.5795 acres of land.
Also described as **N115 W19150 Edison Drive:**

pursuant to the following conditions:

1. The facility shall be limited to a 7,200 sq. ft. area, with the following allowed uses:
 - a. Dog daycare
 - b. Dog training.
 - c. Dog grooming and bathing.
 - d. Retail sales of dog accessories.
 - e. Dog boarding.
2. The maximum number of dogs allowed on the premises at one time is 65.
3. The maximum number of dogs allowed outside the building at one time is 30.
4. Outside dog area shall be completely fenced in with a minimum 6 ft. solid or chain link fence with privacy slats.
5. The hours of operation shall be between 6:00 a.m. and 10:00 p.m.
6. All waste outside must be picked up on a daily basis and disposed of properly.
7. Any outside special events requires Plan Commission approval.

Recorded
APR. 23, 2004 AT 10:00AM
SHARON A. MARTIN
REGISTER OF DEEDS
WASHINGTON COUNTY, WI
Fee Amount: \$15.00

15-3

Name & Return Address

Village of Germantown
P O Box 337
Germantown WI 53022

GTNV 204-959

Parcel Identification Number (PIN)

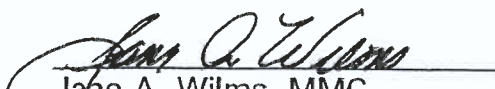
8. If the Village receives any complaints regarding the noise generated from barking dogs, the Plan Commission may request the applicant install sound softening measures within the areas of the building that the dogs are kept.
9. All permanent signage requires approval by the Plan Commission.
10. Any future paving requires approval by the Plan Commission .
11. Any change of the conditions listed above requires approval by the Village Board to officially amend the Conditional Use Permit.

The provisions of this permit shall be binding upon the owner unless and until amended by the Village of Germantown.

Granted by action of the Village Board of the Village of Germantown this 5th day of April, 2004.

ATTEST:


Charles J. Hargan
Village President


Jane A. Wilms, MMC
Village Clerk

STATE OF WISCONSIN)
)SS
WASHINGTON COUNTY)

Personally came before me this 22nd day of April, 2004, the above named Charles J. Hargan, Village President, and Jane A. Wilms, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.


Christine M. Micka, Notary
My Commission Expires: Sept. 09, 2007



Happy Hounds LLC - Conditional Use Permit No. 3-04
Page 3

ACCEPTANCE OF TERMS AND CONDITIONS BY PERMITTEE

I, Michelle Richards, President of Happy Hounds LLC., do 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 21 day of April, 2004

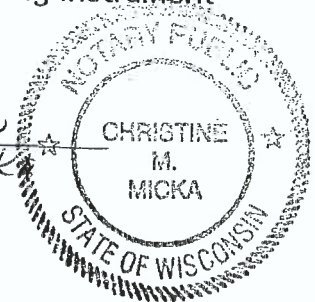
Michelle Richards
Michelle Richards, President
Happy Hounds LLC.

STATE OF WISCONSIN)
)SS
Washington COUNTY)

Personally came before me this 21st day of April, 2004, the above named Michelle Richards, to me known to be the person who executed the foregoing instrument and acknowledged the same.

This instrument was drafted by:
Jane A. Wilms, Village Clerk
Germantown, WI

Christine M. Micka
Print Name: Christine M. Micka
Notary Public, State of Wisconsin
My Commission Expires: 9-9-07





Village of



Germantown

Willkommen

Fee must accompany application

\$1460

Paid

Date

11-4-16

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

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

1

APPLICANT OR AGENT

Happy Hounds, LLC
Michelle Richards
3624 Kacin Court

Phone (262) 719-7069

Fax (262) 628-7069

E-Mail michelle@happyhoundswi.com

PROPERTY OWNER

Zining Wu
A+V Waterjet Tech Inc
1116 N18395 Morse Drive

Phone (262) 250-8100

2

TO WHOM SHOULD THE PERMIT BE ISSUED?

Happy Hounds, LLC

3

PROPERTY ADDRESS

TAX

KEY NUMBER

1116 N18395 Morse Drive

GTNV 212978

4

DESCRIPTION OF EXISTING OPERATION

Briefly describe the use as it exists today, including use, size, number of employees, hours of operation, etc. If this permit involves new construction, describe the current status of the property, e.g. "vacant." Use additional pages if necessary.

Dog daycare, training, grooming, boarding and retail shop. * Please see attached document

5

DESCRIPTION OF PROPOSED OPERATION

Write the name of the proposed conditional use exactly as it appears in the Municipal Code.

In accordance with municipal code 17.33(3)(c)

Describe the proposed use, including size, number of employees, hours of operation and extent of any new construction/alterations.

Dog daycare, training, grooming, boarding and retail shop.
* Please see attached document.

6 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY - REQUIRED

Attach pages as necessary

CSM 3584 DOC 1223938 SEC 21-9-20

7 SUPPORTING DOCUMENTATION:

- ☐ Site Plan and elevations for new construction (can be conceptual)
- ☐ Photos of existing use and/or proposed use operating elsewhere
- ☐ _____
- ☐ _____

8 READ AND INITIAL THE FOLLOWING:

- mm I understand that the Village is under no obligation to issue a Conditional Use Permit and will do so only if the applicant successfully demonstrates that the proposed use is harmonious with the neighborhood and the long range goals of the Village.
- mm I will notify the Village if any aspects of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.
- mm I understand that a Conditional Use Permit is valid only if the conditions and restrictions of the permit are met. I understand that failure to comply with any aspect of the permit may result in revocation.

9 SIGNATURES - ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Michael 11-3-16
Applicant Date

mm
Owner

11-4-16
Date

CONDITIONAL USE PERMIT APPLICATION

HAPPY HOUNDS, LLC

MICHELLE RICHARDS

1.APPLICANT OR AGENT

Happy Hounds, LLC
Michelle Richards
3624 Kacin Court
Richfield, WI 53076

Phone: 262-719-7069

Fax: 262-628-7069

Email: michelle@happyhoundswi.com

PROPERTY OWNER

Ziming Wu
A&V Waterjet Tech Inc
N116 W18395 Morse Drive
Germantown, WI 53022

262-250-8100

2.TO WHOM SHOULD THE PERMIT BE ISSUED?

Happy Hounds, LLC

3.PROPERTY ADDRESS

N116 W18395 Morse Drive

TAX KEY NUMBER

GTNV 212978

4. DESCRIPTION OF EXISTING OPERATION

Happy Hounds, LLC is a doggie daycare and dog training business located in the Germantown Industrial Park on Edison Drive. We have been in business since 2004. We have been leasing our current location. We have outgrown our current location and would like to now find our "forever home" and purchase a building.

5. DESCRIPTION OF PROPOSED OPERATION

Municipal Code 17.33 (3) (c) Yards and structures used for the temporary storage or holding of animals not for slaughter.

Happy Hounds, LLC would like to continue with our current services (dog daycare, training, grooming, boarding and retail) in a larger location in the Germantown Industrial Park. The new location on Morse Drive would be purchased and not leased.

Interior Alterations: Alterations to the location on Morse Drive would include cosmetic changes on the inside of the building (painting, removing wall paper and removing carpet). We would use the existing offices as they are currently structured.

CONDITIONAL USE PERMIT APPLICATION

HAPPY HOUNDS, LLC

MICHELLE RICHARDS

Exterior Alterations: On the property we would be installing a six foot fence solid or chain link with privacy slats. A dumpster corral on the east side of the building would be constructed of the same fencing material. We would add one walk-through door on the east and west sides of the building. An awning would be added over each walk-through door. A 15 foot wide awning would be added along the back of the building (south side). All existing asphalt will be repaved. The A&V Waterjet letters will come off the front of the building and we will put up a Happy Hounds sign.

Please see two (2) attached photographs for outside alterations.

6.METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

CSM 3584 DOC 1223958 SEC 21-9-20

7.SUPPORTING DOCUMENTATION

Please see two (2) attached photographs for outside alterations.

CURRENT CUP CONDITIONS AND HOW THEY DO OR DO NOT APPLY TO THE NEW LOCATION

1.The facility shall be limited to a 7,200 sq ft area, with the following allowed uses:

- a. Dog daycare
- b. Dog training
- c. Dog grooming and bathing
- d. Retail sales of dog accessories
- e. Dog boarding

The new facility is 10,000 sq ft. The above listed uses would stay the same.

CONDITIONAL USE PERMIT APPLICATION

HAPPY HOUNDS, LLC

MICHELLE RICHARDS

2.The maximum number of dogs allowed on the premises at one time is 65.

This condition was put in place twelve (12) years ago when the concept of “doggie daycare” was very new. Many people were not quite sure what it was or how it would work. After running my business for over a decade, I know I have found my true passion. We have learned over the past twelve years that the mix of dogs not the number of dogs is how we need to function on a day to day basis. How we operate is based on my and my staff’s expertise in knowing the individual dogs and how they interact with each other. I have and will continue to educate myself and my staff on dog behavior. Therefore, I believe this condition no longer applies and should be deleted.

3.The maximum number of dogs allowed outside the building at one time is 30.

This condition was also put in place twelve (12) years ago when the concept of “doggie daycare” was very new. The main concern was about noise. We reinforce good basic manners while the dogs are at daycare. They are supervised at all times when they are in their playgroup. Nuisance barking is not allowed. It is disturbing not only to the humans, but the other dogs. I believe this condition no longer applies and should be deleted as we are constantly monitoring our noise levels and in twelve years have had no complaints.

4.Outside dog area shall be completely fenced in with a minimum 6ft solid or chain link fence with privacy slats.

The new facility will also be completely fenced with the above listed fencing materials.

5.The hours of operation shall be between 6:00 am and 10:00 pm.

The hours of operation will remain the same as listed above.

6.All waste outside must be picked up on a daily basis and disposed of properly.

We will continue to pick up and dispose of all waste properly at the new location.

7.Any outside special events requires Plan Commission approval.

We do not hold any outdoor special events so, this condition is not necessary.

CONDITIONAL USE PERMIT APPLICATION

HAPPY HOUNDS, LLC

MICHELLE RICHARDS

8.If the Village receives any complaints regarding the noise generated from barking dogs, the Plan Commission may request the applicant install sound softening measures within the areas of the building that the dogs are kept.

In twelve (12) years of operation, we have had no complaints; therefore, I do not believe this condition is necessary.

9.All permanent signage requires approval by the Plan Commission.

Understood.

10.Any future paving requires approval by the Plan Commission.

As noted above, we are planning to repave the existing asphalt. It is in need of repair.

11.Any change of the conditions listed above requires approval by the Village Board to officially amend the Conditional Use Permit.

Understood.

In summary, the conditions of the current CUP and how they apply to the new CUP application:

1. Needs to be modified for square footage
2. No longer applies and should be deleted
3. No longer applies and should be deleted
4. Applies and can stay as it is currently written
5. Applies and can stay as it is currently written
6. Applies and can stay as it is currently written
7. Can be deleted or can stay as it is currently written
8. Can be deleted or can stay as it is currently written
9. Applies and can stay as it is currently written
10. Applies and can stay as it is currently written
11. Applies and can stay as it is currently written

*Thank you in advance to Zoning Administrator, Jeff Retzlaff, the staff,
Plan Commission and Village Board for taking the time to review my application.*

Jeff Retzlaff

Subject: Dog Daycare CUP Application

From: michelle@happyhoundswi.com [mailto:michelle@happyhoundswi.com]
Sent: Wednesday, December 07, 2016 3:05 PM
To: Jeff Retzlaff <jretzlaff@village.germantown.wi.us>
Subject: RE: CUP Application

Hi Jeff,

With all due respect, I still believe the two conditions should be deleted for the reasons I have stated.

My current CUP states a maximum of 65 dogs based on our current location. Our new location will triple the amount of play space for the dogs. Therefore, the amount of dogs should then be tripled. That would be a maximum of 195 dogs.

My current CUP states a maximum of 30 dogs outside based on our current location. Our new location will allow for three outside play areas vs the one outside play area we have now. With three outside play areas, we can now have all dogs outside together. Therefore, this number should match the maximum number of dogs: 195. As I stated previously, the dogs are always supervised when in their playgroup which includes when they are outside. We do not allow nuisance barking. There is a condition in the current CUP which covers any noise complaints. I did state that condition could stay in place.

As I stated in our previous communication, I believe these two conditions should be deleted. This is not a numbers game. How many dogs attend on a given day is based on the individual dogs. We know these dogs. We know their personalities, their temperaments and how they react with each other. These playgroups have been built over 12 years. I want to buy a building to have my "forever home" and be able to grow my business. I am NOT trying to reach a certain number. My business will grow based on the mix of dogs. By attaching some sort of number restriction, you are in fact, limiting my growth potential. If the Plan Commission and Village Board insist on making my business a numbers game; then 195 dogs would be a number I am willing to live with.

If you have any other questions or need any other information, please feel free to contact me. If you would like to meet in person, I would be happy to meet with you anytime on Thursday or Friday morning.

Thank you again Jeff for your time and consideration.

Respectfully submitted,

Michelle

Michelle Richards, CPDT-KSA
Owner / Trainer
Happy Hounds, LLC

Cell: 262-719-7069
Email: michelle@happyhoundswi.com

MOTION Baum second Shadid to Approve the proposed wall signs for Surge Martial Arts & Fitness located at W188 N11927 Maple Road (Alpine Business Center Unit 10) in the Germantown Business Industrial Park subject to the following conditions:

1. Ground-mounted lighting shall be spot lighting (vs. flood) and installed with appropriate shielding to prevent glare or spill-over visible from Maple Road or adjacent properties.
2. Electrical permits shall be obtained from the Inspection Services prior to installation of any ground-mounted lighting fixtures.

MOTION carried unanimously.

Happy Hounds – N116 W18395 Morse Drive. Michelle Richards, operator, is seeking a revised Conditional Use Permit for the operation of a dog daycare, training, grooming and boarding facility. Planner Retzlaff summarized the proposal and explained the business is moving from its current location on Edison Drive to the new location also in the Industrial Park. The owner is requesting some revisions to the current CUP and staff supports the revisions including the limits on the number of dogs, the requirement for special permission from Plan Commission for special events and sound mitigating measures in the case of noise complaints.

MOTION Baum second Shadid to Approve amendments to CUP #3-04 for the Happy Hounds dog daycare facility to be located at N116 W18395 Morse Drive in the Germantown Industrial Park subject to the following Revised and Additional conditions:
Revised Conditions:

1. The facility shall be limited to a 10,000 7,200 sq. ft. area, with the following allowed uses:
 - a. Dog daycare
 - b. Dog training.
 - c. Dog grooming and bathing.
 - d. Retail, sales of dog accessories.
 - e. Dog boarding.
2. ~~The maximum number of dogs allowed on the premises at one time is 65.~~
3. ~~The maximum number of dogs allowed outside the building at one time is 30.~~
4. Outside dog area shall be completely fenced in with a minimum 6 ft. solid or chain link fence with privacy slats.
5. The hours of operation shall be between 6:00 a.m. and 10:00 p.m.
6. All waste outside must be picked up on a daily basis and disposed of properly.
7. Any outside special events requires Plan Commission approval.
8. If the Village receives any complaints regarding the noise generated from barking dogs, the Village ~~Plan Commission~~ may require that request the applicant install sound softening or other mitigative measures within the areas of the building that the dogs are kept or take other action regarding the operation pursuant to Condition #13 herein.
9. All permanent and temporary signage requires Village permits and approval by the Plan Commission (if applicable).
10. Any future paving may requires Village approval and/or permits by the Plan Commission.
11. Any change of the conditions listed above requires approval by the Village Board to officially amend the Conditional Use Permit.

Additional Conditions:

12. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated November 4, 2016 and in the supporting documents made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of

approval.

13. *If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, if there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP, or, if the conditions imposed are subsequently determined to be insufficient to mitigate or eliminate such problems or harmful effects, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.*
14. *All interior and exterior building modifications (including exterior lighting and fencing) and/or site improvements will require building permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Structural engineering calculations are required as part of the building permit needed for the proposed exterior canopy/awning.*
15. *Owner/Operator shall install and maintain the following life-safety features as required by the Fire Department:*
 - a. *Knox Box at a location on the building to be determined by the Fire Department;*
 - b. *Two (2) exit/access doors to the building: one in southwest corner and one on the east wall. Both exits/access doors shall be marked with code-compliant exit lighting;*
 - c. *Access gates/doors on all fenced areas to provide outside perimeter access and inside gates to provide interior access.*
 - d. *A hard surface access walkway at least 42 inches wide along the west side of proposed fenced area and around the corner of the electrical transformer (southwest corner) extending to the south end of the parking lot. The lawn shall be maintained along the south side of the paved surface.*
16. *The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.*

Trustee Baum questioned how the number of dogs could not be determined and how will we monitor if there's a problem. Planner Retzlaff said the CUP has built in requirements and conditions if circumstances surrounding the operations of the CUP change. He explained noise complaints are treated as a nuisance complaint and special events are handled through the temporary use permitting process. He said he would notify the owner and discuss any complaints with her and that Village Board would ultimately determine if further action is needed. He stated he is approaching this as an existing business that has no complaints and is just re-locating.

Michelle Richards, Happy Hounds, addressed questions regarding the number of dogs that could be kept on the property. She said there is no industry standard for determining how many dogs can be kept on the property and explained it depends on the size, temperament and mix of the dogs. She said the safety of staff and the dogs is her number one concern and that she was OK with the 16 conditions. Chairman Wolter said the location is favorable because it is not in a residential area and the success of this business has proven there are no problems.

MOTION carried unanimously.

FC Wisconsin Nationals – W140 N10022 Fond du Lac Avenue. The applicant is seeking approval of an amendment to the approved site development and building plans for their soccer complex and training facility in order to construct a 1,900 sqft concession stand and 1,845 sqft storage building on their property. Planner Retzlaff summarized the proposal.

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

IX. D
X. C

MEETING DATE: December 19, 2016

AGENDA ITEM: Public Hearing & New Business (REZONING APPLICATION)

ITEM TITLE: David & Lori Gutbrod, Property Owners of a 4.24-acre parcel located at W162 N11840 Fond du Lac Avenue; Rezoning Application: Rs-2: Single-Family to B-4: Professional Office

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

SUMMARY EXPLANATION:

David & Lori Gutbrod, property owners and agents for Advantage Research Inc., is requesting approval to rezone a 4.24 acre parcel from the Rs-2: Single-Family to the B-4: Professional Office Zoning District to accommodate the conversion of the residential dwelling to an office building located at W162 N11840 Fond du Lac Avenue (former Harry Krueger property). Gutbrod intends to restore the property and dwelling for purposes of using the dwelling as an office for up to five (5) employees of Advantage Research Inc., a worldwide market data research and consulting business Gutbrod owns and currently operates at W202 N10246 Lannon Road. The plat of survey also reflects the property owners desire to divide the property into two (2) parcels if the proposed rezoning is approved. However, a land division is NOT part of the rezoning proposal.

ATTACHMENTS:

- ◆ 11/14/16 Staff Report
- ◆ 11/14/16 Plan Commission Meeting Minutes
- ◆ Draft Ordinance

PLAN COMMISSION RECOMMENDATION:

APPROVE the proposed rezoning of the 4.24 acre parcel from Rs-2: Single-Family to B-4: Professional Office Zoning District.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF GERMANTOWN ZONING CODE**

(David & Lori Gutbrod, Property Owners)

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 Rs-2: Single-Family to the B-4: Professional Office Zoning District on the following described property:

That part of Outlot Two (2) in Assessors Plat Village of Germantown South 1/2 North West 1/4 Northeast 1/4, Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, described as follows: Commencing at the North Quarter corner of said Section 22; thence East along the North line of said Section 22, 506.00 feet; thence South 00 degrees 32 minutes East, 604.00 feet, to the place of beginning of this description, thence South 00 degrees 32 minutes East 616.00 feet, to the center line of State Trunk Highway No. 45; thence Northwesterly along the center line of said Highway 644.46 foot; thence, North 00 degrees 43 minutes West 215.00 feet; thence East 504.00 feet, to the place 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:

**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, December 19, 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 for: (1) an application to REZONE the following described property from the Rs-2: Single-Family to the B-4: Professional Office Zoning District for purposes of converting the existing residential dwelling to an office building:

Petitioners: David & Lori Gutbrod, Property Owners

Property: W162 N11840 Fond du Lac Avenue (Tax Key No. 221-986)

That part of Out Lot Two (2) in Assessors Plar Village of Germantown South 1/2 North West 1/4 Northeast 1/4, Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, described as follows: Commencing at the North Quarter corner of said Section 22; thence East along the North line of said Section 22, 506.00 feet; thence South 00 degrees 32 minutes East, 604.00 feet, to the place of beginning of this description, thence South 00 degrees 32 minutes East 616.00 feet, to the center line of State Trunk Highway No. 45; thence Northwesterly along the center line of said Hlhway 644.46 foot; thence, North 00 degrees 43 minutes West 215.00 feet; thence East 504.00 feet, to the place of beginning, EXCEPTING THEREFROM that portion described in Warranty Deed recorded May 13, 1971 in Volume 497, on Page 400, as Document No. 321632.

I

A copy of the application is on file in the Village Planning Department 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 22nd day of November, 2016.

Barbara K. D. Goeckner, Village Clerk

To Be Published On: December 1st and December 8th, 2016

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF GERMANTOWN ZONING CODE**

(David & Lori Gutbrod, Property Owners)

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 Rs-2: Single-Family to the B-4: Professional Office Zoning District on the following described property:

That part of Out Lot Two (2) in Assessors Plar Village of Germantown South 1/2 North West 1/4 Northeast 1/4, Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, described as follows: Commencing at the North Quarter corner of said Section 22; thence East along the North line of said Section 22, 506.00 feet; thence South 00 degrees 32 minutes East, 604.00 feet, to the place of beginning of this description, thence South 00 degrees 32 minutes East 616.00 feet, to the center line of State Trunk Highway No. 45; thence Northwesterly along the center line of said Highway 644.46 foot; thence, North 00 degrees 43 minutes West 215.00 feet; thence East 504.00 feet, to the place of beginning, EXCEPTING THEREFROM that portion described in Warranty Deed recorded May 13, 1971 in Volume 497, on Page 400, as Document No. 321632.

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:

1. *All technical corrections identified by the Village Surveyor as summarized in the November 7, 2016 memo shall be made prior to recording the CSM.*
2. *In addition to rezoning the approximately 7,700 sqft area being conveyed from D'Acquisto to Schaetzel from the Rs-3: Single-Family to the Rd-2: Two-Family Zoning District, the Village shall also rezone the remaining D'Acquisto property from the Rs-3: single-Family to the Rs-4: Single-Family Zoning District.*

MOTION carried unanimously.

Paula & Chad Wagner – W159 N9657 Butternut Road. The property owners are seeking approval to install a fence within an existing drainage easement on their residential lot. Planner Retzlaff summarized the proposal.

MOTION Gray second Baum to Approve the request to install a fence within an existing drainage easement on the residential lot located at W159 N9657 Butternut Road subject to the following conditions:

1. *The owner shall regularly inspect the fence installed within the easement, including during and after storm events, to remove any debris accumulated around his fence and the fence must be maintained and otherwise kept free of debris that can clog the openings and restrict storm water flow across the easement.*
2. *Any easement agreement shall remain in effect.*
3. *In the event that the Village needs to remove the fence in order to maintain the drainage easement or for any other reason, the Village shall have the right to remove the fence at the owner's expense and shall not be responsible for replacement or reinstallation.*
4. *The property owner is responsible for all damage caused by and/or resulting from installation of any fence within the 20' drainage easement.*
5. *Once installed, if the fence is deemed by the Village to cause and/or contribute to flooding of property that wouldn't have occurred or be as severe if the fence had been installed outside of the drainage easement, the Village may require the property owner to modify the fence design and materials, or, relocate the fence outside the drainage easement.*

Trustee Baum asked the owners if they were aware of the conditions. Commissioner Laszewski stated he doesn't think its good policy to approve a fence in a drainage easement.

MOTION carried 6-1 (Laszewski).

Lori & David Gutbrod for Advantage Research – W162 N11840 Fond du Lac Avenue. The property owners have submitted an application to rezone the 4.24 acre parcel from the Rs-2: Single-Family Residential Zoning District to the B-4: Professional Office Zoning District to accommodate the conversion of the residential dwelling to an office building. Planner Retzlaff summarized the proposal. His recommendation was to Table action until further information is received from the owners regarding a potential division of the property before rezoning the entire parcel because there could be compatibility issues with the existing residential areas to the North and East. He said there is a potential for developing a significant amount of office development on 4 acres of land and the area has been identified as suitable for a future mixed used type development. He suggested placing a cap on the north half of the property to keep it

residential. Chairman Wolter said it could be a mixed use development with office and a commercial component and restaurant with a PDD.

Discussion continued. Chairman Wolter said he appreciates the Gutbrod's wanting to revitalize the building and thanked them for putting money into it to bring it back. He said the Schwalbach's have a long history with Germantown and it's a nice way to keep history in the area. Dave Gutbrod said he had done a lot of research on the building and wants to clean it up so his wife can use it in the future for work. He said subdividing the property would be an opportunity for someone down the road and that he would consider residential zoning at that time.

MOTION Baum second Gray to Approve the proposed Rezoning of the 4.24 acre parcel from Rs-2: Single-Family to B-4: Professional Office Zoning District.

Trustee Baum said he can't put restrictions on the property until he sees what is brought forward at some point in the future.

MOTION carried unanimously.

Odyssey Hotel Group LLC for Holiday Inn Express – W177 N9675 Riversbend Lane & Riversbend Country Club – N96 W18034 County Line Road. The proposal is to amend the Holiday Inn Hotel and Riversbend Planned Development Districts to allow an expansion of the hotel and development of an off-site parking lot on the Riversbend golf course property. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid that the proposed PDD amendments are significant changes that require a public hearing prior to the Village Board's review and consideration.

Trustee Baum said the residents need to be able to come forward and voice their concerns. Chairman Wolter said an extensive berm plan is being proposed and will be a substitute for the building that wasn't built and will be an advantage for the property owners to help block the view. Planner Retzlaff said Odyssey Hotels initiated a community meeting with the Riversbend community and the reaction was very positive. Rachit Dhingra, Odyssey Hotels, confirmed the residents were in favor of the expansion. He said the plan is to upgrade the hotel brand. Chairman Wolter if the enhanced berming would need to go through additional hoops. Jason Day, Excel Engineering commented that the majority of the berming is already outside of the floodplain. Chairman Wolter asked how the golf course property would be maintained. Mr. Dhingra said the community would rather have it as private property with no trespassing and it would go back to its natural state. Commission Gray said it would become a weed filled disaster and something would need to be done with it. Mr. Day said the intent for the golf course is to leave it as a conservancy and a buffer yard for the neighborhood. Planner Retzlaff said now would be the time to require a management plan for the golf course property and make that recommendation as a condition of the PDD. Wolter said a maintained plan would be preferred instead of weeds but should be looked at and discussed. Mr. Dhingra said they could look into it further but said he has had conversations with the park dept regarding putting a trail system together for the hotel guests and the community. But the residents would prefer no trespassing or attraction to the area. Planner Retzlaff commented that he had talked to MMSD and they are aware of the property, but he hasn't heard back from them.

REZONING APPLICATION

11/14/16 Plan Commission Meeting

Lori Gutbrod / Advantage Research Inc.

Village Planner Report

Germantown, Wisconsin

Summary

Lori Gutbrod, property owner and agent for Advantage Research Inc., has submitted an application to rezone a 4.24 acre parcel from the Rs-2: Single-Family to the B-4: Professional Office Zoning District to accommodate the conversion of the residential dwelling to an office building located at W162 N11840 Fond du Lac Avenue.

Property Location: W162 N11840 Fond du Lac Avenue

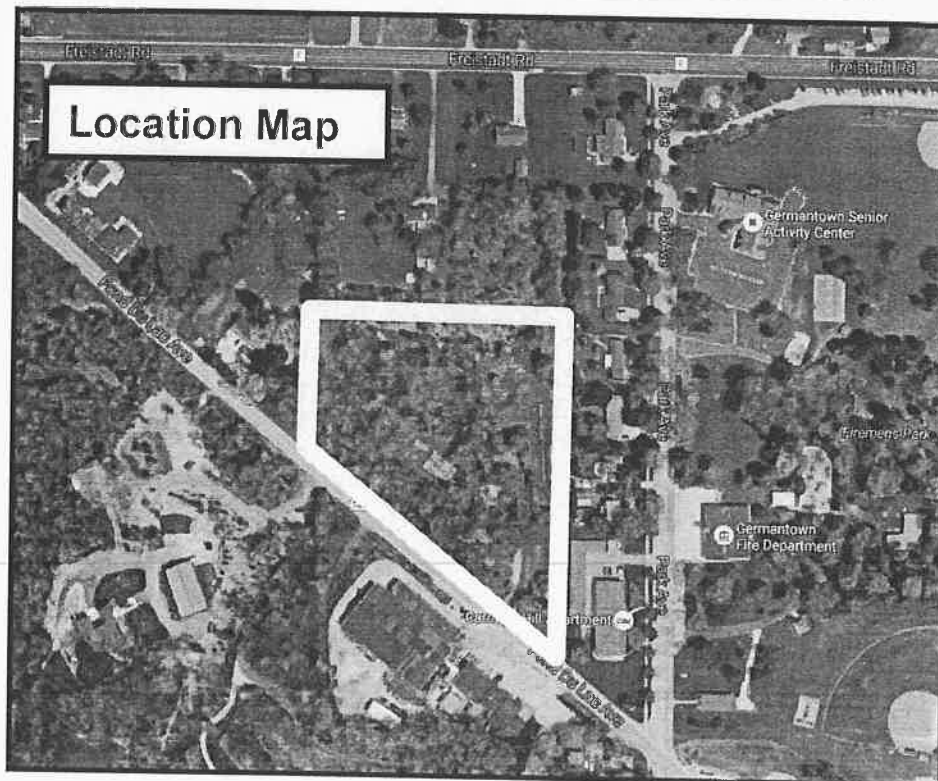
Applicant/

Property Owners: Lori Gutbrod
5579 E. Waterford Road
Hartford, WI

Current Zoning: Rs-2: Single-Family

Proposed Zoning: B-4: Professional Office

Adjacent Land Uses		Zoning
North	Residential	Rs-2
South	Commercial	B-3
East	Residential	Rs-5/Rs-7/Rm-3
West	Agricultural/Residential	A-1/Rs-2



Proposal/Background

Lori Gutbrod, property owner and agent for Advantage Research Inc., has submitted an application to rezone a 4.24 acre parcel from the Rs-2: Single-Family to the B-4: Professional Office Zoning District to accommodate the conversion of the residential dwelling to an office building located at W162 N11840 Fond du Lac Avenue.

As discussed in the request letter attached to the application, the new owner, Lori Gutbrod, recently acquired the former Schwalbach property (also referred to as the "Harry Krueger property" who was the most recent owner) on Fond du Lac Avenue. Gutbrod intends to renovate and restore the property and dwelling for purposes of using the dwelling for office uses by five (5) employees of Advantage Research Inc., a worldwide market data research, consulting, programming, analysis and visualization business Gutbrod owns and currently operates at W202 N10246 Lannon Road.

As shown in the plat of survey/concept plan (date stamped received October 7, 2016), the existing dwelling will be renovated in the current location with one (1) access driveway relocated further north along FDL Avenue to serve a new 7-stall parking area. The existing gravel driveway to the south will be removed.

The plat of survey also reflects the property owners desire to divide the property into two (2) parcels if the proposed rezoning is approved. However, such a division is not part of the current rezoning proposal.

Staff Comments**Consistency with Village's Land Use Plan.**

The 4.24-acre parcel is designated on the Village's 2020 Land Use Plan map as "Village Mixed Use". The purpose of this designation is to encourage the preservation of historic and architecturally significant structures while accommodating re-development of the area into an entertainment district and higher-density, pedestrian-oriented neighborhood. Larger, undeveloped parcels are encouraged to develop with high-quality, higher-density residential uses that would further support the commercial uses along Main Street. The adjacent parcels on all three sides north of FDL Ave are already zoned for and developed with single-family and multi-family land uses. The land to the south across FDL Avenue is zoned B-3: General Business and currently stands as the most northerly extent of non-residential development/land uses this far north along FDL Avenue. Arguably, the proposed rezoning from Rs-2: single-Family to B-4: Professional Office could be considered consistent with the 2020 LUP and intent of the B-4 Zoning District; particularly given that the proposal for office uses is limited to just the existing dwelling that is intended to be renovated/restored to its former historical appearance.

As stated in Section 17.31 of the Zoning Code, *"the B-4 District is intended to provide for individual or limited office, professional and special service uses where the office activity would be compatible with neighborhood uses and not exhibit the intense activity of other business districts"*.

This proposal appears to meet that intent given the owner's desire to maintain/restore the residential appearance and orient the parking area away from the residential area to the east.

On the other hand, rezoning all 4.24 acres to the B-4 District would "open the door" for future redevelopment of the property with additional and potentially more intense office uses and building development. While further development of the property would further the intent of the "Village Mixed Use" classification, it may create the potential for increased conflicts between with the well-established residential properties to the east and north.

One potential "solution" to this issue may be to not rezone the entire 4.24 acres, but only a minimal amount necessary to operate the office business as proposed. The potential 2-lot land division as shown in the plat of survey may offer a "middle-ground" solution where the north parcel is left in the Rs-2: Single-Family District for future residential development (Rs-2 has a 2-acre min. lot size requirement and does not require connection to a public water or sanitary sewer). However, at this time we do not know the extent of the owner's desire or intent with regard to the division of this property into two parcels (despite what is shown in the plat of survey).

Staff supports the proposed rezoning but only if not all of the land area is rezoned at this time given the owner's intent to divide the property. For this reason, staff recommends that the owner reconsider the potential land division and proposed rezoning and presents both a land division and rezoning for review and consideration at the same time. If the proposed rezoning is intended to include all 4.24 acres of the subject parcel, staff recommends denying the rezoning from Rs-2 to B-4: Professional Office.

Fire Department

The Fire Department has considered the rezoning and planned renovations and has recommend approval with following:

- The existing fire hydrant location at the Park Street @ FDL Avenue intersection should/may be adequate in terms of relative closeness to provide the necessary service to the existing building on the property; However, that water main may need to be extended with an additional approved fire hydrant for water supply if any additional development occurs on the property.
- If building code requires a sprinkler system or other fire-safety measures, the locations of any such facilities shall be approved by the Fire Department prior to installation.

Building Inspector

The proposed office use represents a "change of occupancy" in terms of the applicable building codes. Consequently, the owner is required to submit detailed operational and plans of the existing and planned renovations to the WI DSPS for review and compliance with all applicable Village and state building codes and procedures.

The proposed driveway and parking area is required to be paved under Section 17.45(1) of the Zoning Code.

Village Planner Recommendation

TABLE action on the proposed rezoning of the 4.24-acre parcel from Rs-2: Single-Family to B-4: Professional Office Zoning District until such time as the property owner submits a plan and/or application for division of the property as intended.

Subject: Request for rezoning of property located at
W162 N11840 Fond du Lac Ave, Germantown
from residential to B-4: Professional Office District

Topic: Plans for this property & reasons behind request

History:

Born in 1845 in what was then called South Germantown, John F. Schwalbach was an American businessman and a member of the Wisconsin State Assembly representing the Democrat party. He was one of the founding fathers of present day Germantown and built the Goelzer & Schwalbach general store and saloon in 1870, which now houses the Barley Pop Pub. Mr. Schwalbach was also the Germantown town treasurer in 1881 and was involved in the banking and insurance industries.

John F. Schwalbach had four brothers, one of whom (Valentin Schwalbach) was my father's grandfather and my great grandfather.

Reason for Zoning Change Request:

I was born and raised in Germantown and graduated from Germantown High School. Today, I have the good fortune of owning the home located at W162 N11840 Fond du Lac Avenue which was built by my great grandfather's brother in 1878. My husband and I purchased this home in hopes of moving a part of my Germantown business, Advantage Research, Inc. to this location.

Advantage Research offers marketing research services to companies across the globe, with roughly 60% of our business coming from companies headquartered in Wisconsin. We currently have two revenue centers: 1) Full Service Marketing Research and Consulting and 2) Facility Rental and Recruiting. Should the zoning change be approved, our intention would be to move the Full Service part of our business to the Schwalbach homestead. Our current Germantown location at W202 N10246 Lannon Road would continue to house the Facility Rental and Recruiting side of our operation.

For the Full Service side of Advantage Research, we need office space for five employees. These employees handle consulting, programming, data processing, statistical analysis, data visualization, and reporting of market data for our clients.

In addition to the familial history and my personal ties to the Germantown community, our reason for desiring the Schwalbach homestead as a place to house our Full Service offices is to assist us in retaining our current employees. In addition, we are hopeful that this location will aid us in attracting new employees to Germantown. The nature of our business requires college educated, highly

talented individuals. In order to retain and grow our staff, we believe that a comfortable, appealing, "homelike" workplace will differentiate us from other employers. For this reason, we intend to renovate the exterior of the home currently on the property to its former, historic glory, maintaining a homelike environment in every way possible. As our survey rendering shows, we would like to move the entrance as far away as possible from the Fond du Lac / Park Street intersection to the north side of the home, tucking the driveway behind mature trees. We also plan to locate the parking lot behind the home as much as possible so it is not seen when approaching the property from the Southeast. On the interior of the home, we will have a full kitchen, a living room, and a "family" room/reception area on the lower level, and turn the upstairs bedrooms into employee offices.

Since moving our offices from Brookfield to Germantown in 1999, we have always tried to be a good corporate citizen of the community. In addition to being a member of the Germantown Chamber of Commerce, we've supported Germantown High School with athletic program advertising, we've made donations to the community Easter Egg hunt, and we've hired numerous Germantown residents over the years.

Further, we renovated the old Willow Creek School which was in need of significant repair. It serves as our current offices on Lannon Road. Before and after pictures are on the following pages. We have also been diligent about maintaining the property, having landscaping and lawn care performed regularly, and recently having had the exterior painted and the parking lot re-surfaced. We would be equally as diligent about maintaining the property on Fond du Lac Avenue.

We respectfully ask for a zoning change for the Schwalbach homestead property located at W162 N11840 Fond du Lac Avenue so that Advantage Research can continue to do business in the beautiful community of Germantown.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori M. Gutbrod".

Lori M. Gutbrod
President
Advantage Research, Inc.

*That part of Oak Leaf Two (2) in Assessor's Plot 1 Village of Germantown, South 1/4 North West 1/4 Northeast 1/4, Section 22, Township 9 North, Range 23 East, Village of Germantown, Washington County, Wisconsin, containing 34 Acres, 3/4.

⁷ Commencing at the North Quarter corner of said Section 7; thence East along the North line of said Section 22 - 4.60 feet; thence South 89° 01' 00" long one acre 22 minutes 23 sec. - 01.62 feet; to the above mentioned intersection; thence South 80° 00' 00" long 12.76 acres 18 min 18.73 feet; to the corner of State "Link Highway No. 45; thence Northwestward along the center line of said highway 0.44 feet; thence Monrovia Road 30 degrees 23 minutes West 275.00 feet; thence East 100.00 feet; to the above mentioned intersection; thence North 89° 01' 00" long 4.60 feet; to the point of beginning.

⁸ ENCLOSURE THEREUNDER contains map depicting in plain English described land. Executed May 1971 by [redacted] as Party-400, as Document No. 321632.



- - indicates 1.31 iron pipe found.
- - indicates 1.31 od x .75" iron pipe weighing 1.35 lbs./ft. set.
- (L.A.) - means "recessed as"

Hearings are referenced to the Washington State
 Public Coordinate System GDS, Washington County
 Zone (NAD 83) WSCORS 2011 Adjustments. The
 date of the WSCORS 2011 Adjustments is 2011-09-20.

Scale in feet
1" = 30'

Scale in feet
1" = 30'

Accurate 
Surveying & Engineering
Land Surveying, Consulting, Developing
2911 Weller Lane 252 977-9120
Greenville, MS 38906

State of Wisconsin
Winnebago County, Wis.

I hereby certify that there is given in the above described Property, and the above map is a true and correct copy thereof as it now exists in the files and records of the Registry, as to the boundaries, the location and dimensions of all lots, and all other matters and matters of record, and as to the best of my knowledge and belief.

This survey is made for the exclusive use of the present owners of the Property, and is not to be used for any other purpose.

Dated this _____ day of _____, 2016.

Professional Land Surveyor

FRONT OF BUILDING WHEN PURCHASED BY ADVANTAGE RESEARCH



FRONT OF BUILDING AFTER RENOVATION



FRONT OF BUILDING AFTER BEING PAINTED IN MAY, 2016



BACK OF BUILDING WHEN PURCHASED BY ADVANTAGE RESEARCH



BACK OF BUILDING AFTER BEING PAINTED IN MAY, 2016





J.F. SCHWALBACH
1878

W162

N11842









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

IX.E
X.D

MEETING DATE: December 19, 2016

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

ITEM TITLE: Corey Becker, Agent for Surge Martial Arts LLC, Operator, and James Barry, Property Owner; Conditional Use Permit Application to allow a Martial Arts & Fitness Center from the property located at W188 N11927 Maple Road

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

SUMMARY EXPLANATION:

Corey Becker, Surge Martial Arts LLC, is seeking a Conditional Use Permit to allow the operation of a martial arts and fitness operation from tenant space in the Alpine Business Center located at W188 N11927 Maple Road in the Germantown Industrial Park (space formerly occupied by the "Play Zone"). Surge Martial Arts & Fitness operates from their current location in the Germantown Marketplace on Mequon Road. The operation would remain the same with martial arts and fitness classes, personal training, birthday parties and other kid activities. Hours of operation will be from 8:00 am to 9:00 pm Monday to Saturday. The operation has three (3) employees.

ATTACHMENTS:

- ◆ 12-12-16 Staff Report
- ◆ 12-12-16 Plan Commission Meeting Minutes
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATION:

APPROVE a Conditional Use Permit for the operation of an indoor health and recreation establishment, specifically "Surge Martial Arts & Fitness", from tenant space in the existing building located at W188 N11927 Maple Road in the Germantown Industrial Park subject to six (6) conditions.

{see Draft CUP for all conditions recommended by the Plan Commission}

**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, December 19, 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 for the operation of a martial arts and fitness center from the property described below pursuant to Section 17.33(3)(h) of the Village Zoning Code.

**Petitioner: Corey Becker, Surge Martial Arts LLC, Operator and Agent for James Barry,
Property Owner**

Property: W188 N11927 Maple Road Suite 10 (Parcel ID# 201-964)

Parcel 1 of CSM No. 4902, recorded in Volume 33 of Certified Survey Maps on Pages 297 to 299, as Document No. 760859, located in that part of the Northeast 1/4 of the Northeast 1/4 of Section 20, 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 Planning & Zoning Division of the Community Development Department, N112 W17001 Mequon Road, 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 November, 2016.
Barbara K. D. Goeckner, Village Clerk**

To Be Published On: December 1st and December 8th, 2016

CUP # xx – 16
Document No.

CONDITIONAL USE PERMIT
Document Title

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

Whereas the Applicants:

**Corey Becker, Owner/Operator and Agent for James Barry,
Property Owner**

agree 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 Applicants to permit the operation of a martial arts and fitness center (Surge Martial Arts LLC) from tenant space in the existing Alpine Business Center property located at W188 N11927 Maple Road pursuant to Section 17.33(3)(h) of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTVN 201-964

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

Parcel 1 of CSM No. 4902, recorded in Volume 33 of Certified Survey Maps on Pages 297 to 299, as Document No. 760859, located in that part of the Northeast 1/4 of the Northeast 1/4 of Section 20, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

Tax Key No: 201-964

Address: W188 N11927 Maple Road

Pursuant to the following condition(s):

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated November 7, 2016 and in the supporting documents made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently 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. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements shall be submitted to the Village as part of a building permit application.
4. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.
5. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.
6. All exterior signage, including temporary signs, require a permit from the Village.

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 OPERATOR

As the business owner/operator, Corey Becker, I 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

Corey Becker, Business Owner/Operator, Surge Martial Arts LLC

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: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

As property owner, James Barry, I 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

James Barry, 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}

CUP # xx – 16
Document No.

CONDITIONAL USE PERMIT
Document Title

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

Whereas the Applicants:

**Corey Becker, Owner/Operator and Agent for James Barry,
Property Owner**

agree 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 Applicants to permit the operation of a martial arts and fitness center (Surge Martial Arts LLC) from tenant space in the existing Alpine Business Center property located at W188 N11927 Maple Road pursuant to Section 17.33(3)(h) of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTNV 201-964

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

Parcel 1 of CSM No. 4902, recorded in Volume 33 of Certified Survey Maps on Pages 297 to 299, as Document No. 760859, located in that part of the Northeast 1/4 of the Northeast 1/4 of Section 20, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

Tax Key No: 201-964

Address: W188 N11927 Maple Road

Pursuant to the following condition(s):

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated November 7, 2016 and in the supporting documents made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently 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. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements shall be submitted to the Village as part of a building permit application.
4. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.
5. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.
6. All exterior signage, including temporary signs, require a permit from the Village.

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 OPERATOR

As the business owner/operator, Corey Becker, I 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

Corey Becker, Business Owner/Operator, Surge Martial Arts LLC

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: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

As property owner, James Barry, I 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

James Barry, 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}

CONDITIONAL USE PERMIT APPLICATION & SIGN REVIEW

12/12/16 Plan Commission Meeting

Surge Martial Arts & Fitness / 8100 West Florist Avenue LLC

Village Planner Report

Germantown, Wisconsin

Summary

Corey Becker, agent for Surge Martial Arts LLC, operator and 8100 West Florist Avenue LLC, property owner, is seeking a Conditional Use Permit to allow the operation of a martial arts and fitness operation from an existing tenant space located at W188 N11927 Maple Road in the Germantown Industrial Park (Alpine Business Center).

Property Location: W188 N11927 Maple Unit 10

Applicant/

Property Owner:

Corey Becker

Surge Martial Arts LLC

N112W16282 Mequon Rd

Germantown, WI

8100 West Florist Avenue LLC

c/o James Barry

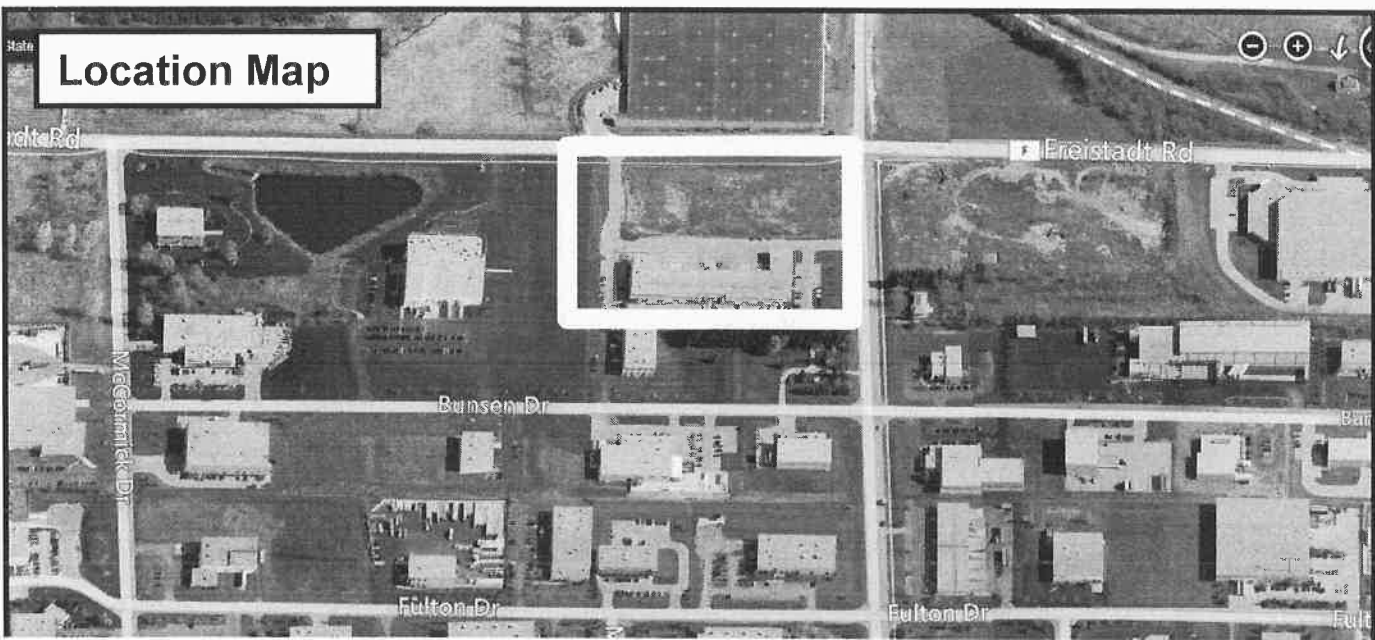
1232 N. Edison Street

Milwaukee, WI

Current Zoning: M-1: Limited Industrial District

Adjacent Land Uses		Zoning
North	Industrial	M-1
South	Industrial	M-1
East	Industrial	M-1
West	Industrial	M-1

Location Map



Proposal

Conditional Use Permit (CUP)

Corey Becker, agent for Surge Martial Arts LLC, operator and 8100 West Florist Avenue LLC, property owner, is seeking a Conditional Use Permit to allow the operation of a martial arts and fitness operation from an existing tenant space located at W188 N11927 Maple Road in the Germantown Industrial Park (Alpine Business Center; space formerly occupied by the "Play Zone").

Surge Martial Arts & Fitness operates from their current location in the Germantown Marketplace on Mequon Road. The operation would remain the same with martial arts and fitness classes, personal training, birthday parties and other kid activities. Hours of operation will be from 8:00 am to 9:00 pm Monday to Saturday. The operation has three (3) employees.

Sign Permit

The following three (3) wall signs are proposed to be located on the east (facing Maple Road) and north (facing Freistadt Road) elevations:

- Two (2) 3' x 38'6" (115.5 sqft sign area) wall signs comprised of an aluminum panel with vinyl lettering & logos pin-mounted to the walls on the east and north elevations
- One (1) 5' x 5' (25 sqft sign area) round logo aluminum panel with vinyl logo pin-mounted to the wall on the east elevation

External lighting for the signs may be provided in the future.

Staff Comments

Similar to the discussion back in 2014 when the "Play Zone" operation was initially proposed, although "indoor health and recreation establishments" are not specifically a "by right" permitted use in the M-1 District, the proposed martial arts and fitness operation can be allowed in the M-1 District with a conditional use permit. As set forth in the Zoning Code, the list of CUP uses that may be allowed in the M-1 District includes ***"Commercial activities allowed in the B-2 Community Business District when the Plan Commission finds that the activity directly supports the businesses in the Industrial Park and can be integrated into an overall plan..."*** [see Section 17.33(3)(h)]. Based on previous discussion and action by the Village to approve similar "indoor recreation and health establishments", it's anticipated that the PC will recommend approval of this operation as well. As a matter of procedure, the PC is required to consider and determine if the proposed use is the type of business or activity that directly supports the businesses in the Industrial Park.

The Fire Department has the following comments/recommendations:

1. The change of occupancy class to Assembly (A-3) may require state-approved plans and interior improvements in order to comply with applicable safety codes for the Village, Wisconsin DHS and DSPS

The wall signage proposed for the east and north elevations meets all code requirements in terms of sign area and other specifications. A total of 256 sqft of total sign area is proposed (vs. the maximum allowance of 267 sqft for a 178.5' wide tenant space).

External lighting for the signs is being considered by the operator. Any wall or ground-mounted lighting shall be spot lighting (vs. flood) and installed with appropriate shielding if necessary to prevent glare or spill-over visible from Maple Road or adjacent properties.

Village Planner Recommendation

APPROVE a conditional use permit for the operation of an indoor health and recreation establishment, specifically "Surge Martial Arts & Fitness", from tenant space in the existing building located at W188 N11927 Maple Road (Alpine Business Center Unit 10) in the Germantown Industrial Park subject to the following conditions:

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated November 7, 2016 and in the supporting documents made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently 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. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements shall be submitted to the Village as part of a building permit application.
4. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.
5. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.
6. All exterior signage, including temporary signs, require a permit from the Village.

Village Planner Recommendation

APPROVE the proposed wall signs for Surge Martial Arts & Fitness located at located at W188 N11927 Maple Road (Alpine Business Center Unit 10) in the Germantown Industrial Park subject to the following conditions:

1. Ground-mounted lighting shall be spot lighting (vs. flood) and installed with appropriate shielding to prevent glare or spill-over visible from Maple Road or adjacent properties.
2. Electrical permits shall be obtained from the Inspection Services prior to installation of any ground-mounted lighting fixtures.



Village of



Germantown

...Willkommen

Fee must accompany application

Fee \$1460 Paid 11-9-16 Date 11-9-16

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

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

1 APPLICANT OR AGENT

Corey Becker
Surge Martial Arts LLC
1112 W 16282 Mequon Rd.

Phone (262) 229-5443

Fax ()

E-Mail Corey@surgemartialarts.com

PROPERTY OWNER

8100 West Florist Avenue LLC
To James Barry II
1232 N. Edison St.
Milwaukee, WI 53202

Phone ()

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

Surge Martial Arts LLC

3 PROPERTY ADDRESS

W188 N11927 Maple Rd. Germantown, WI. 53022
Unit 10

TAX KEY NUMBER

201964

4 DESCRIPTION OF EXISTING OPERATION

Briefly describe the use as it exists today, including use, size, number of employees, hours of operation, etc. If this permit involves new construction, describe the current status of the property, e.g. "vacant." Use additional pages as necessary.

Current use of Unit 10 is birthday parties and kids events.
Surge Martial Arts is currently running martial arts and fitness classes at 1112 W 16282 Mequon Rd. Germantown, WI. 53022

5 DESCRIPTION OF PROPOSED OPERATION

Write the name of the proposed conditional use exactly as it appears in the Municipal Code.

Describe the proposed use, including size, number of employees, hours of operation and extent of any new construction/alterations.

Martial arts and fitness classes. Personal Training. Birthday Parties. Kids activities. Operating in 6000 ft² with 3 employees.
Proposed hours of operations 8:00 a.m. to 9:00 p.m. Monday-Saturday

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY — REQUIRED

6

Attach pages as necessary.

SUPPORTING DOCUMENTATION:

7

- ☐ Site plan and elevations for new construction (can be conceptual)
- ☐ Photos of existing use and/or proposed use operating elsewhere
- ☐ _____
- ☐ _____

READ AND INITIAL THE FOLLOWING:

8

CB

I understand that the Village is under no obligation to issue a Conditional Use Permit and will do so only if the applicant successfully demonstrates that the proposed use is harmonious with the neighborhood and the long range goals of the Village.

CB

I will notify the Village if any aspect of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.

CB

I understand that a Conditional Use Permit is valid only if the conditions and restrictions of the permit are met. I understand that failure to comply with any aspect of the permit may result in revocation.

SIGNATURES — ALL APPLICATIONS MUST BE SIGNED BY OWNER!

9

[Signature]
Applicant

11-7-16
Date

Owner

Date

17.33 M-1 LIMITED INDUSTRIAL DISTRICT.

The M-1 Industrial District is intended to provide for warehousing, manufacturing or fabrication operations which, on the basis of physical and operational characteristics, would not be detrimental to the immediate surrounding area or to the Village as a whole by reason of smoke, odor, noise, dust, flash, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably insure compatibility with the surrounding area in this respect. All uses in this District must meet the State of Wisconsin industrial standards.

(1) PERMITTED PRINCIPAL USES.

- (a) Building and yards for the storage and wholesale of goods and materials other than chemical, flammable, liquid, gaseous, vaporous or explosive substances where such goods or materials are temporarily stored inside a building or within an open area visually screened from public streets or highways and adjacent nonindustrial uses.
- (b) All uses involving the manufacture and fabrication of goods within the confines of a building and in which any smoke, noise, dust, flash or odor produced in the manufacturing process is confined within the building.
- (c) All uses involving the provisions of a service which is either manufacturing-related or fabrication-related and not permitted in business districts confined within a building, and in which smoke, dust, flash, heat, noise or odor produced by such service uses is confined within the building.

(2) PERMITTED ACCESSORY USES.

- (a) Enclosed as well as screened areas for the storage of materials other than explosive or flammable materials or substances used in the manufacturing or fabrication process.
- (b) Offices normally auxiliary to the principal use.
- (c) Garages for the storage of vehicles used in conjunction with the operation of the warehouse or industrial use.
- (d) Auxiliary power generators.
- (e) Off-street parking and loading areas.
- (f) One aboveground storage tank (maximum 5,000 gallon capacity) for storage of flammable materials, subject to compliance with section 11.071 of this Code. (Cr. Ord. #30-97)

(3) CONDITIONAL USES. (Rep. & Recr. Ord. #30-97)

- (a) Buildings, structures or underground storage tanks used for the storage of chemicals, flammable liquids and gaseous or vaporous substances.
- (b) Two or more aboveground storage tanks (over 5,000 gallon capacity) for storage of flammable materials, subject to compliance with section 11.071 of this Code.
- (c) Yards and structures used for the temporary storage or holding of animals not for slaughter.

- (d) Recycling collection/processing center.
- (e) Reserved. (Rep. Ord. #5-02)
- (f) Secondhand stores greater than 5,000 square feet in area, subject to all other requisite approvals applicable to conditional use and subject to the Plan Commission determining reasonable regulations for the collection, warehousing, sorting and repair of materials in the course of operation of such secondhand stores.
- (g) Child care, day care centers or preschool centers licensed by the State and in continuous compliance with all applicable State and local regulations. (Cr. Ord. #34-97)
- (h) Commercial activities permitted in the B-2, Community Business District when the Plan Commission finds that the activity will directly support the businesses of the industrial park and can be integrated into an overall plan for the industrial park. (Cr. Ord. #11-00)
- (i) Agricultural and dairy product silos, cooling towers, and other accessory structures whose height exceeds 45 feet. (Cr. Ord. #23-03; Am. Ord. #31-07)
- (j) Principal buildings exceeding a height of 45 feet provided that: (Cr. Ord. #31-07)
 - 1. A new or expanded building should normally not exceed the height of any existing principal building(s) on an adjacent or opposing property (across the street) if the height of the new building will be greater than twice the height of the nearest, tallest existing building;
 - 2. The site design and architecture of the new or expanded building includes additional setback, and, variation or articulation of the wall and roof components of the new or expanded building to provide a transition in height; and
 - 3. The new or expanded building is not on property that is adjacent to a residential zoning district or other established residential area.

(3a) TEMPORARY USES. (Cr. Ord. #32-91) Any use listed as a permitted use within the district of a limited duration as established in section 17.07(2a) of this chapter and as defined in section 17.08(83) of this chapter.

(4) LOT, YARD AND BUILDING REQUIREMENTS.

TABLE INSET:

Lot frontage at setback	Minimum 120 ft.
Lot area	Minimum 30,000 sq. ft.
Principal building:	
Front yard	Minimum 30 ft.
Side yards	Minimum 10 ft.
Rear yard	Minimum 25 ft.
Building height	Maximum 45 ft.
Percentage of coverage, including parking and loading	Maximum 80%

- (5) PARKING AND LOADING REQUIREMENTS. See section 17.45 of this chapter.
- (6) SITE PLAN APPROVAL REQUIRED. See section 17.43 of this chapter.

Surge Martial Arts – W188 N11927 Maple Road. Corey Becker, operator, is seeking a Sign Permit and Conditional Use Permit to allow the operation of a martial arts and fitness operation from an existing tenant space in the Alpine Business Center. Planner Retzlaff summarized the proposal that is moving from their current location in the Germantown Marketplace.

MOTION Baum second Shadid to Approve a Conditional Use Permit for the operation of an indoor health and recreation establishment, specifically “Surge Martial Arts & Fitness”, from tenant space in the existing building located at W188 N11927 Maple Road (Alpine Business Center Unit 10) in the Germantown Industrial Park subject to the following conditions:

- 1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated November 7, 2016 and in the supporting documents made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.***
- 2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently 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. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements shall be submitted to the Village as part of a building permit application.***
- 4. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.***
- 5. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.***
- 6. All exterior signage, including temporary signs, require a permit from the Village.***

Planner Retzlaff explained the list of CUP uses that may be allowed in the M-1 Zoning District includes commercial activities allowed in the B-2 Community Business District when the Plan Commission finds that the activity directly supports the businesses in the park. Discussion followed regarding if this use is something the employees in the park would use.

MOTION carried unanimously.

MOTION Baum second Shadid to Approve the proposed wall signs for Surge Martial Arts & Fitness located at W188 N11927 Maple Road (Alpine Business Center Unit 10) in the Germantown Business Industrial Park subject to the following conditions:

1. **Ground-mounted lighting shall be spot lighting (vs. flood) and installed with appropriate shielding to prevent glare or spill-over visible from Maple Road or adjacent properties.**
2. **Electrical permits shall be obtained from the Inspection Services prior to installation of any ground-mounted lighting fixtures.**

MOTION carried unanimously.

Happy Hounds – N116 W18395 Morse Drive. Michelle Richards, operator, is seeking a revised Conditional Use Permit for the operation of a dog daycare, training, grooming and boarding facility. Planner Retzlaff summarized the proposal and explained the business is moving from its current location on Edison Drive to the new location also in the Industrial Park. The owner is requesting some revisions to the current CUP and staff supports the revisions including the limits on the number of dogs, the requirement for special permission from Plan Commission for special events and sound mitigating measures in the case of noise complaints.

MOTION Baum second Shadid to Approve amendments to CUP #3-04 for the Happy Hounds dog daycare facility to be located at N116 W18395 Morse Drive in the Germantown Industrial Park subject to the following Revised and Additional conditions:
Revised Conditions:

1. The facility shall be limited to a 10,000 ~~7,200~~ sq. ft. area, with the following allowed uses:
 - a. Dog daycare
 - b. Dog training.
 - c. Dog grooming and bathing.
 - d. Retail, sales of dog accessories.
 - e. Dog boarding.
2. ~~The maximum number of dogs allowed on the premises at one time is 65.~~
3. ~~The maximum number of dogs allowed outside the building at one time is 30.~~
4. Outside dog area shall be completely fenced in with a minimum 6 ft. solid or chain link fence with privacy slats.
5. The hours of operation shall be between 6:00 a.m. and 10:00 p.m.
6. All waste outside must be picked up on a daily basis and disposed of properly.
7. Any outside special events requires Plan Commission approval.
8. If the Village receives any complaints regarding the noise generated from barking dogs, the Village ~~Plan Commission~~ may require that ~~request~~ the applicant install sound softening or other mitigative measures within the areas ~~of the building that the dogs are kept or take other action regarding the operation pursuant to Condition #13 herein.~~
9. All permanent and temporary signage requires Village permits and approval by the Plan Commission (if applicable).
10. Any future paving may requires Village approval and/or permits by the Plan Commission.
11. Any change of the conditions listed above requires approval by the Village Board to officially amend the Conditional Use Permit.

Additional Conditions:

12. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated November 4, 2016 and in the supporting documents made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of

X. F

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

MEETING DATE: December 19, 2016

AGENDA ITEM: New Business

ITEM TITLE: Blanket purchase order for purchase of water meters for meter change out

SUBMITTED BY: Public Works Committee

SUMMARY EXPLANATION:

The Public Works Committee is requesting authorization for a blanket P.O. for the budgeted amount of \$150,000 to purchase water meters. This has been approved for the last three years

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER _____

RECOMMENDATION:

By majority vote the Public Works Committee is requesting approval of a blanket purchase order for the budgeted amount of \$150,000

Committee recommends allocating \$150,000 from the 2017 capital budget (50-180-183-3460)

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.

X. G

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

ORDINANCE NO. ____-16

AN ORDINANCE AMENDING SECTION 1.378(3) OF THE GERMANTOWN
MUNICIPAL CODE AS IT RELATES TO THE TERMS OF OFFICE FOR
MEMBERS OF THE TOURISM COMMISSION.

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, the Village Board previously amended Section 1.378 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(3) of the Municipal Code of the Village of Germantown, Wisconsin, is hereby repealed and recreated to read as follows:

(3) Term. Members appointed to the initial term of the Commission commencing on January 1, 2017 shall hold office until May 14, 2018. Thereafter, members shall be appointed to one-year terms commencing on May 15 of every year. Appointments to vacant positions shall be for the remainder to the term of the position filled.

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.

Introduced by _____ on December 5, 2016.

Adopted: March , 2016

Vote: Ayes:

Nays:

Absent:

Dean Wolter, Village President

ATTEST:

Approved as to form:

Barbara K.D. Goeckner, Village Clerk

Brian C. Sajdak, Village Attorney
Published

X. 14

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

MEETING DATE: Monday, December 19, 2016

AGENDA ITEM: New Business

ITEM TITLE: Cooperative Agreement between the Village of Germantown and the Aging & Disability Resource Center of Washington County

SUBMITTED BY: Mark Schroeder, Park & Recreation Director *MS*

SUMMARY EXPLANATION:

Attached is the annual cooperative agreement in which the Village of Germantown receives \$600 from the Washington County Aging and Disability Resource Center for use of the Senior Center to provide the weekly Senior Meal Program, as well as recreational activities. Monies are recognized in the Village's budget as a revenue in account 10-430-431-2500.

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER X

RECOMMENDATION:

**COOPERATIVE AGREEMENT BETWEEN
VILLAGE OF GERMANTOWN
AND
AGING & DISABILITY RESOURCE CENTER
OF WASHINGTON COUNTY**

In consideration for the mutual covenants herein, the Aging & Disability Resource Center of Washington County, State of Wisconsin, hereinafter known as the "PROGRAM", having offices at 333 East Washington Street, Suite 1000, West Bend, WI 53095, and the Village of Germantown, for the Germantown Senior's Activity Center, hereinafter known as the "FACILITY", located at W162 N11960 Park Avenue, Germantown, WI 53022, agree as follows:

1. The FACILITY shall provide:
 - A. Use of their facility including meeting rooms, kitchen facilities and furnishings to be used for prescheduled activities Monday-Friday between 8:00 am and 4:30 pm as agreed upon by both parties.
 - B. Payment of all utility charges.
 - C. Provisions of garbage removal.
 - D. Storage facilities for equipment and utensils.
 - E. General liability insurance coverage \$1,000,000 per occurrence.
 - F. A Certificate of Insurance acceptable to the County that shall contain a provision that coverage afforded under the policy will not be cancelled unless at least 60(sixty) days prior written notice has been given to the county annually.
 - G. An annual report of activities held at the Senior Center shall be provided in June of each year. The reports shall include the type of program, number of participants, other comments regarding programs.
2. The PROGRAM shall provide:
 - A. Payment for the use of the facility shall be made by the PROGRAM to the FACILITY and shall not exceed \$600.00 dollars per year. Meals which shall be delivered and shall contain 1/3 (one-third) minimum daily requirements for an adult.
 - B. Recruiting, training, and scheduling of volunteers who shall be responsible for hosting, serving, cleanup, record keeping, and shall follow health and sanitation procedures.
 - C. Planning and coordinating of various social and recreational activities preceding meal service, as agreed, with the approval of the Facility.
 - D. Services that are for the benefit of older adults of Washington County
3. The FACILITY and the PROGRAM agree as follows:
 - A. Meal service shall be open to all residents of the United States 60 (sixty) years of age or older, or married to a citizen 60 (sixty) years of age or older.
 - B. The PROGRAM shall not be held responsible for unclean conditions caused by individuals or groups who use the Facility outside of contract hours.
 - C. The PROGRAM may establish various rules and regulations regarding walk-ins as necessary in cooperation with the FACILITY.

D. The PROGRAM will not operate on a day when:

- 1.) There is a fifth Wednesday in the month.
- 2.) There is a community emergency. Each party will make reasonable efforts to notify the other if such emergency exists.
- 3.) All Washington County holidays including the day after Thanksgiving.
- 4.) Agreed upon by both parties.

4. Payment:

A. Payment for the use of the facility shall be made by the PROGRAM to the FACILITY and shall not exceed \$600.00 dollars per year.

5. Term and Termination:

A. Term. This Agreement shall be effective as of January 1, 2017, and ending December 31, 2017. This Agreement shall automatically renew for subsequent one (1) year periods under the same terms and conditions as outlined herein, unless modified by mutual consent of the parties, such modification shall be reduced to writing, signed by the parties and attached as an Addendum to this Agreement. This is subject to the termination provision of 5.B. below.

B. Termination. Either party may terminate this Agreement at any time during the life of this Agreement, or subsequent renewal periods, for any or no reason by giving 30 (thirty) days prior written notice in writing to the other party of the intention to do so. Said written notice for the PROGRAM shall be sent to:

AGING & DISABILITY RESOURCE CENTER OF WASHINGTON COUNTY
333 E Washington Street, Suite 1000
West Bend, WI 53095

And said written notice for the FACILITY shall be sent to:

Village of Germantown Administrator
N112 W17001 Mequon Road
P O Box 337
Germantown, WI 53022

C. The Program and the Facility shall meet annually to evaluate this cooperative agreement. This meeting shall be documented by the program.

6. Insurance:

PROGRAM shall not provide any insurance coverage of any kind for FACILITY or FACILITY'S employees. FACILITY shall provide the following general liability coverage: General liability (\$1,000,000 per occurrence). An annual Certificate of Insurance acceptable to PROGRAM shall be submitted prior to the commencement of this Agreement. The Certificate shall contain a provision that coverage afforded under the policy will not be cancelled unless at least 30 (thirty) days prior written notice has been given to PROGRAM.

7. Entire Agreement and Severability:

This Agreement constitutes the entire agreement between the PROGRAM and the FACILITY. If any provision of this Agreement is held to be void, invalid or otherwise unenforceable, in whole or in part, the other provisions shall remain in force and effect.

In Witness Whereof, the parties hereto affix their hands and seals.

For the PROGRAM:
Washington County

For the FACILITY:
Germantown Senior's Activity Center

Richard P. Gundrum
County Board Chair

Date: _____

Dean Wolter
President, Village of Germantown

Date: _____

Brenda J. Jaszewski
County Clerk

Date: _____

X. I

BUSINESS OF THE VILLAGE BOARD
VILLAGE OF GERMANTOWN, WI

MEETING DATE: Monday, December 19, 2016

AGENDA ITEM: New Business

ITEM TITLE: Letter of Agreement between Village of Germantown and the Aging & Disability Resource Center of Washington County for Year 2017

SUBMITTED BY: Mark Schroeder, Park & Recreation Director *MS*

SUMMARY EXPLANATION:

Attached is the annual letter of agreement between the Village of Germantown and Washington County for the use of the Village's Senior Center. The Village of Germantown receives \$6,000 from the Washington County Aging and Disability Resource Center to provide prescheduled programs and services at the Senior Center, Monday – Friday 8:00 a.m. to 4:30 p.m. Monies are recognized in the Village's budget as a revenue in account 10-430-431-7215.

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER X

RECOMMENDATION:

**LETTER OF AGREEMENT BETWEEN
VILLAGE OF GERMANTOWN
AND
AGING & DISABILITY RESOURCE CENTER
OF WASHINGTON COUNTY**

In consideration for the mutual covenants herein, the Aging & Disability Resource Center of Washington County, State of Wisconsin, hereinafter known as the "PROGRAM", having offices at 333 East Washington Street, Suite 1000, West Bend, WI 53095, and the Village of Germantown, for the Germantown Senior's Activity Center, hereinafter known as the "FACILITY", located at W162 N11960 Park Avenue, Germantown, WI 53022, agree as follows:

WHEREAS, the County provides services to older adults through its Aging & Disability Resource Center; and,

WHEREAS, Village of Germantown owns and operates a senior center facility in Germantown, known as Germantown Senior's Activity Center and,

WHEREAS, Germantown Senior's Activity Center provides programs and services at the Germantown Senior's Activity Center.

NOW, THEREFORE, in consideration of the mutual agreements herein contained, the parties agree as follows:

1. Washington County will provide, through its Aging & Disability Resource Center, payment of \$6,000 per year to Germantown Senior's Activity Center.
2. Village of Germantown will provide the county with a satellite location to offer senior Services, and a site for the Senior Dining program within the Germantown Senior's Activity Center.
3. Village of Germantown will allow the Germantown Senior's Center facility, including meeting rooms, kitchen facilities, and furnishings, to be used for prescheduled activities Monday-Friday between 8:00 am and 4:30 pm as agreed upon by both parties.
4. Insurance. County shall not provide any insurance coverage of any kind for Germantown Senior's Activity Center or its employees. Germantown Senior's Activity Center shall provide the following general liability coverage: General liability (\$1,000,000 per occurrence). An annual Certificate of Insurance acceptable to the County shall be submitted prior to the commencement of this Agreement. The Certificate shall contain a provision that coverage afforded under the policy will not be cancelled unless at least 30 (thirty) days prior written notice has been given to County.
5. The County will ensure that all County sponsored programs and services held at the Germantown Senior's Activity Center will be for the benefit of the older adults of Washington County.

6. Germantown Senior's Activity Center is responsible for providing a quarterly report of activities held at the Germantown Senior's Activity Center to the County. These reports should be sent to the County by the 15th of the following month. The reports shall include:
 - Type of program
 - Number of participants
 - Other general comments regarding the programs
7. This agreement may be terminated by the County or Germantown Senior's Activity Center, without cause for any reason, upon giving thirty (30) days written notice to the other party.
8. This agreement or any part thereof shall be renegotiated in the event of changes in State, Federal, or local regulations or a reduction in funds affecting the substance of contract.
9. This agreement shall be valid and enforceable for a period of one year, commencing January 1, 2017 and shall expire on December 31, 2017, unless earlier terminated pursuant to paragraph 7.

In Witness Whereof, the parties hereto affix their hands and seals.

For the PROGRAM:
Washington County

Richard P. Gundrum
County Board Chair

Date: _____

For the FACILITY:
Germantown Senior's Activity Center

Dean Wolter
President, Village of Germantown

Date: _____

Brenda J. Jaszewski
County Clerk

Date: _____

X.5.

RECEIVED

DEC 02 2016

OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

December 1, 2016

Re: Letter of Intent for Public Grant

Good afternoon,

This letter of intent is to request a grant to have Fireman's Park rental fee waived for Sunday May 21, 2017. The park has already been reserved for us on this date and we have already paid the fee which we are requesting to be refunded. Here are the details of the event:

Date: Sunday, May 21 2017

Time: Set-up 8-10am, Registration 10-11am, Walk/Run Event 11-12, All clean-up completed by 1pm

Location: Fireman's Park, Germantown

Sponsored by: Kennedy Middle School PTA
W160 N11836 Crusarder Ct, Germantown WI 53022

Sponsor chair: Chantal Macksam (414)313-2483

Mission Statement: To provide a fun, healthy community event that is open to all Germantown area residents and is open to people of all ages and athletic abilities. 100% of all profit will go to Kennedy Middle School programs, supplies, and teacher grants.

Non-Profit 501(C), Fed ID 39-0841949, Group Exempt # 2257 – see attachment

We kindly ask to have the park rental fee refunded to Kennedy Middle School PTA.

We agree to indemnify, defend and hold harmless the Village of Germantown, its officers, agents, volunteers and employees, from any and all claims and matters concerning or arising from the event. Kennedy Middle School PTA shall hold harmless, defend, and indemnify the Village of Germantown and its officers, officials, employees and volunteers from and against any and all liability, loss, damage, expense, cost of every nature arising out of or in connection with the organization's or individual's performance or work, related to the event which are the subject of the grant award or any failure to comply with any obligation or conditions contained in the PUBLIC Grant Program, except such loss or damage which was caused by the sole negligence or willful misconduct of the Village.

Sincerely,



Chantal Macksam

Vice President

Kennedy Middle School PTA

**VILLAGE OF GERMANTOWN
APPLICATION FOR PUBLIC GRANT PROGRAM**

Application Date: 12/1/17 **DEADLINE 60 DAYS BEFORE FIRST EVENT

Organization/Group Name: KENNEDY MIDDLE SCHOOL PTA
Address: W160 N 11836 CROSBY CT, GERMANTOWN
Phone: (262) 253-3450

Applicant

Name: CHANTAL MACKSAM
Address: W144N 9928 SUN VALLEY TR, GERMANTOWN
Phone: (414) 313-2483
Email: CHAMACKSAM@CBCGLOBAL.NET

Purpose or Mission Statement: TO PROVIDE A FUN, HEALTHY
COMMUNITY EVENT FOR GERMANTOWN RESIDENTS. 100%
OF ALL PROFIT WILL GO TO KMS PROGRAMS SUPPLIES

EVENT #1: GERMANTOWN COMMUNITY COLOR A THON AND GAMES Date(s) Of Event: 5/2/17

Event Description: 5 MILE WALK / RUN WITH VARIOUS COLOR STATIONS
WHERE PARTICIPANTS GET COVERED W/ COLOR DUST

Estimated Attendance: _____ Times of Event: 9AM - 1PM

Location of Event: FIREMAN'S PARK, GERMANTOWN

Permits, Licenses & User fee(s) requested for waiver: (list every permit, license and user permit separately along with fee(s) for each and attach application for each) N/A

Park Reservation Fee \$116¹⁶

EVENT #2: _____ Date(s) Of Event: _____

Event Description: _____

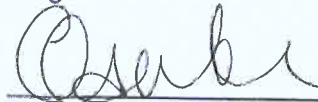
Estimated Attendance: _____ Times of Event: _____

Location of Event: _____

Permits, Licenses & User fee(s) requested for waiver: (list every permit, license and user permit separately along with fee(s) for each and attach application for each) _____

KENNEDY MIDDLE SCHOOL PTA organization or individual shall hold harmless, defend and indemnify the Village of Germantown and its officers, agents, officials, employees and volunteers from and against any and all liability, loss damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with the organization's or individual's performance or work related to the event(s) or gathering(s) which are the subject of the grant award or any failure to comply with any obligations or conditions contained in the Public Grant Program, except such loss or damage which was caused by the sole negligence or willful misconduct of the Village.

Date: 12/1/16



Signature

CHANTAL MACKIN

Print Name of Signature

6144 N9928 SUN VALLEY TR

Street Address

GERMANTOWN, WI 53022

City, State & Zip Code

Additional information to be included with submission of application:

- ☒ Insurance submitted \$1,000,000 (minimum limit) – required for events having over 100 people in attendance. **Must also name the Village of Germantown as additional insured.**
- ☒ A budget stating projected expenses, revenues and funding source(s) specific to the event(s) or gathering(s), which projects a break-even or profitable event(s) or gathering(s) when calculated using the Grant request.
- ☒ Proof of non-profit status or like capacity
- ☒ Applications for or issued permits, licenses and use permits required for event.

**PLEASE RETURN TO: VILLAGE OF GERMANTOWN
CLERK'S DEPARTMENT
N112 W17001 MEQUON ROAD, P.O. BOX 337
GERMANTOWN, WI 53022-0337
Phone: 262-250-4740 Fax: 262-253-8255**

(Office use only)

Date received by Village Clerk: 12-2-16

Date to Village Board: 12-19-16

Approval by Village Board: (YES OR NO) _____ Date: _____

Verify which fee(s) listed on application were approved or note those which were not approved:

Date and signature of Clerk staff verification _____

Notification to Departments of fees waived: _____
(List Dept. and Amount, date and initials of Clerk staff notifying them)

Request to Finance Department for reimbursement to Organization/Individual of fees granted:

Date submitted, initials of person submitting request & amount requested _____



Association Insurance Management, Inc.
your partner for insurance and risk solutions

MEMBER CERTIFICATE OF INSURANCE

11/28/16

Thank you for purchasing your insurance from AIM. This is your Member Certificate and should be kept with your permanent records.

Insured #: WI15708

NAMED INSURED MEMBER:

Kennedy MS PTA
Attn: Melissa Parmenter or Current Officer
W160 N11836 Crusader Ct
Germantown, WI 53022

Named Insured & Mailing Address

Education Support Purchasing Group
c/o AIM
P.O. Box 674051
Dallas TX, 75267-4051

PRODUCER NAME

AIM Association Insurance
Management, Inc.
PO Box 674051
Dallas TX, 75267-4051

Company / Coverage	Policy #	Effective Dates	Deductible	Limits of Insurance	
Tudor Insurance Company / Commercial General Liability	PTP0016211	10/7/16 - 10/7/17	\$ 0	Each Occurrence	\$1,000,000
				General Aggregate	\$2,000,000
				Products - COMP/OPS Aggregate	\$1,000,000
				Personal & Advertising Injury	\$1,000,000
				Fire Damage (any one fire)	\$50,000
Tudor Insurance Company / Medical Payments	PTP0016211	10/7/16 - 10/7/17	\$ 0	Any One Person	\$5,000
				Aggregate	\$5,000
Tudor Insurance Company / Non-profit Prof Liability (Officers Liability)*	PTP0016212	10/7/16 - 10/7/17	\$ 1,500	Aggregate	\$1,000,000
	Retro-active Effective Date:	10/7/16			

Germantown Park and Recreation is added as an additional insured on the General Liability policy only.

Event: Color Run

Date/Time: 5/21/17 9AM - 1PM

Certificate Holder:

Germantown Park and Recreation
N112 W17001 Mequon Rd
Germantown, WI 53022

This member certificate, together with the common policy conditions, coverage part(s), coverage form(s), and endorsements, if any, complete the above numbered policy. Copies of the Master Policies are available upon request or may be printed at www.aim-companies.com

AUTHORIZED REPRESENTATIVE

Budget Color A Thon May 21 2017

Revenue

Website Registrations Revenue	\$ 7,500.00
Day of Registrations/Merchandise Sales	\$ 600.00
Sponsorships	\$ 500.00
Food Sales	\$ 150.00

Costs

30% of website registrations to School A Thon	\$ 2,250.00
\$3 per Registration Shirt Fee	\$ 750.00
Starter Kit for Presentations	\$ 72.00
Sunglass Purchases - Oriental Trading	\$ 100.00
Crew Shirts	\$ 90.00
Extra Individual Color Packs	\$ 315.00
Extra Bulk Dye	\$ 200.00
Extra wigs/stockings/tutus	\$ 350.00
Rental of Arch and Flags	\$ 250.00
Extra Plain T-shirts	\$ -
Misc. Supply costs	\$ 20.00
Gift Certificates for DJ and MC	\$ 50.00

Total Revenue \$ 8,750.00

Total Costs \$ 4,447.00

Net Profit \$ 4,303.00

Internal Revenue Service

Date: May 7, 2007

PTA WISCONSIN CONGRESS
4797 HAYES RD
MADISON WI 53704-3288

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:

Richard E. Owens 31-07974
Customer Service Representative

Toll Free Telephone Number:

877-829-5500

Federal Identification Number:

39-0841949

Group Exemption Number:

2257

Dear Sir or Madam:

This is in response to your request of May 7, 2007, regarding your organization's tax-exempt status.

In March 1972 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records indicate that your organization is also classified as a public charity under section 509(a)(2) of the Internal Revenue Code.

Based on the information supplied, we recognized the subordinates named on the list your organization submitted as exempt from federal income tax under section 501(c)(3) of the Code.

Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Michele M. Sullivan, Oper. Mgr.
Accounts Management Operations 1

RECEIVED

BY: _____



EVENT NAME GERMANTOWN COMMUNITY COLOR-A-THON



EVENT DATE May 22, 2016
& TIME Registration: 10:00 AM
Event: 11:00 AM

SAMPLE

LOCATION Fireman's Park- W162 N11870 Park Ave
Germantown, WI 53022

**REGISTER HERE &
SEE IT IN ACTION!** <http://shop.schoolathon.org/181607>

Kennedy Middle School PTA is sponsoring a Color-A-Thon Event and we would like you and your family to participate! The money from this fun and healthy event will be used to fund Kennedy PTA programs.

The cost to register for this $\frac{1}{4}$ mile walk/run Color-A-Thon event is **only \$30** and includes a t-shirt and a color dye pack! After the event, there will be a Color Blast After Party with music and Big Blasts of Color!

Go to the website listed above and register you and your family today!

MUST REGISTER BY: May 11, 2016

To be guaranteed your event t-shirt & color pack.

ACTIVITY SALES RECEIPT

Receipt # 218197
Payment Date: 12/05/2016
Household: 8240
Home Phone: (262)255-3894



CHANTAL MACKSAM
W144 N9928 SUNVALLEY TRAIL
GERMANTOWN WI 53022

Germantown Park & Recreation Department
N112 W17001 Mequon Road
Germantown WI 53022
Phone:

Reservation Updated: Firemen's Park, Firemen's Park Shelter

Reserv. Contact: Chantal Macksam
Phone Number: (262)255-3894
Reserv. Number: 8042
Status: Firm
Purpose: KMS PTA Color A Thon

<u>New Fees</u>	<u>Total Fees</u>	<u>New Paid</u>	<u>Total Paid</u>	<u>Amount Due</u>
0.00	116.16	116.16	116.16	0.00

Date(s): Sun @ 9:00am - 1:00pm: 5/21/17
Special Questions: Reservation Comment Code:
Reservation Comments:
Event Type:
Print Opt:
Site Type:
Link to Reservation #: 8042
Display Reservation on WebTrac: No
Web Event: No
Do you plan on setting up a tent and/or inflatable: No
What other functions should we be made aware of? N/A
Do you need an alcohol permit? No - We will not have beer wine or wine coolers at the event.
Do you agree to the rental policies? Yes

Processed on 12/05/16 @ 8:50am by sjf

Total New Fees	0.00
Discount Applied	0.00
Total New Taxes	0.00
Old Balances Included	116.16
Total Due	116.16
Total Fees Paid	110.00
Total Taxes Paid	6.16
Total Paid	116.16

Household Balance Information

Overall Household Credit Balance Available	0.00
Overall Household Balance Due	0.00

Payment of: 116.16 Made By: Check With Reference: 1199

Barbara K.D. Goeckner

From: Mark Schroeder
Sent: Monday, December 05, 2016 12:07 PM
To: Barbara K.D. Goeckner
Cc: Shannon Lemke
Subject: FW: KMS Color A Thon
Attachments: Public Grant Program Policy.pdf; 000218197.pdf

Hi Barb,

Attached is the receipt for the KMS Color Run. Shannon has booked this event in our reservation system. I'm not sure if Chantal Macksam has contacted the Clerk's Office regarding the grant program process, but just wanted to let you know the process has started on this end.

Mark Schroeder, CPRP
Park & Recreation Director
Germantown Park & Recreation Department
Ph: (262) 250-4710 Fax: (262) 255-2920



Visit Us on Facebook

Discover. Play. Grow

From: Mark Schroeder

~~DI, A.~~
X. K

**BUSINESS OF THE GENERAL GOVERNMENT & FINANCE COMMITTEE
GERMANTOWN, WI**

MEETING DATE: Monday, December 19, 2016

AGENDA ITEM: New Business

ITEM TITLE: School District Facility Fund Purchase

SUBMITTED BY: Mark Schroeder, Park & Recreation Director *MS*

SUMMARY EXPLANATION:

School District and Park & Recreation staff have engaged in discussions regarding replacement of the aging volleyball systems for both gymnasiums at Kennedy Middle School. The cables for the post/net system need to be replaced as it is difficult to crank the nets up and down. The standards are also outdated, and very heavy for instructors and officials to set-up/take down for adult and youth instructional programs and leagues.

A total of four volleyball systems (aluminum standards, nets, floor plates, and post pads) are included in the project. The cost for all equipment and installation is \$12,162. This project would be funded through monies in the Germantown School District line item of the Recreation Facility Fee Fund.

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER____

RECOMMENDATION:

Staff recommends that the General Government & Finance Committee forwards a positive recommendation to the Germantown Village Board to approve the expenditure, not to exceed \$12,162, from the Recreation Facility Fee Fund, Account #16-567-530-3200 for the purchase and installation of new volleyball systems for the gymnasiums at Kennedy Middle School.

As of December 1, 2016, the balance in the Germantown School District line item of the Recreation Facility Fee Fund is \$60,935.

X.L

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

RESOLUTION NO. R - 16

**Salary Amendment Merit Adjustment
CALENDAR YEAR 2016**

WHEREAS, the Village of Germantown had passed a salary resolution for its employees on March 7, 2016, and,

WHEREAS, the Village Board authorized a merit adjustment to some non-represented employees to be added to the base salary of each after its application in mid-December, and;

NOW THEREFORE BE IT RESOLVED that the attached Salary and Compensation Schedule for fiscal year January 1 through December 31, 2016 is approved.

Introduced by:

Adopted:

Vote: Ayes: Nays: Absent

Dean M. Wolter President

ATTEST:

Barbara K.D. Goeckner, MMC/WCPC
Village Clerk

2016 SALARY AND COMPENSATION SCHEDULE

	2015	2016	w/Merit Addition	
1. Legislative				
a. Village President	\$8,000	\$8,000		annually
b. Village Trustees	5,500	5,500		annually
2. Village Offices - General				
a. Public Works Secretary	\$21.93	\$22.26	\$22.35	per hour
b. Deputy Treasurer	23.50	\$23.85	\$23.97	per hour
c. Deputy Clerk	\$19.62 - 23.08	\$19.91 - \$23.43	\$19.91 - \$23.55	per hour
d. Accounts Payable Clerk	\$15.72 - 18.50	\$15.96 - \$18.78	\$15.96 - \$18.87	per hour
3. Administrative & Related				
a. Village Administrator	\$98,707	\$100,188		annually
b. Village Clerk	64,706	65,677	66,075	annually
c. Village Finance Director	71,546	72,619	73,017	annually
4. Public Works				
a. Director of Public Works - Eff 8/31/16 1 Yr	\$89,700	\$91,046	\$91,444	annually
b. Village Engineer	75,565	76,698		annually
Village Engineer - Laning - Effective 6/20/16		85,000		
Laning - Effective 12/20/16 (upon Review)		86,000		
c. Superintendent Highways, Parks & Bld.Ground:	64,712	65,683	\$66,077	annually
d. Superintendent Water	64,712	65,683	\$66,077	annually
e. Foreman - Hwy, Parks, Bldg., Grds	63,032	63,977	\$64,361	annually
f. Superintendent Wastewater	64,712	65,683	\$66,077	annually
g. Community Development Director/Planning	73,513	74,616	\$75,014	annually
h. Building / Electrical Inspector		27.86	\$27.96	per hour
i. Part-time Public Works Dept				
Range - low	8.74	8.87		per hour
Range - high	12.18	12.36		per hour
5th Year -- Recycling Aids ONLY	11.23	11.40		per hour
j. Summer Intern - Engineering	10.50	12.00		per hour
k. Utility Accounts Clerk	\$19.33 - 20.07	\$19.62 - 20.37	\$19.62 - \$20.47	per hour
l. Building Inspection Secretary	\$17.54 - 20.63	\$17.80 - 20.94	\$17.80 - \$21.07	per hour
m. Planning/Zoning Assistant	\$17.54 - 20.63	\$17.80 - 20.94	\$17.80 - \$21.06	per hour
n. Land Surveyor	\$25.93 - 30.50	\$26.32 - 30.96	\$26.32 - \$31.10	per hour
o. Engineering Assistant	\$23.25 - 27.35	\$23.60 - 27.76	\$23.60 - \$27.87	per hour
p. Civil Engineer - Eff 2/2/16 1 Yr	\$23,077 - \$24,2789	\$23.42 - 24.64		per hour
5. Public Safety				
a. Police Chief	\$94,860	\$97,860	\$98,258	annually
b. Police Captain	86,888	89,888	\$90,288	annually
c. Police Lieutenant	83,060	86,060	\$86,060 - \$86,460	annually
d. Police Detective Sergeant	38.77	39.92		per hour
e. Communications Supervisor	55,913	56,752	\$57,077	annually
f. Police Secretary	22.42	22.76	\$22.95	per hour
g. Police Dept Clerk - Eff 11/16/16	\$16.92 - \$17.56	\$17.17 - 17.82	\$17.17 - \$17.96	per hour
H. Fire Chief	86,275	87,569	\$87,967	annually
g.1 P.T. Deputy Fire Chief	3,904	3,904		annually
g.2 During Weekend Staffing	7,800	7,800		annually
h P.T. Fire Dept. Captain	1,853	1,853		annually
i P.T. Fire Dept Lieutenants	1,111	1,111		annually
5a Telecommunicators				
a. Start	\$18.00	\$18.27		per hour
b. One Year	18.82	\$19.10		per hour
c. Two Year	19.67	\$19.97		per hour
d. Three Year	20.52	\$20.83	\$20.83 - \$20.93	per hour
e. Four Year	21.34	\$21.66	\$21.66 - \$21.82	per hour
f. Five Year	22.17	\$22.50	\$22.50 - \$22.66	per hour
g. Seven Year	23.01	\$23.36	\$23.36 - \$23.55	per hour
6. Parks, Recreation & Senior Center				
a. Recreation Director - Eff 7/29/16	\$68,000	\$69,020	\$69,418	annually
b. Recreation Supervisor	49,193	\$49,931	\$50,142	annually
c. Recreation Supervisor -	44,721	\$45,392	\$45,603	annually
d. Senior Program Coordinator -	35,362	\$35,892		annually
e. Senior Center Assistant PT	10.87	11.03		per hour
f. Recreation Secretary	\$13.20 - \$18.42	\$13.40 - \$18.70	\$13.40 - \$18.80	per hour
7 Board, Commissions & Election Workers				
a. Plan Commission (limit 2 mtgs./month)	\$20.00	\$20.00		per mtg.
b. Police & Fire Commission Member	20.00	20.00		per mtg.
c. Police & Fire Commission Chairperson	25.00	25.00		per mtg.
d. Police & Fire Commission Secretary	22.00	22.00		per mtg.
(paid for max of 12 mtgs./year)				
e. Board of Zoning Appeals	20.00	20.00		per mtg.
f. Board of Zoning Appeals - Chairman	25.00	25.00		per mtg.
(paid for max of 12 mtgs./year)				
g. Park & Recreation Commission Member	20.00	20.00		per mtg.
h. Park & Recreation Commission Chairperson	25.00	25.00		per mtg.
(paid for max of 12 mtgs./year)				
i. Library Board Member	20.00	20.00		per mtg.
j. Library Board Chairperson	25.00	25.00		per mtg.
(paid for max of 12 mtgs./year)				
k. Election Inspectors	9.50	9.50		per hour
l. Election Inspectors Chairperson	11.00	11.00		per hour
m. Board of Review	50.00	50.00		per day
n. Historic Preservation Commission	20.00	20.00		per mtg.
9. Mileage - Expense				
Per IRS Schedule for official approved use of private auto				

X. M

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

ORDINANCE NO. ____-14

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF GERMANTOWN AS IT
RELATES TO RESCHEDULING OF CERTAIN MEETINGS OF THE VILLAGE BOARD

WHEREAS, the Village Board having previously adopted Chapter 2 of the Municipal Code of Germantown which provides for certain rules, regulations and procedures for the Village Board including meetings of the same; and

WHEREAS, the Village Board desires to make certain changes as it relates to meetings of the Board to better reflect actual practice; and

WHEREAS, the proper regulation of the Village Board is within the power of the Village Board to act for the government and good order of the Village;

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

SECTION I:

Section 2.02(1) of the Municipal Code of Germantown is amended to read as follows
(Note: Additions are underlined; Deleted text is ~~struck through~~):

(1) **REGULAR MEETINGS.** Regular meetings of the Village Board shall be held at 7:00 p.m. on the first and third Mondays of each calendar month. Any regular meeting falling upon a legal holiday may be cancelled or shall be held on the next following secular day, or on such other date as the Village Board determines appropriate, at the same hour and place. All meetings of the Board, including special and adjourned meetings, shall be held in the Village Hall unless otherwise posted. The second regular meeting in April shall constitute the organizational meeting for the purposes of committee and board appointments.

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.

Introduced by _____ on _____, 2014.

Adopted: _____, 2016 Vote: Ayes: Nays: Absent:

Dean M. Wolter, Village President

ATTEST:

Barbara K.D. Goeckner, Village Clerk

Approved as to form:

Brian C. Sajdak, Village Attorney

Published: _____

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

RECEIVED

DEC 08 2016

OFFICE OF THE CLERK
VILLAGE OF GERMANTOWN

X. N
COPY

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
TRAVIS		SHANTE		TIFFANY	
Home Address (street/route)		Post Office		City	State Zip Code
N165 W20166 HICKORY LN, #2				JACKSON	WI 53037
Home Phone Number		Age	Date of Birth	Place of Birth	
(262) 674-1396		36	09/29/1980	CHICAGO, IL	

The above named individual provides the following information as a person who is (check one):

☐ Applying for an alcohol beverage license as an **individual**.

☐ A member of a **partnership** which is making application for an alcohol beverage license.

☒ **AGENT** of **WAL-MART STORES EAST, LP**

(Officer/Director/Member/Manager/Agent)

(Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 5 YEARS
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No
If yes, identify.
- Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
If yes, identify.

(Name, Location and Type of License/Permit)

(Name of Wholesale Licensee or Permittee)

(Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
WALMART #5669	4140 W Greenfield Ave, West Milwaukee, WI	09/2013	09/30/2016
Employer's Name	Employer's Address	Employed From	To
WALMART #1551	W190 N9855 Appleton Ave, Germantown, WI	07/2012	09/2013

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 1 day of Dec, 2016
Jessica Magolan
(Clerk/Notary Public)
My commission expires 3/14/2017



Shanti Thau
(Signature of Named Individual)



Printed on
Recycled Paper

RECEIVED

AT-107a: SCHEDULE FOR SUCCESSOR OF AGENT

If there is a change in agent, each club, corporation, or limited liability company who holds a retail permit to sell fermented malt beverages and/or intoxicating liquor must appoint a successor agent pursuant to sec. 125.04(6), Wis. Stats. There is a \$10 change in agent processing fee due with this form. The following questions must be answered by the Agent. The appointment must be signed by the President and Secretary or members of limited liability company. The appointment must be approved by the licensing authority.

Germantown
(Municipality)

Wisconsin 11-29 20 16
(Date)

1. Name of agent Shante T. Travis

Yes No

2. ☒ ☐ Are you of legal drinking age?
3. ☒ ☐ Have you been a resident of Wisconsin for at least 90 continuous days prior to the date of appointment as agent?
4. ☐ ☒ Have you ever been convicted of a federal law violation?
5. ☐ ☒ Have you ever been convicted of a State law violation?
6. ☐ ☒ Have you ever been convicted of a Local ordinance violation?
7. ☒ ☐ Have you completed the required responsible beverage server program per sec. 125.04(5)(a)5, Wis. Stats.?

UNDER PENALTY OF LAW, I declare that all of the above information is true and correct to the best of my knowledge and belief.

Shante T. Travis
(Signature of Agent)

N165 W20166 Hickory Ln #2, Jackson, WI 53037
(Address)

SUCCESSOR AGENT

The undersigned appoints Shante T. Travis as agent
in accordance with sec. 125.04(6), Wis. Stats.

Name of Permittee Wal-Mart Stores East, LP

Date 11-29 20 16

By

Shante T. Travis
(Signature of President/Member)

(Signature of Secretary/Member)

I hereby accept appointment as agent for Wal-Mart Stores East, LP and assume
full responsibility or the conduct of the business relative to fermented malt beverages and intoxicating liquors.

Date 11-29 20 16

Shante T. Travis
(Signature of Agent)

THE AGENT APPOINTED ABOVE MUST BE APPROVED BY THE LICENSING AUTHORITY TO BE EFFECTIVE.
(See sec. 125.04(6), Wis. Stats.)

Germantown WI 11-29 20 16
(Municipality) (Date)
Shante T. Travis
(Signature of Official)
Store mgr
(Title)

FEB 08 2016

OFFICE OF RECORDS CLERK
VILLAGE OF GERMANTOWN**AT-107a: SCHEDULE FOR SUCCESSOR OF AGENT**

If there is a change in agent, each club, corporation, or limited liability company who holds a retail permit to sell fermented malt beverages and/or intoxicating liquor must appoint a successor agent pursuant to sec. 125.04(6), Wis. Stats. There is a \$10 change in agent processing fee due with this form. The following questions must be answered by the Agent. The appointment must be signed by the President and Secretary or members of limited liability company. The appointment must be approved by the licensing authority.

Germantown

(Municipality)

Wisconsin

20 16

(Date)

1. Name of agent Shante T. Travis

Yes No

2. ☒ ☐ Are you of legal drinking age?
3. ☒ ☐ Have you been a resident of Wisconsin for at least 90 continuous days prior to the date of appointment as agent?
4. ☐ ☒ Have you ever been convicted of a federal law violation?
5. ☐ ☒ Have you ever been convicted of a State law violation?
6. ☐ ☒ Have you ever been convicted of a Local ordinance violation?
7. ☒ ☐ Have you completed the required responsible beverage server program per sec. 125.04(5)(a)5, Wis. Stats.?

UNDER PENALTY OF LAW, I declare that all of the above information is true and correct to the best of my knowledge and belief.

(Signature of Agent)

N165 W20166 Hickory Ln #2, Jackson, WI 53037

(Address)

SUCCESSOR AGENT

The undersigned appoints Shante T. Travis as agent in accordance with sec. 125.04(6), Wis. Stats.

Name of Permittee Wal-Mart Stores East, LPDate 20 16

By

Michael O'Sullivan
(Signature of President/Member)

Audrey B.
(Signature of Secretary/Member)

I hereby accept appointment as agent for Wal-Mart Stores East, LP and assume full responsibility for the conduct of the business relative to fermented malt beverages and intoxicating liquors.

Date 20 16

(Signature of Agent)

THE AGENT APPOINTED ABOVE MUST BE APPROVED BY THE LICENSING AUTHORITY TO BE EFFECTIVE.
(See sec. 125.04(6), Wis. Stats.)

(Municipality)

WI

(Date)

20

(Signature of Official)

(Title)



101 East Kennedy Blvd.
Suite 3400
Tampa, Florida 33602-5195
813.387.0300
Fax 813.387.1800
www.quarles.com

Attorneys at Law in
Chicago
Indianapolis
Madison
Milwaukee
Naples
Phoenix
Scottsdale
Tampa
Tucson
Washington, D.C.

Writer's Direct Dial: 414.277.5541
Writer's Fax: 414.978.8796
E-Mail: becky.diller@quarles.com

December 7, 2016

VIA UPS OVERNIGHT

Barbara K.D. Goeckner, Village Clerk
Village of Germantown
N112 W17001 Mequon Road
Germantown, WI 53022

RECEIVED

DEC 08 2016

OFFICE OF VILLAGE CLERK
VILLAGE OF GERMAN TOWN

RE: Change of Agent for Alcohol Beverage License for Walmart #1515

Dear Barbara

This letter is to notify you that there has been a change in the agent for the Class A Alcohol Beverage License for the Walmart store located at W190 N9855 Appleton Avenue in the Village of Germantown. The licensee, Wal-Mart Stores East, LP, has appointed Shante Travis as the new manager of the store and the agent for the Alcohol Beverage License for that location, effective immediately. Accordingly, enclosed for filing are the following documents:

1. Schedule for Successor of Agent (signed in counterpart).
2. Auxiliary Questionnaire for Ms. Travis.
3. Check in the amount of \$10 in payment of the filing fee.

Please contact me at becky.diller@quarles.com or 813.387.0279 if you have any questions or need additional information. Thank you for your assistance.

Very truly yours,

Rebecca A. Diller
Corporate Paralegal

Enclosures
QB\30586559.2

Tanya Raymond

From: Chief Peter Hoell <phoell@germantownpolice.org>
Sent: Monday, December 12, 2016 8:26 AM
To: Tanya Raymond
Cc: Barbara K.D. Goeckner; Jilline Dobratz
Subject: RE: Change of Agent

No objections.

*Peter G Hoell
Chief of Police
Germantown Police Department
N112 W16877 Mequon rd.
Germantown, WI. 53022
PH 262-253-7788
Fax 262-253-7787
E-mail phoell@germantownpolice.org*

Excellence In Police Service



From: Tanya Raymond [mailto:TRaymond@village.germantown.wi.us]
Sent: Thursday, December 08, 2016 3:15 PM
To: Chief Peter Hoell <phoell@germantownpolice.org>
Cc: Barb Goeckner <bgoeckner@village.germantown.wi.us>; Jilline Dobratz <JDobratz@village.germantown.wi.us>
Subject: Change of Agent

Hi Chief,

Walmart has recently undergone a change of Agent for their Class A Alcohol Beverage License. Would you please perform a background check on the applicant and email the results to me? I will send over the Alcohol Beverage License Application tomorrow.

Thank you,

Tanya Raymond
Deputy Clerk
Village of Germantown
Phone: (262)250-4742
Fax: (262)253-8255

Village of



RECEIVED

DEC 12 2016

OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

LICENSE APPLICATION

for

PAWNBROKER
SECONDHAND JEWELRY DEALER
SECONDHAND ARTICLE DEALER
SECONDHAND ARTICLE DEALER MALL or FLEA MARKET

X.O.

CHECK ALL THAT APPLY:

☐ Original application

☒ Renewal

TYPE:

☐ Pawnbroker

☒ Secondhand Jewelry Dealer

☒ Secondhand Article Dealer

☐ Mall or Flea Market

INSTRUCTIONS:

NATURAL PERSON (INDIVIDUAL) LICENSE – Complete Sections 1, 2, 3 and 6

PARTNERSHIP LICENSE – Complete Sections 1, 2, 3, 4 and 6

CORPORATE LICENSE – Complete Sections 1, 2, 3, 5, and 6

(SECTION 1) APPLICANT INFORMATION

Applicant Name (Last, First, MI) Kessler, Robert R.	Sex M	Race W	Date of Birth 10-24-51	Place of Birth (City, State, Country) Detroit, MI
Street Address N96W16920 County Line Rd.	City Germantown	State WI	ZIP 53022	Home Telephone Number 262-251-4570
List all states applicant previously resided: MI + WI				
Is applicant a: ☐ Natural Person (Individual) ☒ Corporation ☐ Limited Liability Company ☐ Partnership				

(SECTION 2) CONVICTION RECORD

Has the applicant, been convicted or adjudicated of any of the following within the last 10 years where the circumstances of the offense substantially relate to the circumstances of the licensed activity :

a felony?

☐ YES

☒ NO

a misdemeanor?

☐ YES

☒ NO

a statutory violation punishable by forfeiture?

☐ YES

☒ NO

a county or municipal ordinance violation?

☐ YES

☒ NO

For each "YES" response provide the date of arrest, the nature of the offense and conviction or penalty information:

Attach additional sheets if necessary.

(SECTION 3) BUSINESS INFORMATION

Business Name Kesslers Diamond Center	Street Address N96 W16920 County Line Rd.	City Germantown	State WI	ZIP 53022	Telephone Number 262-251-4570
Owner's Name Robert R. Kessler	Street Address N96 W16920 County Line Rd.	City Germantown	State WI	ZIP 53022	Telephone Number 262-251-4570
Business Manager's Name	Street Address	City	State	ZIP	Telephone Number
Building Owner's Name	Street Address	City	State	ZIP	Telephone Number

(Over)

(SECTION 4) LIMITED LIABILITY COMPANY INFORMATION

Limited Liability Company Name:

List name, address, and date of birth (DOB) of all members. *Attach additional sheets if necessary.*

Name (Last, First, MI)	DOB	Street Address	City	State	ZIP

(SECTION 5) PARTNERSHIP INFORMATION

Partnership Name:

List name, address, and date of birth (DOB) of all partners. *Attach additional sheets if necessary.*

Name (Last, First, MI)	DOB	Street Address	City	State	ZIP

(SECTION 6) CORPORATE INFORMATIONCorporation Name: Kesslers Diamond Center Inc.State of Incorporation: WIList name, address, and date of birth (DOB) of all corporation officers and directors. *Attach additional sheets if necessary.*

Name (Last, First, MI)	DOB	Street Address	City	State	Zip
<u>Kessler, Robert R.</u>	<u>10-24-51</u>	<u>N96W11420 County Line Rd.</u>	<u>German town</u>	<u>WI</u>	<u>53022</u>

(SECTION 7) PENALTY NOTICE

I understand that this license may be denied or revoked for fraud, misrepresentation or false statement contained in the application or for any violation of Wis. Stat. §§ 134.71, 943.34, 948.62 or 948.63.

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge. I agree to inform the clerk within ten (10) days of any change in the information supplied in this application.

Signature of Applicant: _____

Print Name of Applicant: Robert R. Kessler**FOR ADMINISTRATIVE USE ONLY**

Licensing Authority VILLAGE OF GERMANTOWN	License Number Assigned	Date Effective	Clerk
FEES RECEIVED: Pawnbroker Bond \$ <u>500.00</u> ☒ Secondhand Article License \$ <u>27.50</u>			
Pawnbroker License \$ <u>210.00</u> Secondhand Dealer Mall/Flea Market License \$ <u>165.00</u>			
☒ Secondhand Jewelry License \$ <u>30.00</u> TOTAL FEE: \$ _____			

FOR LAW ENFORCEMENT USE ONLY☒ Recommend Approval ☐ Recommend Denial (Attach explanation.)

Investigating Office Signature: _____

Date: 12-13-16Print Name of Investigating Officer: CHIEF PETER HOELL

RECEIVED

15 2016

OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

LICENSE APPLICATION

for

PAWNBROKER
SECONDHAND JEWELRY DEALER
SECONDHAND ARTICLE DEALER
SECONDHAND ARTICLE DEALER MALL or FLEA MARKET

X.P.

CHECK ALL THAT APPLY:

☐ Original application ☒ Renewal

TYPE:

☐ Pawnbroker ☐ Secondhand Jewelry Dealer
☒ Secondhand Article Dealer ☐ Mall or Flea Market

INSTRUCTIONS:

NATURAL PERSON (INDIVIDUAL) LICENSE – Complete Sections 1, 2, 3 and 6
PARTNERSHIP LICENSE – Complete Sections 1, 2, 3, 4 and 6
CORPORATE LICENSE – Complete Sections 1, 2, 3, 5, and 6

(SECTION 1) APPLICANT INFORMATION

Applicant Name (Last, First, MI)		Sex	Race	Date of Birth	Place of Birth (City, State, Country)
Petta Vince C		m	w	1/13/56	Milwaukee WI
Street Address	City	State	ZIP	Home Telephone Number	
162 W 15 738 Cherry Hill Dr.	Menomonee Falls	WI	53051	414-807-4512	
List all states applicant previously resided:					
Is applicant a: ☐ Natural Person (Individual) ☐ Corporation ☐ Limited Liability Company ☐ Partnership					

(SECTION 2) CONVICTION RECORD

Has the applicant, been convicted or adjudicated of any of the following within the last 10 years where the circumstances of the offense substantially relate to the circumstances of the licensed activity :

a felony?	☐ YES	☒ NO
a misdemeanor?	☐ YES	☒ NO
a statutory violation punishable by forfeiture?	☐ YES	☒ NO
a county or municipal ordinance violation?	☐ YES	☒ NO

For each "YES" response provide the date of arrest, the nature of the offense and conviction or penalty information:
Attach additional sheets if necessary.

(SECTION 3) BUSINESS INFORMATION

Business Name	Street Address	City	State	ZIP	Telephone Number
White House of Music	1112 W 162 90 Mcquon Rd	German town	WI	53022	262-255-2283
Owner's Name	Street Address	City	State	ZIP	Telephone Number
Chris White	250 E. Laurel Circle	Delafield	WI	53018	262-646-3626
Business Manager's Name	Street Address	City	State	ZIP	Telephone Number
Vince Petta	162 W 15 738 Cherry Hill Dr	Menom. Falls	WI	53051	414-807-4512
Building Owner's Name	Street Address	City	State	ZIP	Telephone Number
Compass Properties	735 N. Water St. EPC	Mil.	WI	53202	414-765-0305

(Over)

(SECTION 4) LIMITED LIABILITY COMPANY INFORMATION

Limited Liability Company Name: _____

List name, address, and date of birth (DOB) of all members. *Attach additional sheets if necessary.*

Name (Last, First, MI)	DOB	Street Address	City	State	ZIP

(SECTION 5) PARTNERSHIP INFORMATION

Partnership Name: _____

List name, address, and date of birth (DOB) of all partners. *Attach additional sheets if necessary.*

Name (Last, First, MI)	DOB	Street Address	City	State	ZIP

(SECTION 6) CORPORATE INFORMATION

Corporation Name: _____

State of
Incorporation: _____List name, address, and date of birth (DOB) of all corporation officers and directors. *Attach additional sheets if necessary.*

Name (Last, First, MI)	DOB	Street Address	City	State	Zip

(SECTION 7) PENALTY NOTICE

I understand that this license may be denied or revoked for fraud, misrepresentation or false statement contained in the application or for any violation of Wis. Stat. §§ 134.71, 943.34, 948.62 or 948.63.

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge. I agree to inform the clerk within ten (10) days of any change in the information supplied in this application.

Signature of Applicant: _____

Print Name of Applicant: _____

Vincent C. Petta**FOR ADMINISTRATIVE USE ONLY**

Licensing Authority VILLAGE OF GERMANTOWN	License Number Assigned	Date Effective	Clerk
FEES RECEIVED: Pawnbroker Bond \$ <u>500.00</u> Secondhand Article License \$ <u>27.50</u>			
Pawnbroker License \$ <u>210.00</u> Secondhand Dealer Mall/Flea Market License \$ <u>165.00</u>			
Secondhand Jewelry License \$ <u>30.00</u> TOTAL FEE: \$ _____			

FOR LAW ENFORCEMENT USE ONLY☒ Recommend Approval ☐ Recommend Denial (Attach explanation.)

Investigating Office Signature _____

Date: 12-15-16

Print Name of Investigating Officer: _____

CHIEF PETER HORII

- (c) The maximum length of the parade in miles or fractions thereof.
- (d) Such other information as the Chief of Police shall find necessary for the enforcement of this section.
- (8) **DUTIES OF PERMITTEE.** A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- (9) **POSSESSION OF PERMIT.** The parade chairperson or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.
- (10) **CONDUCT OF PARTICIPANTS.** No person shall commit the following acts while participating in a parade in order to insure the safety of participants and spectators.
 - (a) Possess or consume any alcoholic beverage on any float or vehicle.
 - (b) Throw any candy or other objects from any float or vehicle.
 - (c) Operate a vehicle or float in an irresponsible or unsafe manner.
 - (d) Board or depart any float or vehicle while it is in motion.
- (11) **PUBLIC CONDUCT DURING PARADES.**
 - (a) Interference. No person shall unreasonably hamper, obstruct or impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.
 - (b) Driving Through Parades. No driver of a vehicle shall drive between the vehicles, floats or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
 - (c) Parking on Parade Route. The Chief of Police or his designee may prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief or his designee shall post signs to such effect, and no person shall park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street not posted prohibiting or restricting parking on a parade route.

12.11 PAWNBROKERS AND SECONDHAND ARTICLE AND JEWELRY DEALERS. (Rep. Ord. #26-86; Cr. Ord. #28-90)

- (1) **LICENSE REQUIRED.** Pursuant to §134.71, Wis. Stats. which is hereby adopted by reference and made a part hereof, no person shall engage in the business of pawnbroker, secondhand article dealer, secondhand jewelry

dealer or secondhand dealer mall or flea market without first obtaining a license from the Village Board, except as provided in §134.71(1), Wis. Stats.

- (2) **APPLICATION.** (Am. Ord. #22-91) Application forms may be obtained from the Village Clerk and shall be filed with the Clerk, together with the following fee. Further, as a condition of granting an initial pawnbroker, secondhand article dealer, secondhand jewelry dealer or secondhand dealer, mall or flea market license, the applicant shall submit a recent personal photograph, be fingerprinted and sign a waiver permitting the Village to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant.

BUSINESS

LICENSE FEE

Pawnbroker	\$210.00 plus \$500.00 bond
Secondhand article dealer	\$27.50
Secondhand jewelry dealer	\$30.00
Secondhand article dealer mall or flea market	\$165.00

(Village service, religious and civic groups shall be exempt from this fee)

- (3) **INVESTIGATION.** The Police Chief shall investigate each applicant, as provided in §134.71(6), Wis. Stats., and shall file his report with the Village Clerk.
- (4) **ISSUANCE OF LICENSE.** Upon receiving the report of the Police Chief, the Village Board shall grant or deny the license in accordance with §134.71(7), Wis. Stats.
- (5) **LICENSING PERIODS.**
- (a) Each pawnbroker and dealer license is valid between January 1 to the next December 31.
- (b) Each secondhand article dealer mall or flea market license is valid for 2 years from May 1 of an odd-numbered year until April 30 of the next odd-numbered year.
- (6) **PAWNBROKER AND DEALER REQUIREMENTS.** Each license shall comply with the requirements of §134.71(8) and (9), Wis. Stats. The Clerk shall provide each licensee with a copy of §134.71, Wis. Stats.
- (7) **REVOCATION.** The Village Board may revoke any license issued under this section pursuant to §134.71(10), Wis. Stats.
- (8) **PENALTY.** (Am. Ord. #43-98) Any person who shall be adjudicated to have violated any of the provisions of this section shall be subject to a

X. Q

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

MEETING DATE: December 19, 2016

AGENDA ITEM: New Business

ITEM TITLE: Approval of Permit for Wisconsin Technology
Networking, LLC to install a 120' Utility Pole in Right
of Way

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

SUMMARY EXPLANATION:

The Village has received an application from Wisconsin Technology Networking, LLC (WITN) to construct a 120' tall galvanized steel pole within the right of way on Maple Road at the west side of Fire Station #2. See attached location map.

The purpose of the pole is to provide intrastate telecommunications service to telecommunications providers and private-line services. WITN is an alternative telecommunications utility regulated by the Wisconsin Public Services Commission. Additional description of the services provided is included in their application letter (attached). WITN's application to occupy space within the Villages Right-of-Way falls under Section 8.065 of the Germantown Municipal Code.

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER XX _____

___ Application letter

___ Drawing submittal including location map

RECOMMENDATION:

Public Works & Highway Committee recommends the Village Board approve the application by WITN, LLC for the installation of a 120' utility pole within the right-of-way of Maple Road.

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.

Wisconsin Technology Networking, LLC



March 10, 2016

Larry Ratayczak
Director of Public Works
N112 W17001 Mequon Rd
Germantown, WI 53022
Email: lratayczak@village.germantown.wi.us

RE: Wisconsin Technology Networking, LLC's Permit Application Submission

Dear Mr. Ratayczak:

Please find the enclosed Wisconsin Technology Networking, LLC's ("WITN") Right-of-Way Utilization application (the "application") for its proposed new utility infrastructure facility in the Village of Germantown ("Village"). Along with the attached application, please also find a set of drawings and a sample photo simulation for WITN's proposed pole.

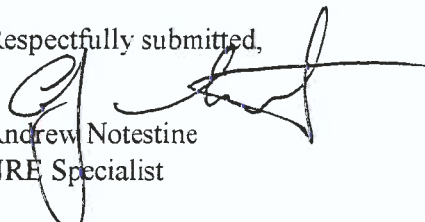
WITN is an alternative telecommunications utility regulated by the Wisconsin Public Service Commission to provide intrastate telecommunications service, whether switched or dedicated, including all telecommunications services available, such as intraLATA and interLATA toll telecommunications, access services to telecommunications providers and private-line service. To meet the growing demand for connectivity, WITN is deploying a hybrid transport network that provides high-speed, high-capacity bandwidth in order to facilitate the next generation of devices and data-driven services. This network can support a variety of technologies and services that require connectivity to the internet, including, but not limited to, driverless and connected vehicles (commercial, personal and agricultural), remote weather stations and mobile service providers. These transport utility poles and facilities are not dedicated to any particular customer, and, to the extent capacity on the structures is available, are available to be used by other entities, including the Village.

Based on our initial research, WITN is submitting the application in accordance with Section 8.06(1) of the Village's Municipal Code. WITN plans to construct the applied for utility infrastructure within the next eighteen (18) months and formally requests the Village to identify a single point of contact to streamline the application communications for the benefit of both parties.

WITN's hybrid transport network is an industry changing approach that seeks to improve backhaul connectivity for the Village's residents. We are excited to work with the Village, and we are available to answer any questions you may have. If you have any questions please contact me at (312) 638-5421 or Andrew.Notestine@itbutility.com.

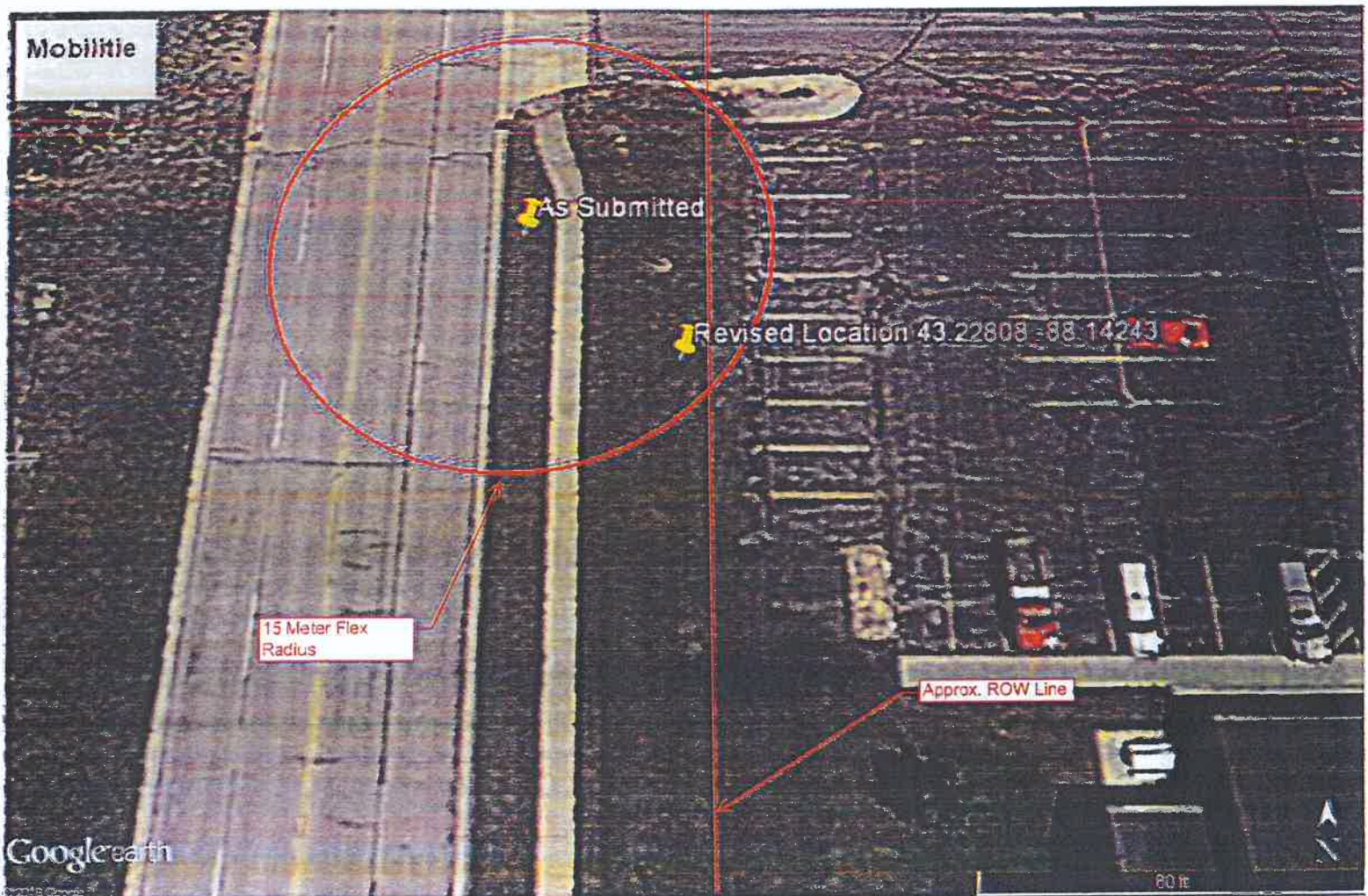
Thank you for your attention to this matter.

Respectfully submitted,


Andrew Notestine
NRE Specialist

*Enclosure

NEW LOCATION MAP



9WIX000141A

43.228155, -88.142546

Village of Germantown, WI 53022



Know what's below.
Call before you dig.

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OF EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

SITE INFORMATION

POLE ID:	9WIX000141A
LATITUDE:	43.228155
LONGITUDE:	-88.142546
ADDRESS/CROSS STREET:	
CITY, STATE ZIP:	Village of Germantown, WI 53022
PROPERTY OWNER	PUBLIC RIGHT-OF-WAY
APPLICANT	Wisconsin Technology Networking, LLC
APPLICANT ADDRESS	869 E Schaumburg Rd, #324 Schaumburg, IL 60194-3653

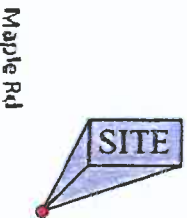
DO NOT SCALE DRAWINGS

CONTRACTORS SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT/ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

LOCATION MAPS

NORTH

VICINITY MAP



REGIONAL MAP



PROJECT DESCRIPTION

END USER PROPOSES TO INSTALL A NEW UTILITY POLE WITHIN AN EXISTING RIGHT-OF-WAY. THE SCOPE WILL CONSIST OF THE FOLLOWING:

1. INSTALL PROPOSED 120' UTILITY POLE

CODES

2015 INTERNATIONAL BUILDING CODE
2014 NATIONAL ELECTRICAL CODE

SHEET INDEX

SHEET #	SHEET DESCRIPTION
0.0	TITLE SHEET
1.0	EXHIBIT PHOTO & SITE PLAN
2.0	UTILITY POLE ELEVATIONS
3.0	ELECTRICAL

ENGINEER



Wisconsin Technology
Networking, LLC

PROJECT NUMBER: 9WIX000141A

DRAWN BY: ###

CHECKED BY: ###

IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT

SITE INFORMATION
9WIX000141A
43.228155, -88.142546
Village of Germantown, WI 53022

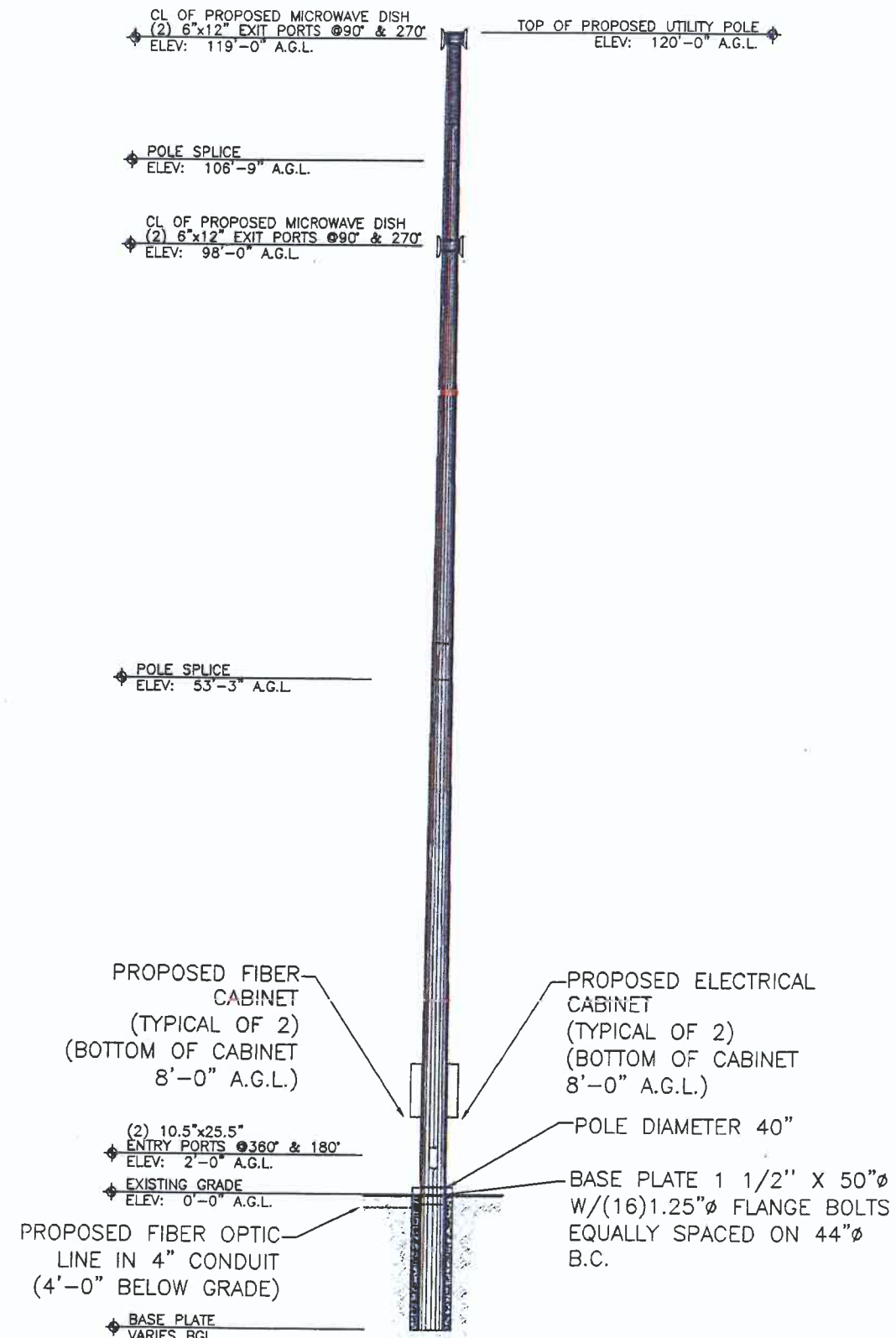
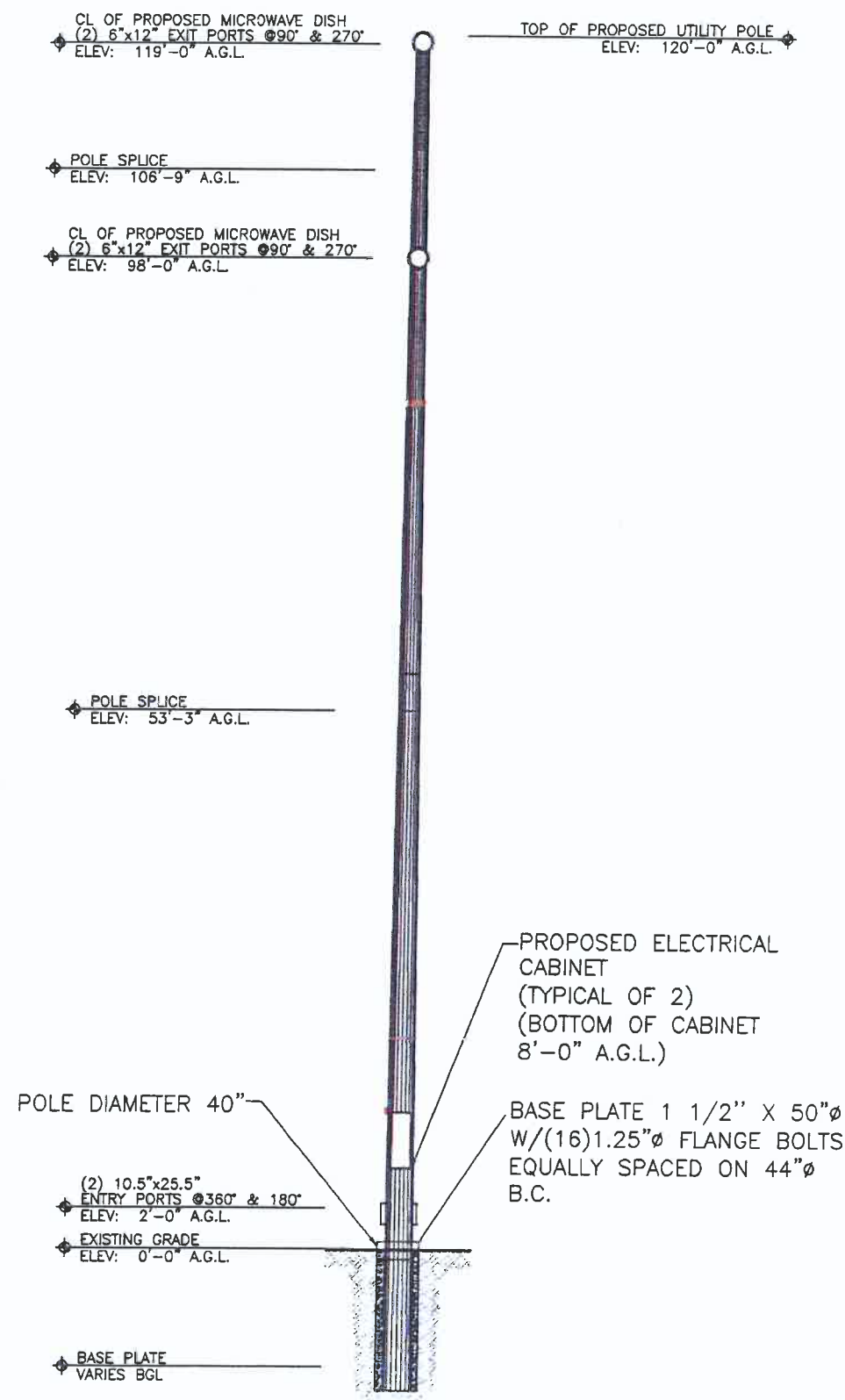
UTILITY POLE

SHEET TITLE

TITLE SHEET

SHEET NUMBER

0.0



Wisconsin Technology
Networking, LLC

PROJECT NUMBER: 9WIX000141A

DRAWN BY: 

CHECKED BY:

[illegible]

IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT

SITE INFORMATION

9WIX000141A

43.228155, -88.142546

Village of Germantown, WI 53022

UTILITY POLE

SHEET TITLE

UTILITY POLE ELEVATIONS

SHEET NUMBER

2.0

