

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

|                |                                           |
|----------------|-------------------------------------------|
| MEETING:       | <b>PLAN COMMISSION</b>                    |
| DATE AND TIME: | <b>MONDAY, JUNE 12, 2017 6:30 p.m.</b>    |
| LOCATION:      | <b>Germantown Village Hall Board Room</b> |

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with Wisconsin Statutes, Section 19.83 and 19.84 in such form that will apprise the general public and news media of subject matter that is intended for discussion and action.
- II. **ROLL CALL**
- III. **PUBLIC INPUT/PUBLIC APPEARANCE:** Please be advised per §19.84(2) that information will be received from the public, however, no action will be taken at this time.
- IV. **APPROVAL OF MINUTES:** May 22, 2017
- V. **NEW BUSINESS:**
  - A. Stacy Cooke, Agent for Gehl Foods LLC, Property Owner, N116 W15970 Main Street - Rezoning Application (B-3 to M-1) and Certified Survey Map (3-Lot Land Combination).
  - B. Scott Bence Agent and Property Owner for Heritage Place Joint Venture, Approximately N115 W16200 Main Street. Site Plan Review for Revisions to the Approved Site Plan and Building for the 172-Unit Saxony Village Apartment Development.
  - C. Perspective Design Inc. Agent for Compass Properties Germantown LLC, Property Owner, N112 W16200 Mequon Road. Site Plan Review for Building Facade Alterations.
  - D. John Lamm, Agent for John Lamm of Jackson Inc., Property Owner of a 28.31-Acre Property on Maple Road (Tax Key No. 174-992). Consultation for a 2020 Land Use Plan Map Amendment and Possible 13-Lot Conservation Subdivision.
  - E. Graphic House, Agent for Germantown Cutkick LLC, Property Owner and the Chiropractic Company – W164 N11269 Squire Drive. Sign Review Application.
  - F. Barry Landowski, Agent for Khalid Ahmed, Property Owner, and Minuteman Press – W156 N9666 Pilgrim Road. Sign Review application.
  - G. Sign Effectz, Inc. Agent for Devo Management Company LLC, Property Owner and GT Vapor – N112 W15800 Mequon Road. Sign Review Application.
  - H. Community Development Department – Proposed Zoning Code Amendments; Section 17.47 (Performance Standards) and 17.08 (Definitions).
- VI. **ANNOUNCEMENTS:**
- VII. **ADJOURNMENT:**

The next Plan Commission Meeting will be on July 10, 2017 at 6:30 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. Notice is given that a majority of the Village Board may attend this meeting to gather information about an item over which they have decision making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v. Greendale Village Board, even though the Village Board will not take formal action at this meeting.*

**PLAN COMMISSION MINUTES**  
**May 22, 2017**

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

**ROLL CALL:** Chairman Dean Wolter, Commissioners Bill Shadid, Peter Nilles, Tony Laszewski, Mary Ellen Gray and Ben Goetter were present. Trustee Representative David Baum was absent and excused. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

**PUBLIC INPUT:** None

**APPROVAL OF MINUTES:** *MOTION Shadid second Laszewski to Approve the minutes from 4-10-17. Motion carried unanimously.*

*MOTION Gray second Shadid to move to Items B and C on the agenda.*  
*MOTION carried unanimously.*

**Gehl Foods LLC – N116 W16044 Main Street, N116 W15850 Main Street – Rezoning & Certified Survey Map Consultation and N116 W15970 Main Street** – Site Plan Consultation to obtain feedback concerning a proposed land combination, rezoning and expansion to the production facility. Planner Retzlaff summarized the proposal. Plan Commission had the following comments and concerns.

Commissioner Gray asked if Gehl's was pushing the limits for the utilities and if the property could no longer meet the needs for the business if they would leave Germantown. Stacy Cook, Gehl Foods, said there were no plans to leave the area and the utilities are working to upgrade in order to maintain the facility. Commissioner Niles said 40 foot silos will be very visible and asked if that would be the end of construction for the site. He also questioned if additional parking would be needed. Lyle Roecker, Gehl Foods, said additional employees would be on second and third shift. Commissioner Laszewski asked if the homes Gehl's owns on Main Street will be used as screening. He said the property is what it is; the zoning is there. Ms. Cook confirmed that there are no current plans to remove the two houses. Planner Retzlaff asked if Gehl's will acquire the rest of the homes along Main Street. Mr. Roecker said that could happen as they go up for sale but that there are no current plans to expand out to Church Street yet. Chairman Wolter strongly suggested that Gehl's keep the houses on Main Street because they keep the neighborhood feel and could minimize the visual from the neighbors. He said it was nice Gehl's is growing and is investing in the site. He said people will probably come forward regarding the site line, but keeping the houses will help to soften the view. Commissioner Gray said a couple of shade trees strategically placed will soften the view, suggesting silver or red maple trees. Planner Retzlaff asked about installing the silos in phases as shown on the photos. Ms. Cook said the other 5 silos wouldn't go in for 2 to 4 years.

This item was a consultation only. No further action was taken.

**Rainbow Child Care Center – N112 W16070 Mequon Road.** First Bank Financial, property owner, and Rainbow Child Care center, is seeking approval of a conditional use permit and site development and building plans for a 10,782 sqft child care center on the 2.2-acre parcel. Planner Retzlaff summarized the proposal. Discussion followed.

**MOTION to Approve a Conditional Use Permit to Rainbow Child Care Center to operate a child day care facility from the proposed building located at N112 W17060 Mequon Road subject to the following conditions:**

- 1. The day care facility shall meet and continuously comply with all applicable state, county and local licensing requirements for a group child care facility. A copy of all state or county agency issued permits or licenses for the day care operation shall be provided to the Planning Department within thirty (30) days of issuance by such agencies;**
- 2. At such time as the owner/developer proposes future development on the property with an additional retail building and parking (as shown on the site plans dated May 12, 2017), separate site development and building plans shall be submitted to the Plan Commission for review and approval subject to all the regulations and requirements in existence at that time. Approval of the site plans for the Rainbow Child Care Center does not guarantee Village approval of any future development of the property. All other Village regulations will apply, including but not limited to conditional use permitting and other applicable Zoning regulations, requirements and limitations.**
- 3. Given existing site access constraints, i.e. a shared roadway within a cross-access easement serving multiple uses along the north side of Mequon Road, future development of the site may necessitate the preparation of a traffic impact study to identify potential problems and improvements necessary to ensure safe and efficient access at the various driveway locations and adjacent intersections on Mequon Road and Division Road.**

**MOTION carried unanimously.**

**MOTION Laszewski second Gray to Approve the site development, building and signage plans for the proposed Rainbow Child Care Center 10,782 sqft child day care facility located at N112 W17060 Mequon Road subject to the following conditions:**

- 1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development and building plans dated April 3 and May 12, 2017 and landscaping building plans dated March 17, 2015, unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission.**
- 2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.**
- 3. The following items shall be provided as required by the Village Fire Department: (a) Fire alarm panels and remote annunciator to be located at locations determined in cooperation with Fire Department inspection staff; (b) Knox box to be installed at main entrance prior to occupancy; (c) Provide man gate(s) for emergency access into and between all fenced areas; (d) All other state agency rules and day care licensing requirements for fire safety and protection shall be met on an ongoing basis.**
- 4. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.**

- 5. All outstanding technical issues raised in the Village Engineer's April 20 and May 19, 2017 review memos shall be addressed and reflected in a revised set of plans submitted to the Village engineer for review/approval prior to issuance of a building permit.**
- 6. The owner shall enter into a Landscape Maintenance Agreement with the Village as required under 17.43(6a) of the Zoning Code. Said agreement shall be executed by the owner and submitted to the Village for recording prior to issuance of an occupancy permit.**
- 7. All exterior signage, including both temporary and permanent signage, requires a permit from the Village.**

Commissioner Nilles was concerned with the effects of blasting and that nothing is listed in the conditions of approval to address that. Planner Retzlaff said the Public Works Director had brought up concerns as well and wanted the applicant to be put on notice that a blasting permit is required. Any issues will be brought forward at that time. He said impact to the well in that area is a concern and JSD will work directly with the Public Works department. Discussion continued regarding the number of buses that will be kept on the property. Planner Retzlaff said no number was given because it depends on how many kids are involved in after school programs. Justin Johnson, JSD Professional Services, said buses may be parked in the corner of the facility. Commissioner Laszewski was concerned that buses would be used for signage. Planner Retzlaff said there is no parking south of the shared driveway, but it could be made a condition of approval on the Conditional Use Permit.

**MOTION Gray second Laszewski to Re-Open the Conditional Use Permit for further discussion.**

**MOTION carried 5-1 (Nilles).**

**MOTION to Amend Gray second Shadid to add an additional condition to the Conditional Use Permit that the daycare vehicle is not used as an advertising billboard and not parked in the front of the access driveway and parked in the north row in the back of the building.**

**MOTION to Amend carried 4-2 (Nilles, Goetter).**

Commissioner Shadid questioned if something should be added to the conditions about protecting the well. Planner Retzlaff said the details will be reviewed by the Public Works Director before the blasting permit is issued. Chairman Wolter said the Department of Public Works is acutely aware of the well and will protect it.

Planner Retzlaff said this site is in the Germanic theme corridor and asked Plan Commission to comment on the architectural features that were presented. John Nelson, Strang Architects, provided details on the building materials. Commission members liked the Germanic architectural features. Chairman Wolter questioned where deliveries would be made. The Director for the Muskego facility said all deliveries are received at the front door.

**MOTION to Amend Gray second Laszewski to change the shrub choices in the front along the road by replacing the 6 Red Twig Dogwoods with 6 Dwarf Lilacs and replace one Ninebark on the front of the building with a Blackhaw Viburnum to balance out the other side of the building.**

***MOTION to Amend carried unanimously.***

***MOTION to Approve as Amended carried unanimously.***

**Germantown High School – W180 N11501 River Lane.** The Germantown School District is seeking approval of site development and building plans for building additions, alterations and site improvements to the existing 278,425 sqft High School facility. Planner Retzlaff summarized the proposal. A lengthy discussion followed.

Scott Kramer, Plunket Raysich Architects, commented that most of the staff concerns deal with landscaping and removing the wooded area on the northeast corner of the site. He explained minimal landscaping is used in most school construction because it is a safety and security issue adding he doesn't know where they'd put 140 trees to make up for removing the woods. Commissioner Gray said she had visited the site and said she can't accept removing the woods to put in parking. She asked how a nice piece of woods could be torn out and replaced with asphalt. She proposed moving the parking lot back leaving half the woods in the front. Mr. Kramer said that land is used for athletics. Chris Hitch, Trio Engineering, explained the underground tanks will be located under the wooded area because it is the low point on the site. He said the way the site is used, the turf area is almost entirely program space and in order to keep the programming with the building additions and the new uses, additional parking is needed. He said that moving the underground drainage could be engineered, but that it's really the programming that's driving what the site plan is today and the proposal to remove the trees. He explained the logistics for not being able to shift the parking to the west. Commission Shadid agreed with Commissioner Gray to move the tanks to the west to keep part of the woods. Mr. Kramer explained the school will lose a programmable area by doing that. Jeff Holmes, School District Superintendent, also explained how moving the parking lot will impact programming at the school. Discussion continued.

Chairman Wolter said he applauds Commissioner Gray's passion to keep the trees but understands the districts reasons for removing them. He questioned why the parking lot lights aren't shielded explaining that all businesses are required to shield their lights. Mr. Kramer said the light fixtures would be around the perimeter of the lot because there will be no islands for the band to practice. He said the fixtures are able to provide light without any spill over beyond River Road. Planner Retzlaff said no tilt angle was provided on the flood light fixtures and the residential district to the east would be able to see the light source.

MOTION Gray to postpone until an option is shown to save some of the woods.  
MOTION fails no second.

Discussion continued. Mr. Kramer summarized the building additions, materials and architecture. Chairman Wolter said he liked the entry ways and architecture and how the additions try to blend the new with the old with new materials. He said he understands Commissioner Gray's concerns with the trees but can't see another place for the retention without a cost concern to the project.

Commissioner Nilles questioned the size of the current parking stalls. Mr. Kramer said they vary but the majority of the stalls are the 9 x 18 size. He said that size is standard for 90 percent of commercial development. Commissioner Laszewski questioned condition #8 regarding the variance that's needed for the 9 x 18 stall size. Planner Retzlaff said if the Board of Zoning Appeals grants the variance, no further action is needed. If the board does not grant the variance, the minimum 10 x 18

would prevail and the plan would need to be changed. He explained the plan would need to come back to Plan Commission if there is some dramatic increase in additional parking somewhere on the site. Superintendent Holmes said the additional stalls are needed for students to park. He explained the average co-curricular and athletic participation by Germantown students is 78 percent and right now the school doesn't have sufficient space for students to park. Commissioner Laszewski said the plan is adding an additional 300 stalls. Superintendent Holmes explained the Germantown school district is bringing forth a performing art center that will not only be used by the district, but also by the community at large. He said one of the things the board has actively done is to make sure what they're doing with the fieldhouse, the PAC and pool addition is that the school will become a community based area and the amount of traffic and use of the school will go up as a result of the remodel.

Discussion continued. Chairman Wolter asked if parking flow and traffic pattern was worked out. Superintendent Holmes said the pick-up/drop off is challenging, so a better system for flow was discussed at length. Fire Chief Gary Weiss commented that the width of the lanes is important for fire apparatus so if the parking space size is expanded he'd lose some of that space. Chairman Wolter liked the plans for the high school saying the changes bring Germantown into the forefront and the architecture shows that. Planner Retzlaff said there should be some additional street trees installed along River Lane by the high school. He said a similar appearance could be achieved like that on the east side of River Lane with the installation of some street trees that could also be viewed as some form of compensation for the loss of the wooded area in some manner. The number and density to be decided by the Plan Commission with a revised plan. He continued by saying plantings should be added along the perimeter on the west side parking area and founding plantings on the east and south elevations of the administrative office area. Commissioner Laszewski said people will be upset about losing the trees and some minimal landscaping could be added. Mr. Kramer was agreeable to working with administration and staff to come up with a plan to add additional trees along River Lane and lower foundation plantings around the additions.

***MOTION Shadid second Laszewski to Approve the site development and building plans for the proposed building additions, alterations and site improvements to the existing Germantown High School facility located at W180 N11501 River Lane subject to the following conditions:***

- 1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development and building plan sheets dated April 3 or as revised in plan sheets dated May 17, 2017, unless superseded by further revisions required by the Plan Commission as part of its approval.***
- 2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.***
- 3. A Certified Survey Map (CSM) land combination shall be initiated by the District prior to issuance of a building permit in order to legally combine all three parcels owned by the District into one parcel.***
- 4. The District shall revise the proposed landscaping plan to: (a) install an equal number of deciduous trees on the property as compensation for the 140 significant trees being removed to accommodate the new parking lot; (b) install street trees along the River Lane road frontage in an amount equal to at least one (1) tree per 50 feet of road frontage north of the main driveway entrance (or in a greater ratio necessary to help meet the minimum level of tree removal compensation discussed above); (3) install a continuous buffer strip of deciduous and***

*evergreen shrubs along the west and south perimeter of the new west side parking area; and (4) foundation plantings should be installed along the east and south elevations of the administration/office addition.*

- 5. The District shall prepare a revised landscape plan and submit it to the Village Planner for review/approval prior to issuance of a building permit.*
- 6. The District shall enter into a Landscape Maintenance Agreement with the Village as required under 17.43(6a) of the Zoning Code. Said agreement shall be executed by the District and submitted to the Village for recording prior to issuance of an occupancy permit.*
- 7. Final review and approval of the revised plans dated May 17, 2017 and all supplemental information submitted by the District to address the issues raised by the Fire Department shall be granted prior to issuance of a building permit.*
- 8. The District intends to seek a variance from the minimum 180 sqft parking stall requirement as shown in the proposed site development plans. If a variance is not granted, the site plans will need to be revised to reflect the minimum 180 sqft stall size requirement and submitted to the Village Planner for review/approval.*
- 9. The District shall not angle the pole-mounted floodlights proposed for the two new parking areas in any manner that creates a light problem for the residential area across River Lane. As an alternative, the District should consider replacing the proposed floodlights with an alternative cut-off fixture. In the event that complaints are received from the nearby Blackstone Creek residential neighborhood, the District may be required to reposition and/or replace the floodlight fixtures to remedy any negative light glare or spillover impacts affecting said residential properties.*
- 10. State plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.*
- 11. All permit requirements and technical issues raised in the Village Engineer's April 19, 2017 review memo shall be address and reflected in a revised set of plans submitted to the Village Engineer for review/approval prior to issuance of a building permit. Final review and approval of the revised plans dated May 17, 2017 and all supplemental information submitted by the District to address the issues raised by the Village Engineer shall be granted prior to issuance of a building permit.*

Mr. Kramer said the district would prefer minimalistic plantings. Commissioner Shadid said he would like to see a plan of what can be done. Commissioner Gray suggested adding lilac and viburnum to put some interest back in. She said there is room on the property to put some trees on. Planner Retzlaff said he would like to see something planted along River Lane and in front of the administration building and the fieldhouse at a minimum.

***MOTION to Amend Goetter second Shadid to remove Letter A in Condition #4.***

***MOTION to Amend fails (3-3 Nay Wolter, Gray, Nilles).***

***MOTION to Amend Wolter second Nilles to remove Condition #4 and place it on Condition #5.***

***MOTION to Amend carried (5-1 Gray).***

***MOTION to Amend Wolter second Shadid to bring the revised landscape plan back to Plan Commission for approval.***

***MOTION to Amend carried unanimously.***

***MOTION to Approve as Amended carried (5-1 Gray).***

**Kennedy Middle School – W160 N11836 Crusader Court.** The Germantown School District is seeking approval of site development and building plans for a building addition, interior renovations and site improvements to the existing 190,620 sqft facility. Planner Retzlaff summarized the proposal.

***MOTION Laszewski second Nilles to Approve the site development and building plans for the proposed building additions, alterations and site improvements to the existing Kennedy Middle School facility located at W160 N11836 Crusader Court subject to the following conditions:***

- 1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development and building plan sheets dated April 3 or as revised in plan sheets dated May 17, 2017, unless superseded by further revisions required by the Plan Commission as part of its approval.***
- 2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.***
- 3. The District shall be required to: (a) install a minimum 3' wide landscaped buffer strip of deciduous and evergreen shrubs around the perimeter of the new parking area, or, as an alternative install the proposed six (6) Quaking Aspen trees or other deciduous street tree along the frontage of Williams Drive.***
- 4. The District shall prepare a revised landscape plan and submit it to the Village Planner for review/approval prior to issuance of a building permit.***
- 5. The District shall enter into a Landscape Maintenance Agreement with the Village as required under 17.43(6a) of the Zoning Code. Said agreement shall be executed by the owner and submitted to the Village for recording prior to issuance of an occupancy permit.***
- 6. The following items shall be provided as required by the Village Fire Department: (a) Fire Department connection, fire alarm panels and remote annunciator shall be installed at locations determined by the GFD; (b) all fire alarm and emergency evacuation panels shall be integrated with the existing systems; (c) Plans shall be submitted for a complete sprinkler system throughout the building.***
- 7. The District intends to seek a variance from the minimum 180 sqft parking stall requirement as shown in the proposed site development plans. If a variance is not granted, the site plans will need to be revised to reflect the minimum 180 sqft stall size requirement and submitted to the Village Planner for review/approval.***
- 8. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***
- 9. All permit requirements and technical issues raised in the Village Engineer's April 19, 2017 review memo, including final review and approval of the supplemental storm water management plan and analysis (with a submittal date on May 17, 2017) shall be addressed and reflected in a revised set of plans submitted to the Village Engineer for review/approval prior to issuance of a building permit.***

***MOTION to Amend Gray second Shadid to Condition #4 that the district should prepare a revised landscape plan for Plan Commission approval.***

***MOTION to Amend carried unanimously.***

Discussion followed regarding the landscaping requirements. Planner Retzlaff said the additional landscaping may be better served by providing trees along Williams Drive.

***MOTION to Approve as Amended carried unanimously.***

**MacArthur Elementary School – W154 N11492 Fond du Lac Avenue.** The Germantown School District is seeking approval of site development and building plans for a building addition, interior renovations and site improvements to the existing 51,139 sqft facility. Planner Retzlaff summarized the proposal.

***MOTION Gray second Shadid to Approve the site development and building plans for the proposed building additions, alterations and site improvements to the existing MacArthur Elementary School facility located at W154 N11492 Fond du Lac Avenue subject to the following conditions:***

- 1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development and building plan sheets dated April 3 or as revised in plan sheets dated May 17, 2017, unless superseded by further revisions required by the Plan Commission as part of its approval.***
- 2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.***
- 3. The District shall enter into a Landscape Maintenance Agreement with the Village as required under 17.43(6a) of the Zoning Code. Said agreement shall be executed by the owner and submitted to the Village for recording prior to issuance of an occupancy permit.***
- 4. The following items shall be provided as required by the Village Fire Department: (a) Fire Department connection, fire alarm panels and remote annunciator shall be installed at locations determined by the GFD; (b) all fire alarm and emergency evacuation panels shall be integrated with the existing systems.***
- 5. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***

Discussion followed. Mr. Holmes said he visited 27 households regarding the building renovations. He said the neighbors were very glad to see what was taking place and that the school was getting upgrades. He indicated pick-up and drop off were their biggest concerns and he was just given approval to begin negotiations with 2 property owners to acquire their homes to alleviate parking issues and add additional parking stalls. He said neighbors were very receptive to the changes.

Chairman Wolter asked if the additional parking will require a retention. Mr. Hitch said it would be located under the parking. Planner Retzlaff said there is no retention currently on the site and what is proposed is a rain garden. Mr. Hitch said the design would follow DNR rules and can be implemented by the landscape contractor. Chairman Wolter said the school may be interested in doing this as a learning experience.

***MOTION carried unanimously.***

**County Line Elementary School – W159 N9939 Butternut Road.** The Germantown School District is seeking approval of site development and building plans for building additions, alterations and site improvements to the existing 60,984 sqft facility. Planner Retzlaff summarized the proposal.

Discussion followed. Mr. Holmes said one resident had expressed concern about the gymnasium addition.

***MOTION Shadid second Laszewski to Approve the site development and building plans for the proposed building additions, alterations and site improvements to the existing County Line Elementary School facility located at W159 N9939 Butternut Road subject to the following conditions:***

- 1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development and building plan sheets dated April 3 or as revised in plan sheets dated May 17, 2017, unless superseded by revisions required by the Plan Commission.***
- 2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.***
- 3. The District shall be required to: (a) install eight (8) deciduous trees with a minimum 3" dbh on the site in the vicinity of the classroom and gymnasium additions as compensation for the trees being removed for parking lot construction; (b) install street trees along the Butternut Road and School Road frontages in an amount equal to one (1) tree per 50 feet of road frontage in the vicinity of the classroom addition; (c) install a minimum 3' wide landscaped buffer strip of deciduous and evergreen shrubs along the east and south perimeter of the new parking area; (d) install foundation plantings along the west and south elevations of the gymnasium and classroom additions; and (e) install additional evergreen trees or other vertical landscaping features along the south elevation of the gymnasium addition.***
- 4. The District shall prepare a revised landscape plan and submit it to the Village Planner for review/approval prior to issuance of a building permit.***
- 5. The District shall enter into a Landscape Maintenance Agreement with the Village as required under 17.43(6a) of the Zoning Code. Said agreement shall be executed by the owner and submitted to the Village for recording prior to issuance of occupancy permit.***
- 6. The following items shall be provided as required by the Village Fire Department: (a) Fire Department connection, fire alarm panels and remote annunciator shall be installed at locations determined by the GFD; (b) all fire alarm and emergency evacuation panels***

***shall be integrated with the existing systems; (c) if the Fire Department connection location exceeds a distance of 300 feet from the nearest fire hydrant, the District shall install a new fire hydrant in a location approved by the Public Works and Fire Department.***

- 7. The District intends to seek a variance from the minimum 180 sqft parking stall requirement as shown in the proposed site development plans. If a variance is not granted, the site plans will need to be revised to reflect the minimum 180 sqft stall size requirement and submitted to the Village Planner for review/approval.***
- 8. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***
- 9. All permit requirements and technical issues raised in the Village Engineer's April 19, 2017 review memo shall be addressed and reflected in revised plans submitted to the Village Engineer for review/approval prior to issuance of a building permit.***

Chairman Wolter expressed concerned with the big blank wall and asked if there is something that can be done with it. Mr. Kramer, explained the wall will be constructed of different colored brick and banding. Chairman Wolter asked if the band could be more than one brick wide so it's not so blank. Mr. Kramer agreed. Retzlaff said condition #3 doesn't address the privacy issue along the south property line. Chairman Wolter said that could be addressed in condition #4 knowing that it's a concern. He said the landscape architect should work with the neighbors to find a feasible solution to their concerns.

***MOTION to Amend Gray second Shadid to revise Condition #4 that the revised landscape plan come back to Plan Commission for approval.***

***MOTION to Amend carried unanimously.***

Chairman Wolter said the school district has presented a very nice package about what they've done to enhance the school properties.

***MOTION to Approve as Amended carried unanimously.***

**ANNOUNCEMENTS:** None

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Lori Johnson  
Planning Assistant

# REZONING & CERTIFIED SURVEY MAP (CSM) APPLICATIONS

6/12/17 Plan Commission Meeting

## Gehl Foods LLC

Village Staff Report & Recommendation

Germantown, Wisconsin

### Summary

Stacy Cooke, agent for Gehl Foods LLC, property owner, is requesting approval of a 3-lot Certified Survey Map (CSM) and rezoning application in order to facilitate a future expansion of the production facility located at N116 W15970 Main Street.

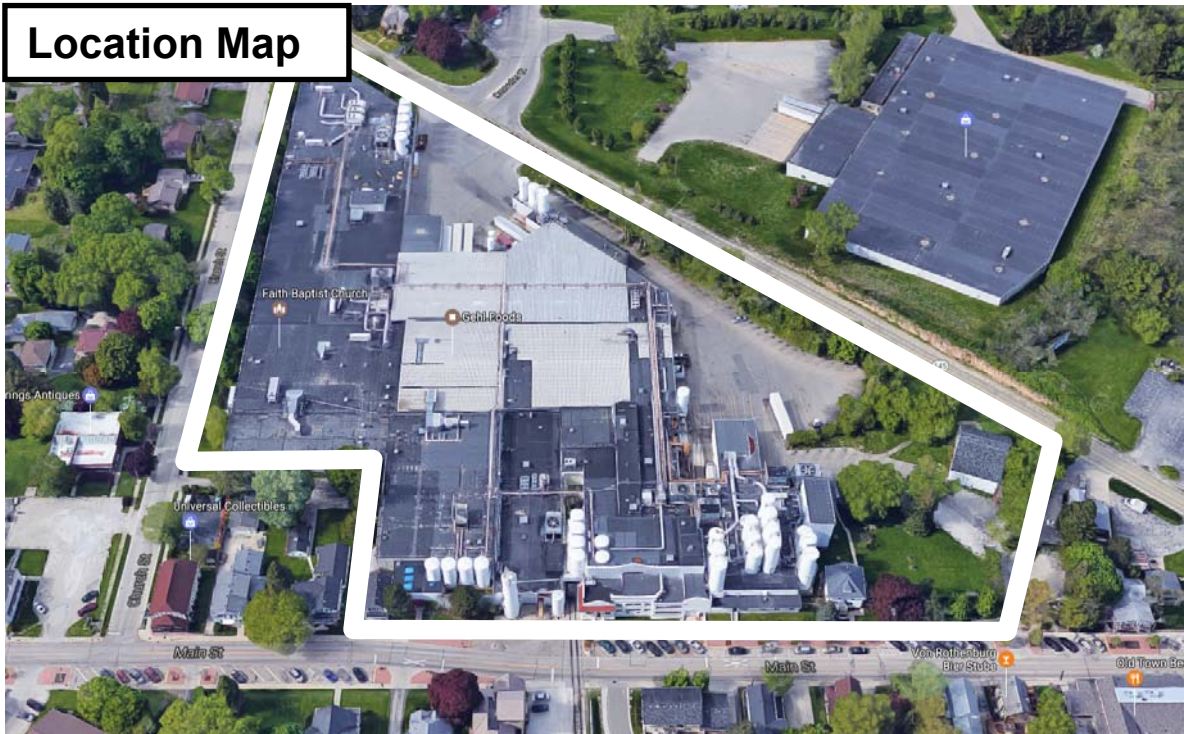
**Property Location:** N116 W15970 Main Street

**Property Owners:** Gehl Foods LLC  
N116 W15970 Main Street  
Germantown, WI 53022

**Current Zoning:** M-1: Limited Industrial

| Adjacent Land Uses |                      | Zoning   |
|--------------------|----------------------|----------|
| North              | Business/Residential | B-3      |
| South              | Business/Residential | B-3      |
| East               | Business/Residential | B-3      |
| West               | Business/Residential | B-3/Rs-6 |

### Location Map



---

**Proposal**

Stacy Cooke, agent for Gehl Foods LLC, property owner, is requesting approval of a 3-lot Certified Survey Map (CSM) and rezoning application in order to facilitate a future expansion of the production facility located at N116 W15970 Main Street.

As discussed at the May 22 Plan Commission meeting and detailed in the attached narrative and exhibits, Gehl Foods owns two small residential lots adjacent to their existing facility on Main Street. One lot has an existing dwelling (west side) and the other is vacant (east side). The existing zoning for both lots is B-3: General Business. The proposal is to rezone both lots from B-3 to the M-1: Limited Industrial District and combine the two lots with the larger property (for a total area of 9.15 acres). Doing so would enable Gehl Foods to move forward with the submittal of site development and building plans for the following improvements:

1. 6,180 sqft expansion in the southwest corner of the facility for up to ten (10) stainless steel storage silos (14' dia. up to 42'4" tall painted white). An initial phase of only 3,960 sqft for five (5) silos is proposed (as shown in the photo simulations provided);
2. Relocation & widening of the existing east driveway on Main Street to improve fire safety equipment accessibility to and around the production facility.

As shown in the attached Fire Lane Exhibit, the adjacent east parcel proposed for rezoning and attachment to the Gehl Foods property would allow for the relocated and widened driveway/fire lane. Depending on whether or not a raised curb & island extension are included in or removed from the design, the relocated driveway would result in a net increase of at least two (2) on-street parking stalls and possibly as many as seven (7) additional parking stalls.

As shown in the attached site plan exhibit, the adjacent west parcel proposed for rezoning and attachment would provide additional land area within which a fire-rated wall enclosure (approximately 21' high) would be installed for placement of the 42' high storage silos. At this time, only a portion of one of the existing dwellings would need to be removed in order to accommodate the first phase of a 3,960 sqft expansion for five (5) silos.

**Staff Comment****Planning & Zoning**

The Land Use Plan map classifies both residential lots as "Village Mixed Use". In part, this category is intended for the preservation of existing historical and architecturally significant structures. Arguably, this proposal that includes keeping the existing dwellings intact furthers this goal. Overall, staff does not believe the intended purpose of these applications, i.e. to attach the properties for purposes of future facility expansion, conflicts with the long-term goal of the "Village Mixed Use" category to foster new and redevelopment of the area into a pedestrian-oriented retail and entertainment area. The future expansion of and improvement to the Gehl Foods facility into portions of these two parcels only delays the intended transformation for the benefit of the Village's continued economic growth and stability.

An indirect consequence of having to get CSM approval in order to legally combine the residential lots with the Gehl Foods property is the need to comply with all current village and state land division regulations and requirements. In this case, one of the biggest concerns is a requirement to dedicate right-of-way that may be needed for any adjacent public roads and streets as part of a CSM approval. The right-of-way for Fond du Lac Avenue adjacent to the Gehl Foods property is currently only 66 feet wide vs. the 100 feet width shown on the Village's Ultimate Right-of-Way Map. Ordinarily, the Village would require Gehl Foods to dedicate an additional 17 feet of right-of-way along the south side of Fond du Lac Avenue (1/2 the difference of 34 feet) as part of the CSM. However, in this case, WisDOT has jurisdiction over the right-of-way in this vicinity and has indicated that no additional right-of-way is needed (see attached March 20, 2017 email correspondence from Sue King, Access Management Specialist, SE District, WisDOT). Consequently, the Village will not require any right-of-way dedication for Fond du Lac Avenue.

#### Inspection Services

Gehl Foods has an existing state-approved variance from a requirement in the State Building Code that enabled Gehl Foods to construct portions of their building within 40 feet of an adjacent neighboring property (where a minimum 60 feet separation is ordinarily required). Gehl Foods has applied for and received the same variance for the planned 6,180 sqft facility expansion (as recommended for approval by the Village Fire Chief and Building Inspector; see attached April 11, 2017 letter from the WI DSPS).

#### Fire Department

Fire Department staff has indicated their support for the relocated driveway and widened fire lane from Main Street. However, the Fire Department is concerned with providing a complete, connected and code-compliant system of fire lanes within the property. Consequently, the Fire Department recommends the following additional site revisions/improvements to meet this goal:

- Remove two parking spaces near the Fond du Lac Avenue stairway crossing;
- Remove two additional parking spaces at light post to new temporary parking area;
- Install "Fire Lane" pavement markings no less than 20 feet wide from the intersection of Fond du Lac Ave @ Crusader Court to Main Street along the northeast side of building (pursuant to NFPA 1- 2015 edition Chapter 18- Fire department access and water supply).

It is expected that these additional fire lane enhancement recommendations will be discussed and possibly implemented as part of the actual site plan approval.

#### Public Works/Engineering Department

The Engineering Department has indicated their support for the driveway relocation and widening; however, depending on whether or not Gehl Foods traffic will be using the driveway for entering and exiting the site, there is concern that the additional parking stalls may create a minor sight vision problem at the relocated Main Street driveway.

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This issue will need to be evaluated further at the time the site plan is submitted for review. The Village Surveyor has provided comments regarding the need for a driveway permit and the need to use specific fire truck specifications when determining final design of the driveway.

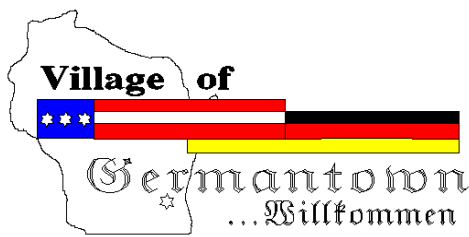
The Village Surveyor has also identified a few technical corrections and driveway design requirements in a May 30, 2017 memo (copy attached) that will have to be addressed and/or corrected prior to recording the CSM.

At this time, only the rezoning and land division/combination applications are presented for review and recommendation by the Plan Commission. Once public hearing of and action on the rezoning and CSM is taken by the Village Board (scheduled for the June 19 VB meeting), a detailed site development and building plan application will be submitted for final review and approval by the Plan Commission.

### **Village Planner Recommendation**

**APPROVE** the 3-lot Certified Survey Map land combination and the proposed rezoning for the two residential lots owned by Gehl Foods from B-3: General Business to M-1: Limited Industrial subject to the following conditions:

1. All technical corrections and issues raised by the Village Surveyor in the May 30, 2017 memo shall be addressed and/or corrected prior to recording the CSM.
2. Site development and building plan approval by the Village Plan Commission is required prior to making any alterations and/or improvements to the two residential lots subject to rezoning and combination and the residential dwellings thereon. Unless superseded by or supplemented with additional and/or different issues and requirements, all site development issues raised by the Village departments summarized in the staff report & recommendation dated June 12, 2017 shall be addressed in the site development and building plan application submitted to the Village.



## Engineering Department Memorandum

**To:** Jeff Retzlaff Village Planner

**CC:**

**From:** Bob Beilfuss, PLS, Village Surveyor

**Date:** May 30, 2017

**Re:** Gehl's CSM

Jeff,

Here are my review comments for the Concept CSM received 5-26-2017.

### **Certified Survey Map-Rezoning-PDD**

**Applicant or Owner:** Gehl's

**Land Surveyor/Firm:** Chris Jackson, PLS, CJ Engineering, Inc.

1. A driveway permit for the new entrance on Main Street is required.
2. New driveway to be designed to meet turning template requirements for Fire Department truck specifications. Consultant to contact Fire Chief Weiss for those truck specifications. The results of the turning template test to be submitted to the Village Engineer. Turning template test to be performed using Auto-Turn software or equivalent.
3. Bearing and distance (N10°37'44"E, 25.30') label floating and not tagged to any particular line on Sheet 1. No leader line or line number. It appears to be part of the tie-in dimension from the section corner.
4. Need detail of sanitary, water main and storm easements with bearing and dimensions and ties to the exterior boundary as these easements are not parallel to any exterior lines.
5. Bearing basis is incorrect. The bearing of the south line of the Northeast ¼ of Section 22 is North 88°37'57" East per SEWRPC control summary. All bearings on Sheet 1 and in the legal description in the Surveyor's Certificate need to be adjusted.
6. Need a detail or dimension of the garage to the exterior boundary to see if the garage encroaches into Outlot 20.
7. Need to add a note that existing buildings encroach into existing building setback as defined by Village Zoning Code on May 30, 2017.
8. All existing utility easements will include recording information (document number or volume and page) and be dimensioned with bearing and distance if not parallel with an exterior boundary line. Non-parallel easements need to be tied into the exterior boundary

No further review comments.

**Document Submittals and Data Conversion**

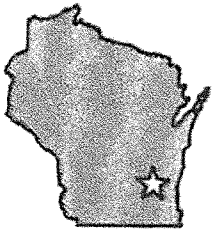
As of October 2005, the Village of Germantown requires a digital copy of all Certified Survey Maps, Condominium Plats and Subdivision Plats in addition to the documents as required by Wisconsin Statute and Village Ordinances as part of the land division approval.

**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 2016 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.



Village of



Germantown

Willkommen

**FEES MUST BE PAID AT TIME OF APPLICATION**

- ☐ \$200 Plan Commission Consultation
- ☐ \$1,085 Rezoning
- ☐ \$1,240 PDD < 5 acres
- ☐ \$2,095 PDD 5-20 acre site
- ☐ \$3,460 PDD > 20 acre site

Date Paid: \_\_\_\_\_ Received by: \_\_\_\_\_

## REZONING & PDD APPLICATION

Pursuant to Section 17.51 of the Municipal Code

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

**1 APPLICANT OR AGENT**

Gehl Foods, LLC  
Stacy Cooke, PE  
1116 W15970 Main Street  
Germantown, WI 53022  
Phone (262) 735-7441  
Fax (262) 251-8744  
E-Mail scooke@gehlfoods.com

**PROPERTY OWNER**

Gehl Foods, LLC  
Eric Beringause, CEO  
1116 W15970 Main Street  
Germantown, WI 53022  
Phone (262) 251-8570

**2 PROPERTY ADDRESS OR GENERAL LOCATION**

**TAX KEY NUMBER**

1116 W15850 Main Street, Germantown, WI  
1116 W16044 Main Street, Germantown, WI

221075  
221060

**3 REZONING REQUEST**

FROM B3  
B3

TO M1  
M1

**4 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED**

Attach pages as necessary

See Attached Letter for Metes and Bounds Legal Descriptions.

## PURPOSE OF REZONING REQUEST

Briefly describe why the applicant is rezoning the property. Include a description of the proposed use, including any new construction and number of employees, if applicable.

See Attached Letter for purpose of rezoning request.

## 6 SUPPORTING DOCUMENTATION:

- ☒ Plat of Survey (1:100)
- ☒ Site Plan and elevations for new construction (can be conceptual)
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

## 7 READ AND INITIAL THE FOLLOWING:

Sc I understand that the Village is under no obligation to rezone property and that density and lot coverages provided in the Zoning Code are maximums. Actual build out will depend on myriad factors including topography and other natural conditions, surrounding neighborhood context and the detailed design of a project.

Sc I understand that Village Staff, Plan Commission and/or Village Board may request additional information to properly evaluate this request and failure to provide such information may in itself be sufficient cause to deny the petition.

Sc I am aware that this rezoning shall go into effect immediately upon the final approval of the Village Board and its execution of the rezoning ordinance

## 8 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Stacy Cooke, PE      5/23/17  
Applicant                      Date

T. O'F      5/23/17  
Owner                      Date



Jeffrey W. Retzlaff  
Village Planner and  
Zoning Administrator

May 23, 2017

Mr. Retzlaff –

Gehl Foods, LLC is requesting a formal review with the Plan Commission in June to rezone two properties that we own (N116W15850 Main Street and N116W16044 Main Street). We also want to combine them with the existing Gehl Foods property located at N116W15970 Main Street. We will be requesting the following:

1. Rezone the property at N116W16044 Main Street, Tax ID #221060, from B3 to M1
2. Rezone the property at N116W15850 Main Street, Tax ID #221075, from B3 to M1
3. Combine these two properties with the current Gehl Foods property (Zoning M1, Tax ID #221964) with a new Certified Survey Map (CSM).

Metes and Bounds Descriptions:

Metes and Bounds Description of N116W15850 Main Street (Tax ID 221075):

Parcel One (1) of Certified Survey Map No. 3915, recorded in the Washington County Registry on August 7, 1992 in Volume 25 of Certified Survey Maps on Pages 49-52, as Document No. 608987, and as corrected by Affidavit of Correction for Certified Survey Map No. 3915, recorded in said Register's Office on August 25, 1992, in Volume 1225 of Records on page 98, as Document No. 610152, and being a part of the Northeast  $\frac{1}{4}$  of Section 22, Township 9 North, Range 20 East, being all that part of Outlots 9 and 10 and also lands lying in the Southeast of the Northeast  $\frac{1}{4}$  Section 22, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

Metes and Bounds Description of N116W16044 Main Street (Tax ID 221060):

Outlot Twenty-one (21), except the North Forty-two (42) feet thereof, of ASSESSOR'S PLAT, Village of Germantown, in the Southwest One-quarter ( $\frac{1}{4}$ ) of the Northeast One-quarter ( $\frac{1}{4}$ ) of Section Twenty-two (22), in Township Nine (9) North, Range Twenty (20) East, in the Village of Germantown, Washington County, Wisconsin.

Purpose of Rezoning Request:

Gehl Foods, LLC owns two parcels of land adjacent to the existing Lot 1 (CSM #4474, Lot 1, Tax ID #221964), which contains the manufacturing facility. We would like to combine all three land parcels into a single land parcel. We anticipate building up to ten



(10) new silos along the west wall behind the two residences on Main Street. These silos are required to support increased production within the facility; which will bring as many as 30 new jobs to the Main Street facility over the next 3-5 years.

The new silos will be approximately 14'-0" diameter by 42'-4" tall, constructed of both stainless and carbon steel with a white painted finish. A small building between the rows of silos will be constructed of concrete, dairy tile, and fire sprinklers. The Silos will be partially hidden from view with a 3 hour fire-rated wall constructed of non-combustible material, approximately 21-feet tall. Please see attached photo simulation for the initial installation of five silos.

With the request to combine these parcels into a new CSM, we have contacted the Wisconsin Department of Transportation (WDOT) regarding the Right-of-Way along STH 145 between Main Street and Church Street. Attached are two emails from David Yach and Sue King, SE Region of WDOT, stating that there is "no need for additional right-of-way" by the WDOT in this area.

The State of Wisconsin Department of Safety and Professional Services (DSPS), Division of Industry Services, was also contacted to review a petition for variance with respect to the International Building Code (IBC) 507.5, regarding the minimum 40-foot public way width. A similar Petition for Variance was submitted and approved in 2006 for the Main Street facility. This request for petition expands the previously approved petition for variance where the reduced width already exists. Upon final completion of constructing ten (10) silos, the "new" property line will be approximately 27-feet from the building. On April 11, 2017, the DSPS conditionally approved the Petition for Variance (please see attached) with the following conditions:

- Any exterior wall facing the reduced width shall have:
  - o minimum 3-hour fire resistance construction
  - o minimum 3-hour fire protection rating for any openings within this wall

With the combination into a single land parcel, the criterion outlined in Ordinance 17.33 regarding the maximum percentage of coverage (including parking and loading) for an M-1 Limited Industrial District (80%) is preserved. Preliminary calculations indicate the following:

- Total Lot Square Footage: 398,495 SF
- Total Impervious Surfaces: 310,737 SF (78%)
- Total Green Space: 87,758 SF (22%)



Conceptual Plan of a new driveway on Main Street

During preliminary meetings with the Village, the Fire Department has requested that Gehl Foods look into modifying the driveway on Main Street to allow for fire department access. The Fire Department has requested that the drive have a minimum width of 20'-0" for fire department apparatus to enter from Main Street if necessary. A conceptual plan is attached.

Please contact me with any questions.

Sincerely,

Stacy Cooke, PE  
Project Engineer

# PROPOSED REZONING EXHIBIT

## LEGAL DESCRIPTIONS

PARCEL 1 OF CERTIFIED SURVEY MAP No. 3915 IN THE VILLAGE OF GERMANTOWN, IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼ AND SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 20 EAST, WASHINGTON COUNTY, WISCONSIN

OUTLOT 21, EXCEPT THE NORTH 42 FEET OF ASSESSOR'S PLAT (SW ¼ NE ¼) IN THE VILLAGE OF GERMANTOWN, IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼ AND SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 20 EAST, WASHINGTON COUNTY, WISCONSIN

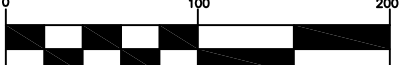


**civil design and consulting**  
9205 W. Center Street  
Suite 214  
Milwaukee, WI 53222  
PH. (414) 443-1312  
www.cj-engineering.com

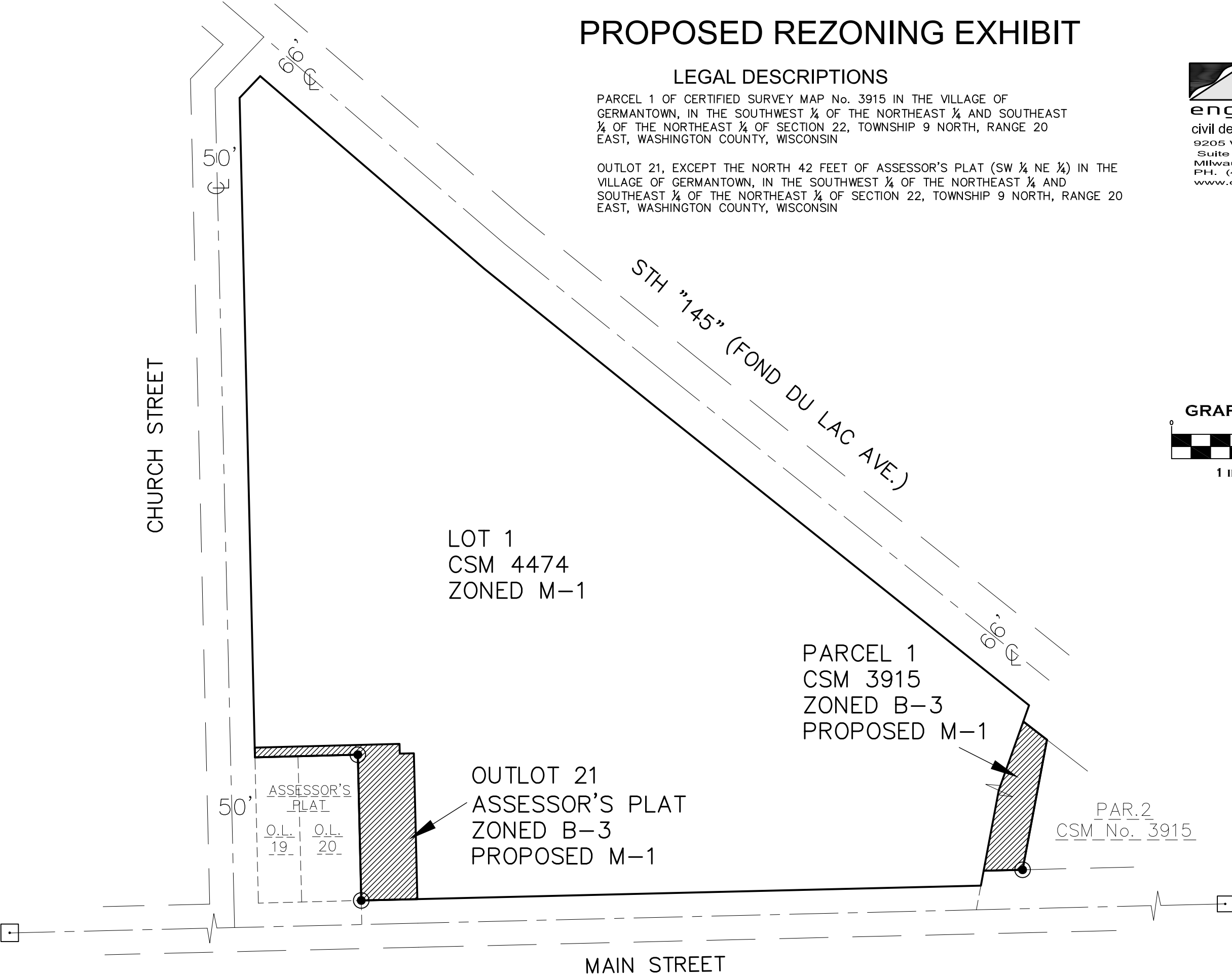


NORTH

GRAPHIC SCALE



1 INCH = 100 FT.







## Roecker, Lyle

---

**From:** Yach, David A - DOT <David.Yach@dot.wi.gov>  
**Sent:** Tuesday, May 03, 2016 11:34 AM  
**To:** Roecker, Lyle  
**Cc:** 'jretzlaff@village.germantown.wi.us'; Elkin, Robert - DOT  
**Subject:** STH 145 Right of way

Lyle,

In response to your inquiry concerning the right-of-way along STH 145 between Main St. and Church St. in the Village of Germantown, the Wisconsin Department of Transportation has no need for additional right-of-way at this time. Let me know if you have any further questions.

Dave

### **David A. Yach PLS**

Permit Coordinator  
WisDOT Systems Development  
SE Region  
262-521-5344  
[david.yach@dot.wi.gov](mailto:david.yach@dot.wi.gov)



## Stacy Cooke

---

**From:** Brad Kropp <bkropp@pdi-arch.com>  
**Sent:** Monday, March 20, 2017 9:24 AM  
**To:** Lyle Roecker; Stacy Cooke  
**Subject:** FW: FW: Gehl Foods - STH 145 Germantown, WI

Sue replied this morning. Hopefully this is enough for the planning dept.

Thank you,

\*\*\*\*\*

Brad Kropp  
Senior Project Manager  
Perspective Design, Inc.  
11525 W. North Avenue  
Wauwatosa, WI 53226  
Tele: 414-302-1780 x202  
Fax: 414-302-1781  
Email: [bkropp@pdi-arch.com](mailto:bkropp@pdi-arch.com)  
Web: [www.pdi-arch.com](http://www.pdi-arch.com)

**From:** King, Susan - DOT [mailto:[Susan.King@dot.wi.gov](mailto:Susan.King@dot.wi.gov)]  
**Sent:** Monday, March 20, 2017 8:27 AM  
**To:** 'Brad Kropp' <bkropp@pdi-arch.com>  
**Subject:** RE: FW: Gehl Foods - STH 145 Germantown, WI

Brad,

Sorry that I didn't respond to the email below but I wasn't in the office. There is no right of way need in this area that is needed by the DOT as stated in Dave Yach's letter. I did talk to the Bob from the Village of Germantown and told him the same thing. Please let me know if anything else is needed.

Thank you,  
Susan King  
Wisconsin Department of Transportation  
SE Region  
Access Management Specialist  
[susan.king@dot.wi.gov](mailto:susan.king@dot.wi.gov)  
262-548-6713





April 11, 2017

CUST ID No. 913599

ATTN: Buildings & Structures Inspector

PETER J OGOREK  
PERSPECTIVE DESIGN INC  
11525 W NORTH AVE  
WAUWATOSA WI 53226

BUILDING INSPECTION  
VILLAGE OF GERMANTOWN  
PO BOX 337  
GERMANTOWN WI 53022-0337

#### APPROVAL OF PETITION FOR VARIANCE

##### SITE:

Gehl Foods  
N116 W15970 Main St  
Village of Germantown, 53022  
Washington County; Fire Dept ID: 6616

| Identification Numbers                                                                        |
|-----------------------------------------------------------------------------------------------|
| <b>Transaction ID No. 2918098</b><br><b>Site ID No. 81289</b>                                 |
| Please refer to both identification numbers,<br>above, in all correspondence with the agency. |

#### FOR: Petition for Variance IBC 507.5

The submittal described above has been reviewed for equivalency to applicable Wisconsin Administrative Codes and compliance with Wisconsin Statutes. The submittal has been **CONDITIONALLY APPROVED**. The owner, as defined in section 101.01(10), Wisconsin Statutes, is responsible for compliance with all conditions of this petition approval and other applicable code requirements. Plan submittal to and approval by the department or its agent may be necessary prior to construction undertaken per this petition. This petition approval may be affected if applicable codes are revised prior to plan submittal for any necessary construction work.

**The code section petitioned requires** that public ways or yards of 60 feet in width as required by Sections 507.2, 507.3, 507.4, 507.6 and 507.11 be allowed a reduction in width to not less than 40 feet when the reduced length does not extend more than 75% of the perimeter of the building; and the exterior walls facing the reduced width have a minimum fire-resistance-rating of 3 hours; and openings in the exterior walls facing the reduced width have opening protectives with a minimum fire protection rating of 3 hours.

**The variance requested is** to modify conditions of previously approved petition for variance, Transaction ID# 1307616, approved on August 28, 2006 to allow construction of another addition within 40 feet of a neighboring property where the reduced width already exists. The existing facility exceeds the allowable building area per Table 503 and had many phases built prior to Wisconsin's adoption of the IBC using various construction methods with an occupancy of Chapter 54 (Groups F1 and S1 under current IBC). Existing portions of the building have yards less than 40 feet from the adjacent properties.

**The intent of the code section petitioned** is to maintain a minimum level of protection for firefighters, building occupants, and adjacent buildings in the event of a fire in an unlimited area building. .

The petitioner submitted the SB-9890 application form including 8 additional pages of supporting documents and/or plans.

#### Reviewer's Comments:

1. The proposed addition will be located within 40 feet of adjacent property with any exterior wall facing the reduced width having a minimum of a 3 hour fire resistance construction and any openings will have a minimum 3 hour fire protection rating.
2. The Owner has already acquired the adjacent lot to combine with the main parcel.

3. IBC 507.5 conditions 2 and 3 (exterior walls facing the reduced width will have a minimum of a 3 hour fire resistance construction and any openings will have a minimum 3 hour fire protection rating) will be complied with.
4. The Germantown Fire Department – Fire Chief Mr. Gary L. Weiss recommends approval and states that “this petition for variance is essentially the same variance that has been approved for other Gehl’s projects. With the purchase of the additional property for the same general purposes and the setbacks will be basically the same distance. The fire department has no objections and supports this project.”
5. The Village of Germantown Municipal Enforcement Official Mr. Michael Guttmann recommends approval with no additional comments.
6. Based on the similarity with previously approved petition for variance Transaction ID 1307616, this reviewer believes that the current petition for variance may be approved.

Departmental Action: **CONDITIONAL APPROVAL**

**Reviewer's Conditions of Approval:**

- All of the petitioner’s statements of fact or intent included on the variance application form, any other documents submitted to the Department, as well as any other conditions of approval listed below, shall be carried out. Any recommended conditions of approval by the fire department and/or municipal building inspection department listed above shall also be carried out unless otherwise stated below. This variance is specific to the subject code section(s) petitioned and the building or object as it will exist following completion of the current construction project and shall not be used for any additional or future modifications, additions, or alterations to the subject building or object.
- All of the petitioner's statements included on the variance application form, any other documents submitted to the Department, and all conditions of approval, if any, listed below shall be carried out. This variance is specific to the subject petition and cannot be used for any additional modifications.

This decision will become final unless the department within 30 days from the date of this letter receives a written request for a hearing. A request for hearing should be sent to the address shown on this letterhead. A copy of this letter must be included with the request for a hearing. The request for hearing should state the reasons for objecting to the department's decision, because a request for hearing may be denied if it does not present a significant question in fact, law or policy.

Inquiries concerning this correspondence may be made to me at the telephone number listed below, or at the address on this letterhead.

Sincerely,



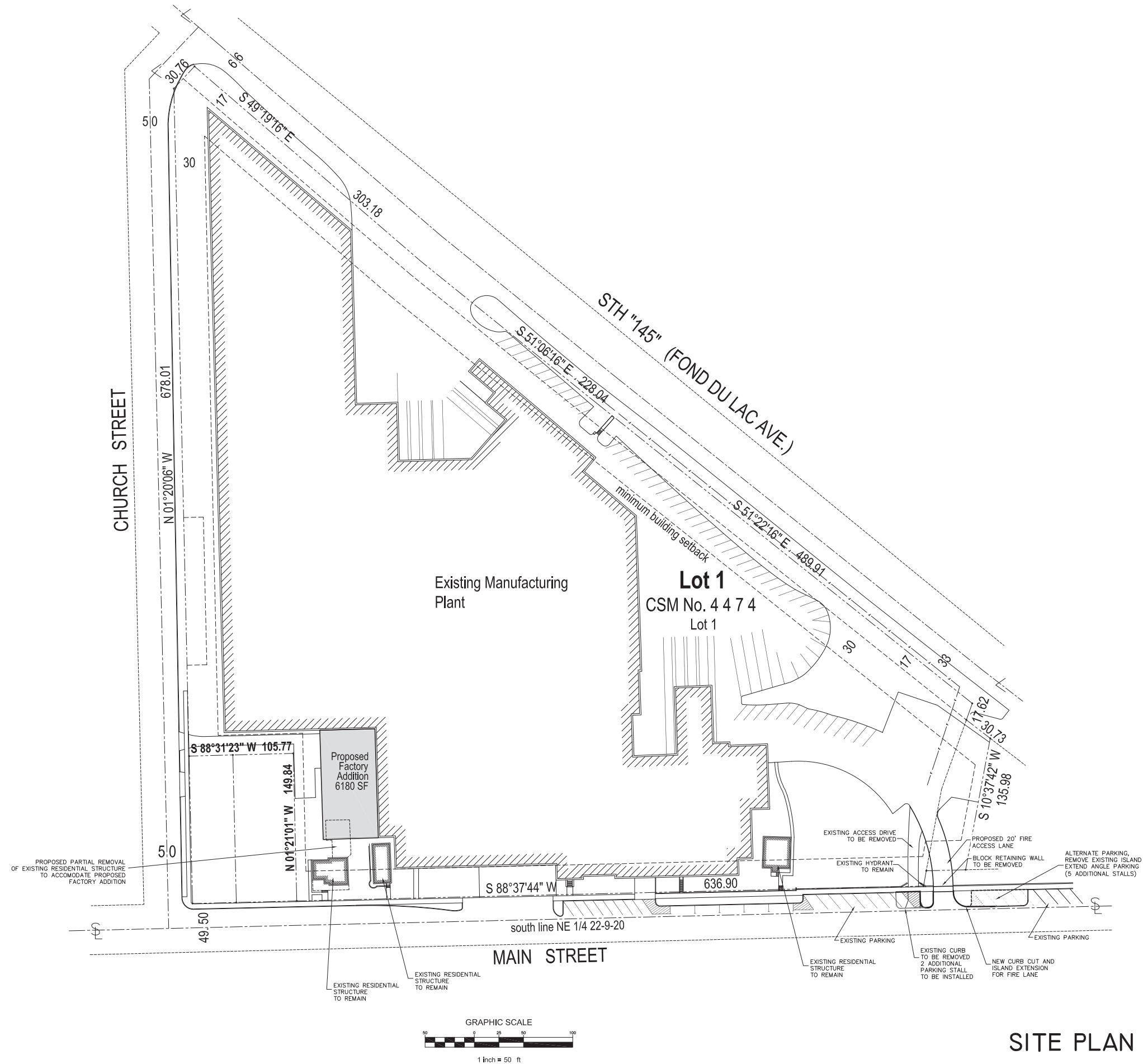
Mark A Piquette  
Engineering Consultant Bldgs , Division of Industry Services  
(262)574-2121 , 7:45 am - 4:30 pm  
mark.piquette@wi.gov

|                 |        |
|-----------------|--------|
| Fee Required \$ | 550.00 |
| Fee Received \$ | 550.00 |
| Balance Due \$  | 0.00   |

WiSMART code: 7648

**Mgmt. Prec. Review by: JPP**

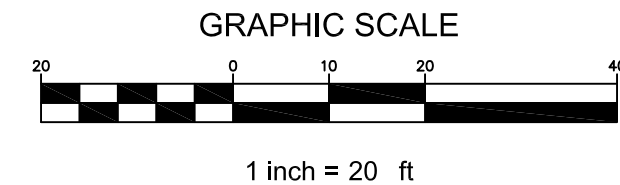
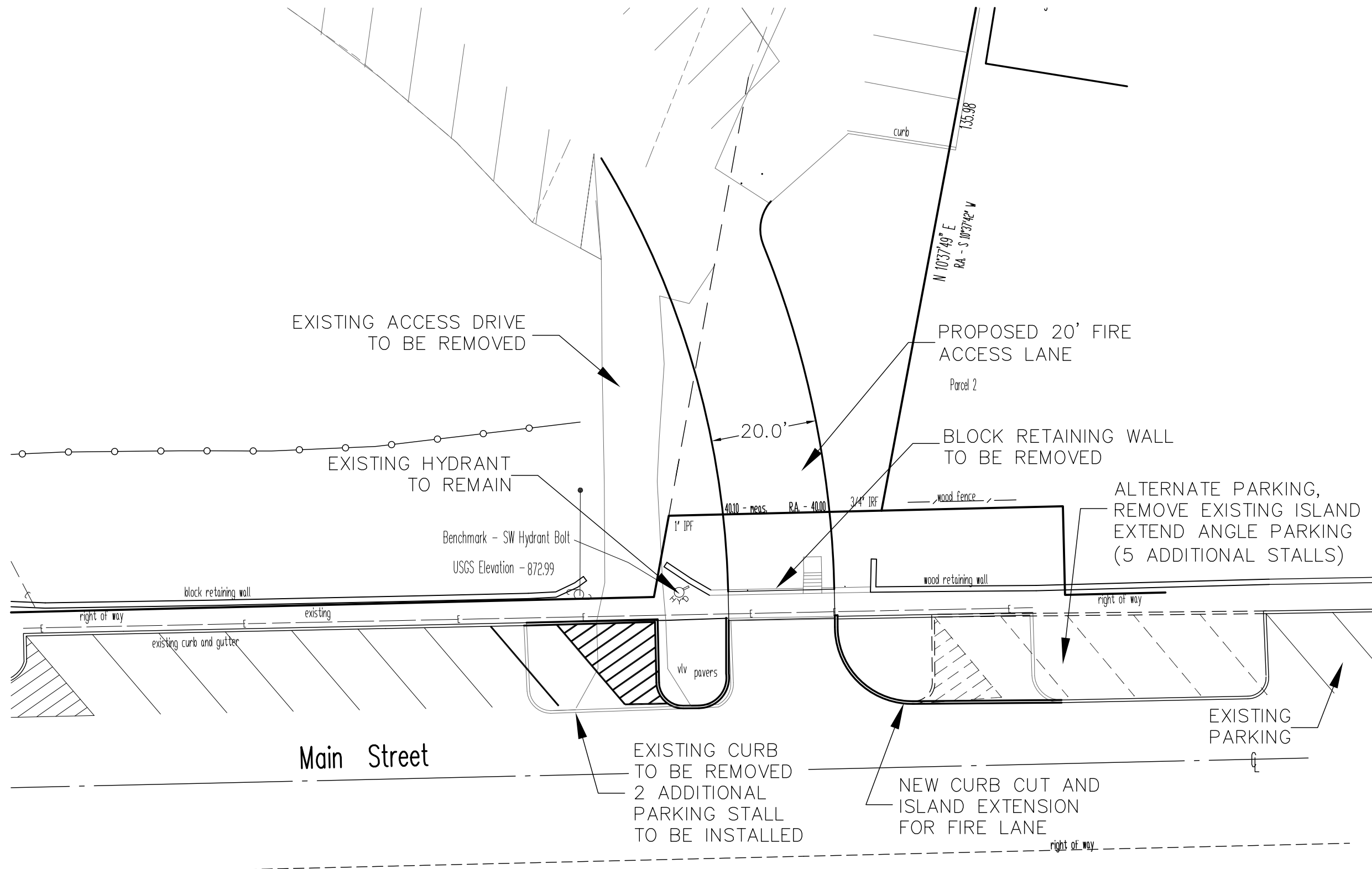
cc: Betty J Wiese, State Building Inspector, (414) 852-3694, Monday 7:45 A.M. - 4:30 P.M.  
Lyle Roecker, Gehls Guernsey Farms Inc  
Gehl Foods Inc



**GEHLS - EXPANSION**  
N116 W15850 & N116 W15970 MAIN ST. GERMANTOWN, WI

CJE NO.: I542R6-EXHIBIT  
MARCH 6, 2017

**SITE PLAN**



CJE NO.: I542RI-EX  
 APRIL 6, 2017

# **GEHLS - FIRE DEPARTMENT LANE EXHIBIT**

N116 W15850 & N116 W15970 MAIN ST. GERMANTOWN, WI



Village of



Germantown

Willkommen

Fee must accompany application

☐ \$2,900 with public improvements

☐ \$1,960 no public improvements

Paid \_\_\_\_\_ Date \_\_\_\_\_

## CERTIFIED SURVEY MAP APPLICATION

Pursuant to Section 18.06 of the Municipal Code

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

### 1 APPLICANT OR AGENT

Gehl Foods, LLC

Stacy Cooke, PE

N116W15970 Main Street

Germantown, WI 53022

Phone (262 ) 735-7441

Fax (262 ) 251-8744

E-Mail scooke@gehlfoods.com

### PROPERTY OWNER

Gehl Foods, LLC

Eric Beringause, CEO

N116W15970 Main Street

Germantown, WI 53022

Phone (262 ) 735-7143

### PROPERTY ADDRESS OR GENERAL LOCATION

### TAX KEY NUMBER

2 N116W15970 Main Street, Germantown, WI 53022

221964

### 3 PURPOSE OF LAND SPLIT

N/A - Combining Land

Will the land split require rezoning?

From

To

### 4 READ AND INITIAL THE FOLLOWING:

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

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

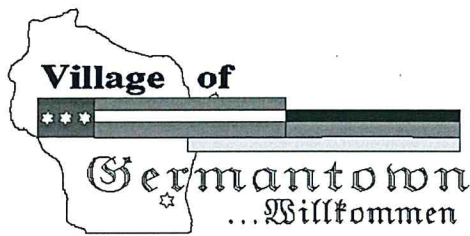
SC I understand that parcels created outside the Sewer Service Area will require a soil test. I also understand that all properties abutting a State Highway will require DOT approval and I will be responsible for securing such approval prior to recording.

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

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

Applicant Stacy Cooke, PE 5/23/17  
Date

Owner [Signature] 5/23/17  
Date



## Engineering Department

### Certified Survey Map Review Checklist

This checklist has been compiled from the requirements of Chapter 236 of the Wisconsin Statutes and Chapter 17 and 18 of the Village of Germantown Zoning and Land Division Ordinances.

#### Mapping Requirements (for Sheet 1 and/or all needed mapping sheets)

- ☒ Map Scale: 1"=~~200~~ Ft. (1'=500' max per Ch.236.34 (c) **Only** recognized engineering scales (1=10 - 60, 100, 200, 300, 400, 500) will be approved.
- ☒ Minimum text height = 100 Leroy or a 10 pt. font.
- ☒ Graphic Scale.
- ☒ North Arrow.
- ☒ Sheet size is 8 1/2" x 14" with borders as described by Chapter 236
- ☒ A 3"x 3" square in the upper right hand corner of Sheet 1 is to be left blank for the County recording information. This reserved area is in addition to the areas needed for sheet borders. (per Washington County Register of Deeds Office)
- ☒ Bearing basis noting the grid bearing of a designated USPLSS line. Per Chapter 18 of the Village Land Division Ordinance, all subdivision and Certified Survey Maps will be referenced to the Wisconsin State Plane Coordinate System, South Zone (NAD 1927 datum) grid bearings for a bearing basis.
- ☒ Mapping will be provided using the Wisconsin State Plane Coordinate System, South Zone (NAD 1927 datum).
- ☒ Legend denoting: found or set boundary markers, their size and weight and other symbols, linetypes and hatching being used on the map.
- ☒ Direct bearing and distance tie to two (2) USPLSS corner monuments (excluding center of section)
- ☒ Coordinates (NAD 1927 Grid) of point of commencement monument.
- ☒ Point of Beginning noted if a metes and bounds description format used in Surveyor's Certificate.
- ☒ Bearing and distance annotation for all exterior lot lines.
- ☒ Does exterior boundary form a mathematically closed figure?
- ☒ Parcels annotated as "Lot #" or Outlot per 236.34(1).
- ☒ Street name
- ☒ Existing right of way width noted.
- ☐ Proposed street right of way dedication shall include the following statement  
    **"Dedicated to the Village of Germantown for Public Road Purposes".**
- ☒ Existing structures shown.
- ☒ Current building setback lines mapped, dimensioned and date stamped.
- ☒ Status of abutting lands, including dashed underscore. (236.20 (3)(d&e))

- ☒ Total gross and net lot area shown.
- N/A ☐ Easements:  
All proposed easements, public or private, will be created either;

1. As a separate legal document with exhibit and recorded prior to the approval of the Certified Survey Map. The recording information for the proposed easements will be included on the new Certified Survey Map.

If the easement document has not been recorded before the CSM has been submitted for recording, the proposed easement lines will be defined on the map as either a "Future" or "Proposed" easement with dimensions.

**OR**

2. If the intent is to create the easement with the same instrument (CSM or subdivision plat) the easement terms and conditions are to be included in the document as a separate page in the set as in the use for a CSM. Easement terms and conditions in the case of a subdivision plat can be included as one of the sheets of the subdivision plat.

- ☒ All existing utility and drainage easements with recording information will be shown and dimensioned.
- N/A ☐ All wetlands will be delineated by an approved and certified wetland specialist.
- N/A ☐ All wetland mapping will be done by a Professional Land Surveyor registered in the State of Wisconsin.
- N/A ☐ A wetland line table is no longer required as long as the mapping is included as part of the required CD provided to the Village prior to recording of the CSM or subdivision plat.
- N/A ☐ The 25' setback line for all delineated wetlands.
- N/A ☐ All existing streams, creeks, lakes and ponds.
- N/A ☐ The 75' setback line for all streams and creeks.
- N/A ☐ Limits and elevation of 100-year flood plain line.
- ☒ Owner's name, address and telephone number.
- ☒ Professional Land surveyor's name, address and telephone number.
- ☒ Professional Land Surveyor's seal and signature **in contrasting color per A-E 2.02(7)(b)(1) for all sheets of the document.**

**Non-Sewered Properties**

- N/A ☐ All properties located **outside** of the Village's delineated sanitary sewer service area will provide a passing soil test report and the location of a minimum of three (3) soil borings and the proposed septic or mound system will be shown on the face of the map.

**Surveyor's Certificate**

- ☒ Written boundary description of parcel.
- ☒ Does description coincide with map?
- ☒ Complete statements per Chapter 236.34

**Owner's Certificate**

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

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

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

**Mortgagee's Certificate** (Required if land is mortgaged)

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

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

**Village of Germantown Approval Blocks:****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 \_\_\_\_\_, 2012.

\_\_\_\_\_  
Dean Wolter, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Laura A. Johnson, Secretary

\_\_\_\_\_  
Date

See Sheet 4 for Village Board Approval Certificate

### **Village of Germantown Board Approval**

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

\_\_\_\_\_  
Dean Wolter, Village President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Barbara K.D. Goeckner, Village Clerk

\_\_\_\_\_  
Date

- ☐ Include text in italics for Certified Survey Maps which require road right of way dedication to the Village.

\*These approval blocks can be obtained in Microsoft Word format via email.\*

### **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 requirements.

The professional land surveyor shall submit an AutoCad drawing file (.dwg) of the document in version 2004 on compact disk (CD) or via email to the Village Engineer.

Any digital professional land surveyor seals 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.**

The Engineering Department will be verifying that all boundary monumentation has been set as stated on the map prior to recording of the document. The Department will not be re-measuring platted lines or angles between monuments.

# CERTIFIED SURVEY MAP NO.

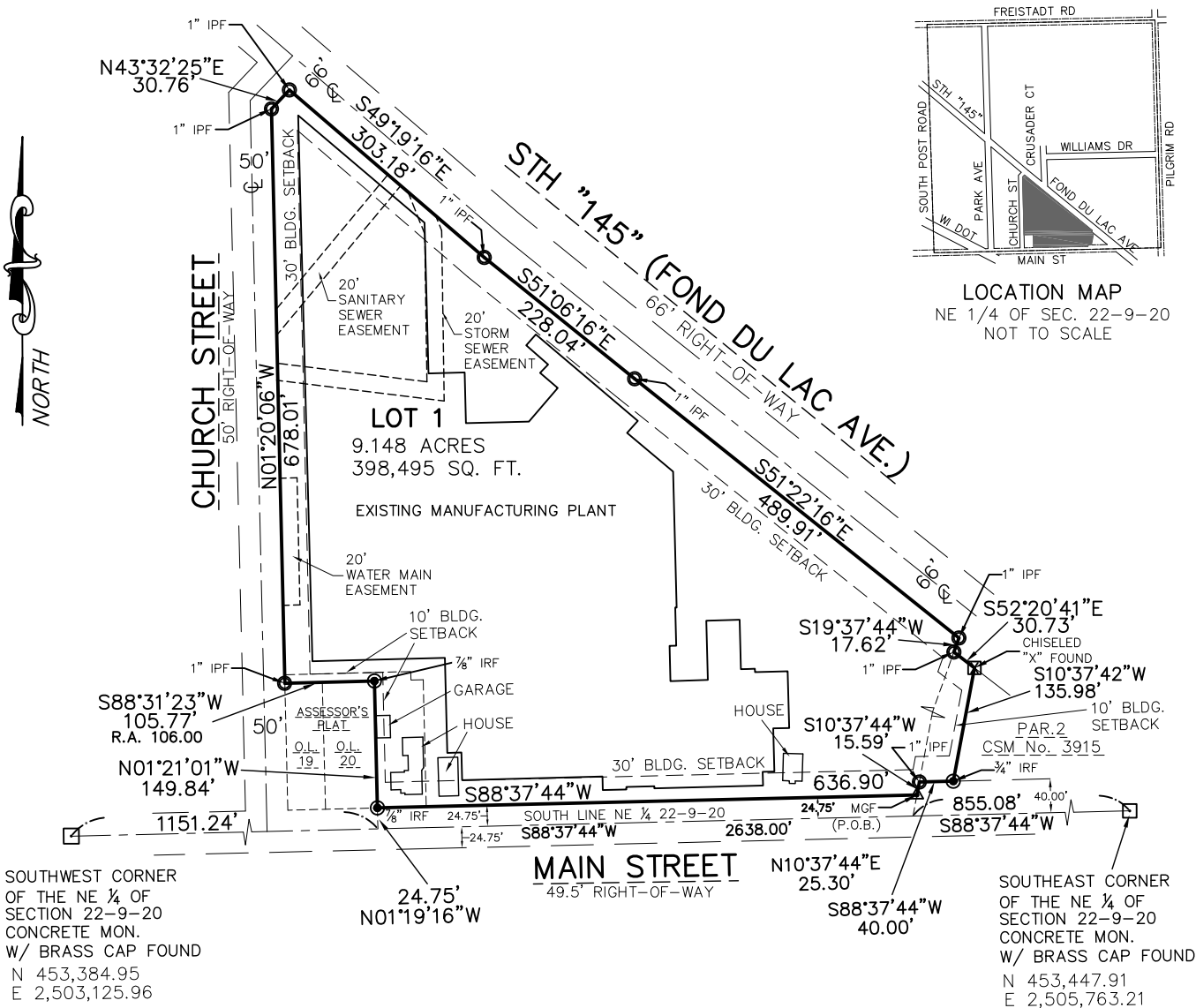
BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP No. 4474, OUTLOT 21, EXCEPT THE NORTH 42 FEET OF ASSESSOR'S PLAT (SW ¼ NE ¼), AND PARCEL 1 OF CERTIFIED SURVEY MAP No. 3915 IN THE VILLAGE OF GERMANTOWN, IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼ AND SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 20 EAST, WASHINGTON COUNTY, WISCONSIN

- IPF - INDICATES IRON PIPE FOUND
- IRF - INDICATES IRON ROD FOUND
- ▲ MGF - INDICATES MAG NAIL FOUND
- R.A. - INDICATES A DIMENSION AS PREVIOUSLY RECORDED IN OTHER DOCUMENTS.

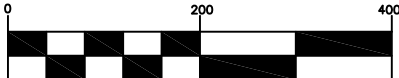
ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

ALL BEARINGS SHOWN ARE REFERENCED TO SOUTH LINE OF THE NE ¼ OF SECTION 22, T9N, R20E, WISCONSIN STATE PLANE COORDINATE SYSTEM GRID, SOUTH ZONE, AND ALL BEARINGS ARE REFERENCED TO GRID NORTH.

EASEMENTS PER CSM NO. 4474



## GRAPHIC SCALE



1 INCH = 200 FT.

**CJ**  
engineering  
civil design and consulting  
9205 W. Center Street  
Suite 214  
Milwaukee, WI 53222  
PH. (414) 443-1312  
www.cj-engineering.com

OWNER:  
GEHL FOODS, LLC  
N116 W15970 MAIN STREET  
GERMANTOWN, WI 53022  
(262) 251-8570

# CERTIFIED SURVEY MAP NO.

BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP No. 4474, OUTLOT 21, EXCEPT THE NORTH 42 FEET OF ASSESSOR'S PLAT (SW ¼ NE ¼), AND PARCEL 1 OF CERTIFIED SURVEY MAP No. 3915 IN THE VILLAGE OF GERMANTOWN, IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼ AND SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 20 EAST, WASHINGTON COUNTY, WISCONSIN

## SURVEYOR'S CERTIFICATE

I, CHRISTOPHER JACKSON, A PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, MAPPED AND COMBINED LANDS BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP No. 4474, OUTLOT 21, EXCEPT THE NORTH 42 FEET OF ASSESSOR'S PLAT (SW ¼ NE ¼), AND PARCEL 1 OF CERTIFIED SURVEY MAP No. 3915 IN THE VILLAGE OF GERMANTOWN, IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼ AND SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 20 EAST, WASHINGTON COUNTY, WISCONSIN:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST ¼ OF SECTION 22, THENCE S 88°37'44" W 855.08 FEET ALONG THE SOUTH LINE OF SAID NE 1/4 SECTION; THENCE 10°37'44" E 25.30 FEET TO THE NORTH LINE OF MAIN STREET AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE S 88°37'44" W ALONG SAID NORTH LINE 636.90 FEET; THENCE N 01°21'01" W 149.84 FEET; THENCE S 88°31'23" W 105.77 FEET TO THE EAST LINE OF CHURCH STREET; THENCE N 01°20'06" W ALONG SAID EAST LINE 678.01 FEET; THENCE N 43°32'25" E CONTINUING ALONG SAID EAST LINE, 30.76 FEET TO THE SOUTH LINE OF FOND DU LAC AVENUE (S.T.H. "145"); THENCE S 49°19'16" E ALONG SAID SOUTH LINE, 303.18 FEET; THENCE S 51°06'16" E CONTINUING ALONG SAID SOUTH LINE, 228.04 FEET; THENCE S 51°22'16" E CONTINUING ALONG SAID SOUTH LINE, 489.91 FEET; THENCE S 19°37'44" W, 17.62 FEET; THENCE S 52°20'41" E, 30.73 FEET; THENCE S 10°37'42" W, 135.98 FEET; THENCE S 88°37'44" W, 40.00 FEET; THENCE S 10°37'44" W, 15.59 FEET TO THE NORTH LINE OF MAIN STREET AND THE POINT OF BEGINNING.

CONTAINING: 398,495 SQUARE FEET OR 9.148 ACRES

THAT I HAVE MADE SUCH SURVEY, MAP AND LAND COMBINATION BY THE DIRECTION OF GEHL FOODS, LLC., OWNERS OF SAID LAND.

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

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE STATUTES OF THE STATE OF WISCONSIN AND THE REGULATIONS OF THE VILLAGE OF GERMANTOWN IN SURVEYING, MAPPING AND COMBINING THE SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

CHRISTOPHER A. JACKSON  
PROFESSIONAL LAND SURVEYOR, S-2851  
STATE OF WISCONSIN

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP No. 4474, OUTLOT 21, EXCEPT THE NORTH 42 FEET OF ASSESSOR'S PLAT (SW ¼ NE ¼), AND PARCEL 1 OF CERTIFIED SURVEY MAP No. 3915 IN THE VILLAGE OF GERMANTOWN, IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼ AND SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 20 EAST, WASHINGTON COUNTY, WISCONSIN

CORPORATE OWNER'S CERTIFICATE

GEHL FOODS, LLC, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF WISCONSIN AS OWNER, DOES HEREBY CERTIFY THAT SAID COMPANY CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS MAP.

IN WITNESS WHEREOF, GEHL FOODS, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ERIC BERINGAUSE, ITS CHIEF EXECUTIVE OFFICER (CEO), AND COUNTERSIGNED BY TIM PREUNINGER, ITS CHIEF FINANCIAL OFFICER (CFO), AND ITS CORPORATE SEAL TO BE AFFIXED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
ERIC BERINGAUSE, CEO

STATE OF WISCONSIN) SS  
WASHINGTON COUNTY)

\_\_\_\_\_  
TIM PREUNINGER, CFO

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, ERIC BERINGAUSE AND TIM PREUNINGER, TO ME KNOWN TO BE THE CHIEF EXECUTIVE OFFICER AND CHIEF FINANCIAL OFFICER OF GEHL FOODS, LLC. AND THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS OF SAID CORPORATION AND ACKNOWLEDGED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_, 20\_\_

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 NE ¼ SECTION 26, TOWNSHIP 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, HAVING BEEN APPROVED BY THE PLANNING COMMISSION BEING THE SAME, IS HEREBY APPROVED AND ACCEPTED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GERMANTOWN ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
DEAN WOLTER, VILLAGE PRESIDENT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
BARBARA K.D. GOECKNER, VILLAGE CLERK

\_\_\_\_\_  
DATE

# SITE PLAN REVIEW (AMENDMENT)

6/12/17 Plan Commission Meeting

## Saxony Village / Heritage Place Joint Venture

Village Planner Report

Germantown, Wisconsin

### Summary

Scott Bence, JBJ Development and agent for Heritage Place Joint Venture, property owner, is seeking approval of a series of amendments to the approved site development and building plans for the 172-unit multi-family Saxony Village apartment community located at approximately N115 W16200 Main Street.

**Property Location:** N115 W16200 Main Street (south of Main Street @ Park Avenue)

### Applicant/

**Property Owner:** Scott Bence, Agent  
Heritage Place Joint Venture LLC  
W178 N9912 Rivercrest Drive, Germantown, WI

**Zoning:** Rm-2: Multi-family Residential

| Adjacent Land Uses |                          | Zoning    |
|--------------------|--------------------------|-----------|
| North              | Commercial               | B-3       |
| South              | Multi-family Residential | Rm-2/PDD  |
| East               | Multi-family Residential | Rm-2/PDD  |
| West               | Multi-family Residential | Rm-2/Rm-3 |



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**Background/Proposal**

Scott Bence, JBJ Development and agent for Heritage Place Joint Venture, property owner, is seeking approval of a series of amendments to the approved site development and building plans for the 172-unit multi-family Saxony Village apartment community located at approximately N115 W16200 Main Street.

The Plan Commission granted approval of the Saxony Village site development and building plans in December, 2015, subject to a series of conditions (see attached Site Plan dated December 2, 2015). One of the conditions of the original Plan Commission approval was to eliminate Building #6, the associated garages and other development in the southeast corner of the site. In response to this and a few other revisions required by the Plan Commission, the developer appealed the Plan Commission's decision, including elimination of Building #6, to the Board of Zoning Appeals (BOZA). Upon review and consideration of that appeal, the BOZA ruled that the PC exceeded its authority and reversed the Plan Commission's action to eliminate Building #6 and the other revisions. Consequently, Building #6 is currently a part of the approved site plan (see attached).

At this time, and as stated in the developer's May 5, 2017 request letter (copy attached), the following changes to the development are proposed:

1. Delete Building #6 and relocate the twelve (12) dwelling units within other approved buildings as follows:
  - a. Eight (8) DU's incorporated into the clubhouse building
  - b. Two (2) DU's incorporated into Building #1
  - c. Two (2) DU's incorporated into Building #3
2. Relocate a 30' x 50' (1,500 sqft) maintenance/storage building from the northwest corner of the site (northwest of Building #4) to the southeast corner of the site (where Building #6 was originally approved)
3. Add separate 6-stall and 10-stall garage structures in the northwest corner of the site (northwest of Building #4 where the maintenance building used to be) to the southeast corner of the site (where Building #6 was originally approved)
4. Add separate 13-stall and 9-stall garage structures in the southeast corner of the site (where Building #6 was originally approved)
5. Reconfigured the overall number of parking stalls provided on-site as follows:
  - a. Increase in enclosed parking stalls from 254 to 277
  - b. Decrease in surface stalls from 209 to 196
  - c. Overall increase in total stalls from 463 to 473 stalls

---

**Staff Comments**

Although the elimination of Building #6 at this time would be consistent with the Plan Commission's original approval, the addition of another 21 surface garages (for a total of 41 garages) to the 20 garages originally proposed and approved is not. Moreover, the two "banks" of surface garages now proposed to be parallel to the east property line in the southeast corner of the site are now setback a distance of 30 feet vs. the 40 feet in the approved plan (a minimum of 25 feet is required by code).

Arguably, the Plan Commission wanted Building #6 eliminated for two reasons: (1) to effectively reduce the total number of dwelling units in and resulting density of the overall development; and (2) to lessen/eliminate the potential impact of development in the southeast corner of the site on the Oakwood Village residential area to the east. While one can argue that the potential impact associated with residents occupying Building #6 would no longer be a concern, installing 41 surface garages in an area that is some distance away and effectively hidden from those who will use those garages could introduce a different set of issues to contend with.

From experience, storage buildings that are not attached to or located close by to the home or business they are intended to serve can become places where the most undesirable clutter and junk tend to accumulate... both inside and outside. Such buildings might also be used for business or hobby-type activities that wouldn't ordinarily be conducted if the building was attached to the dwelling or, in this case, adjacent to the apartment building where the owner(s) and everyone else in the area would be forced to see and deal with. Any approval of this proposed site plan amendment should include additional conditions that ensure that the garages are used only for inside storage, no business activities, and that the entire area is inspected regularly to ensure the area does not become a dumping ground or an attractive nuisance.

Relocation of the 1,500 sqft maintenance building from the northwest to the southeast corner of the site is preferred; however, there are now two "banks" of 16 total surface garages proposed in that northwest corner of the site. The landscape plan should be adjusted to include additional trees and shrubs to provide a better buffer and view along the north and west sides of the proposed garages.

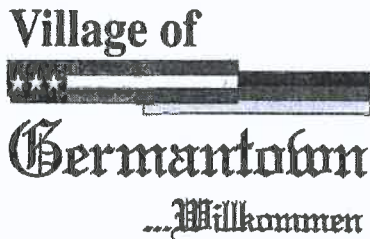
Finally, incorporation of (12) dwelling units into the clubhouse building reduces the size of the internal green space area within the "village square" formed by the surrounding buildings and parking areas. No changes are currently proposed to the landscaping of this area, but should be to reflect the larger building area now shown where trees are required to be installed under the approved plan.

Unlike the other five buildings, underground parking beneath the clubhouse building will not be provided. At least 1 stall of covered parking per dwelling unit is required in the Rm-2 District, but that parking is not required to be attached or under the same building. Covered parking for these 12 units will be satisfied by the surface garages proposed elsewhere on the site.

### **VILLAGE PLANNER RECOMMENDATION**

**APPROVE** the amendments proposed to the approved site development and building plans for the 172-unit Saxony Village apartment community located at N115 W16200 Main Street subject to the following conditions:

1. A revised or supplemental landscape plan shall be prepared and submitted to the Village Planner for review and approval prior to issuance of an occupancy permit for the first building constructed (Building #4 construction is underway as of May, 2017). Said landscape plan shall include/address: (a) additional trees and shrubs along the north and west sides of the proposed garages in the northwest corner of the site; and (b) the reconfigured “village square” and area surrounding the expanded clubhouse building.
2. The owner/developer or subsequent property management entity shall be responsible for the ongoing inspection and maintenance of the surface garages in the southeast corner of the site to ensure that the area and/or individual surface garages: (a) are used only for inside storage; (b) are not used for business activities; and (c) do not become a dumping ground or an attractive nuisance.



Fee must accompany application

- ☒ \$700 Minor Addition  
☐ \$1,240 Construction <10,000 SF  
☐ \$2,095 Construction 10,000 SF to 50,000  
☐ \$3,460 Industrial Construction >50,000 SF  
☐ \$3,460 Commercial Construction >50,000  
☐ \$200 Plan Commission Consultation  
☐ \$125 Fire Department Plan Review

PAID 8

DATE

5-8-17

## SITE PLAN REVIEW APPLICATION

Pursuant to Section 17.43 of the Municipal Code

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

1

### APPLICANT OR AGENT

Heritage Place Joint Venture  
1718 N 9912 Rivercrest Drive, Ste 101  
Germantown, WI 53022

Phone (262) 255-1800 press 4

E-Mail scott@jbjcompanies.com

### PROPERTY OWNER

Heritage Place Joint Venture  
1718 N 9912 Rivercrest Drive, Ste 101  
Germantown, WI 53022

Phone (262) 255-1800 press 4

E-Mail scott@jbjcompanies.com

2

### PROPERTY ADDRESS

Tax Key #224992

3

### NEIGHBORING USES - Specify name and type of use, e.g. Enviro Tech - Industrial, Smith - Residential, etc.

| North                 | South                                             | East                                              | West                                                |
|-----------------------|---------------------------------------------------|---------------------------------------------------|-----------------------------------------------------|
| <u>Commercial B-3</u> | <u>Multi-Family</u><br><u>Residential Rm-2/PM</u> | <u>Multi-Family</u><br><u>Residential Rm-2/PM</u> | <u>Multi-Family</u><br><u>Residential Rm-2/RM-3</u> |

4

### READ AND INITIAL THE FOLLOWING:

X I am aware of the Village of Germantown ordinance requiring fire sprinklers in most new construction.

X I understand that all new development is subject to Impact and/or Connection Fees that must be paid before building permits will be issued.

X I understand that an incomplete application will be withdrawn from the Plan Commission agenda and that all resubmissions to the Plan Commission are subject to a new application fee.

5

### SIGNATURES - ALL APPLICATION MUST BE SIGNED BY OWNER!

[Signature] 5/5/17  
Applicant Date

[Signature] 5/5/17  
Owner Date



5-5-17

Site Plan Review:

Heritage Place Joint Venture is requesting an amendment to the approved Saxony Village site plan. Saxony Village is located on the south side of Main Street, just south of the Wisconsin and Southern Railroad. The parcel is zoned RM-2 Multi-family. The site plan changes enhance the development and provide a better sense of community for the residents.

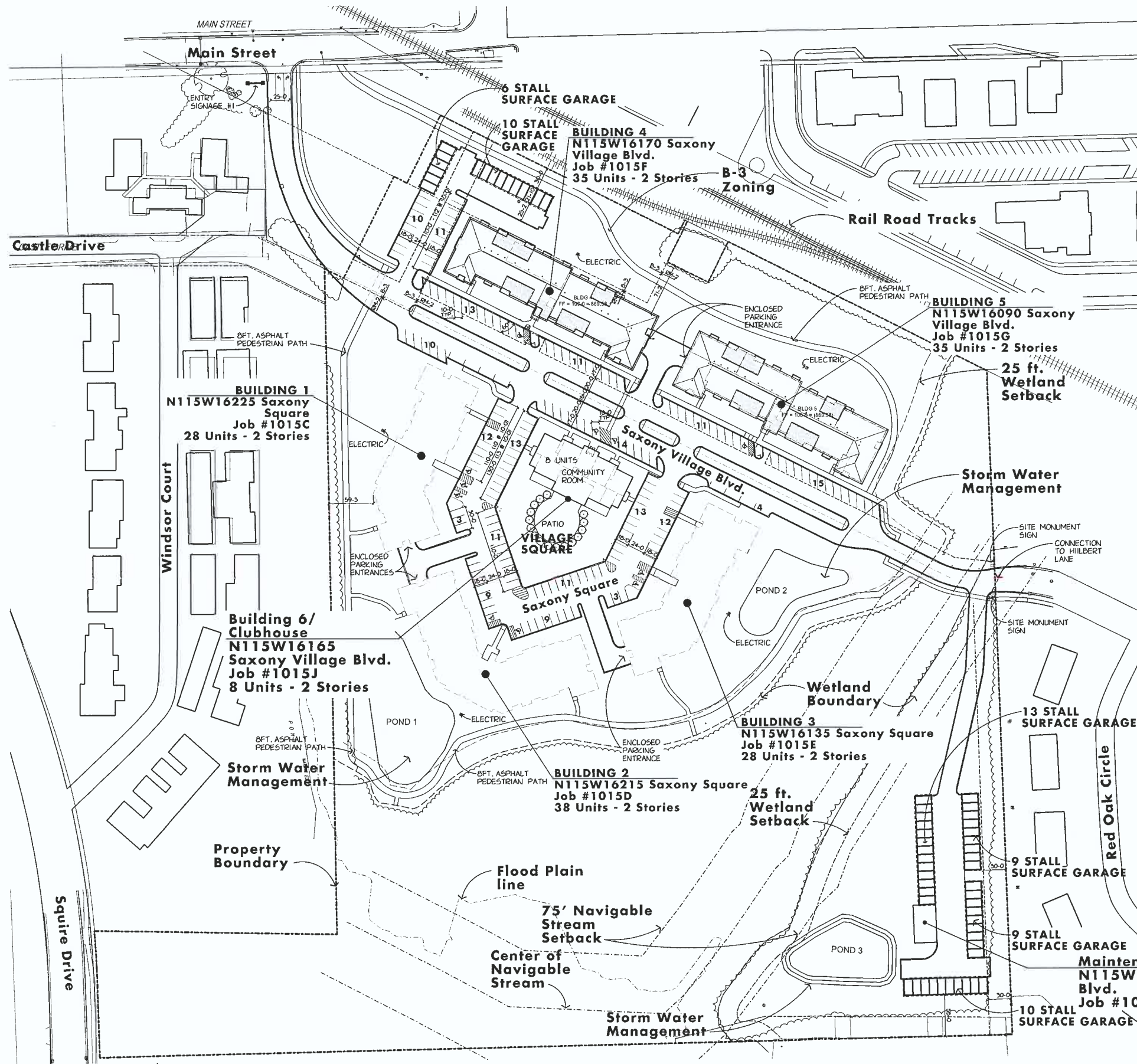
The updated site plan shows 172 units. This is the same number of units that was approved.

Site Plan (Summary of Changes):

- Relocated the 12 units from the southeast corner as follows:
  - a. 8 units were incorporated into the clubhouse building
  - b. 2 units were incorporated into building 1
  - c. 2 units were incorporated into building 3
- Maintenance building was re-located from just north of Bld. #4 to the SE corner
- Two surface garage buildings were added to the former area of the maintenance building
- The size of the parking lot was reduced at the SE corner
- Two additional surface garage buildings were added at the SE corner
- The overall surface parking received some minor updates
- The walking path locations received some minor updates

It should be noted that the architecture of the combined clubhouse/building 6 will be consistent with the architecture of buildings 1-4. The maintenance building and surface garages architecture is consistent with the previous approvals. The site lighting and landscaping will also be consistent with the previous approvals.





**Building Summary**

172 Apartments  
Bldg. 1 - 28 Apartments  
Bldg. 2 - 38 Apartments  
Bldg. 3 - 28 Apartments  
Bldg. 4 - 35 Apartments  
Bldg. 5 - 35 Apartments  
Clubhouse/Bldg. 6 - 8 Apartments  
Surface garages  
Maintenance Building

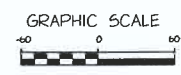
**Site Summary**

**Area Analysis**

|                                  |                                            |       |
|----------------------------------|--------------------------------------------|-------|
| Lot Area -                       | 989,925 sqft (22.7256 acres)               |       |
| RM2 Zoning                       | 939,299 sqft (21.5633 acres)               | 100%  |
| B3 Zoning                        | 50,626 sqft (1.1622 acres)                 |       |
| Wetlands (including Flood Plain) | 7.9 acres                                  |       |
| Flood Plain -                    | 1.6 acres                                  |       |
| Building Coverage -              | 113,096 sqft                               | 12.0% |
| Pavement & Sidewalk Coverage -   | 167,294 sqft                               | 17.8% |
| Green Space -                    | 658,909 sqft                               | 70.1% |
| *** Parcel 2 & 3 -               | Pavement & Sidewalk Coverage - 10,451 sqft | 1.1%  |

**Parking Summary**

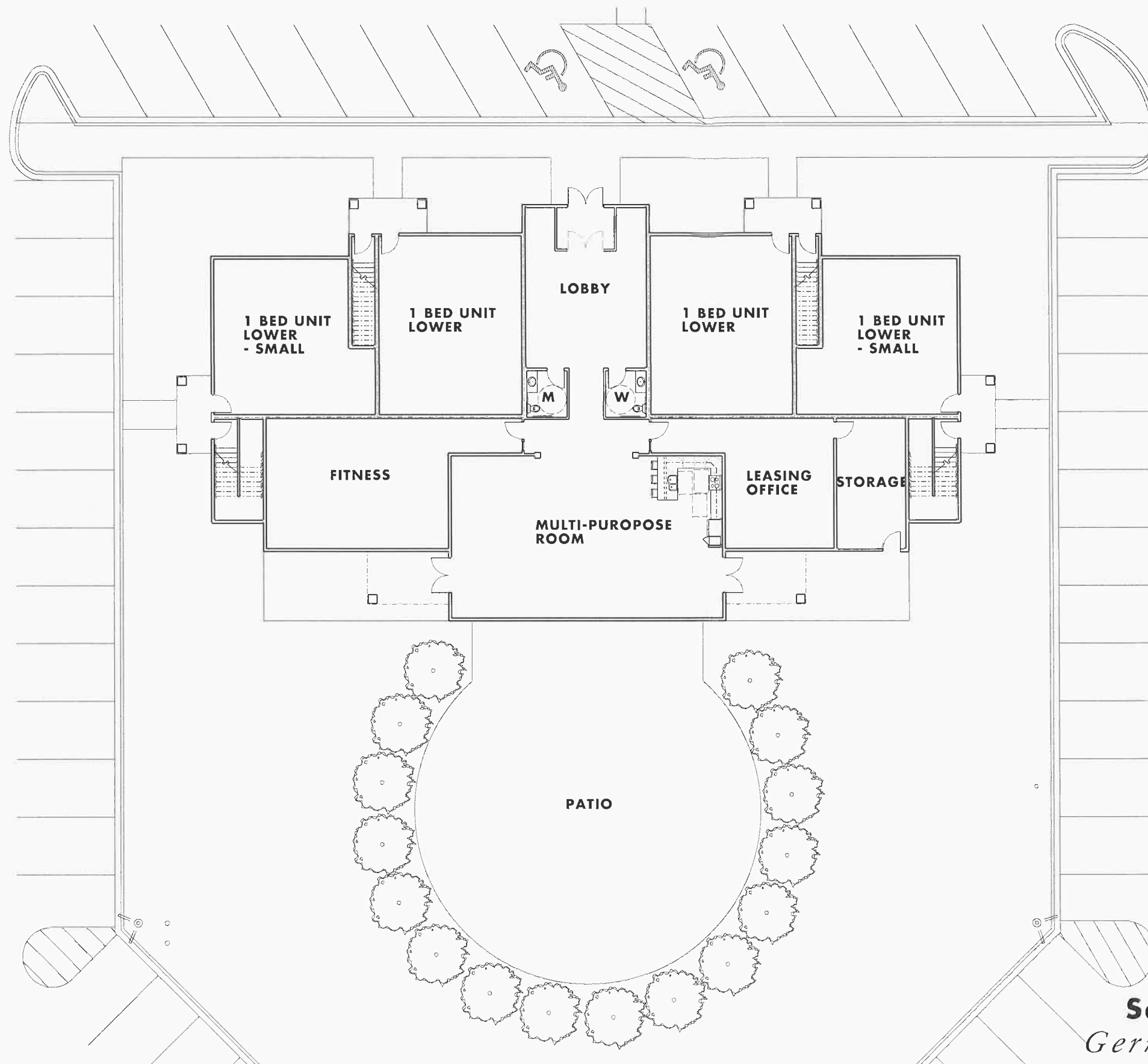
277 Cars Enclosed Parking  
(220 Underground Enclosed)  
(57 Surface Garage Enclosed)  
196 Cars Surface Parking



**SITE PLAN**



1" = 60'-0" SITE PLAN G220



**Proposed Building:  
Clubhouse / Apartments**

First Floor: 4 Apartments  
 Second Floor: 4 Apartments  
 Total: 8 Apartments

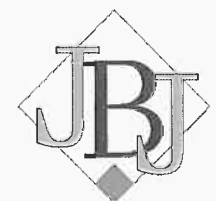
**Building Footprint : 7,554 sq. ft.**

**CLUBHOUSE / BLDG. 6**

SCALE - 1/8" = 1'-0"



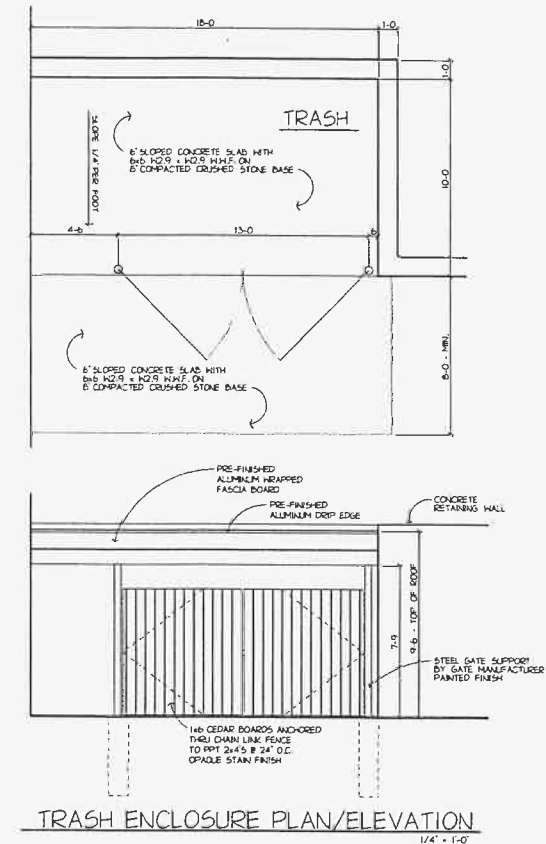
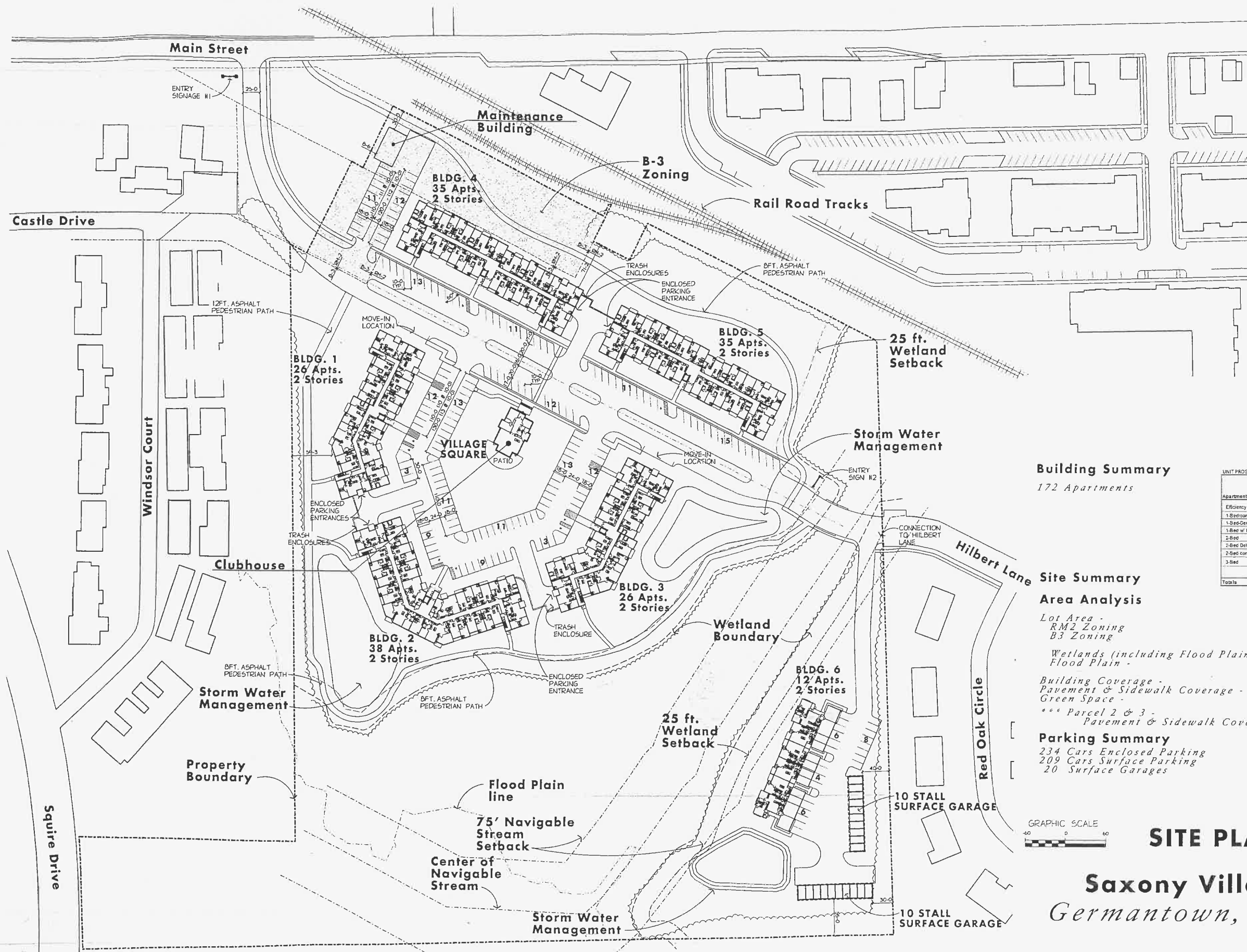
4 May 2017



J.B.J. Development  
 W178N8912 Rivercrest Drive, Ste. 101  
 Germantown, WI 53022  
 262-255-1800  
 www.jbjcompanies.com



**Saxony Village**  
 Germantown, WI



### Building Summary

172 Apartments

| UNIT PROGRAM    | Total # of Units | Unit Square Footage | Patio / Balcony SF | Gross Square Footage w/o Balcony | Gross Square Footage w/ Balcony |
|-----------------|------------------|---------------------|--------------------|----------------------------------|---------------------------------|
| Efficiency      | 12               | 448                 | 0                  | 5,376                            | 5,376                           |
| 1-Bedroom       | 72               | 780                 | 57                 | 56,160                           | 56,894                          |
| 1-Bed-Den small | 4                | 1,841               | 72                 | 4,184                            | 4,452                           |
| 1-Bed w/ Den    | 4                | 1,898               | 72                 | 4,384                            | 4,872                           |
| 2-Bed           | 34               | 1,895               | 63                 | 37,230                           | 38,372                          |
| 2-Bed Deluxe    | 8                | 1,127               | 63                 | 9,016                            | 9,520                           |
| 2-Bed corner    | 8                | 1,293               | 68                 | 10,344                           | 10,888                          |
| 3-Bed           | 20               | 1,287               | 85                 | 38,610                           | 41,160                          |
| <b>Totals</b>   | <b>172</b>       |                     |                    | <b>165,284</b>                   | <b>175,344</b>                  |

### Site Summary

#### Area Analysis

|                                  |                              |       |
|----------------------------------|------------------------------|-------|
| Lot Area -                       | 989,925 sqft (22.7256 acres) |       |
| RM2 Zoning                       | 939,299 sqft (21.5633 acres) | 100%  |
| B3 Zoning                        | 50,626 sqft (1.1622 acres)   |       |
| Wetlands (including Flood Plain) | 7.9 acres                    |       |
| Flood Plain -                    | 1.6 acres                    |       |
| Building Coverage -              | 106,919 sqft                 | 11.3% |
| Pavement & Sidewalk Coverage -   | 164,996 sqft                 | 17.4% |
| Green Space -                    | 667,519 sqft                 | 70.2% |
| *** Parcel 2 & 3 -               |                              |       |
| Pavement & Sidewalk Coverage -   | 10,451 sqft                  | 1.1%  |

### Parking Summary

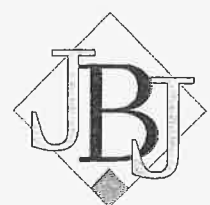
234 Cars Enclosed Parking  
209 Cars Surface Parking  
20 Surface Garages

02 December 2015



## SITE PLAN

**Saxony Village**  
Germantown, WI



J.B.J. Development  
W178N9412 Rivercrest Drive, Ste. 101  
Germantown, WI 53022  
262-255-1890  
www.jbjcompanies.com



1114 UNDERWOOD AVE.  
WATKINSVILLE, WI 53186  
262.483.3191 FAX  
414.483.0801 FAX  
www.garch.com



Post Office Box 823  
Waukesha, WI 53187-0823  
☎ 262-549-6111  
☎ 262-549-9229  
🌐 www.nelsonlandscape.com

**Sheet Title:**  
LANDSCAPE PLAN

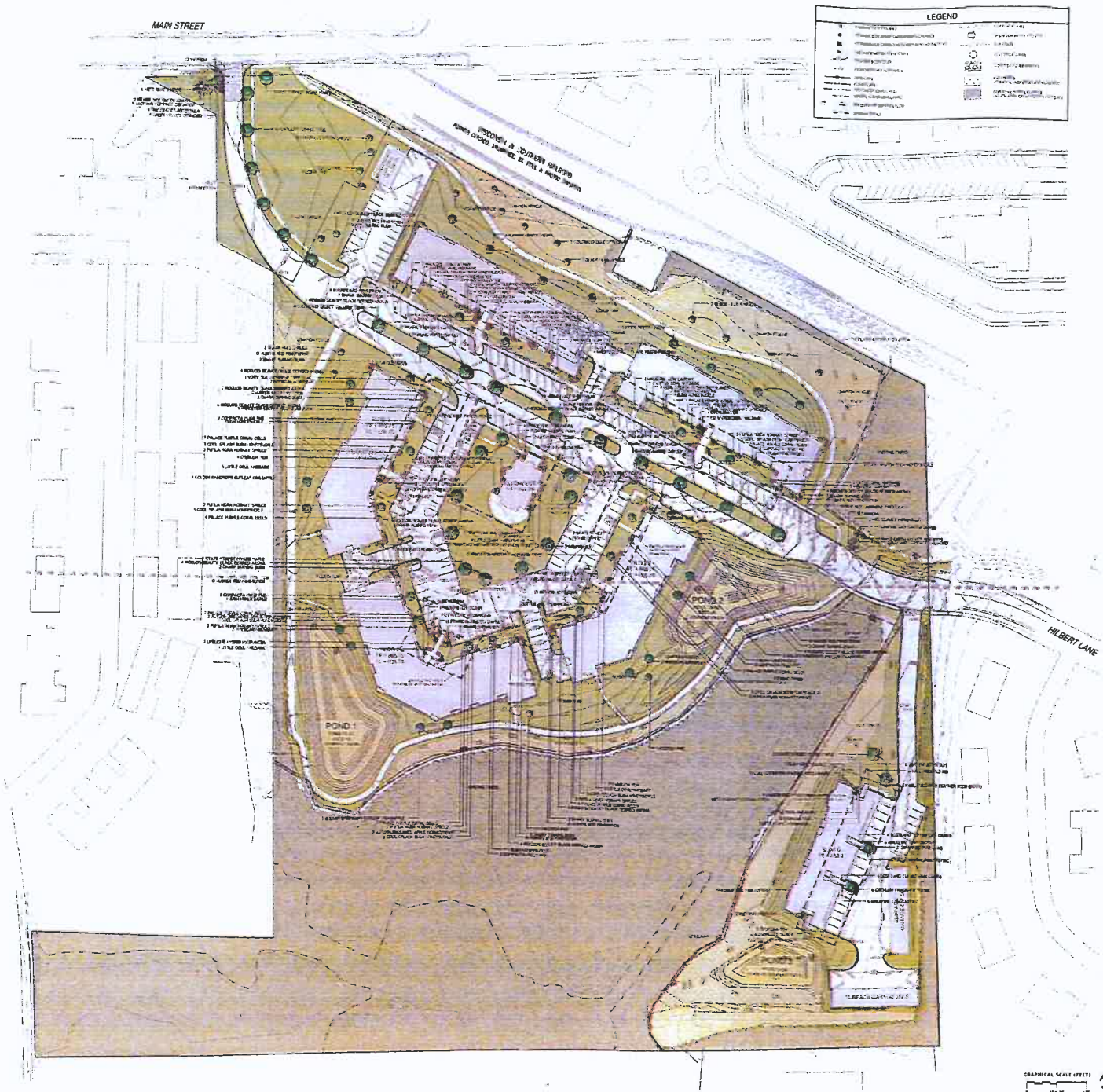
**Project:**  
SAXONY VILLAGE  
GERMANTOWN, WI

**Client:**  
JBJ CONSTRUCTION  
(A DIVISION OF JBJ COMPANIES)  
W178 N9912 RIVERCREST DR., SUITE 101  
GERMANTOWN, WI 53022  
PHONE: (262) 255-1800  
FAX: (262) 255-2234

**Plan Notes:**  
Designed By: C. J. N.  
Drawn By: C. J. N.  
Date: 10-15-15  
Revisions: 12-02-15

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Landscape Designers & Contractors Celebrating Over Fifty Years of Outstanding Results

- Residential
- Commercial
- Design/Build

**Sheet Title:**

LANDSCAPE PLAN-  
NORTH

**Project:**

SAXONY VILLAGE  
GERMANTOWN, WI

**Client:**

JBJ CONSTRUCTION  
(A DIVISION OF JBJ COMPANIES)  
W178 N9912 RIVERCREST DR., SUITE 101  
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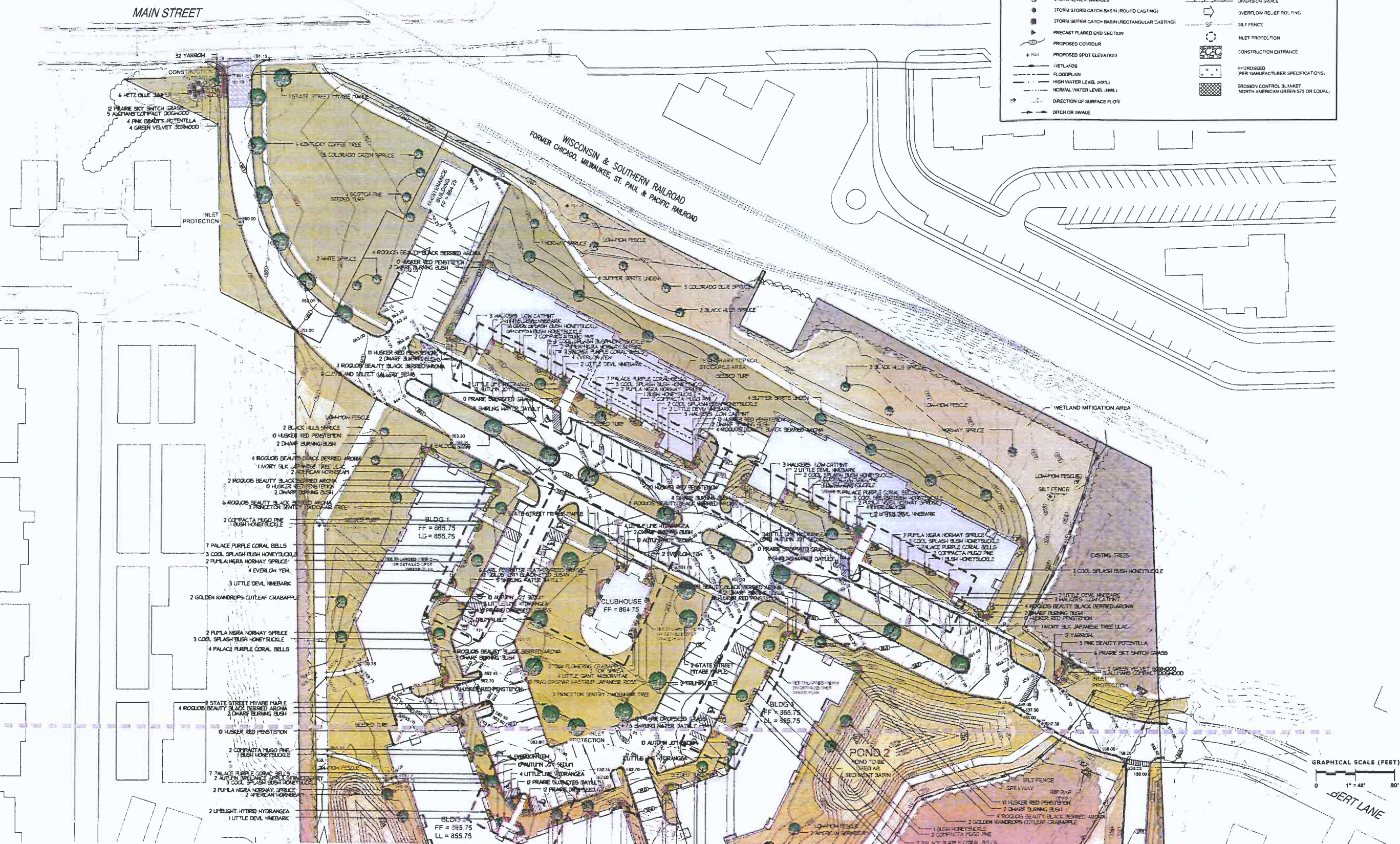
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| LEGEND                                        |                                                                |
|-----------------------------------------------|----------------------------------------------------------------|
| STORM SEWER (MANHOLE)                         | DIVERSION SWALE                                                |
| STORM STORM CATCH BASIN (ROUND CASTING)       | OVERFLOW RELIEF ROUTING                                        |
| STORM SEWER CATCH BASIN (RECTANGULAR CASTING) | SILT FENCE                                                     |
| PRECAST PLANNED END SECTION                   | INLET PROTECTION                                               |
| PROPOSED CONTOUR                              | CONSTRUCTION ENTRANCE                                          |
| PROPOSED SPOT ELEVATION                       | HYDROSEED<br>PER MANUFACTURER SPECIFICATIONS                   |
| WETLANDS                                      | EROSION CONTROL BLANKET<br>(NORTH AMERICAN GREEN STS OR EQUAL) |
| FLOODPLAIN                                    |                                                                |
| HIGH WATER LEVEL (HWL)                        |                                                                |
| NORMAL WATER LEVEL (NWL)                      |                                                                |
| DIRECTION OF SURFACE FLOW                     |                                                                |
| DITCH OR SWALE                                |                                                                |



# SITE PLAN REVIEW (AMENDMENT)

6/12/17 Plan Commission Meeting

S **Perspective Design Inc. / Compass Properties Germantown LLC**

**Village Planner Report**

**Germantown, Wisconsin**

## Summary

Perspective Design Inc., agent for Compass Properties Germantown LLC, property owner of the Germantown Marketplace located on Mequon Road, is requesting site and development plan approval for a series of façade alterations to the existing multi-tenant retail commercial building located in the Germantown Marketplace Planned Development District (PDD) at N112 W16250 Mequon Road.

**Location:** N112 W16250 Mequon Road

**Applicant/**

**Property Owner:** Peter Ogorek Sheldon Oppermann  
Perspective Design Compass Properties LLC  
11525 W. North Ave 4501 STH 66  
Wauwatosa, WI 53226 Stevens Point, WI 54482

**Current Zoning:** B-2: Community Business/Planned Development District (PDD)

| Adjacent Land Uses |                        | Zoning    |
|--------------------|------------------------|-----------|
| North              | Commercial/Residential | B-1/Rm-2  |
| South              | Residential            | Rd-2/Rm-2 |
| East               | Commercial             | B-2       |
| West               | Commercial             | B-2/PDD   |

## Location Map



---

**Proposal/Background**

Perspective Design Inc., agent for Compass Properties Germantown LLC, property owner of the Germantown Marketplace located on Mequon Road, is requesting site and development plan approval for a series of façade alterations to the existing multi-tenant retail commercial building located in the Germantown Marketplace Planned Development District (PDD) at N112 W16250 Mequon Road.

As summarized in the May 5, 2017 summary letter and in the detailed plan set, the proposed façade alterations include the following:

**Front Façade (south elevation)**

1. Remove the “Witches Hat” architectural feature and patch or replace with canopy column, shingled roof, ceiling, fascia and gutter components to match adjacent roof line
2. Remove two (2) single man doors and fill exterior walls w/ matching EIFS & wood trim
3. Install two (2) automatic sliding entry/exit doorways

**Rear Façade (north elevation)**

1. Replace two existing windows with 10' x 12' overhead door
2. Replace existing window w/ single man door & exterior concrete stoop
3. Remove concrete curb and existing landscaped area (clipped grass) to make way for 1,050 sqft of new asphalt and concrete stoop for on-grade access to new overhead and man doors

The alterations are being proposed as part of a lease arrangement between the property owner, Compass Properties Germantown LLC, and a prospective tenant for the building, Ace Hardware.

**Staff Comments**

In 2008, the owner proposed to remove the same “Witches Hat” feature from the front façade. At that time, the reasons given were that the roof replacement is/was part of a larger plan to remodel both the façade and internal components of the building in order to improve the marketability of the tenant space and provide more direct, exterior access and overhead signage vs. the current internal corridor access and lack of signage. While no reasons were stated in the May 5 letter, one can assume that the same reasons apply today (the same tenant space has remained essentially vacant since the original proposal in 2008).

Staff’s position then (and now) is that the Witches Hat feature is the most unique “Germanic theme” element (of only a few) that provides character to this multi-tenant commercial building. While the “marketability” reasoning for wanting to remove the Witches Hat is logical and understandable it should not be allowed without providing some degree of “compensation” through the installation of another roof and/or building feature(s) that provide an equal or greater amount of character to the building. As was the case back in 2008, in Staff’s opinion, simply replacing the Witches Hat with a roof patch does not accomplish that requirement.

In 2008, the Plan Commission initially postponed action on the proposal in order for the owner to prepare and present designs showing alternative architectural features that could be installed as a replacement or compensation for removal of the Witches Hat feature.

Eventually, the Plan Commission approved removal of the Witches Hat subject to the owner installing two (2) dormers on the roof structure above the tenant space to match existing dormers elsewhere on the building.

In January, 2015, the Village approved creation of the Germantown Marketplace Planned Development District (PDD) in order to allow the property owner the ability to divide the property into three (3) separate parcels: the Associated Bank parcel (Lot 2 at 1.14 acres); the multi-tenant retail building (Lot 1 at 9.67 acres); and a vacant parcel (Lot 3 at .87 acres). In addition, the PDD established a new maximum impervious area allowance for each parcel (an increase from 75 to 90%). As it relates to the current façade alterations, the increased impervious area allowance makes it possible for the owner to now replace 1,050 sqft of green space along the north elevation of the building to make way for the new overhead door (impervious area on Lot 1 increases to 82% and under the 90% maximum).

Finally, as presented in the site plan, the façade alterations include the addition of product display areas along the front (south) façade and an outdoor pallet racking storage feature along the rear (north) elevation. Outdoor vending machines and product dispensers are permitted subject to the provision of 17.50(9) of the Zoning Code.

#### Fire Department

The Fire Department has reviewed the plans and is recommending the following:

1. The existing fire sprinkler system shall be modified per IBC building codes. Sprinkler heads are not allowed to be turned upright (as shown on sheet A1.1) may not meet required design standards. Building plans should be submitted to the WI DSPS as necessary to ensure building and fire code compliance.

### VILLAGE PLANNER RECOMMENDATION

**APPROVE** the front and rear façade alterations proposed to the existing multi-tenant retail commercial building located in the Germantown Marketplace Planned Development District (PDD) at N112 W16250 Mequon Road subject to the following conditions:

1. Except for removal/replacement of the “Witches Hat” feature, all proposed façade alterations on the front (south) and rear (north) elevations are acceptable as proposed.
2. Outdoor vending machines and product dispensers are permitted subject to the provision of 17.50(9) of the Zoning Code.
3. The existing fire sprinkler system shall be modified per IBC building codes. Sprinkler heads are not allowed to be turned upright (as shown on sheet A1.1) may not meet required design standards. Building plans should be submitted to the WI DSPS as necessary to ensure building and fire code compliance.
4. Building permits for all interior and exterior remodeling and improvements are required from the Community Development Department.
5. All permanent and temporary signage requires a permit from the Village Community Development Department.

jurisdiction over State Highway 167/Mequon Road and thought the Village was spending too much money. With no one else appearing before the Plan Commission, the Public Hearing was closed at 8:45 pm.

**Review and Action by Resolution on a Proposed Amendment to the Project Plan and Budget for Tax Incremental District (TID) #5 to install traffic signals at the intersection of Mequon Road and Legend Avenue.**

***MOTION Kempinski second Zorbini to Send forward a Positive Recommendation to the Village Board to Approve the resolution entitled "Amending Tax Incremental Financing District No. 5 Project Plan" and thereby formally amend said Project Plan in accordance with the provisions of the Tax Increment Law.***

Chairman Kempinski stated Sendik's had expressed major concerns with their new development due to the increased traffic their stores generate. Paul Patrie explained the installation of traffic signals would be paid with funds from the TID 5 fund balance. The projected date of close for TID 5 will now be 2014 instead of 2013, but still earlier than the original projected date of 2007. Chairman Kempinski said the DOT has been contacted. Planner Retzlaff stated a traffic signal warrant analysis was conducted and does indicate the need for justification for signals. The approval from the DOT is pending.

***MOTION carried unanimously.***

**Germantown Marketplace – N112 W16250 Mequon Road.** Perspective Design, Inc., agent for Compass Properties, owner of the Germantown Marketplace Shopping Center, is requesting approval of a site plan to remove/replace a portion of the existing building façade and roof for the multi-tenant commercial building. Planner Retzlaff summarized the proposed revisions. He said Plan Commission had previously postponed action on the roof improvement until alternative designs showing replacement features similar to those on the other portions of the building that further the Germanic theme and appearance of the building is submitted.

***MOTION Zorbini second Stauffacher to Approve the removal of the Witches Hat feature as proposed and require replacement with the proposed dormers under Option 2 provided said dormers and other items being replaced match the existing features on the building.***

Discussion followed. Consensus from Commission members on the proposed alternative designs was not favorable. They wanted to see some type of architectural feature.

Chad Ott, Perspective Design, said their purpose was to bring potential tenants to the outside and improve the marketability of the mall. Mike Farrell, Compass Properties, stated this section of the mall was currently closed because it is vacant. Discussion continued.

***MOTION to Amend Kempinski second Stauffacher to add condition***

- 1. The dormers should be shed style, be at least two windows wide, at least 12 feet wide on both sides, at least 2 times as wide as what is proposed, be long and narrow, and subject to approval by the Planner, who may require up to 18 feet wide.***

***MOTION to Amend carried.***

***MOTION carried.***

**Fee must accompany application**

- ☒ \$700 Minor Addition  
☐ \$1,240 Construction <10,000 SF  
☐ \$2,095 Construction 10,000 SF to 50,000  
☐ \$3,460 Industrial Construction >50,000 SF  
☐ \$3,460 Commercial Construction >50,000  
☐ \$200 Plan Commission Consultation  
☐ \$125 Fire Department Plan Review

PAID \$

DATE

5-4-17**SITE PLAN REVIEW APPLICATION**Pursuant to Section 17.43 of the Municipal Code

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

**1****APPLICANT OR AGENT**

Peter O'Gorek / Brad Kropp

Perspective Design Inc

11525 W North Ave

Wauwatosa, WI 53226

Phone ( 414 ) 302-1780

E-Mail bkropp@pdi-arch.com

**PROPERTY OWNER**

Sheldon Oppermann for

Compass Properties Germantown, LLC

attn: Compass Property Management, LLC

4501 State Hwy 66

Stevens Point, WI 54482

Phone ( 414 ) 765-0305

E-Mail sheldon@compassproperties.com

**2****PROPERTY ADDRESS**

N112 W16250 Mequon Road

**3****NEIGHBORING USES** - Specify name and type of use, e.g. Enviro Tech - Industrial, Smith - Residential, etc.

|                                     |                                       |                |                |
|-------------------------------------|---------------------------------------|----------------|----------------|
| North<br>Condominiums / residential | South<br>parking / road / residential | East<br>retail | West<br>retail |
|-------------------------------------|---------------------------------------|----------------|----------------|

**4****READ AND INITIAL THE FOLLOWING:**

- X I am aware of the Village of Germantown ordinance requiring fire sprinklers in most new construction.
- X I understand that all new development is subject to Impact and/or Connection Fees that must be paid before building permits will be issued.
- X I understand that an incomplete application will be withdrawn from the Plan Commission agenda and that all resubmissions to the Plan Commission are subject to a new application fee.

**5****SIGNATURES - ALL APPLICATION MUST BE SIGNED BY OWNER!**Brad Kropp 5.4.17

Applicant

Date

Sheldon Oppermann

Owner Sheldon Oppermann

Date 4/18/2017



PERSPECTIVE  
DESIGN, INC.

11525 W. North Avenue  
Wauwatosa, WI 53226  
Tel (414) 302-1780 Fax (414) 302-1781

May 5, 2017

Village of Germantown  
Planning Department  
N112 W17001 Mequon Road  
Germantown, WI 532022  
Via email: [ljohnson@village.germantown.wi.us](mailto:ljohnson@village.germantown.wi.us)

Subject: Site Plan Review Submittal for Germantown Marketplace.

Dear Staff,

Compass Properties Germantown LLC is proposing front and rear façade alterations for a proposed tenant in an approximate 12,000 SF long standing vacant space at Germantown Marketplace located at N112 W16250 Mequon Road.

The alterations include:

Front Façade

- Remove “witch’s hat” spire at entrance canopy.
- Remove 2 single doors and infill opening.
- Remove 1 double door and 1 window for new sliding door entries.
- 

Rear Façade

- Remove window for installation of man door
- Remove two windows and create opening for new overhead door.
- Remove and rework existing landscape and asphalt to provide on grade access to tenant space.

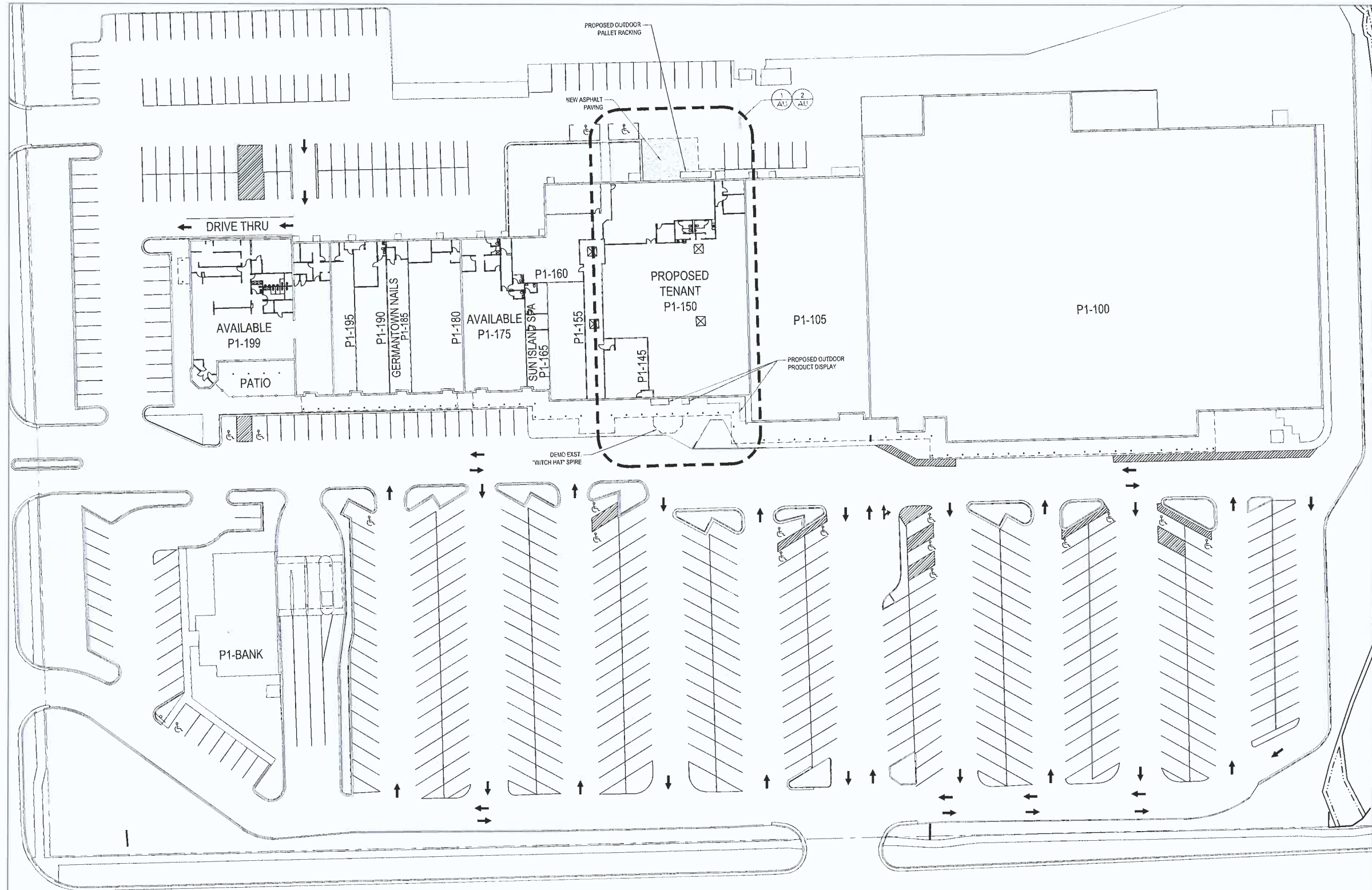
Please accept this submittal for the June 12, 2017 Plan Commission meeting. Feel free to contact me with any questions or comments

Sincerely,

Brad Kropp  
Senior Project Manager.

PLOT DATE: 6/4/2017

FILE NAME: P:\PROJECTS\COMPASS - GERMANTOWN ACEHARDWARE\SPDL\_COMPASS GTOWN ACEHARDWARE.DWG



W. MEQUON ROAD

PLAN NORTH  
SITE PLAN  
1/32" = 1'-0"  
1

FULL SIZE PRINT = 24" x 36" SHEET

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Drawing Title:  
SITE PLAN

THIS BOX IS 1/2" x 1/2"

Date: 05.04.17

Scale: NOTED

Drawn: DG

Job:

Sheet:

SP1.1

Tenant Improvements For:  
**Ace Hardware**  
N112 W16250 Mequon Rd.  
Germantown, WI 53022

Project:

REV. # REV. DATE

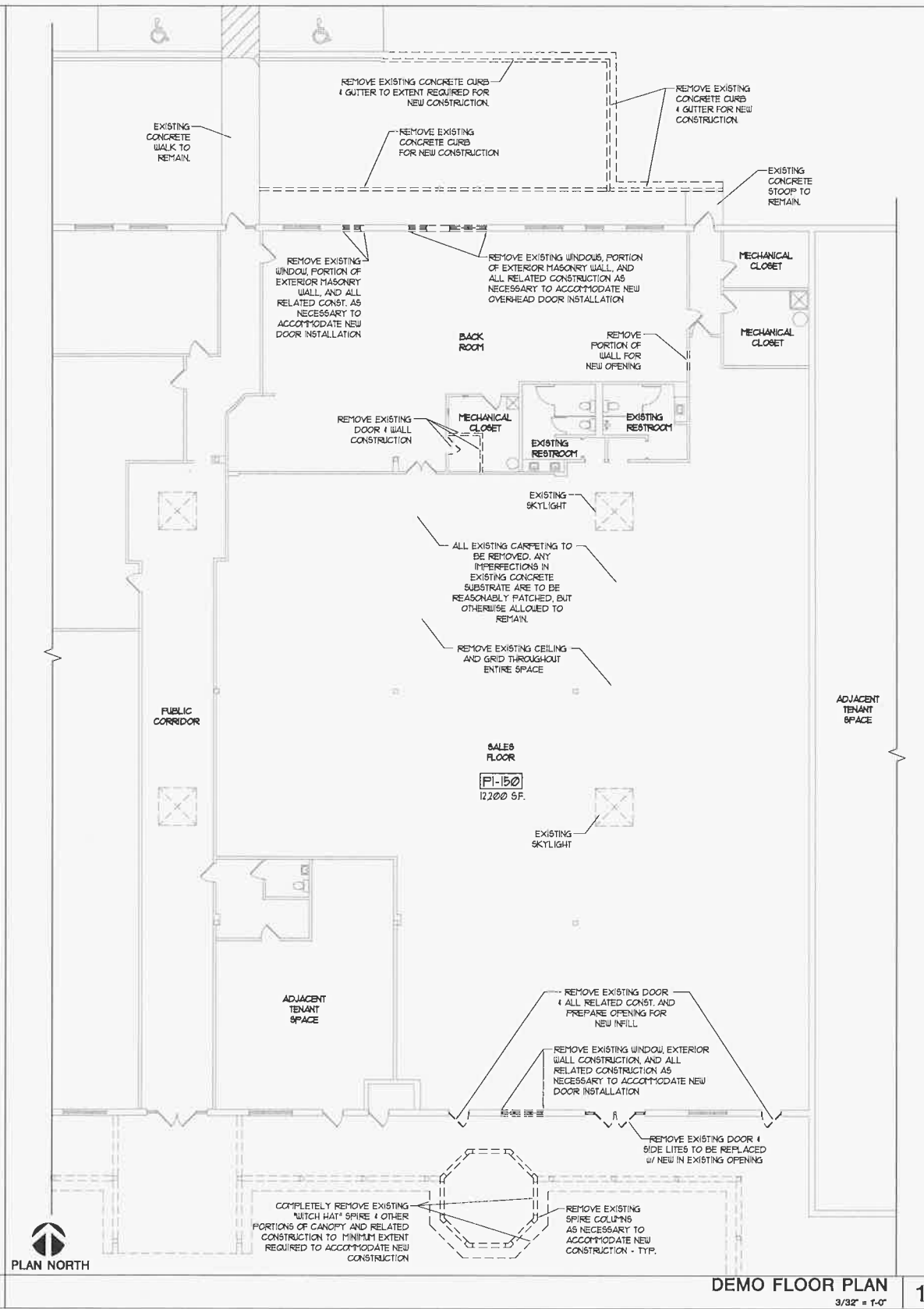
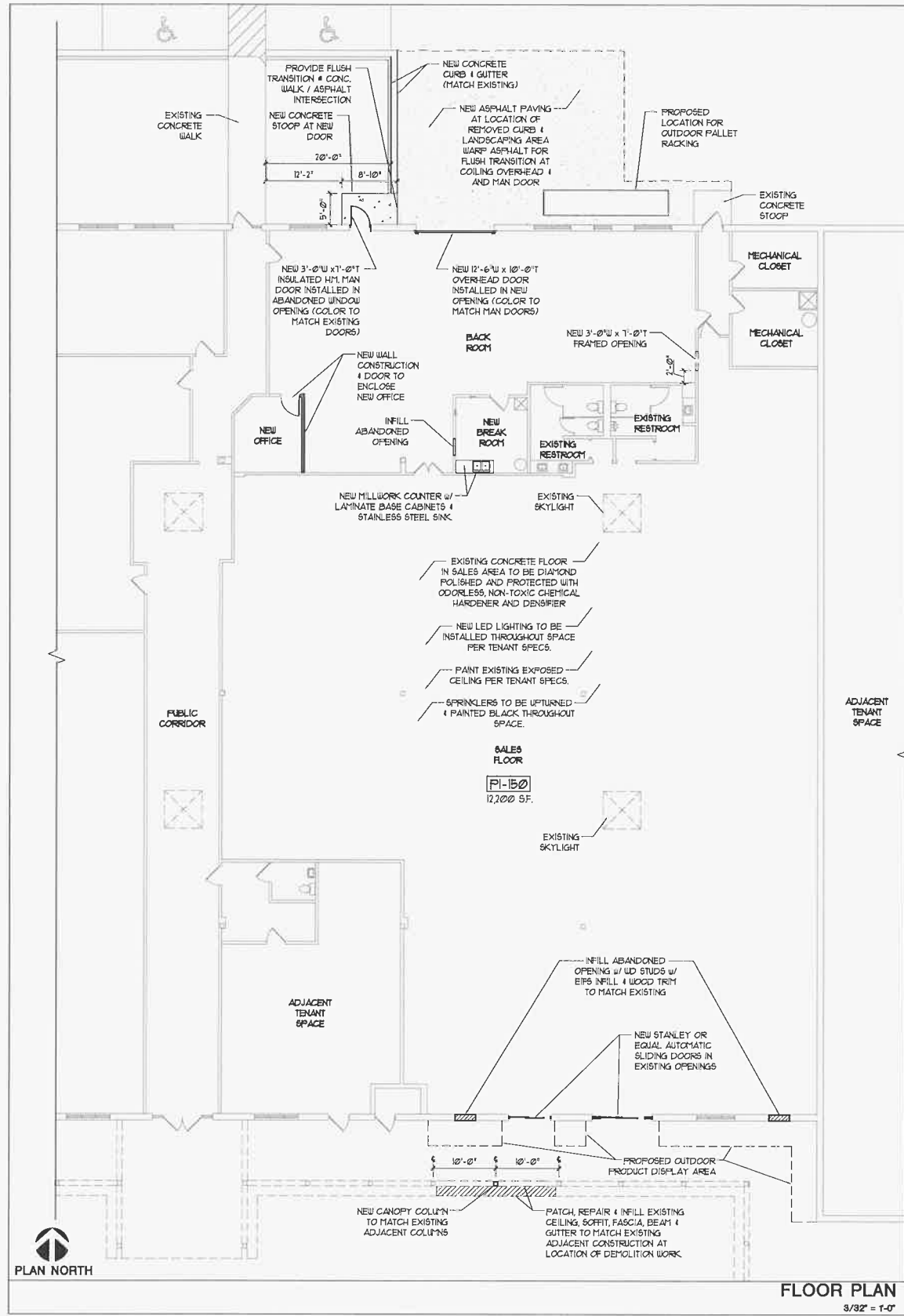
DESCRIPTION

REV. BY:

PC SUBMITTAL

BULK

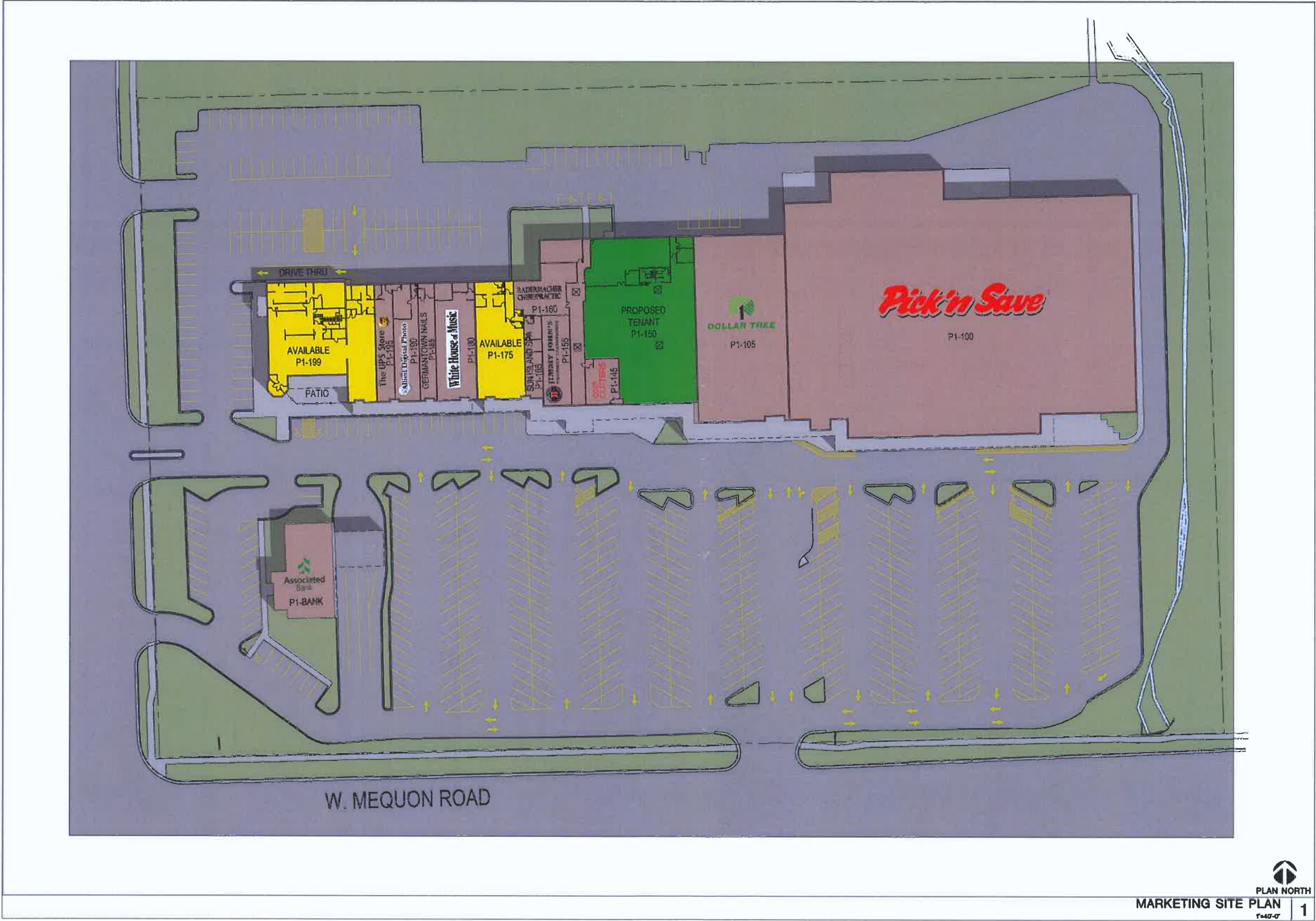
RECEIVED  
MAY 04 2017  
OFFICE OF THE VILLAGE PLANNER  
VILLAGE OF GERMANTOWN



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| REV. BY:                                                                                                                   | DESCRIPTION  | REV. DATE                | REV. # |
|----------------------------------------------------------------------------------------------------------------------------|--------------|--------------------------|--------|
| BAK                                                                                                                        | PC SUBMITTAL | 06-04-17                 |        |
| Project:                                                                                                                   |              |                          |        |
| Tenant Improvements For:<br><b>Ace Hardware</b><br>N112 W16250 Mequon Rd.<br>Germantown, WI 53022                          |              |                          |        |
| <b>PERSPECTIVE DESIGN, INC.</b><br>11525 W. North Avenue<br>Wauwatosa, WI 53226<br>Tel: (414) 312-1750 Fax: (414) 312-1751 |              |                          |        |
| Drawing Title:<br><b>DEMO FLOOR PLAN &amp; FLOOR PLAN</b>                                                                  |              |                          |        |
| Date:                                                                                                                      | 05.04.17     | THIS BOOK IS 1/2" x 1/2" |        |
| Scale:                                                                                                                     | NOTED        |                          |        |
| Drawn:                                                                                                                     | DG           |                          |        |
| Job:                                                                                                                       |              |                          |        |
| Sheet:                                                                                                                     | <b>A1.1</b>  |                          |        |



FULL SIZE PRINT = 24" x 36" SHEET

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|                     |  |                          |  |        |  |           |  |              |  |          |  |
|---------------------|--|--------------------------|--|--------|--|-----------|--|--------------|--|----------|--|
| Drawing Title:      |  | Tenant Improvements For: |  | REV. # |  | REV. DATE |  | DESCRIPTION  |  | REV. BY: |  |
| MARKETING SITE PLAN |  | Ace Hardware             |  |        |  | 05-04-17  |  | PC SUBMITTAL |  | BAK      |  |
| Date:               |  | 05.04.17                 |  |        |  |           |  |              |  |          |  |
| Scale:              |  | NOTED                    |  |        |  |           |  |              |  |          |  |
| Drawn:              |  | DG                       |  |        |  |           |  |              |  |          |  |
| Job:                |  |                          |  |        |  |           |  |              |  |          |  |
| Sheet:              |  |                          |  |        |  |           |  |              |  |          |  |
| MSP1.1              |  |                          |  |        |  |           |  |              |  |          |  |



PERSPECTIVE  
DESIGN, INC.  
11325 W. North Avenue  
Wauwatosa, WI 53226  
Tel: (414) 302-1750 Fax: (414) 302-1751

N112 W16250 Mequon Rd  
Germantown, WI 53022

BEFORE



AFTER



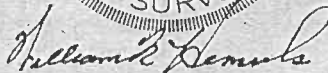
BEFORE



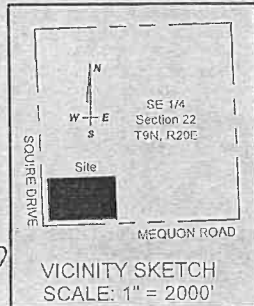
AFTER



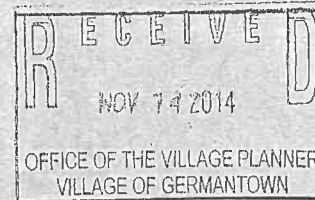
Being Lot 1, CERTIFIED SURVEY MAP NO. 3414, located in the Southwest 1/4 of the Southeast 1/4 of Section 22, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.



Zoned: B-2 Community  
Business District



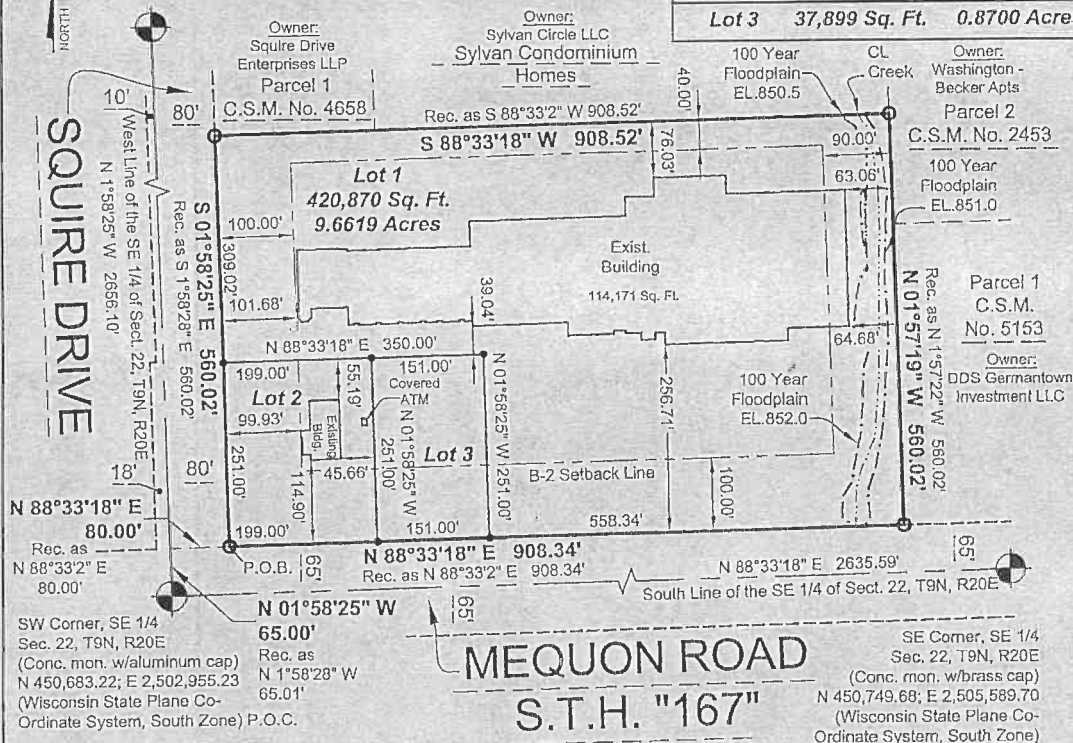
Tax Key Number: GTNV224-986  
Property serviced by  
public sewer and water.  
Existing Building  
Lot 2 = 3,641 Sq. Ft.



Bearings refer to Grid North of the Wisconsin State Plane Coordinate System Grid, South Zone per N.A.D. 27. The West line of the Southeast 1/4 of Section 22, Township 9 North, Range 20 East has a reference bearing of N 01°58'25" W. (March 2010 CSSD)

|       |                |              |
|-------|----------------|--------------|
| Lot 2 | 49,947 Sq. Ft. | 1.1466 Acres |
| Lot 3 | 37,899 Sq. Ft. | 0.8700 Acres |

# SQUIRE DRIVE

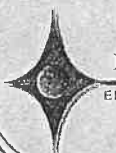


- All distances computed and measured to the nearest 0.01'
- All angles computed and measured to the nearest 00°00'01"

Note: A portion of this property described on this Certified Survey Map lies with in Zone AE of 100 year Flood as defined by the Federal Emergency Management Agency and identified on the Flood Insurance Rate Map Community Panel No. 55131C0376D dated November 20, 2013.

Legend:  
○—Denotes 1" iron pipe found  
●—Denotes 1" x 24" iron pipe set, 1.68 lbs. per lin. ft.

Job Number:120155  
June 20, 2012  
Sheet 1 of 4 Sheets



**ENGINEERS      PLANNERS      SURVEYORS**  
518 West Cherry Street, Milwaukee, WI 53212  
PHONE (414) 604-0674 FAX (414) 604-0677  
[www.daarcorp.com](http://www.daarcorp.com)

# COMPREHENSIVE PLAN AMENDMENT

6/12/17 Plan Commission Meeting

John Lamm

Village Planner Report

Germantown, Wisconsin

## Summary

John Lamm, property owner, is requesting to amend the 2020 Land Use Plan Map classification for his 29-acre property on Maple Road from "Agricultural/Conservation Residential" to "Rural Residential".

**Property Location:** Maple Road ¼ mile north of Freistadt Road

**Applicant/**

**Property Owner:** John Lamm  
John Lamm of Jackson, Inc.  
2708 Sherman Road  
Jackson, WI 53037

-----  
**Current Zoning:** A-1: Agricultural

| Adjacent Land Uses |                     | Zoning |
|--------------------|---------------------|--------|
| North              | Ag/Residential      | A-2    |
| South              | Industrial/railroad | M-1    |
| East               | Agricultural        | A-1    |
| West               | Agricultural        | A-1    |



---

**Proposal**

John Lamm, owner of a 29-acre parcel located on the west side of Maple Road ¼-mile north of Freistadt Road, is seeking approval of an amendment to the 2020 Land Use Plan map of the Village's Comprehensive Plan. Lamm is requesting that the current "Agricultural/Conservation Residential" land use classification be changed to "Rural Residential". If approved, the amendment would enable Lamm to move forward with a proposal to rezone the property from A-1: Agricultural to the Rs-3: Single-family District (1 acre minimum lot size) and develop a 13-lot, single-family "conservation" residential subdivision as generally depicted in the Concept Plan (copy attached).

The potential subdivision would include a total of 13 single-family lots (approx. 1-acre each totaling 14 acres or 49.5% of the total area) and 12.3 acres (43.5%) of common open space; most of which being located within an existing primary environmental corridor located along the railroad tracks and southern portion of the property. The environmental corridor contains portions of Goldendale Creek and the west branch of the Menomonee River, floodplain and wetlands.

Justification for the request is based primarily on the notion that there are a number of existing, smaller-sized residential lots in the surrounding area, and, that the property abuts the planned industrial area (and existing sewer service area) to the north (see attached explanation and justification responses).

**Staff Analysis**

Given the current "Agricultural/Conservation Residential" land use classification, the subject property is eligible for rezoning into the Rs-1 Single-family District and subsequent development into as many as five (5) 5+ acre residential lots.

Although the notion that this parcel should be allowed to develop at a higher density than the current "Agricultural/Conservation Residential" classification would allow because of the existence of other small residential lots scattered in the area is not an overwhelming reason, there are other factors that warrant consideration.

**Proximity.**

The subject property abuts the sewer service area and existing planned industrial development area to the south. Unlike other parcels in the "Agricultural/Conservation Residential" classification, the subject parcel is more readily accessible by emergency services and closer to existing schools, commercial areas, and other village amenities. Which is to say, that if development were to occur in the north half of the village, it would be advantageous for such development to occur closer to the village than further away. As described in the 2020 Land Use Plan, a slightly higher development density adjacent to the sewer service and industrial area may also be an appropriate transition in the intensity of development as we move from the developed "village" in the south to the "rural" area to the north.

---

Environmental Corridor Preservation.

If development of this property in any manner is inevitable, the incentive and ability to preserve and enhance the environmental corridor that lies across the southern portion of the property is greater under a development plan that allows for smaller (and slightly more) 1-3 acre lots than under a plan with fewer and larger 5+ acre lots. As shown in the proposed concept plan, the owner is proposing to include the 11.8 acre environmental corridor into a commonly owned open space outlot. While a more typical 5-acre subdivision would likely result in the environmental corridor being divided along with and included as portions of each 5-acre lot, the incentive of possibly development at a higher density under the "Rural Residential" classification and subsequent rezoning and development as a "planned development district" could create a "win-win" situation with a mutually-agreeable balance between the final number and size of residential lots vs. the amount of open space and recreational features (e.g. walking trails).

In light of the above, I believe the Plan Commission should seriously consider the request subject to a few modifications to the proposed concept plan:

- Reduce the number of lots from thirteen (13) to a maximum of eight (8) or nine (9) lots. The environmental corridor should be included entirely within the open space outlot. As a result, the depth of Lot Nos. 1 to 5 would be reduced. Further, the lots abutting the environmental corridor should be larger than just 1-acre. Lot Nos. 1, 2 and 3 should be combined into two lots; Lot Nos. 4, 5 and 6 should be combined into two lots; Lot Nos. 7 and 8 should be combined into one lot; and Lot Nos. 10, 11, 12 and 13 should be combined into two lots.
- Increase the depth and landscaping buffer along Maple Road by another 100-150' from the ultimate right-of-way line.
- Investigate the possible extension of the proposed internal road to the west and/or north property line to serve potential development, and in so doing, eliminate a 1,400' cul-de-sac by providing a future secondary access point to/from this area.

In 2007 the Plan Commission discussed and considered the proposal without taking any action. A copy of the meeting minutes from the February 12, 2007 meeting are attached.

As was the case in 2007, the current proposal is submitted as a "consultation" and is for discussion purposes only. Staff and the Applicant are looking for your thoughts and ideas about the plan amendment and concept plan. If the Plan Commission feels that this amendment warrants further consideration, we would look for further guidance and suggestions as to what (if any) revisions should be made to the plan amendment and/or concept plan.

## PLAN COMMISSION MEETING MINUTES

February 12, 2007

**CALL TO ORDER:** Chairman Hargan called the meeting to order at 6:36 p.m.

**ROLL CALL:** Chairman Hargan, Commissioners Grosenick, Simoneau, Bonney, Zorbini, Trustee Representative Langer and Engineer Naze. Staff members in attendance included Village Planner Jeff Retzlaff and Planning Secretary Lori Johnson.

**PREVIOUS MINUTES:** *MOTION Zorbini second Langer to Approve January 22, 2007 minutes.*

*MOTION carried unanimous.*

**Allstate – W164 N11269 Squire Drive.** Sign Effectz is requesting approval of a 32 SF wall sign for a new Allstate Insurance tenant in Building #3 of the Germantown Marketplace II Shopping Center.

*MOTION Grosenick, second Langer to Approve the wall sign as proposed for Allstate located in Building #3 of the Germantown Marketplace II Shopping Center located at W164 N11269 Squire Drive subject to the following conditions:*

- 1. Building and electrical permits shall be obtained from the Building Inspection Department prior to installation of any sign components.*
- 2. All new electronic components shall be inspected and labeled by a licensed lab.*

Planner Retzlaff confirmed the channel letters will be white in color at night.

*MOTION to Amend Langer, second Bonney to add a 3<sup>rd</sup> condition that the owner obtain a temporary sign permit for the one that is currently up.*

*MOTION to Amend carried unanimous.*

*MOTION to Approve as Amended carried unanimous.*

**John Lamm – Maple Road ¼ mile north of Freistadt Road.** John Lamm, property owner, is requesting a consultation to amend the 2020 Land Use Plan Map classification for his 29 acre property on Maple Road from Agricultural/Conservation Residential to Rural Residential.

Planner Retzlaff and John Lamm presented the proposal to the Plan Commission members. Mr. Lamm provided a concept plan of how the property could be developed into a conservation type subdivision that includes thirteen, one plus acre lots at a density of one dwelling unit per just over two acres if the zoning is approved. Also provided is a large 11.8 acre outlot in the existing environmental corridor that would have walking trails.

Plan Commission had the following comments:

- Concern requiring an amendment to the Land Use Plan
- The proposed development would have a 1400 SF cul-de- sac, code indicates 1000 SF maximum.
- The proposed development is located next to the sewer service area
- Create 5 acre lots and deed restrict back of lots to preserve natural corridor
- Stormwater detention as shown is not sufficient

Planner Retzlaff stated this discussion is not at site plan level. The concept plan shows how the development could be developed. Lot count, stormwater detention, etc. would all be subject to further review and code regulations.

Discussion continued including:

- Density too high, 8-9 lots would be better
- Land Use Plan states lots should be 5 acre lots
- Environmental corridor preservation is nice idea

No action taken. Consultation only.

**Tim Wheaton – W212 N10845 Appleton Avenue.** Tim Wheaton, owner of a 20.5 acre parcel has submitted an application to rezone approximately 1-2 acres of land from A-2 Agricultural to B-5 Highway Business. If approved, Mr. Wheaton would pursue the additional site and building plan approvals required to continue operating a used vehicle sales operation from the property.

Planner Retzlaff gave a history of the property. A Conditional Use Permit No. 6-95 was granted to the owner in June 1995 to allow “small engine repair and equipment storage”. In February 1997, CUP #6-95 was amended to include an allowance for a 64 SF ground sign (CUP #6-95A). In May 1998, Mr. Wheaton obtained a Motor Vehicle Dealers License in the name of “Success Enterprises” for purposes of selling vehicles from the Appleton Avenue property. Beginning in November 1999 and continuing thereafter, Mr. Wheaton received letters from the Village Planner indicating his use of the property for vehicle sales was not allowed under the terms of CUP 6-95A nor in the Agricultural Zoning District within which his property is located. The Village Planner sent a series of zoning code “non-compliance” letters to Mr. Wheaton indicating CUP #6-95A would be brought before the Village Board for review and possible action. At the October 6, 2003 Village Board meeting, the Board directed Mr. Wheaton to request rezoning of the property immediately. No rezoning request was ever filed and at this time, a Land Use Plan Amendment would now be needed for a rezoning.

Mr. Wheaton spoke regarding the rezoning request. He said he applied for a wholesaler license in 1995. A few years later, the Department of Transportation advised him to apply for a retail license which Sig Strautmanis approved. He said the business still has the Hovercraft and airboat business, commercial small engine business, and still has construction equipment stored there. He explained he previously tried to divide the property but needed additional access from the Department of Transportation. He was granted a frontage road but has since decided not to divide the property. He stated he has a State license, with Village approval, to sell motor vehicles on his property. Planner Retzlaff stated obtaining the State permit does not supersede any requirements of the local government including local zoning. The applicant would need local government approval for the sale of vehicles under the zoning provisions. Discussion continued.

***MOTION Langer, second Simoneau to send forward a Negative Recommendation to the Village Board for Rezoning a portion of the subject parcel at W212 N10845 Appleton Avenue from A-2 to B-5 subject to the following direction to the property owner:***

- 1. The owner shall cease use of the property for vehicle sales and any other uses or activities that do not comply with CUP #6-95A or the zoning district regulations that apply to the subject property. All such uses or activities, including all vehicles and other non-personal equipment and machinery that are not related to the uses allowed under CUP #6-95A, shall cease and/or be removed from the property within ninety (90) days after Village Board action on the rezoning petition.***



Plan Commission, Village of Germantown  
Community Development Department

May 8, 2017

An Opportunity for Beautiful building sites in Germantown, WI

John Lamm – Maple Road ¼ mile North of Freistadt Road. John Lamm, property owner, is consulting to amend the 2020 Land Use Plan Map classification for his 29 acre property on Maple Road from Agricultural/Conservation Residential to Rural Residential.

Planner Jeff Retzlaff and John Lamm are presenting this plan to the Plan Commission members. This is a concept plan of how the property could be developed into a conservation type subdivision that includes thirteen, one plus acre lots at a density of one dwelling unit per just over two acre if the zoning is approved. Also provided is a large 11.8 acre outlot in the existing environmental corridor that would have walking trails. Preservation of all the woods and natural stream is a must.

The proposed development would have a 1000SF Cul De Sac at end of the road.

The Proposed development is located next to the sewer service area. Stormwater detention is shown on plan.

This is an opportunity for The Village Germantown to have nice size buildable lots in a beautiful setting.

“Beautify Today for Tomorrow”!

Sincerely

John Lamm



- Fee must accompany application
- ☐ \$700 Minor Addition
  - ☐ \$1,240 Construction <10,000 SF
  - ☐ \$2,095 Construction 10,000 SF to 50,000
  - ☐ \$3,460 Industrial Construction >50,000 SF
  - ☐ \$3,460 Commercial Construction >50,000
  - ☒ \$200 Plan Commission Consultation
  - ☐ \$125 Fire Department Plan Review

PAID \_\_\_\_\_ DATE \_\_\_\_\_

## SITE PLAN REVIEW APPLICATION

Pursuant to Section 17.43 of the Municipal Code

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

|                                                                                                                                                |                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b> APPLICANT OR AGENT<br><u>John Lamm</u><br>_____<br>_____<br>_____<br>Phone <u>(262) 677-3010</u><br>E-Mail <u>j1amm@lammscape.com</u> | <b>PROPERTY OWNER</b><br><u>John Lamm</u><br><u>of Jackson, Inc.</u><br><u>John &amp; Patricia Lamm</u><br>_____<br>_____<br>Phone <u>(262) 677-3010</u><br>E-Mail <u>j1amm@lammscape.com</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**2** PROPERTY ADDRESS  

Maple Rd - Westside - 1/4 mile North of 2831 Acres  
Freistadt Rd. South of adjoining property  
of Historic "Maple House" 1861

**3** NEIGHBORING USES - Specify name and type of use, e.g. Enviro Tech - Industrial, Smith - Residential, etc.

|                             |                                          |                            |                          |
|-----------------------------|------------------------------------------|----------------------------|--------------------------|
| North<br><u>Residential</u> | South<br><u>Geh Warehouse Industrial</u> | East<br><u>Residential</u> | West<br><u>Res. Agr.</u> |
|-----------------------------|------------------------------------------|----------------------------|--------------------------|

**4** READ AND INITIAL THE FOLLOWING:

JK I am aware of the Village of Germantown ordinance requiring fire sprinklers in most new construction.

JK I understand that all new development is subject to Impact and/or Connection Fees that must be paid before building permits will be issued.

JK I understand that an incomplete application will be withdrawn from the Plan Commission agenda and that all resubmissions to the Plan Commission are subject to a new application fee.

**5** SIGNATURES - ALL APPLICATION MUST BE SIGNED BY OWNER!

|                                                                |                                                                    |
|----------------------------------------------------------------|--------------------------------------------------------------------|
| <u>John Lamm</u> 5/8/17<br>Applicant                      Date | <u>John Lamm</u> 5/8/17<br>Owner                              Date |
|----------------------------------------------------------------|--------------------------------------------------------------------|

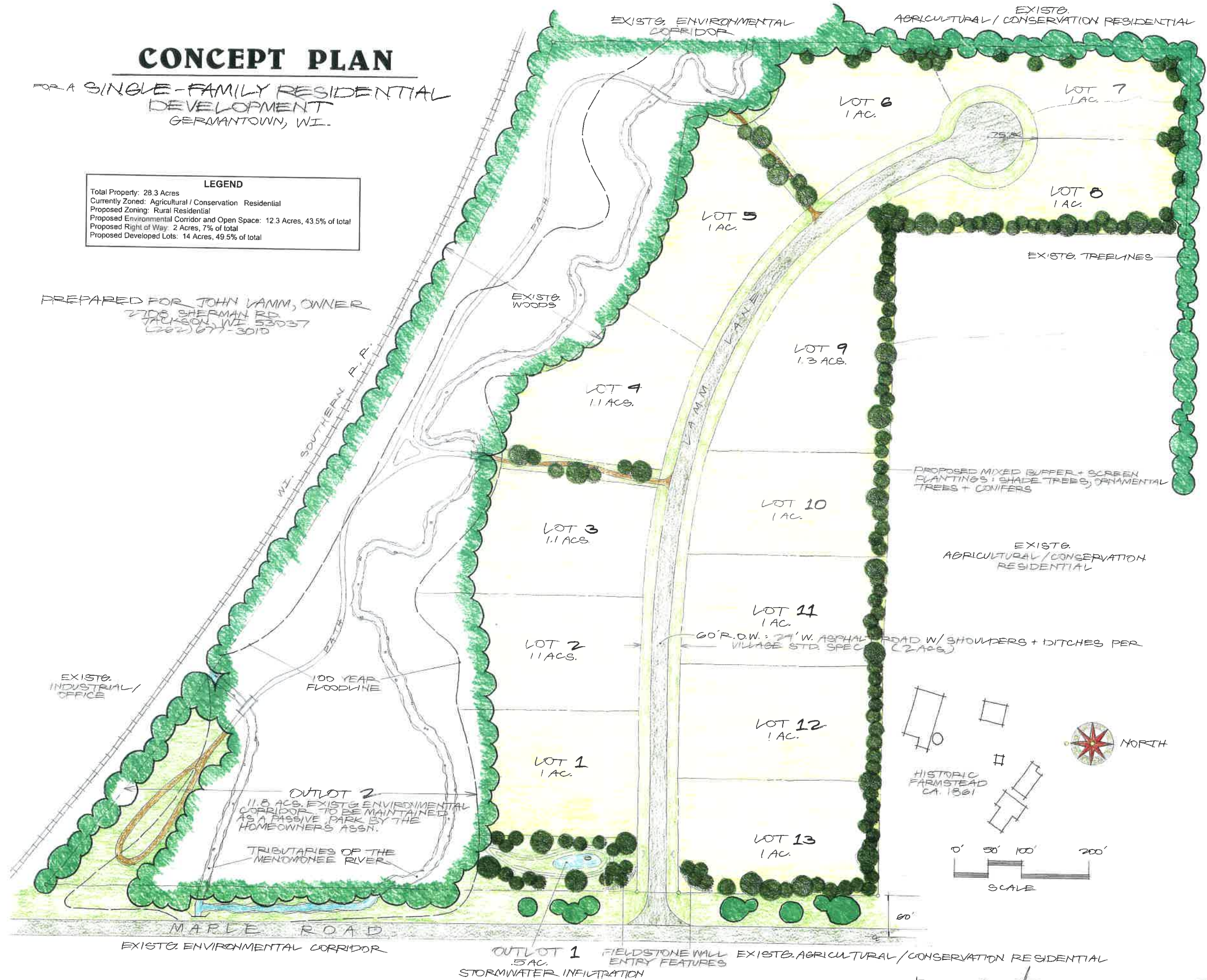
# CONCEPT PLAN

FOR A SINGLE-FAMILY RESIDENTIAL  
DEVELOPMENT  
GERMANTOWN, WI.

## LEGEND

Total Property: 28.3 Acres  
Currently Zoned: Agricultural / Conservation Residential  
Proposed Zoning: Rural Residential  
Proposed Environmental Corridor and Open Space: 12.3 Acres, 43.5% of total  
Proposed Right of Way: 2 Acres, 7% of total  
Proposed Developed Lots: 14 Acres, 49.5% of total

PREPARED FOR JOHN VAMM, OWNER  
2708 SHERMAN RD.  
JACKSON, WI 53037  
(262) 677-3010



DANE COUNTY WI. PLA #22  
1.5.2007

John Vamm 6-12-11

# SIGN PERMIT REVIEW

## 6/12/17 Plan Commission Meeting

### Chiropractic Company

Village Planner Report

Germantown, Wisconsin

#### Summary

Graphic House, agent for Chan Lee and Gtown Cutkick LLC, property owner and the Chiropractic Company, is requesting approval for one (1) wall-mounted sign for the new tenant in the Germantown Marketplace II retail center.

**Property Location:** W164 N11269 Squire Drive (Germantown Marketplace II)

**Property Owner/  
Applicant:**

|                             |                       |
|-----------------------------|-----------------------|
| Dillon Bay                  | Gtown Cutkick LLC     |
| Graphic House               | c/o Chan Lee          |
| 400 S. 72 <sup>nd</sup> Ave | W164 N11269 Squire Dr |
| Wausau, WI                  | Germantown, WI        |

**Current Zoning:** B-2: Community Business District w/ PDD Overlay

| Adjacent Land Uses |                             | Zoning |
|--------------------|-----------------------------|--------|
| North              | Institutional (Life Church) | I      |
| South              | Commercial                  | B-2    |
| East               | Commercial                  | B-2    |
| West               | Commercial                  | B-2    |



---

**Proposal**

Graphic House, agent for Chan Lee and Gtown Cutkick LLC, property owner and the Chiropractic Company, is requesting approval for one (1) wall-mounted sign for the new tenant in the Germantown Marketplace II retail center.

- One (1) 59" x 124" (50.8 sqft sign area) wall-mounted sign to be located on the west façade (facing interior of parking lot) of the building above the primary tenant entrance. The sign will be comprised of LED internally-illuminated channel letters;

**Staff Analysis**

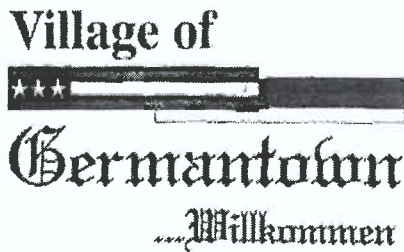
The proposed wall signs meet the sign requirements including the allowance for 1.5 sqft of sign area for every 1 linear foot of building frontage (50.8 total sqft proposed vs. the maximum allowance of 96 sqft for this tenant space with 64 feet of building frontage).

When considering previous new tenant signage in the Germantown Marketplace II retail center, the issue of sign placement has been discussed. Many of the existing businesses have roof-mounted channel lettering signs while others have signs mounted in a lower position on an exterior wall (or roof gable as is the case here). In the past, the Plan Commission has indicated that either mounting location is acceptable as determined by the tenant and/or property owner.

**Village Planner Recommendation**

**APPROVE** the proposed wall-mounted signs for the new Chiropractic Company location in the Germantown Marketplace II retail center subject to the following conditions:

1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components.
2. All electrical sign components must be listed and labeled by a recognized lab.



Paid 8 / Date 5-4-17

Owner [Signature] Date 4/28/17

|                       |                    |                        |                          |
|-----------------------|--------------------|------------------------|--------------------------|
| SALES REP:<br>JAMUS B | DATE:<br>1-23-2017 | QUOTE NUMBER:<br>11529 | JOB NUMBER:<br>XX-XXX    |
| SALES AUTH:           |                    |                        | REVISION:<br>1-24-2017-A |

SALES DRAWINGS- CHIROPRACTIC COMPANY- GERMANTOWN, WI- (11529) BUILDING LETTERS  
ChiropracticCompany-Germantown-11529-02-3.jpg

(1) SET FACE-LIT RACEWAY LETTERS

- A. ALUM. FORMED LETTERS. BLACK RETURNS. LIT w/ WHITE LED'S
- B. WHITE ACRYLIC FACES. DOUBLE PRINTED VINYL w/ GLOSS LAMINATE & WHITE OUTLINE
- C. BLACK TRIM-CAP
- D. ALUM. FORMED RACEWAY

- P1 - Black letter returns
- P2 - Tan to match building (tbd)
- White Acrylic faces
- DP1 - PMS 518c (tbd)
- DP2 - PMS 479c (tbd)

APPROX. NIGHT VIEW

# Chiropractic Company



CLIENT HAS IDENTIFIED THE LOCATION IN WHICH THE SIGNAGE IS TO BE INSTALLED. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE.

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RELEASE AUTH:

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# SIGN PERMIT REVIEW

## 6/12/17 Plan Commission Meeting

### Minuteman Press

Village Planner Report

Germantown, Wisconsin

#### Summary

Barry Landowski, agent for Khalid Ahmed, property owner and Minuteman Press, is requesting approval for one (1) wall-mounted sign for the new tenant in the Hillcrest retail center located at W156 N9666 Pilgrim Road.

**Property Location:** W156 N9666 Pilgrim Road (Hillcrest Retail Center)

**Property Owner/  
Applicant:**

Barry Landowski  
N106 W15749 Adams Ct  
Germantown, WI

Khalid Ahmed  
W156 N9666 Pilgrim Road  
Germantown WI

**Current Zoning:** B-1: Neighborhood Business District

| Adjacent Land Uses |             | Zoning |
|--------------------|-------------|--------|
| North              | Residential | Rs-4   |
| South              | Business    | B-1    |
| East               | Residential | Rs-4   |
| West               | Residential | Rs-6   |



---

**Proposal**

Barry Landowski, agent for Khalid Ahmed, property owner and Minuteman Press, is requesting approval for one (1) wall-mounted sign for the new tenant in the Hillcrest retail center located at W156 N9666 Pilgrim Road.

- One (1) 3' x 41' (123 sqft sign area) wall-mounted sign to be located on the west façade (facing interior of parking lot and Pilgrim Road) of the building above the primary tenant entrance. The sign will be comprised of LED internally-illuminated channel letters and logos

**Staff Analysis**

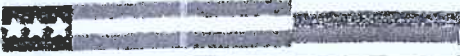
The proposed wall signs meet the sign requirements including the allowance for 1.5 sqft of sign area for every 1 linear foot of building frontage (123 total sqft proposed vs. the maximum allowance of 127.5 sqft for this tenant space with 85 feet of building frontage).

**Village Planner Recommendation**

**APPROVE** the proposed wall-mounted signs for the new Minuteman Press operation location in the Hillcrest retail center subject to the following conditions:

1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components.
2. All electrical sign components must be listed and labeled by a recognized lab.

Village of



Germantown

Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid h Date 5-25-17

## SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

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

1 APPLICANT OR AGENT Barry Landowski PROPERTY OWNER Khalid Ahmed  
N106 W15749 Adams Ct W156 N9650 Pilgrim Rd  
Germantown, WI 53022 Germantown, WI  
53022

Phone (262) 255-7575

Phone (414) 708-6121

Fax (262) 255-7997

E-Mail barry.landowski@yahoo.com

2 PROPERTY ADDRESS OR GENERAL LOCATION

W156 N9666 Pilgrim Road

3 SIGN INFORMATION

Sign Dimensions 3' height x 44' width Single/Multi Tenant (circle one)

Number of Sides 1 Building Frontage SF \_\_\_\_\_

Total Square Footage of Sign (include all sides) 132

Total height of the Sign \_\_\_\_\_

Is the Sign to be illuminated X yes no

Type of Sign Construction Materials Aluminum, Acrylic & Plywood

Distance to Closest Property Line 57'

Are there any existing signs on the property yes

If yes, what is the total Square Footage of existing signs 32 - Temporary Banner

What are the intentions for the existing signs: Take down X Remain \_\_\_\_\_

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

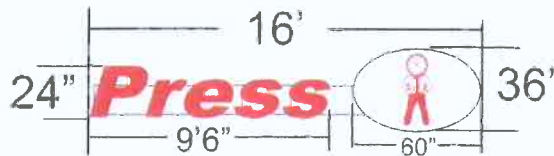
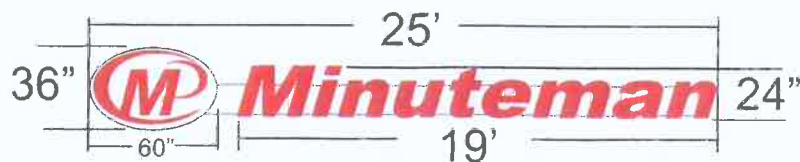
Barry Landowski 5/24/17 Khalid Ahmed 5/24/17  
Applicant Date Owner Date



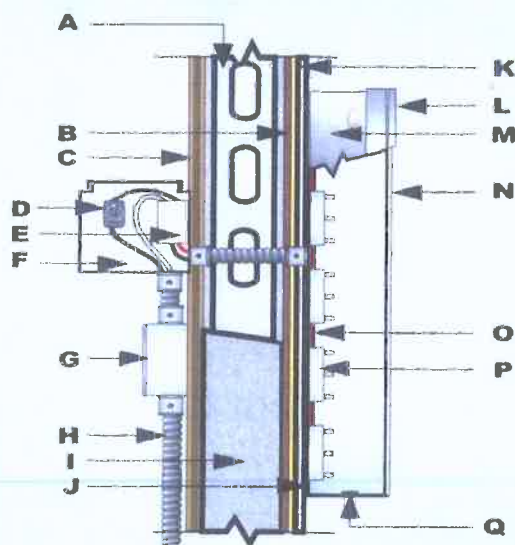
**Minuteman Press**



MARKO'S  
PIZZA  
251-1555



### LED CHANNEL - FLUSH MOUNT



Mounting Method:  
( Use appropriate Method Following Wall Inspection )  
Yogita Bolts With Hollow Core Plywood Backing  
Expansion Lag Bolts And Shields With Solid Concrete  
Thru Bolts ( All Thread ) Fasteners With Wood Blocking

ALL ELECTRICAL COMPONENTS TO BE U.L. LISTED  
APPROVED AND MARKED PER N.E.C. 600.4  
ALL TO BE ELECTRICALLY GROUNDING PER N.E.C. 250  
ALL POWER SUPPLIED TO BE FUSED PER U.L. 48-281.2.1  
GROUNDING AND BONDING PER N.E.C. 250.45-52-64-85  
SIGN TO MEET N.E.C. AND U.L. 48  
STANDARDS FOR ELECTRICAL SIGNS  
GROUND AND BONDING  
AS PER N.E.C. 250.60 AND N.E.C. 600.7

- A. Stud Frame
- B. Plywood Facia Backing
- C. Blocking As Needed
- D. UL Listed Disconnect Switch
- E. Electronic Power Supply / Driver
- F. Remote Power Driver Housing
- G. Electrical Source Gang Box
- H. Primary Electrical Source
- I. Concrete Block
- J. Aluminum Back
- K. Building Facia
- L. Trim Cap ( Red )
- M. Aluminum Returns ( Red ) & ( White )
- N. Acrylic Face ( Red ) & ( White )
- O. 12 Volt Jacketed Cable
- P. LED Module / Illumination ( Red ) & ( White )
- Q. Weep Hole 1/4" diameter / Exterior Locations

Cost To Complete: \$6,790.00  
Plus Tax And Permits

NOT TO EXCEED 80%  
OF TENANT SPACE,  
30"H MAXIMUM HEIGHT



# SIGN PERMIT REVIEW

6/12/17 Plan Commission Meeting

## GT Vapor / DEVO Germantown LLC

Village Planner Report

Germantown, Wisconsin

### Summary

Joshua Brown, Sign Effectz, agent for DEVO Germantown LLC, property owner, and GT Vapor, is requesting approval for one (1) wall-mounted sign for the new tenant in the Sendik's Village Centre at N112 W15800 Mequon Road.

**Property Location:** N112 W15800 Mequon Road

**Applicant/**

**Property Owner/:**

Joshua Brown  
Sign Effectz Inc.  
1827 W. Glendale Ave  
Milwaukee, WI 53209

DEVO Germantown LLC  
Greg Devorkin  
11518 N. Port Wash. Road  
Mequon, WI 53092

**Current Zoning:** B-2: Community Business

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



---

**Proposal**

Joshua Brown, Sign Effectz, agent for DEVO Germantown LLC, property owner, and GT Vapor, is requesting approval for one (1) wall-mounted sign for the new tenant in the Sendik's Village Centre at N112 W15800 Mequon Road.

- One (1) 23" x 12' (23 sqft sign area) wall-mounted sign to be located on the south façade (facing interior of parking lot and Mequon Road) of the building above the primary tenant entrance. The sign will be comprised of LED internally-illuminated channel letters.

**Staff Analysis**

The proposed wall sign meets the sign requirements including the allowance for 1.5 sqft of sign area for every 1 linear foot of building frontage (23 total sqft proposed vs. the maximum allowance of 26.25 sqft for this tenant space with 17.5 feet of building frontage).

**Village Planner Recommendation**

**APPROVE** the proposed wall-mounted sign for the new GT Vapor operation located in the Sendik's Village Centre subject to the following conditions:

1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components.
2. All electrical sign components must be listed and labeled by a recognized lab.



Village of



Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid 5/25/17 Date 5-25-17

## SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

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

1

### APPLICANT OR AGENT

Sign Effectz, Inc.

Joshua Brown - Account Manager

1827 W Glendale Ave, Milwaukee, WI 53209

Phone ( 414 ) 651.2335

Fax ( )

E-Mail joshb@signeffectz.com

### PROPERTY OWNER

Devo Management Company LLC

11518 N Port Washington Rd, Mequon, WI 53092

Phone ( 262 ) 240.1500

2

### PROPERTY ADDRESS OR GENERAL LOCATION

Same location as the previous tenant - C.Q. Nail & Spa

3

### SIGN INFORMATION

Sign Dimensions 22.75" height x 12' width Single/Multi Tenant (circle one)

Number of Sides 1 Building Frontage SF \_\_\_\_\_

Total Square Footage of Sign (include all sides) 22.75

Total height of the Sign \_\_\_\_\_

Is the Sign to be illuminated LED yes no

Type of Sign Construction Materials Alum. Channel letters, Acrylic Faces, LED internal illumination

Distance to Closest Property Line 185' +

Are there any existing signs on the property Yes, but not for this tenant space. C.Q. Removed

If yes, what is the total Square Footage of existing signs \_\_\_\_\_

What are the intentions for the existing signs: Take down \_\_\_\_\_ Remain \_\_\_\_\_

4

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

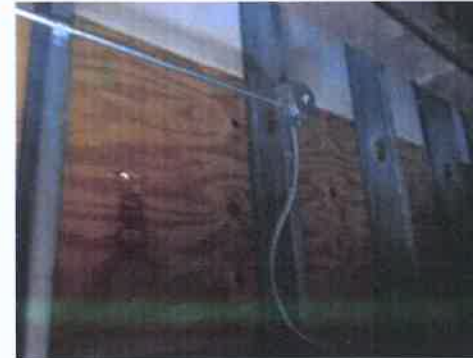
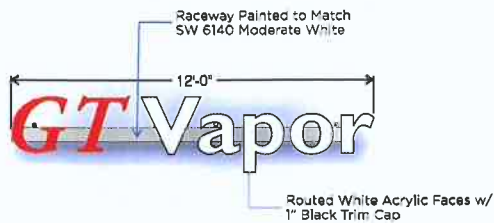
Applicant

Date

Owner

Date

12ft Wide Face-Lit, Raceway-Mounted Channel Letters  
(1) REQ'D 1/4" = 1' - 0" Scale



Site Survey Measures:



**SignEffectz, Inc.**  
SIGN / LIGHTING

www.signeffectz.com

1827 W. GLENDALE AVE., GLENDALE, WI 53029  
PH: 414-264-8004 FX: 414-264-1588



Project:

**Germantown Vapor**

Project Location:

N112W15800 Mequon Rd  
Germantown, WI 53022

Billing Location:

N112W15800 Mequon Rd  
Germantown, WI 53022

**PRODUCTION RELEASE**

Sales Rep: J. Brown Date: 04/26/17

Production Drawing: A. Esquerre

**Channel Letters**

Disclaimer:

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THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NEC AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

Notes

INSERT HERE

REVISIONS:

|        |           |             |
|--------|-----------|-------------|
| Rev. A | By: _____ | Date: _____ |
| Rev. B | By: _____ | Date: _____ |
| Rev. C | By: _____ | Date: _____ |
| Rev. D | By: _____ | Date: _____ |
| Rev. E | By: _____ | Date: _____ |
| Rev. F | By: _____ | Date: _____ |

**Scale: As Noted**

Original Page Size: 11" x 17"

**13259732 P 02**

INH - PROJ NO. DESIGN NO. REV NO.

**1**  
PRODUCTION PKG NO.

ESTIMATE NO.

**Work Order #:**

## Face-Lit Channel Letters

(1) Set Reo'd 3/4" = 1" = 0" Scale

Fabricate (1) Set of Face-lit Channel Letters mounted to single extruded alum raceway onto existing exterior wall.

Letters formed from .063" pre-finished Black alum returns and pre-finished alum backers w/ insides painted White. Internal Illumination from White LEDs. "Vapor" faces are routed .125" thk #7328 White Acrylic w/ Black trim cap internally illuminated w/ White LEDs. "GT" faces are routed .125" thk #2283 Red Acrylic w/ Black trim cap internally illuminated w/ Red LEDs.

Letters mounted to extruded alum raceway painted to match existing exterior wall, color SW 6140 Moderate White. Connection to Primary Electrical behind exterior wall. Access to interior of wall thru soffit.

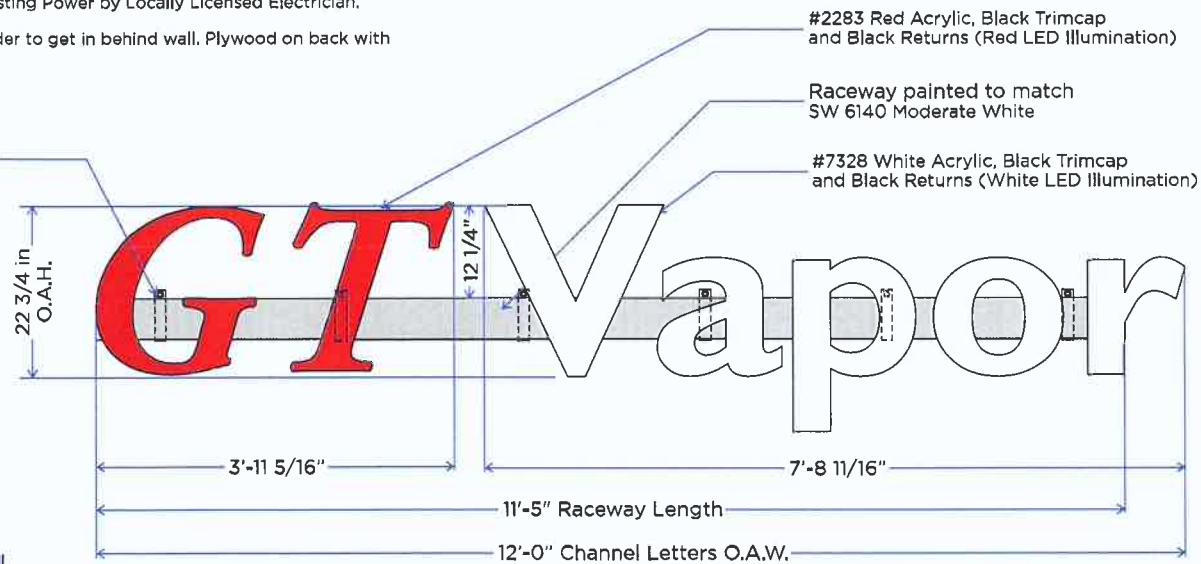
120V Primary Electrical Connection to Existing Power by Locally Licensed Electrician.

Note: 58B or SR to reach building, 8ft ladder to get in behind wall. Plywood on back with studs. No timer on site for sign.

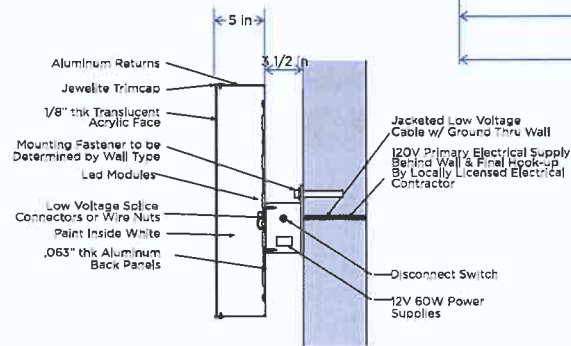
## Color Schedule

- #2283 Red Acrylic
- #7328 White Acrylic
- Black Trim Cap/ Returns
- SW 6140 Moderate White

Anchor Raceway Thru-Dry-Vit backed with Plywood and Studs Hardware to Suit



Side Detail, Typ  
Not to Scale



**SignEffectz, Inc.**  
SIGN / LIGHTING

www.signeffectz.com

1827 W. GLENDALE AVE., GLENDALE, WI 53208  
PH: 414-264-3024 PH: 414-264-3046



Project:

**Germantown Vapor**

Project Location:

N112W15800 Mequon Rd  
Germantown, WI 53022

Billing Location:

N112W15800 Mequon Rd  
Germantown, WI 53022

**PRODUCTION RELEASE**

Sales Rep: J. Brown Date: 04/28/17

Production Drawing: A. Esquerre

**Channel Letters**

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THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NEC AND/OR CITY APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

### Notes

INSERT HERE

### REVISIONS

|       |    |      |
|-------|----|------|
| Rev A | By | Date |
| Rev B | By | Date |
| Rev C | By | Date |
| Rev D | By | Date |
| Rev E | By | Date |
| Rev F | By | Date |

**Scale: As Noted**

Original Page Size: 11" x 17"

**13259732 P 03**

INS - PROJ NO. DESIGN PG REV NO.

**1**  
PRODUCTION PKG NO.

ESTIMATE NO.

**Work Order #:**

# ZONING CODE AMENDMENTS

6/12/17 Plan Commission Meeting

## Germantown Community Development Department

Village Planner Report

Germantown, Wisconsin

### Summary

The Community Development Department is proposing amendments to various provisions to Section 17 (Zoning Code). The amendments are proposed in order to reflect recent actions and/or policy decisions by the Village, and to clarify and otherwise improve staff's ability to administer and enforce the amended regulations.

The Code amendments recommended by Staff are broken down into two (2) sets or categories:

1. Amendments related to certain performance standards; specifically the sound level or noise standards under 17.47 and other sections related to those standards;
2. Amendments related to the definition of "corner lot" and "street yard".

The Plan Commission is asked to review and consider both sets of amendments, but should act on each independently of the other.

### Amendments Related to Section 17.47 Performance Standards (Noise)

The Village Board recently discussed the issue of allowing businesses who provide outdoor entertainment as part of the business an opportunity to have both extended hours (beyond the current 10:00pm to 6:00am limitation) and/or increased sound level (noise) limits enforced by the Village. As a result, the Board directed staff to draft a package of code amendments for consideration that would create the requirements, limitations and permitting process that would enable businesses meeting such requirements and limitations to conduct outdoor entertainment activities beyond the typical time and/or sound level limits.

As a result of that effort, staff has identified the following recommended amendments to portions of Section 17 (Zoning) in the Municipal Code:

**SECTION 1.** That Section 17.47 (Performance Standards) is to be revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

#### 17.47(1) COMPLIANCE.

This chapter permits specific non-residential land uses and activities to be conducted on property in specific non-residential zoning districts, including the "A" agricultural, "B" business and "M" manufacturing and industrial zoning districts. and ~~These performance standards are designed to limit, restrict and prohibit the effects of those such non-residential land uses outside their premises or and activities beyond the~~

boundaries of property located within these non-residential zoning districts. All structures, lands, air and waters associated with property located within the "A" agricultural, "B" business and "M" manufacturing and industrial zoning districts shall hereafter, in addition to all other applicable use, site and sanitary regulations, comply with the following performance standards.

**SECTION 2.** That Section 17.47(6) is to be revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are added:

17.47(6) **NOISE.**

No land use or activity being conducted on property located in the M-1, M-2, M-3 and M-4 Manufacturing and Industrial Zoning Districts shall produce a sound level beyond the boundaries of that property outside the district boundary that exceeds the following sound level limits set forth in Table 1 as measured by a sound level meter and associated octave band filter:

| Table 1.        |                                |                                  |
|-----------------|--------------------------------|----------------------------------|
|                 | Sound Level Limits             |                                  |
| Zoning District | Daytime<br>(6:00am to 10:00pm) | Nighttime<br>(10:00pm to 6:00am) |
| M-1             | 70 db(A)                       | 65 db(A)                         |
| M-2             | 75 db(A)                       | 70 db(A)                         |
| M-3             |                                |                                  |
| M-4             |                                |                                  |

| Octave Band Frequency<br>(Cycles Per Second) | Sound Level<br>(Decibels) |
|----------------------------------------------|---------------------------|
| 0 to 75                                      | 79                        |
| 75 to 150                                    | 74                        |
| 150 to 300                                   | 66                        |
| 300 to 600                                   | 59                        |
| 600 to 1,200                                 | 53                        |
| 1,200 to 2,400                               | 47                        |
| 2,400 to 4,800                               | 41                        |
| Over 4,800                                   | 35                        |

~~No other activity in any other district shall produce a sound level outside its premises that exceeds the following:~~

| Octave Band Frequency | Sound Level |
|-----------------------|-------------|
| (Cycles Per Second)   | (Decibels)  |
| 0 to 75               | 72          |
| 75 to 150             | 67          |
| 150 to 300            | 59          |
| 300 to 600            | 52          |
| 600 to 1,200          | 46          |
| 1,200 to 2,400        | 40          |
| 2,400 to 4,800        | 34          |
| Over 4,800            | 32          |

All noise shall be so muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

Pursuant to the sound level limit requirement set forth herein, no sound level shall be deemed to be in violation of this requirement unless the offending sound exceeds the applicable sound level limit in Table 1, and, exceeds the then existing ambient sound level by at least five (5) db(A) at the location from which the sound level is measured.

All land uses and activities in all zoning districts, except the "M" manufacturing and industrial zoning districts set forth herein, are subject to all provisions and regulations concerning noise as set forth in Chapter 9 (Public Peace and Good Order) and Chapter 10 (Public Nuisances).

**SECTION 3.** That Section 17.07(3)(b) is to be revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.07(3)(b) Performance Standards.  
Performance standards listed in section 17.47 of this chapter shall be complied with by all non-residential uses in the all districts as specified therein.

**SECTION 4.** That Section 17.07(3)(d) is created to read as follows:

17.07(3)(d) Village Licenses and Permits.  
It is the responsibility of all owners, tenants, or other users of all property to obtain all licenses and permits that may be required by the Village prior to the use of such property including the conduct of a business operation from such property. Village licenses and permits may include, but not limited to: Entertainment Permit, Liquor

License, and any other license or permit required under Section 12 and other sections of the Municipal Code.

-----

Amendments Related to Definition of "Double Frontage Lot"

Last year Staff recommended and the Village Board approved an amendment to Section 17.08(48) that defines what a "double frontage lot" is and how said lots are viewed in terms of which yards (i.e. front, street, rear and side) are to be considered for purposes of determining setbacks and other applicable building restrictions, e.g. fence height, and accessory building location.

Without re-stating all the details and reasons behind recommending an amendment to this definition (if interested one can read through the attached copy of the staff report dated 5/9/16), the current definition that was eventually adopted by the Board in 2016 reads as follows:

17.08(48)      17.08(48) LOT, DOUBLE FRONTAGE.  
*A lot having a pair of opposite lot lines along 2 more or less parallel public streets and which is not a corner lot. For the purpose of this ordinance, double frontage lots in residential districts shall be deemed to have one front yard on the street to which the dwelling faces and from which principal access to the dwelling is provided, and, one rear yard for purposes of determining the type, height, location and setback requirements for accessory buildings and fences to be installed on any double frontage lot.*

Fast forward to today, Staff is recommending a further revision to this definition to make clear that the definition also applies to three-sided lots as well. In the last month or so, an issue has come up regarding a particular existing three-sided lot in the Village that warrants clarification to this definition. As proposed below, this minor clarification would provide needed guidance to staff when determining which yard(s) are which and where fences and/or accessory buildings can be located for lots that abut three (3) roads or streets (Staff estimates there are 45 three-sided lots in the Village that are affected):

**SECTION 5.** That Section 17.08(48) of the Zoning Code is created to read as follows where words that are stricken are deleted and words that are underlined are to be added:

17.08(48)      17.08(48) LOT, DOUBLE FRONTAGE.  
A lot having ~~a pair of opposite lot lines that abut along two (2) or more or less parallel public streets~~ and which is not a corner lot. For the purpose of this ordinance, double and three-sided frontage lots in residential districts shall be deemed to have one front yard on the street to which the dwelling faces ~~and from which principal access to the dwelling is provided,~~ and, one rear yard. Any other yard that is not a front or rear yard shall be deemed to be a side yard for purposes of determining the type, height, location and setback requirements for accessory buildings and fences to be installed on any double frontage lot.

# ZONING & SUBDIVISION CODE AMENDMENTS

5/9/16 Plan Commission Meeting

## Germantown Community Development Department

Village Planner Report

Germantown, Wisconsin

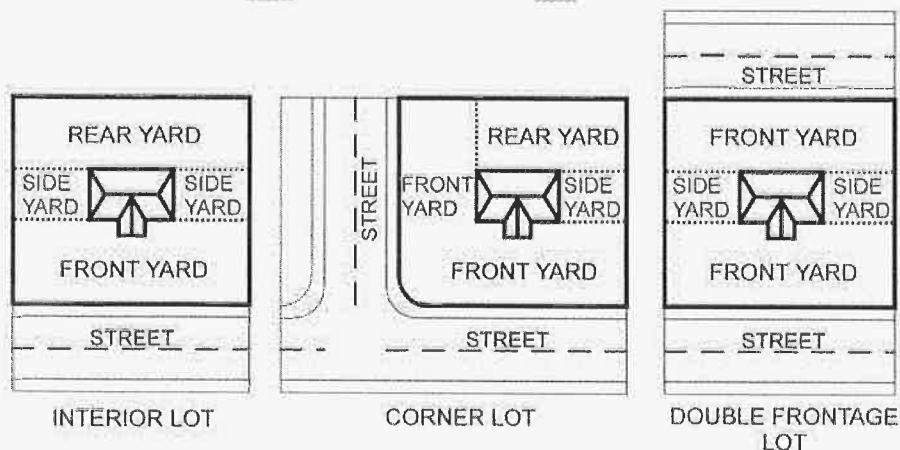
### Summary

The Community Development Department is proposing amendments to various provisions to Section 17 (Zoning Code) and Section 18 (Subdivision & Platting). The amendments are proposed in order to: bring these provisions up-to-date in light of changes to Wisconsin statutes; reflect recent actions and/or policy decisions by the Village; or clarify and otherwise improve staff's ability to administer and enforce these particular regulations.

### Amendment #2

Section 17.08(48) defines what a "double frontage lot" is and how said lots are viewed in terms of which yards (i.e. front, street, rear and side) are what for purposes of determining setbacks and other applicable building restrictions. The current definition was adopted in 1988 when the Zoning Code underwent a comprehensive revision and/or replacement of the previous code adopted back in 1978.

*17.08(48) LOT, DOUBLE FRONTAGE. A lot having a pair of opposite lot lines along 2 more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.*



As shown in the figure above, a "double frontage lot" has two street or front yards by the current definition (1988). This is significant when one considers that the ability of a property to install such things as accessory buildings and fences is limited/prohibited depending on the type of and location of the "yards" are on their property. For example, in almost all residential zoning districts, accessory buildings are only allowed in a rear or side yard, and, in all residential districts, fences cannot exceed a height of 4' in a front/street yard but can be as high as 6' in a side and rear yard. These restrictions can

be significant for double frontage lots where, by definition, there are two (2) front yards and no rear yards (see figure above).

There are a number of double frontage lots in the Village, including lots along several major arterials including Pilgrim Road and Mequon Road. As is the case with almost all double frontage lots, only one of the street frontages serves as the principal means of access, and, is usually the street to which the front door and façade of the dwelling faces (with the rear of the dwelling and other rear yard features located on the opposite side).

Over time, and particularly in recent years, the owners of double frontage lots have had to appeal for variances and special Plan Commission approval to install accessory buildings and fences where/when the owners of interior and corner lots do not. What we have discovered in some situations (and assume to be the case in others) is that these restrictions have caused many owners to simply ignore the regulations and install either accessory buildings or fences without obtaining necessary permits and without meeting applicable setbacks and other restrictions. This is particularly true with respect to some double frontage lots located along Pilgrim Road.

What has complicated matters is the fact that the "old" 1978 Zoning Code definition attempted to resolve such an inequity by specifically assigning yard designations based on which street frontage the dwelling faced and to which access was provided. By this definition, there was only one front or street yard and one rear yard. As a result, property owners of double frontage lots installed accessory buildings and fences in their rear yards which then became front or street yards after the definition was changed in the 1988 Zoning Code. As a result, when owners seek permits to install replacement fences or accessory buildings in the same size and location, they have to get a variance or special permission from the Plan Commission.

It is staff's recommendation that the definition of "double frontage lot" be revised to include the same language as the "old" 1978 definition. The following text amendment to Section 17.08(48) is proposed where words stricken are to be deleted and words underlined are to be added:

*17.08(48) LOT, DOUBLE FRONTAGE. A lot having a pair of opposite lot lines along 2 more or less parallel public streets and which is not a corner lot. ~~On a through lot, both street lines shall be deemed front lot lines.~~ For the purpose of this ordinance, double frontage lots in residential districts shall be deemed to have one front yard on the street to which the dwelling faces and from which principal access is provided.*