

**VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022
AMENDED 6-16-2017**

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, JUNE 19, 2017 7:00 p.m.

LOCATION: Germantown Village Hall Board Room

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **PRESIDENT'S REPORT**
- V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST**
/COMMITTEE REPORTS:
The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney and Village Clerk.
- VI. **CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:**
Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes)
- VII. **CONSENT AGENDA:**
 - A. Approval of Minutes: March 6, 2017 and May 15, 2017, Regular Village Board Meetings
 - B. Accounts payable/payroll
 1. June 13, 2017 Payroll (hourly) \$ 216,485.63
 2. June 10, 2017 Accounts Payable \$ 924,812.10
 3. June 15, 2017 Payroll (salary) \$ 87,561.68
 - C. Operator Licenses: July 1, 2017 to June 30, 2018: [Recommended Approval]
RENEWAL: Andrew M Aldred, Peter J Hibscher, Denise M Harthun, April M Kintopp, Christine D Konvalinka, Ruth L Lunde, Chilistina M Monroe, Cheryl L Rhoades, Scott A Roth, Sharna Y Sinjakovic, Stephanie M Wolf
NEW: Stephanie L Berg, Ashley K Courtemanche, Lindsay A Kroll
[Recommended Approval]
The following items were forwarded from the Public Safety Committee with a unanimous recommendation:
All license approvals to be conditional upon completion of all documentation, compliance of all code violations/requirements and monies owed to the village paid prior to issuance of licenses in addition to any other conditions noted.
 - D. **RENEWAL** of a "Class A" Fermented Malt Beverage and Intoxicating Liquor License for the period commencing July 1, 2017 and ending June 30, 2018:
Aldi Inc., Michelle Kind, Agent, 5230 State Road 167, Hubertus WI 53033, d/b/a **Aldi #67**, N96 W18838 County Line Road, Germantown, WI, 53022.

VII. **CONSENT AGENDA continued:**

- Walgreen Co., Vickie Matt, Agent, 1411 Deer Trail Court, Hubertus, WI 53033, d/b/a **Walgreens #05427**, W156 N11261 Pilgrim Road, Germantown, WI 53022. Sendik's Germantown LLC, Theodore Balistreri, Agent, 5566 N. Diversey Blvd., Whitefish Bay, WI 53217, d/b/a **Sendik's Food Market**, N112 W15800 Mequon Road, Germantown, WI 53022.
- B&B Inc of Milwaukee, Asif Vadsaria, Agent, W151 N11492 Potomac Cir, Germantown, WI 53022, dba **Quick Pick Food Mart**, N128 W21760 Holy Hill Rd., Richfield WI 53076. [Recommended Approval]
- E. **RENEWAL** of "Class B" Fermented Malt Beverage and Intoxicating Liquor License for the period commencing July 1, 2017 and ending June 30, 2018: KJ's Bar & Grill, Gerald Louis Wagner, Agent, N112 W21209 Mequon Rd., Germantown WI 53022, dba **KJ's Bar & Grill**, N112 W21209 Mequon Rd., Germantown WI 53022 [Recommended Approval]
- F. ****Replace and Upgrade 3 Dispatch Radio Consoles in Police Department Dispatch Center with Purchase from Harris Corporation with Install by General Communications at a Cost of \$109,707.00 with Funds Allocated from Acct. # 40-521-570-8460 [Recommended Approval]****
- G. ****Contract with Fire Catt for 3 Years for Their Annual Fire Hose and Ladder Testing at a Cost of \$6,217.50 per Year with Funds Allocated from Fire Department Maintenance Budget [Recommended Approval]****
- The following items were forwarded from the Public Works Committee with a unanimous recommendation:
- H. *****RESOLUTION NO. xx-17 To Adopt The 2016 Compliance Maintenance Annual Report (CMAR) Related to WI DNR Wastewater Treatment Requirements [Recommended Approval]*****
- I. ****Contract with M&M Tree Care Service for the EAB Ash Tree Treatments at a Unit Rate of \$5.25 Per Inch at an Approximate Total Cost of \$10,631.25. Funds to be allocated from Acct. #10-553-53-5290 [Recommended Approval]****

VIII. **UNFINISHED BUSINESS:** None

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

- A. Gehl Foods LLC, Property Owner and Applicant to Rezone the Following Described Property From B-3: General Business District to the M-1: Limited Industrial District Pursuant to Section 17.33 of the Municipal Code on the Property Located at N116 W16044 Main Street (Tax Key: GTNV 221-060) and N116 W15850 Main Street (Tax Key: GTNV 221-075)
- B. Rainbow Child Care Center, Applicant and Agent for First Bank Financial Centre, Property Owner, for A Conditional Use Permit (CUP) For the Operation of A "Child Care, Day Care Center or Preschool Center" Pursuant to Section 17.28(3)(P) Of the Village Zoning Code, on the Property Located at Approximately N112 W17060 Mequon Road; Tax Key: GTNV 223-989, (Vacant Land East of First Bank)
- C. Petition Filed by The Village of Germantown Community Development Department for Proposed Text Amendments to The Following Sections of The Zoning Code (Chapter 17) Of the Village of Germantown Municipal Code: 17.08

IX. PUBLIC HEARINGS continued:

(Definitions); 17.41 (Residential Accessory Use, Building & Structure Restrictions); And 17.47 (Performance Standards)

X. NEW BUSINESS:

- A. ORDINANCE NO. xx-17** to Rezone the Following Described Property From B-3: General Business District to the M-1: Limited Industrial District Pursuant to Section 17.33 of the Municipal Code and 3-Lot Certified Survey Map (**CSM**) to Combine Parcels on the Property Located at N116 W16044 Main Street (Tax Key: GTNV 221-060) and N116 W15850 Main Street (Tax Key: GTNV 221-075) Gehl Foods LLC, Property Owner & Applicant
Stacy Cooke, Agent for Gehl Foods LLC, Property Owners of two parcels located on Main Street (Parcel GTNV#221-060 & 221-075); B-3: General Business to M-1: Limited Industrial Rezoning Application & 3-Lot Certified Survey Map (CSM) to Combine Parcels
- B. CONDITIONAL USE PERMIT (CUP)** For the Operation of A "Child Care, Day Care Center or Preschool Center" Pursuant to Section 17.28(3)(P) Of the Village Zoning Code, on the Property Located at Approximately N112 W17060 Mequon Road; Tax Key: GTNV 223-989, (Vacant Land East of First Bank) Rainbow Child Care Center, Applicant and Agent for First Bank Financial Centre, Property Owner
- C.** Petition Filed by The Village of Germantown Community Development Department for Proposed Text Amendments to the Following Sections of the Zoning Code (Chapter 17) Of the Village of Germantown Municipal Code:
ORDINANCE NO. XX-17 Amendments to Section 17.08 (Definitions); to Section 17.41 (Residential Accessory Use, Building & Structure Restrictions); And to Section 17.47 (Performance Standards)
- D. ***ORDINANCE NO. XX-17** *An Ordinance Amending Section 9.07 of the municipal Code Relating to the Prohibition of Certain Noise Disturbances****
- E. ***ORDINANCE NO. XX-17** *An Ordinance Amending Section 12.02 of the Municipal Code Relating to noise regulations for Alcohol Licensed Premises****
- F. ***Request Approval for No Parking Signs to Be Posted on South Side of Williams Drive for Special Events at Kennedy Middle School*****
- G.** Request to Award Contract for 2017 Seal Coat Projects
- H.** Filling of Interim Administrator Position. The Village Board May Enter into Closed Session per Wis. Stats. §19.85(1)(c) Considering Employment, Promotion, Compensation or Performance Evaluation Data of Any Public Employee Over Which the Governmental Body Has Jurisdiction or Exercises Responsibility and then Re-enter Open Session to Take Such Action as it Deems Appropriate

XI. ADJOURNMENT

The next Village Board meeting will be on July 17, 2017 at 7:00 p.m.

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

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
March 6, 2017**

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

ROLL CALL: President Wolter, Trustees Baum, Campbell, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Also Present: Attorney Sajdak, DPW Director Ratayczak, CDD/Planner Retzlaff, Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter informed the public about the new equipment installed in the board room for display of meeting items on screen. Thanked Trustee Miller for all work put into getting this completed. Attended Eagle Scout Joseph Peckenpaugh's Court of Honor.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees provided information on upcoming meeting dates and times.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing: None

CONSENT AGENDA:

- A. Approval of Regular Village Board Minutes for December 19, 2016 and January 16, 2017 and Special Village Board Minutes for February 20, 2017
- B. Accounts payable/payroll
 - 1. February 7, 2017 Payroll (hourly) \$ 204,672.64
 - 2. February 15, 2017 Payroll (salary) \$ 82,869.68
 - 3. February 25, 2017 Accounts Payable \$ 483,430.21
 - 4. February 23, 2017 Payroll (hourly) \$ 211,511.73
 - 5. February 28, 2017 Payroll (salary) \$ 81,935.69
- C. Operator Licenses: March 7, 2017 to June 30, 2017:
Julie K Friede, Robert J Hovanec, Alexander G Lindenberg, Danielle M Mattingly, Kevin S Riley, Eric D Schroeder, David S Vue, Stephanie M Wolf [Recommended Approval]
The following items were forwarded from the General Government and Finance Committee with a unanimous recommendation:
- D. Request Approval to Pay 2017 Contribution to Economic Development Washington County in the Amount of \$10,000 [Recommended Approval]
- E. Request Approval of **RESOLUTION NO. 04-17** Establishing a 2017 Fee Schedule for Weights & Measures Devices Required Under Section 12.26 of the Village of Germantown Municipal Code [Recommended Approval]
- F. Request Approval of **RESOLUTION NO. 05-17**, Resolution Authorizing the Charge Off of Uncollected 2015 Delinquent Personal Property Taxes [Recommended Approval]
- G. Request Approval of **RESOLUTION NO. 06-17**, Resolution Approving Amendments to the 2017 Budget, Capital Account and General Fund Carry Over [Recommended Approval]

MOTION (Baum/Myers) approve Consent Agenda Items A-G. Trustee Zabel requested to pull the minutes from January 16th. **By roll call vote, carried, excepting the January 16th minutes.**

CONSENT AGENDA continued:

MOTION (Zabel/Hughes) to revise line item on page 11 of the January 16th Village Board Minutes, to remove the word 'Chair' from Trustee Hughes' Tourism Appointment, carried. Tourism will elect their chair at their first meeting.

UNFINISHED BUSINESS: None

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

- A. Joseph & Aimee Goetter, Property Owners and Applicants for a CONDITIONAL USE PERMIT for Operation of a "Major Home Occupation" Landscape & Snow Plowing Operation from the Property Located at W156N10762 Pilgrim Road, Tax Key GTNV 263-992, Pursuant to Section 17.61 of the Village of Germantown Zoning Code CDD Retzlaff presented application and information for request.

President Wolter opened the Public Hearing at 7:12 p.m.

The following parties spoke:

Charles Schcoepfer - W157N10728 Pilgrim Road – In favor

Jeff Cubinski – N108W15317 Honey Suckle Lane, Germantown – Opposed

Chepur Rao - N108W15283 Honeysuckle Lane, Germantown – Questions posed

Todd Guevin - N108W15563 Bel Aire Lane, Germantown – Opposed (letter provided put into record as well)

Keith Kiehna – N108W15620 Hudson Drive, Germantown - Opposed

Ron Heinzelmann - N108W15302 Bel Aire Lane, Germantown - Opposed

Eric Zaeske - W151N10745 Preserve Parkway, Germantown - Opposed

John Stieve – N108W15479 Bel Aire Lane, Germantown - Opposed

Kevin Schauer N108W15439 Bel Aire Lane – Opposed

Joe Goetter – has been running the business from his home since he moved there.

Owns 8 acres. Being responsible with his forested land – took 10 diseased trees out.

Has a lawncare business, not tree removal. Workers pick up vehicle or equipment then leave, No diesel equipment, doesn't intend to grow bigger, no contact with any neighbors, discrete, no calls or complaints from neighbors.

Initial speakers spoke additional times regarding the item.

Steve Tkachuk – W151N10713 Preserve Parkway, Germantown - Opposed

Scott Borth, Letter entered into the record – N108W15531 Bel Aire Lane, Germantown — Opposed

Mark Kasten – W153N10851 Honeysuckle Lane, Germantown – not a resident yet, but opposed

President Wolter closed the public hearing at 8:51 p.m.

- B. Tarantino & Company LLC, Agent for SMV Management Company LLC, Property Owner and Applicant for: (1)An Amendment to the Virginia Highlands Elderly Housing district (EHD) General Development Plan; and (2) a CONDITIONAL USE PERMIT (CUP) for the Development and Operation of a 26-Unit/28-Bed Community-Based Residential Facility (CBRF) for Residents with Dementia, Alzheimer's and Other Memory Impairments on the Property Located at Approximately W172N10900 Division Road, Tax Key GTNV 281-990 (Vacant Land East of Virginia Highlands Skilled Nursing Facility)

PUBLIC HEARINGS continued:

CDD Retzlaff presented the application and information on request.
Amy Schaneman – presentation of opportunity for Gables of Germantown

President Wolter opened the public hearing at 8:09 p.m.

The following spoke at the public hearing:

Becky Keefer – Not a resident – on behalf of Tender Reflections CBRF - Opposed

Jeanne Magill - N108 W17284 Lilac Lane, Germantown – Water runoff concern

Judy Kind - N109W17334 Virginia Avenue, Germantown - Opposed

Steve Keller – N108W17574 Lilac Lane, Germantown – Wants water runoff handled appropriately

Ellen Keller – N108W17574 Lilac Lane, Germantown – Water is an issue.

Chris Huwatcheck – N108W17284 Lilac Lane, Germantown – requests tree line to be kept as buffer to his property

President Wolter closed the public hearing at 8:23 p.m.

- C. Carpetland USA Germantown LLC, Agent for GT Real Estate of Germantown LLC, Property Owner and Applicant for a CONDITIONAL USE PERMIT (CUP) to Operate a Retail Flooring Showroom Pursuant to Section 17.28(3)(b) of the Zoning Code on the Property Located at W188N9875 Maple Road, Tax Key GTNV 324-959

CDD Retzlaff presented the application and information on request.

President Wolter opened the public hearing at 8:29 p.m.

No one spoke at the public hearing.

President Wolter closed the public hearing at 8:30 p.m.

- D. Dennis Ivan Hahn and Melinda J. Wilson, Property Owners & Applicants to Rezone the Following Described Property from the Rs-2: Single-Family Residential District to the A-2: Agricultural District Pursuant to Section 17.13 of the Municipal Code on the Property Located at W172N12125 Division Road, Tax Key GTNV 164-998

CDD Retzlaff presented application and information on request.

President Wolter opened the public hearing at 8:31 p.m.

No one spoke at the public hearing:

President Wolter closed the public hearing at 8:32 p.m.

NEW BUSINESS:

- A. **RESOLUTION NO. 07-17** Authorizing the Redemption of \$520,000 General Obligation Street Improvement Bonds Dated May 1, 2007
MOTION (Zabel/Baum) to approve Resolution No. 07-17, roll call vote, carried.
- B. **RESOLUTION NO. 08-17** Awarding the Sale of \$2,835,000** General Obligation Promissory notes, Series 2017A; Providing the Form of the Notes; And Levying a Tax in Connection Therewith
Maureen Schiel of Ehlers presented results of today's sale of notes. Winning bid was

NEW BUSINESS continued:

UMB Bank, Kansas City – ½% less than was authorized last month. Interest cost difference was over \$45,000. **MOTION (Zabel/Myers) to approve Resolution No. 08-17, Awarding the sale of \$2,805,000 General Obligation Promissory Notes, Series 2017A, roll call vote, carried.**

- C. **CONDITIONAL USE PERMIT** to Operate a “Major Home Occupation” Landscape & snow Plowing Operation from the Property Located at W156N10762 Pilgrim Road for Joseph & Aimee Goetter, Property Owners and Applicant
MOTION (Zabel/Kaminski) to approve the Conditional Use Permit. Discussion: Not changing zoning – size of property permits home business, business operating for 8 years at this location. Conditions of CUP. **MOTION (Baum/Miller) to amend, applicant to come back to CDD/Planner on a yearly basis to report on business (number of employees, vehicles. Anniversary date being the 2nd day of March), amendment carried. (1 opposed - Warren) Roll call vote, carried 6 in favor, 3 opposed. (Baum, Campbell, Hughes)**
- D. **Amendment** to the Virginia Highlands Elderly Housing District (EHD) General Development Plan and a **CONDITIONAL USE PERMIT** for the Development and Operation of a 26-Unit/28-Bed Community Based Residential Facility (CBRF) at Approximately W172N10900 Division Road, for Tarantino & Company LLC, Agent for SMV Management Company LLC, Property Owner
MOTION (Baum/Warren) to approve the CUP for operation of 26-Unit/28-Bed facility. Discussion: Number of CBRF's in community, are taxes up to date, market survey data – does not include future units, possible issues, would have to ensure through compliance they are operating as planned and approved. Stormwater management. **Roll call vote, 4 in favor, 5 opposed (Campbell, Kaminski, Miller, Zabel, Wolter) motion fails. MOTION (Baum/Hughes) to approve amendment for PDD.** CDD/Planner Retzlaff stated in light of first decision made applicant should be given opportunity to reconsider their plan. **Withdraw motion to approve amendment to PDD. MOTION (Baum/Hughes) to table until applicant has time to bring it back to Village Board, carried.**
- E. **Carpetland USA, Agent for GT Real Estate of Germantown LLC, Property Owner; CONDITIONAL USE PERMIT** Application to Allow for the Operation of a Retail Flooring Showroom From the Property Located at W188N9875 Maple Road, for Carpetland USA Germantown LLC, Property Owner
MOTION (Kaminski/Baum) to approve as presented, carried.
- F. **ORDINANCE AMENDMENT** to Rezone the Following Described Property from the Rs-2: Single-Family Residential District to the A-2: Agricultural District Rezoning and a **27.8-acre 1-lot Certified Survey Map (CSM) Parcel Combination Pursuant to Section 17.13 of the Municipal Code on the Property Located at W172N12125 Division Road, Tax Key GTNV 164-998, - Dennis Ivan Hahn and Melinda J. Wilson, Property Owners & Applicants**
MOTION (Kaminski/Baum) to approve Ordinance amendment and CSM as presented, carried.

NEW BUSINESS continued:

- G. Application for “Class B” Fermented Malt Beverage and Intoxicating Liquor License for BSC Wisconsin, LLC, Eric D. Schroeder, Agent, 4619 W. Bluemound Ct, Milwaukee WI 53208, d/b/a Big Sky Country Bar & Grill, W204N11498 Goldendale Road, Germantown, WI March 7, 2017 – June 30, 2017 (Includes a bar, 2 dining rooms on first floor, dining/banquet room in basement, office and 8’ x 55’ outdoor patio area on side) (Outside Premises Area (patio) Conditional Upon any Planning and Zoning Approval Requirements)
MOTION (Baum/Miller) to approve as presented. Discussion: outside premises area has been there and licensed for a decade or more but not used and is part of existing sidewalk. If improved, would go to Plan Commission. No plans at this time for improvements. Individuals spoke of concerns: Now a bar, not just a restaurant, headlights, traffic noise, other noise. Owner assured they will follow all community laws and requirements. **MOTION (Zabel/Hughes) to amend to eliminate them going to Plan Commission for approval to use outside premises, carried. MOTION as amended, carried.**
- H. Clerk Request to Cancel or Reschedule the April 3rd Village Board Meeting
MOTION Baum/Hughes, to cancel the April 3rd Village Board meeting, due to the election, carried.
- I. **RESOLUTION NO. 09-17** Approving the Salaries and Compensation for Exempt Employee’s and other Non-Represented Support Staff, Calendar Year 2017
MOTION (Kaminski/Campbell) to approve the Resolution as presented. Discussion: Trustee Zabel opposed to raise at 1.5%. Kaminski – Minimum we can do. Administrator Schornack presented information on two positions grossly under median base salary for survey taken in 2017. Budget approved \$7,000 to bring those positions up. Division to be CDD got \$3,112 and Finance Director got \$3,888. Those positions still a long way from what median is. **Roll call vote, 7 in favor, 2 opposed (Zabel & Hughes), carried.**
- J. **MOTION (Baum/Myers) to go into Closed Session at 10:20 p.m. per Wis. Stats. §19.85(1)(c) Considering Employment, Promotion, Compensation or Performance Evaluation Data of Any Public Employee Over Which the Governmental Body Has Jurisdiction or Exercises Responsibility and then Re-enter Open Session to Take Such Action as it Deems Appropriate for the Selection and Appointment of Water Utility Superintendent, with Administrator, Clerk and DPW Director to remain, by roll call vote, carried.**

MOTION (Baum/Zabel) to go into open session at 10:40 p.m., carried.

MOTION (Baum/Zabel) to approve hiring of Paul Haugen, for the position of Water Utility Superintendent, carried
- K. Christian Tscheschlok From Economic Development Washington County - (Project Advance) And Potential Development Incentive. The Village Board May Enter Into Closed Session Per Wi. Stats. §19.85(1)(E) For The Purpose Of Deliberating Or Negotiating The Purchase Of Public Properties, The Investing Of Public Funds, Or Conducting Other Specified Public Business, Whenever Competitive Or Bargaining

NEW BUSINESS continued:

Reasons Require A Closed Session And May Re-Enter Open Session To Take Such Action As It Deems Appropriate.

MOTION (Baum/Myers) to postpone, carried.

- L. **MOTION (Baum/Zabel) to go into closed session at 10:20 p.m. Per Wi. §19.85 (1)(e) For the Purpose Of Deliberating Or Negotiating The Purchase Of Public Properties, The Investing Of Public Funds, Or Conducting Other Specified Public Business, When Competitive Or Bargaining Reasons Require A Closed Session And May Re-Enter Open Session To Take Such Action As It Deems Appropriate, for the Germantown Municipal Employees Union Local 730 Negotiations, by roll call vote, carried.**

(Motion of Item J. to go back into open session at 10:40 p.m. also in open session for this item)

MOTION (Zabel/Myers) to direct Village President and Administrator to do as discussed in closed session, roll call vote, carried.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:43 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
May 15, 2017**

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

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

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: None

APPOINTMENTS – Correction to Terms for the Following:

A. 1. *Board of Zoning Appeals*

Member	Jeff Schleif	05/01/2017 – 04/30/2020
Alternate Member	Jeff Knop	05/01/2016 – 04/30/2019

MOTION (Baum/Miller) to approve terms as listed, carried.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST /COMMITTEE REPORTS: Trustees provided information on upcoming meeting dates and times.

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

Chris Yatchak – MaiFest May 19- 21, location Friedenfeld Park. Parking space within park and will rope off areas that cannot be used. No parking on Country Aire Drive. Memorial Day service at Germantown's Veteran's Memorial at 11:00 a.m., free lunch provided by American Legion Post provided at conclusion of ceremony.

CONSENT AGENDA:

A. Approval of Minutes: May 1, 2017, Regular Village Board Meeting

B. Accounts payable/payroll

1. April 2017	Accounts Payable	\$ 37,599.94
2. May 2, 2017	Payroll (hourly)	\$ 208,809.38
3. May 10, 2017	Accounts Payable	\$ 416,141.39
4. May 15, 2017	Payroll (salary)	\$ 87,453.74

C. Operator Licenses: July 1, 2017 to June 30, 2018:

NEW: Jovie Y Belisle, Danielle A Boppre, Stephanie M Cresci, Miranda E Frigerio, Traci L Kaebisch, Amber N Pintar, Justin W. Pischke, Steven A Schwendtner, Jennifer L Woppert

RENEWAL:

Kalpana K Adhikari, Therese M Bach, Kody E Bartel, , Jamie E Bellow, Jeff M Bird, Aryeonna E Bowyer, Sequora K Brent, Heidi S Casetta, Samatha E Cloyd, , Jewelia A Cook, Mellissa A Czerwinski, Ann L Davis, Bridget R DeLeon, Susan M Drexler, Denise J Eineichner, Mary K Erickson, Christine M Feuerstahler, Janyce J Fossum, Dawn M Fouche', Kimberley S Fraser, Erin M Fritch, Adam L Gauthier, Paul M Groh, Yvonne C Hall, Pamela A Halverson, Kathryn M Hanson, Susan M Hanson, Anita M Hauner, Eric M Hoffman, James A Heiman, Jeanine M Isaacson, David L Iverson, Jeffrey A Jacobs, Katelyn M Kaad, Amy S Keller, Kimberly K Kohler, Ronald A Kohls, Wayne D Kohls-

CONSENT AGENDA continued:

Guenther, Andrew P Krueger, Heather L Lazar, Katawna E Lowe, Vickie L Matt, Michelle R McGrath, Paul E McLeod, James H Milkie, Michael F Nardelli, Ruth A Numrich, William F Numrich, Susan M Oechsner, Cameron V Ottoson, Thomas J Provost, Melissa S Recore, Wendy S Sarwas, James L Schramm, Dona M Schneidervin, Heather, L Smith, Paresh B Soni, Veronica L Strassburg, Eileen R Stroud, Randy P Strumberger, Carlton N Tatreau, Roberta G Von Asten, Tamara L Waterhouse, Jessica L Wilson, Lisa K Zamiatowski [Recommended Approval]

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

- D. Request Approval to Purchase a New Police K-9 from Steinig Tal Kennel for \$13,000 with Funds Allocated from the K-9 Account of Donated Money [Recommended Approval]

All license approvals to be conditional upon completion of all documentation, compliance of all code violations/requirements and monies owed to the village paid prior to issuance of licenses in addition to any other conditions noted.

- E. **RENEWAL** of a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for the period commencing July 1, 2017 and ending June 30, 2018:
1. Aldo's Pizza & Pub, LLC, Dwayne Ketterer, Agent, 584 Jordan Circle, Colgate, WI, 53017, d/b/a **Aldo's Pizza & Pub**, W156 N11058 Pilgrim Road, Germantown, WI, 53022. (includes an outside dining area of approximately 30 feet in front of building to be open until 10:00 p.m.; an outside extension into the parking lot for a Classic Car Cruise Night on Tuesdays from 5:00 p.m. to 9:00 p.m. from July 1, 2017 through September 30, 2017 and from May 15, 2018 through June 30, 2018.
 2. Barley Pop Brew Haus, LLC, Deborah Reinbold, Agent, 1388 Parkview Drive, Hubertus, WI, 53033, d/b/a **Barley Pop Pub & Restaurant**, N116 W16137 Main Street, Germantown, WI, 53022. (includes Brew Haus and fenced outside extension on north side of building to be open until 10:00 p.m. and outside extension July 4, 2016 from the east end of the building to the western end, all the way to the sidewalk, during the July 4th parade beginning at 11:00 a.m.).
 3. BSC LLC, Eric D Schroeder, Agent, 4619 W Bluemound Ct, Milwaukee, WI, 53208, d/b/a Big **Sky Country Bar & Grill**, W204 N11498 Goldendale Rd., Germantown, WI 53022. (includes 8' x 55' outside patio on side open until 10:00 p.m.)
 4. Blackstone Creek Golf Club Ltd., Troy D. Schmidt, Agent, N105 W14467 Wilson Circle, Germantown, WI 53022, d/b/a **Blackstone Creek Golf Club**, N112 W17300 Mequon Road, Germantown, WI 53022. (includes golf course property of 187 acres)
 5. Bubs on Main, LLC, Scott H. Pecor, Agent, 306 W. Ravine Baye, Bayside, WI 53217, d/b/a **Bubs Irish Pub**, N116 W16218 Main Street, Germantown, WI 53022.
 6. Blazin Wings, Inc., Jillian Cabanatuan, Agent, N96 W20309 County Line Rd., Germantown, WI 53022, d/b/a **Buffalo Wild Wings**, N96 W17990 County Line Road, Germantown, WI 53022 (includes attached patio with hours restricted between 10:00 p.m. and 8:00 a.m.)

CONSENT AGENDA continued:

7. Maple Road, LLC, Radomir Buzdum, Agent, 1027 N. 4th Street, Watertown, WI, 53098, d/b/a **Buzdum's Pub & Grill**, W188 N10515 Maple Road, Germantown, WI, 53022. (Includes an outdoor patio area).
8. ERJ Dining III, LLC, Paul S. Thompson, Agent, 6812 W. Greyhawk Court, Franklin, WI 53132, d/b/a **Chili's Grill & Bar**, N96 W18640 County Line Road, Germantown, WI 53022.
9. Eastern Kettle Moraine Moose Lodge #1238, Dan Frailing, Agent, 621 Barrington Ct, Apt. A, West Bend, WI 53095, d/b/a **E.K.M. Moose Lodge #1238**, W198 N10217 Appleton Avenue, Germantown, WI 53022. (includes outside pavilion 22' x 20', and open area for Lodge picnics including buildings to be open until 10:00 p.m., 480' x 525' grounds area).
10. Florian Park, Inc., Ryan Rahl, Agent, 311 Preserve Way, Colgate, WI 53017, d/b/a **Florian Park Conference & Event Center**, N111 W18611 Mequon Road, Germantown, WI 53022. (includes outside premise Willow Path, Willow Gardens, and Willow Point on south end of Willow Pond to be open until 10:00 p.m. and outdoor designated smoking area to the north of property).
11. JK GAM, LLC, Jon R. Gamroth, Agent, N104 W15303 Donges Bay Road, Germantown, WI 53022, d/b/a **Gamroth's Kuhburg Junction**, W140 N10385 Fond du Lac Avenue, Germantown, WI 53022.
12. Germantown American Legion Post #1, Inc., James A. Heimann, Agent, 2584 Country Aire, Cedarburg, WI 53012, d/b/a **Germantown American Legion Post #1**, N120 W15932 Freistadt Road, Germantown, WI 53022.
13. Northridge Automotive Enterprises, Inc., David L. Iverson, Agent, N166 W19523 Ravens Way, Jackson, WI 53037, d/b/a **Ivee's at Main**, W157 N11618 Fond du Lac Avenue, Germantown, WI 53022. (includes outside patio in front of building until 10:00 p.m.)
14. La Chimenea LLC, Ricardo Jimenez, Agent, 3625 W. Orchard Street, Milwaukee, WI 53215, d/b/a **La Chimenea**, N112 W15251 Mequon Road, Germantown, WI 53022. (includes 1100 sq. ft. outside patio to be open until 10:00 p.m.)
15. Lone Star, LLC, Karen Ann Pritzlaff, Agent, W204 N11912 Goldendale Road, Germantown, WI 53022, d/b/a **Lone Star**, W204 N11912 Goldendale Road, Germantown, WI 53022. (includes horseshoe courts, path, outside fenced area to be open until 10:00 p.m., and outside front porch area)
16. Metro Cigars, LLC, Jennifer Lynn Groh, Agent, 1671 Holy Hill Lane, Hubertus, WI 53033, d/b/a **Metro Cigars, LLC**, W182 N9606 Appleton Avenue #104, Germantown, WI 53022.
17. Old Town WI, LLC, Charles B. Hastings, Agent, 644 Hwy. K, Erin, WI, 53027, d/b/a **Old Town Beer Hall**, N116 W15841 Main Street, Germantown, WI, 53022. (includes outdoor deck open until 10:00 p.m.)
18. G-town Pub, LLC, Craig Braidigan, Agent, 2385 Scenic Hill Trail, Richfield, WI 53076, d/b/a **The Public House**, W207 W10466 Appleton Ave, Germantown, WI 53022.

CONSENT AGENDA continued:

19. Robin L. Bird, LLC, Robin L. Bird, Agent, W188 N13367 Maple Road, Richfield, WI 53076, d/b/a **Sports Corner Bar & Grill**, W187 N12793 Fond du Lac Avenue, Germantown, WI 53022. (includes outside volleyball courts and smoking room to be open until 10:00 p.m.)
 20. Christine A. Brockman, W157 N11638 Fond du Lac Avenue, Germantown, WI 53022, d/b/a **Tiny T's**, W157 N11638 Fond du Lac Avenue, Germantown, WI 53022. (includes fenced outside premise on July 4, 2017)
 21. WI Bier Stube LLC, Charles B. Hastings, Agent, 644 Hwy. K, Erin, WI, 53027, d/b/a **Von Rothenburg Bier Stube**, N116 W15863 Main Street, Germantown, WI, 53022. (includes outside fenced beer garden extended to parking lot open until 10:00 p.m.) [Recommended Approval]
- F. **RENEWAL** of a Class "B" Fermented Malt Beverage License and "Class C" Wine License for the period commencing July 1, 2017 and ending June 30, 2018:
1. Zhengren Zheng, N111 W16424 Esquire Ct., Germantown, WI 53022, d/b/a **China Kitchen**, N112 W16560 Mequon Road, Germantown, WI 53022.
 2. Hung Hao LLC, Hung D. Lu, Agent, N109 W12628 Coneflower Cir., Germantown, WI 53022, d/b/a **Hung Hao Restaurant**, N112 W15800 Mequon Road, Germantown, WI 53022. [Recommended Approval]
- G. **RENEWAL** of a "Class B" (wine only) Winery License for the period commencing July 1, 2017 and ending June 30, 2018:
1. Apple Works Winery LLC, Kevin H. Behnke, Agent, W179 N12536 Fond Du Lac Ave., Germantown, WI 53022 d/b/a **Apple Works Winery/Behnke Estates**, W179 N12536 Fond Du Lac Ave., Germantown, WI 53022 (Includes an Outside Premise Extension which includes an outdoor patio area and tent.) [Recommended Approval]
- H. **RENEWAL** of a Class "B" Fermented Malt Beverage License for the period commencing July 1, 2017 and ending June 30, 2018:
1. Marko's Pizza of Germantown, Inc., Mark Caldwell, Agent, 3041 Nostalgic Ct., Hubertus, WI 53033, d/b/a **Marko's Pizza**, W156 N9664 Pilgrim Road, Germantown, WI 53022. [Recommended Approval]
- I. **RENEWAL** of a "Class A" Fermented Malt Beverage and Intoxicating Liquor License for the period commencing July 1, 2017 and ending June 30, 2018:
1. Cost Plus, Inc., Michelle A. Pawkekenicz, Agent, 2627 N. 94th Street, Wauwatosa, WI, 53226, d/b/a **Cost Plus World Market**, N96 W18970 County Line Road, Germantown, WI 53022.
 2. Colgate Gas, Inc., Didar Singh, Agent, W150 N7248 Paseo Lane, Menomonee Falls, WI 53051, d/b/a **County Line BP**, N96 W21962 County Line Road, Germantown, WI 53022.
 3. Kwik Trip, Inc., Bethany A. Ohde, Agent, 6639 W. Bonniwell Road, Mequon, WI 53097, d/b/a **Kwik Trip #631**, W188 N10963 Maple Road, Germantown, WI 53022.
 4. Ultra Mart Foods, LLC., Patricia L. Chastain, Agent, W63 N238 Fairfield Street, Cedarburg, WI 53012, d/b/a **Pick 'n Save #6357**, N112 W16200 Mequon Road, Germantown, WI 53022.
 5. Speedway, LLC, Richard Eastham, Agent, 2958 S. 90th Street, West Allis, WI 53227 d/b/a **Speedway #4465**, W178 N9653 Riversbend Lane, Germantown, WI 53022

CONSENT AGENDA continued:

6. Speedway, LLC, Kimberly McCambridge, Agent, N108 W16526 Carriage Ave, Germantown, WI 53022, d/b/a **Speedway #4495**, W164 N11233 Squire Drive, Germantown, WI 53022
7. Wal-Mart Stores East, LP, Shante T. Travis, Agent, N165 W20166 Hickory Lane #2, Jackson, WI 53037 d/b/a **Wal-Mart #1515**, W190 N9855 Appleton Avenue, Germantown, WI 53022.
8. NSM Enterprises LLC, Naseem Abbas, agent, N114 W15775 Sylvain Ct, #20, Germantown, WI 53022, d/b/a **Willow Creek BP**, W201 N10451 Appleton Avenue, Germantown, WI 53022. [Recommended Approval]
- J. Request Approval of **ORDINANCE NO. XX-17** An Ordinance To Prohibit Heavy Traffic On Country Aire Drive Between STH 145 (Fond Du Lac Ave) And STH 167 (Mequon Road) And To Amend The Official Traffic Map To Reflect The Same [Recommended Approval]
- K. Request Approval for Fire Department to Contract with Brycer LLC for The Compliance Engine Program for Web-based Service Involving Third Party Inspection Reporting, with Memorandum of Understanding Signed by the Village Board President [Recommended Approval]
- L. Request Approval of **ORDINANCE NO. XX-17** Amending Section 5.07 of the Municipal Code Relating to the Filing of Fire Inspection Records [Recommended Approval]
- M. Request Approval for Fire Department to Purchase Lexipol Subscription for Policy Management at a cost of \$3,836 Annually (1-year agreement) with Funding Allocated from Budget Training Funds, [Recommended Approval]
- N. Request Approval for Police Department to Purchase 21 Ballistic Helmets at a Cost of \$323.00 per Helmet for a Total Purchase of \$6,783.00 From Advantage Police Supply with Funds Allocated from Acct.#10-521-570-8100 Budgeted Funds [Recommended Approval]

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

- O. Request Approval for Staff to Contract with Century Landscaping for Replacement of 60 Village Trees in the Amount of \$41,947.50. WE Energies Reimbursed \$20,000 Toward Replacement and Balance of \$21,947.50 Will be Allocated from Acct.#10-553-530-5290 [Recommended Approval]
- P. Request Authorization to Purchase One Kubota SVL75-2 Skid Loader from J.P. Lochen in an Amount not to Exceed \$43,735.00 and Additional Attachments from Various Vendors in an Amount not to Exceed \$31,350.00 with Total Cost not to Exceed \$75,085.00 with Funds to be Allocated from Acct.#10-542-570-8450 [Recommended Approval]
- Q. **ORDINANCE NO. xx-17** Amendment to Section 8.10 of the Municipal Code Depositing Snow on Village Streets Prohibited [Recommended Approval]

MOTION (Myers/Baum) to approve Consent agenda items A-Q except items 'J' and 'O'. Trustee Zabel requested to pull item "J". President Wolter requested to pull item "O". **Roll call vote, carried. MOTION (Zabel/Baum) to approve item "J" with amendment of STH 167 (Mequon Road) to read Mequon Road (STH 167), carried.** Item "O", President Wolter questioned cost of 60 trees for \$41,000. Trustee Zabel stated this was low bid of 3 received, for replacement and 1 year maintenance. Trustee Kaminski noted that is included but uncertain if it is for a year. **MOTION (Zabel/Myers)**

CONSENT AGENDA continued:

to approve contract, roll call vote, 5 in favor, 3 opposed, (Baum, Hughes, Wolter), carried.

UNFINISHED BUSINESS: None

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

NEW BUSINESS: None

ADJOURNMENT: There being no further business, the meeting adjourned at 7:14 p.m.

Special Village Board meeting to be held Monday, May 22nd at 6:00 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

RESOLUTION NO. ____-17

A RESOLUTION ADOPTING THE 2016 WISCONSIN POLLUTION DISCHARGE
ELIMINATION SYSTEM COMPLAINT MAINTENANCE ANNUAL REPORT

WHEREAS, by the action taken in Resolution NO. ____-17, the Village is a participant in the Wisconsin Pollutant Discharge Elimination System ("WPDES") program; and

WHEREAS, participants in the WPDES program are required to renew their General Permits issued under that program; and

WHEREAS, the permit renewal requires the Village to complete and submit a Compliance Maintenance Annual Report ("CMAR"); and

WHEREAS, the Village's Public Works Committee reviewed the attached CMAR report and forwarded the same to the Village Board with a recommendation for adoption; and

WHEREAS, the Village Board having reviewed the same concurs with the recommendation of the Public Works Committee;

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Germantown, Wisconsin, do hereby adopt the attached Compliance Maintenance Annual Report.

BE IT FURTHER RESOLVED that the Village Wastewater Superintendent is hereby directed and authorized to include the attached CMAR in the Village's application for the renewal of its WPDES General Permit.

Introduced by Trustee:

Adopted: June 19, 2017 Vote: Ayes: Nays: Absent:

Dean M. Wolter, Village President

ATTEST:

Barbara K.D. Goeckner, Village Clerk

Mailed
6-2-17

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

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

DATE: Monday, June 19, 2017
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following applicant for a REZONING application to rezone the following described properties from the B-3: General Business District to the M-1: Limited Industrial District pursuant to Section 17.33 of the Municipal Code on the following described property:

Applicant: Gehl Foods LLC, Property Owner

Properties: N116 W16044 Main Street (Tax Key: GTNV 221-060)
N116 W15850 Main Street (Tax Key: GTNV 221-075)

Outlot 21, except the North 42.00 feet thereof, of Assessor's Plat Village of Germantown, in the South East ¼ of the North East ¼ of Section 22, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. .23 Acres, N116 W16044 Main Street, GTNV 221-060 and;

Parcel 1 of Certified Survey Map #3915 as recorded in Volume 25 on Page 49 of Certified Survey Maps of Washington County, being a part of the SE ¼ of the NE ¼ of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. .13 Acres, N116 W15850 Main Street, GTNV 221-075.

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

Dated this 9th day of May 2017
Barbara K. D. Goeckner, Village Clerk

To Be Published On: June 1st and June 8th, 2017

Mailed
6-2-17

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

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

DATE: Monday, June 19, 2017

TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following Applicants for a CONDITIONAL USE PERMIT (CUP) for the operation of a "Child Care, Day Care Center or Preschool Center" operation from the property described below pursuant to Section 17.28(3)(p) of the Village Zoning Code:

Applicant: Rainbow Child Care Center, Agent for First Bank Financial Centre, Property Owner

Properties: Located at approximately N112 W17060 Mequon Road; Tax Key: GTNV 223-989
(Vacant land east of First Bank)

Part of the SW Quarter of the SW Quarter, Section 22, Town 9 North, Range 20 East in the Village of Germantown, Washington County, Wisconsin. 2.44 Acres.

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

Dated this 23rd day of May 2017

Barbara K. D. Goeckner, Village Clerk

To Be Published On: June 1st and June 8th, 2017

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

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

DATE: Monday, June 19, 2017
TIME: 7:00 p.m. or later

The purpose of said hearing will be to hear any and all parties, their attorneys or agents, for or against the petition filed by the Village of Germantown Community Development Department for proposed text amendments to the following sections of the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.08 (Definitions); 17.41 (Residential Accessory Use, Building & Structure Restrictions); and 17.47 (Performance Standards).

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

Dated this 24th day of May 2017
Barbara K. D. Goeckner, Village Clerk

To Be Published On: June 1st and June 8th, 2017

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

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

DATE: Monday, June 19, 2017
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following applicant for a REZONING application to rezone the following described properties from the B-3: General Business District to the M-1: Limited Industrial District pursuant to Section 17.33 of the Municipal Code on the following described property:

Applicant: Gehl Foods LLC, Property Owner

Properties: N116 W16044 Main Street (Tax Key: GTNV 221-060)
N116 W15850 Main Street (Tax Key: GTNV 221-075)

Outlot 21, except the North 42.00 feet thereof, of Assessor's Plat Village of Germantown, in the South East ¼ of the North East ¼ of Section 22, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. .23 Acres, N116 W16044 Main Street, GTNV 221-060 and;

Parcel 1 of Certified Survey Map #3915 as recorded in Volume 25 on Page 49 of Certified Survey Maps of Washington County, being a part of the SE ¼ of the NE ¼ of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. .13 Acres, N116 W15850 Main Street, GTNV 221-075.

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

Dated this 9th day of May 2017
Barbara K. D. Goeckner, Village Clerk

To Be Published On: June 1st and June 8th, 2017

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: June 19, 2017

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

ITEM TITLE: Stacy Cooke, Agent for Gehl Foods LLC, Property Owners of two parcels located on Main Street (Parcel GTNV#221-060 & 221-075); B-3: General Business to M-1: Limited Industrial Rezoning Application & 3-Lot Certified Survey Map (CSM) to Combine Parcels

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

SUMMARY EXPLANATION:

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.

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.

ATTACHMENTS:

- ◆ 6/12/17 Staff Report
- ◆ 6/12/17 Plan Commission Meeting Minutes
- ◆ Draft Ordinance
- ◆ Preliminary CSM

PLAN COMMISSION RECOMMENDATIONS:

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 (2) conditions.

**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.

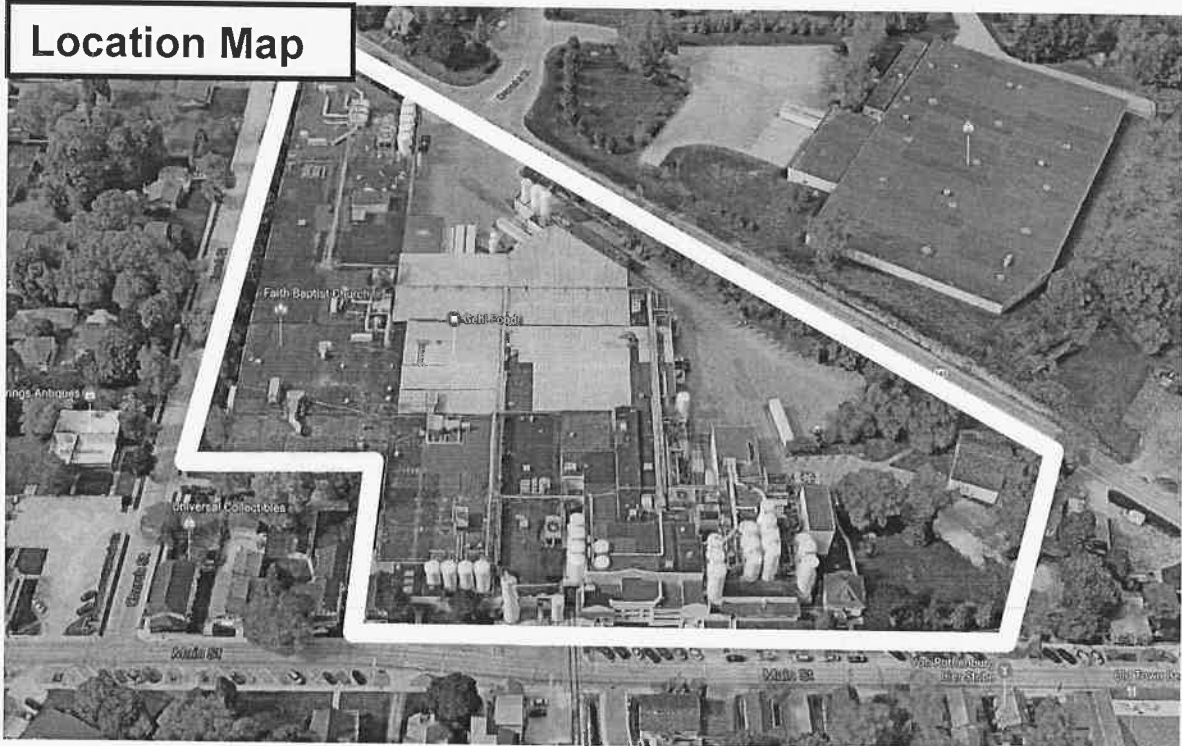
Property Location: N116 W15970 Main Street

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 CommentPlanning & 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.

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.

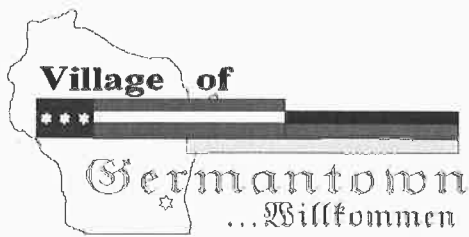
The Village Surveyor has also identified a few technical corrections and driveway design requirements in a May 30, 2017 memo (copy attached) that will have to be addressed and/or corrected prior to recording the CSM.

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.

PLAN COMMISSION MINUTES
June 12, 2017

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

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

PUBLIC INPUT: None

APPROVAL OF MINUTES: ***MOTION Baum second Shadid to Approve the minutes from 5-22-17.***

Motion carried unanimously.

Gehl Foods LLC – N116 W15970 Main Street. Stacy Cooke, agent for Gehl Foods, 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. Planner Retzlaff summarized the proposal.

MOTION Gray second Baum to 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.***

Trustee Baum said the rezoning won't do anything to move the approved plan for Main Street forward. He asked if there was any opportunity or reason to object to the proposal. Planner Retzlaff agreed that the plant expansion that would result from the rezoning is inconsistent with the Main Street plan to transition into a pedestrian-oriented entertainment district and now would be the time to object. He said he was torn between withholding the expansion of a local business that is so prominent and important to the economy of the Village and the possibility of the area someday converting into a pedestrian oriented entertainment district. He indicated we are not fielding a lot of proposals for retail or entertainment uses and felt it's not appropriate to withhold approval of the Gehl proposal simply over the notion that one day we may have a pedestrian friendly district. Chairman Wolter understood Gehl's need to expand but would like to maintain the houses as long as possible to keep the residential feel of the area and keep the Main Street plan moving forward. Stacy Cooke, Gehl Foods, said there wasn't a plan to remove the houses at this time.

MOTION carried unanimously.



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: 5/25/19 Received by: [Signature]

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

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

TAX KEY NUMBER

221075
221060

3 REZONING REQUEST

FROM	B3	TO	M1
	B3		M1

4 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY - REQUIRED

Attach pages as necessary

See Attached Letter for Metes and Bounds Legal Descriptions.

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.

6 SUPPORTING DOCUMENTATION:

- 7 READ AND INITIAL THE FOLLOWING:**

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!

Owner T. O. J. Date 5/23/17



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 ¼ 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 ¼ 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 (1/4) of the Northeast One-quarter (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:
 - minimum 3-hour fire resistance construction
 - 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

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

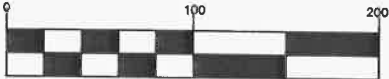
OUTLOT 21, EXCEPT THE NORTH 42 FEET OF ASSESSOR'S PLAT (SW ¼ NE ¼) IN THE VILLAGE OF GERMANTOWN, IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼ AND SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 20 EAST, WASHINGTON COUNTY, WISCONSIN



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



GRAPHIC SCALE



1 INCH = 100 FT.

CHURCH STREET

STH "145" (FOND DU LAC AVE.)

LOT 1
CSM 4474
ZONED M-1

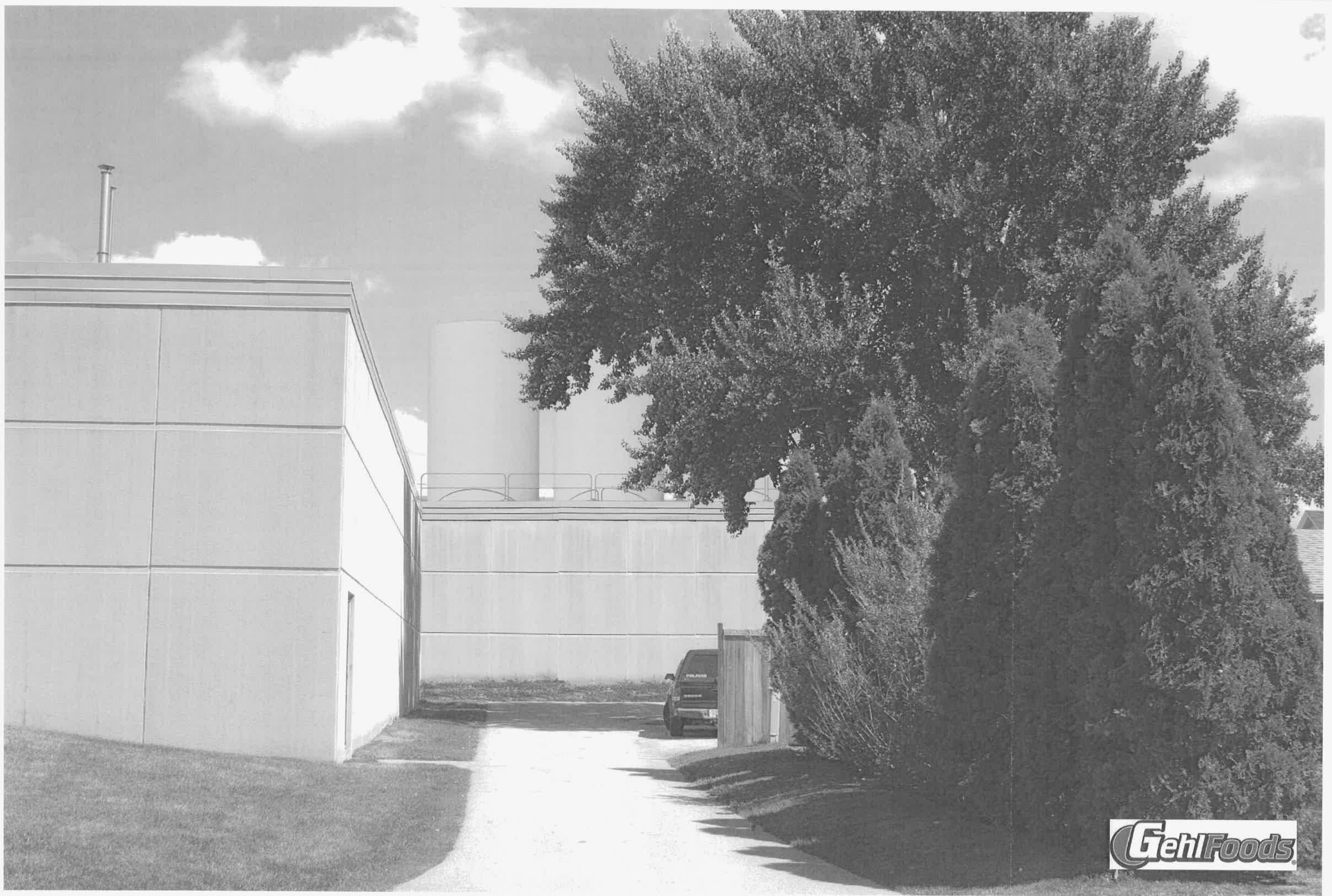
PARCEL 1
CSM 3915
ZONED B-3
PROPOSED M-1

OUTLOT 21
ASSESSOR'S PLAT
ZONED B-3
PROPOSED M-1

ASSESSOR'S
PLAT
O.L. O.L.
19 20

PAR. 2
CSM No. 3915

MAIN STREET



Gehl Foods



GehlFoods

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



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
Web: www.pdi-arch.com

From: King, Susan - DOT [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
262-548-6713





DIVISION OF INDUSTRY SERVICES
141 NW BARSTOW ST FL 4TH
WAUKESHA WI 53188-3789
Contact Through Relay
<http://dsps.wi.gov/programs/industry-services>
www.wisconsin.gov

Scott Walker, Governor
Laura Gutiérrez, Secretary

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
Transaction ID No. 2918098
Site ID No. 81289
Please refer to both identification numbers, 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 Guttman 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, Gehl's Guernsey Farms Inc
Gehl Foods Inc





GEHLS - FIRE DEPARTMENT LANE EXHIBIT

N116 W15850 & N116 W15970 MAIN ST. GERMANTOWN, WI

CJE NO.: 1542RI-EX
APRIL 6, 2017



Village of

Germantown
Willkommen

Fee must accompany application

☐ \$2,900 with public improvements

☒ \$1,960 no public improvements

Paid _____ Date 5-23-17

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!

Stacy Cooke, PE 5/23/17
Applicant Date

[Signature]
Owner

5/23/17
Date

CERTIFIED SURVEY MAP NO.

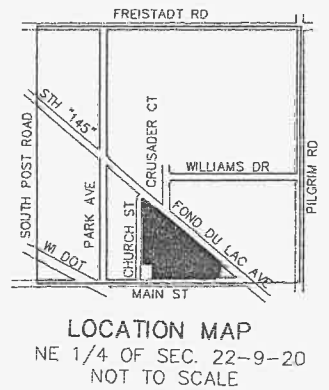
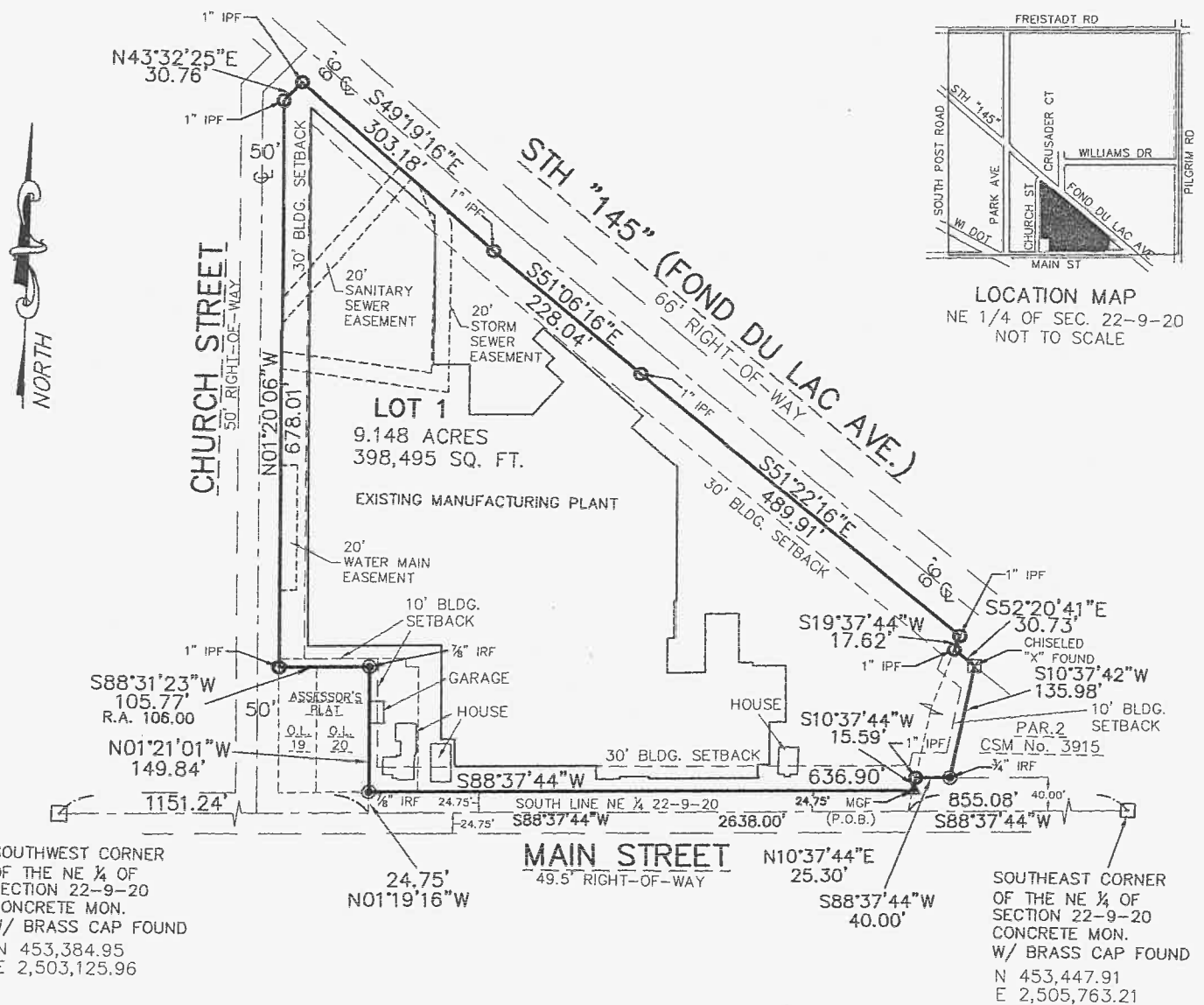
BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP No. 4474, OUTLOT 21, EXCEPT THE NORTH 42 FEET OF ASSESSOR'S PLAT (SW $\frac{1}{4}$ NE $\frac{1}{4}$), AND PARCEL 1 OF CERTIFIED SURVEY MAP No. 3915 IN THE VILLAGE OF GERMANTOWN, IN THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ AND SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ 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.

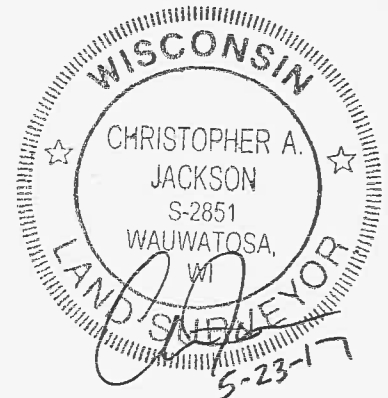
ALL BEARINGS SHOWN ARE REFERENCED TO SOUTH LINE OF THE NE $\frac{1}{4}$ OF SECTION 22, T9N, R20E, WISCONSIN STATE PLANE COORDINATE SYSTEM GRID, SOUTH ZONE, AND ALL BEARINGS ARE REFERENCED TO GRID NORTH.

EASEMENTS PER CSM NO. 4474



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 $\frac{1}{4}$ NE $\frac{1}{4}$), AND PARCEL 1 OF CERTIFIED SURVEY MAP No. 3915 IN THE VILLAGE OF GERMANTOWN, IN THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ AND SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ 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 $\frac{1}{4}$ NE $\frac{1}{4}$), AND PARCEL 1 OF CERTIFIED SURVEY MAP No. 3915 IN THE VILLAGE OF GERMANTOWN, IN THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ AND SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 20 EAST, WASHINGTON COUNTY, WISCONSIN:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST $\frac{1}{4}$ OF SECTION 22, THENCE S 88°37'44" W 855.08 FEET ALONG THE SOUTH LINE OF SAID NE $\frac{1}{4}$ 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.

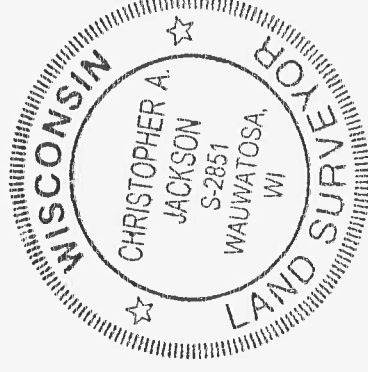
THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE COMBINATION THEREOF MADE.

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 23rd DAY OF MAY, 2017.



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 1/4 NE 1/4), AND PARCEL 1 OF CERTIFIED SURVEY MAP No. 3915 IN THE VILLAGE OF GERMANTOWN, IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 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 33rd DAY OF May, 2017.


ERIC BERINGAUSE, CEO


TIM PREUNINGER, CFO

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

PERSONALLY CAME BEFORE ME THIS 23rd DAY OF May, 2017, 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
is perpetual (does not expire)

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 _____

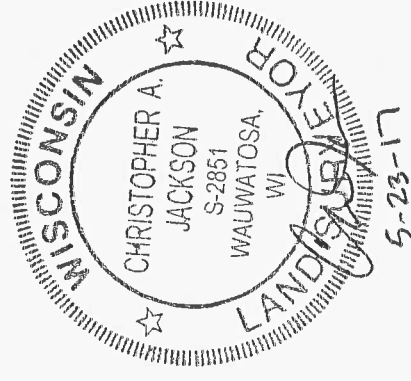
LAURA A. JOHNSON, SECRETARY _____ DATE _____

VILLAGE OF GERMANTOWN BOARD APPROVAL

THIS CERTIFIED SURVEY MAP, BEING A DIVISION OF NE 1/4 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 _____



ORDINANCE NO. _____

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

(Gehl Foods LLC, Property Owner)

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

SECTION 1. That the zoning map of the Village of Germantown is amended by rezoning from the B-3: General Business District to the M-1: Limited Industrial District the following described properties:

Outlot 21, except the North 42.00 feet thereof, of Assessor's Plat Village of Germantown, in the South East ¼ of the North East ¼ of Section 22, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. .23 Acres, N116 W16044 Main Street, GTNV 221-060 and;

Parcel 1 of Certified Survey Map #3915 as recorded in Volume 25 on Page 49 of Certified Survey Maps of Washington County, being a part of the SE ¼ of the NE ¼ of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. .13 Acres, N116 W15850 Main Street, GTNV 221-075.

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

Introduced by Trustee: _____

Adopted: _____, 2017

Vote:

Ayes: _____

Nays: _____

Dean Wolter, Village President

ATTEST:

Barbara K. D. Goeckner, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

Published:

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

MEETING DATE: June 19, 2017

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

ITEM TITLE: Rainbow Child Care Center, Agent for First Bank Financial Centre, Property Owner of Parcel #GTNV 223-989 (N112 W17060 Mequon Road); CUP Application for the operation of a Child Day Care Facility.

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

SUMMARY EXPLANATION:

Rainbow Child Care Center, agent for First Bank Financial Centre, is seeking approval of a conditional use permit to operate a child care center on the 2.4-acre parcel located at N112 W17060 Mequon Road (east of the First Bank Financial Centre and north of Village Hall). Rainbow will provide infant to 12 year-old full-time child day care services with hours of operation Monday to Friday, 6:00am to 6:30pm. The facility is designed to accommodate up to 115 children with approximately 15 teachers and staff.

NOTE: In addition to their recommendation to approve the CUP, the Plan Commission has conditionally approved site plans for a 17,780 sqft building (subject to CUP approval).

ATTACHMENTS:

- ◆ 5-22-17 Staff Report
- ◆ 5-22-17 Plan Commission Meeting Minutes
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATION:

APPROVE a Conditional Use Permit for the Rainbow Child Care Center to operate a child day care facility from the proposed building located at N112 W17060 Mequon Road subject to (3) conditions (plus the standard CUP requirement under 17.43(9)).

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

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

DATE: Monday, June 19, 2017
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following Applicants for a CONDITIONAL USE PERMIT (CUP) for the operation of a "Child Care, Day Care Center or Preschool Center" operation from the property described below pursuant to Section 17.28(3)(p) of the Village Zoning Code:

Applicant: Rainbow Child Care Center, Agent for First Bank Financial Centre, Property Owner

Properties: Located at approximately N112 W17060 Mequon Road; Tax Key: GTNV 223-989
(Vacant land east of First Bank)

Part of the SW Quarter of the SW Quarter, Section 22, Town 9 North, Range 20 East in the Village of Germantown, Washington County, Wisconsin. 2.44 Acres.

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

Dated this 23rd day of May 2017
Barbara K. D. Goeckner, Village Clerk

To Be Published On: June 1st and June 8th, 2017

**CONDITIONAL USE PERMIT &
SITE PLAN APPLICATION**
5/22/17 Plan Commission Meeting

Rainbow Child Care Center / JSD Professional Services Inc.

Village Planner Report **Germantown, Wisconsin**

Summary

JSD Professional Services, Inc., agent for First Bank Financial Centre, 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 located at N112 W17060 Mequon Road.

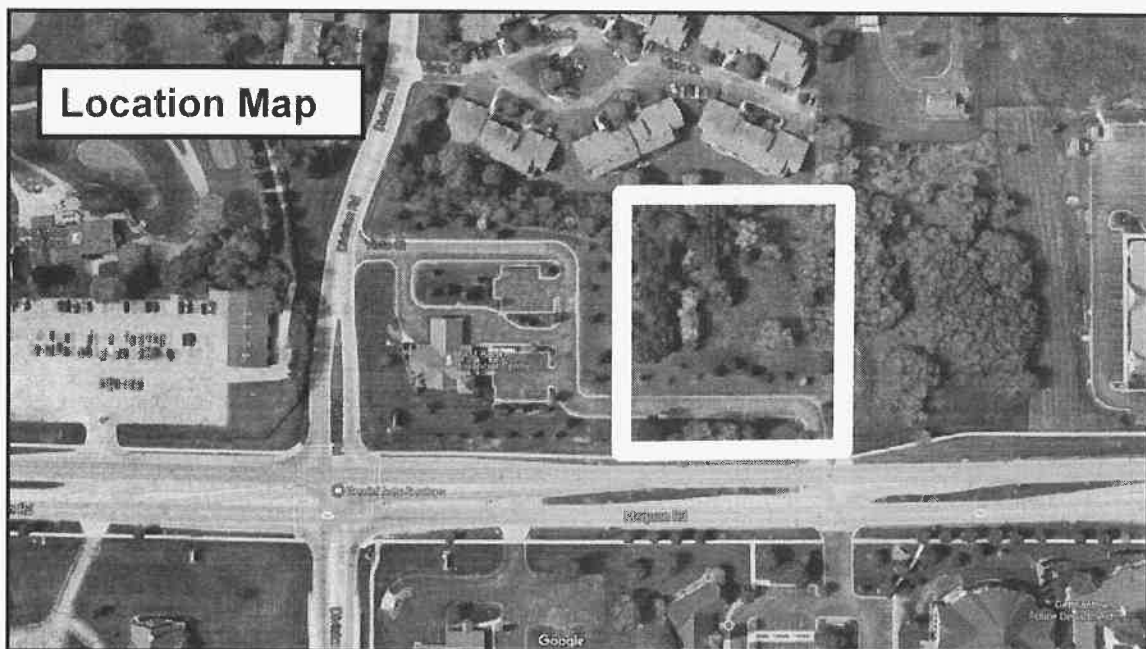
Property Location: N112 W17060 Mequon Road

Applicant/

Property Owners: Justin Johnson Nate Zastrow
JSD Services Inc. First Bank Financial Centre
161 Horizon Drive 155 W. Wisconsin Centre
Verona, WI Oconomowoc, WI

Current Zoning: B-1: Neighborhood Business

Adjacent Land Uses		Zoning
North	Office	B-4
South	Residential	Rm-2
East	Business	B-1
West	Business	B-1



Proposal

JSD Professional Services, Inc., agent for First Bank Financial Centre, property owner and Rainbow Child Care Center (CCC), 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 located at N112 W17060 Mequon Road.

NOTE: The site plan shows a placeholder for a separate future retail building (1,500 sqft and associated parking and drive lane) on the site to the east. However, the developer is not proposing any specific use or building improvements at this time.

Conditional Use

Rainbow CCC is a national child care provider with over 120 locations throughout the U.S. Rainbow will provide full-time child care services to children from 6 weeks 12 years with hours of operation Monday to Friday, 6:00am to 6:30pm. As needed, Rainbow CCC may provide additional before and after-school programs for children 5 to 12 years. If needed, Rainbow has its own 14 passenger buses to transport to/from local schools. The facility is designed to accommodate up to 115 children with approximately 15 full-time teachers and staff (see enclosed May 12, 2017 memo).

Building

As presented in the site plans the proposed day care facility includes the following features:

- 10,782 sqft 1-story building w/ a 6:12 pitch shingled roof and 13:12 pitch entry and dormer roof;
- Germanic influenced architecture and features w/ brick exterior walls, brick & cast stone arch entry, masonry block columns, stucco & timber gable features, and a tower feature;
- Ground-mounted HVAC units (east elevation);
- Outdoor play areas w/ perimeter fencing, age-appropriate play equipment, canopies and splash pad

Access & Parking

Access to the site will be provided by two (2) access driveways to/from the existing roadway that is located across the front of the subject property. The existing roadway is located within a 30' wide cross-access easement that was created years ago to allow the existing bank, the Rainbow CCC parcel, and the vacant parcel to the east of the Rainbow CCC parcel (owned by Froedtert Health Inc.) to have access to both Mequon Road and Division Road. The parking area will include curb & gutter and 36 parking stalls (vs. the Village guideline of 31 stalls). An additional 11 "future" stalls can be provided as part of the future retail building. Rainbow policies require parents to walk in with their children, so a separate dedicated drop-off area is not provided.

Utilities. Public water and sanitary sewer lines will be extended to the site with connections to the existing water and sanitary sewer service lines located at the property line to the west (bank parcel). Water main will complete a loop to Mequon Road.

Storm Water Management. Out of the total 2.2 acres, 42,010 sqft (43.5%) of impervious surface will be developed (including the future retail building development) leaving 56.5% of open space.

On-site storm sewer and an underground detention system (beneath the proposed parking lot) will be installed within the property to convey post-development, run-off to the existing storm sewer system in Mequon Road.

Landscaping. Detailed landscaping plans indicate a significant amount of plantings comprised of evergreen and deciduous trees, shrubs, annuals and perennials to be installed across the site, including along the south side of the parking lot, along the north side of the property, and foundation plantings along the south and west elevations of the building. A 10'x12' brick clad dumpster enclosure is proposed trucked back along the east elevation and accessible from the parking lot. The proposed planting size of 3" for deciduous and 10-12' height for evergreen trees along the north property line is intended to provide a significant and somewhat instantaneous buffer between the proposed facility and the existing multi-family residential building to the north.

While a good part of the site contains a number of existing trees, many are in poor condition and/or are less desired species, including: Red Pine, Box Elder and Green Ash. All of the existing trees and shrubs along Mequon Road will be protected and maintained.

Lighting. External lighting will be provided by:

- Three (3) 30 72W LED pole-mounted cut-off/shielded fixtures mounted on steel light poles located in the parking area

Signage. Two signs for Rainbow CCC are proposed, including:

1. Monument Sign.
 - a. 61" x 75" (31.8 sqft per side; 63.6 sqft total) double-sided aluminum frame, internally-illuminated cabinet with a "nighttime" opaque white panel mounted on a 24" brick base (7' total height) w/ 5" aluminum address coordinates to be located near the Mequon Road driveway;
2. Wall Sign.
 - a. 24" x 81" (13.8 sqft) wall-mounted, internally-illuminated channel letters surface mounted to the main entry façade (south elevation).

Staff Comments

Child day care facilities require a conditional use permit in the B-1: Neighborhood Business District. The proposed development is consistent with the B-1 District requirements for building setbacks, impervious area, etc.

As shown in the Tree Survey and Removal Plan, a significant number of existing trees are proposed to be removed from the site. Most of the trees to be removed are Red Pine that were likely intended for harvest but were never properly maintained. Other invasive species and Green Ash make up most of the other trees to be removed. A few specimen trees that might otherwise be worth preserving, namely a few Black Cherry, have not been properly maintained and, as a result, are not worth trying to preserve. The developer has agreed to install larger/taller trees on the site, particularly along the north property line, to compensate for the large number of trees being removed. A landscape Agreement with the Village to ensure ongoing maintenance and replacement of the proposed landscaping will be required.

The proposed parking stall size (9'x18' or 164 sqft) is smaller than the minimum 180 sqft required. The plans should be adjusted to reflect the minimum size requirement.

The lighting plan does not indicate the exterior light fixture mounting height. The Village's lighting guidelines limit fixture height to a maximum of 25 feet.

Fire/Police Department

The Fire Department has indicated that the following items need to be provided:

- Fire alarm panels and remote annunciator to be located at locations determined in cooperation with Fire Department inspection staff;
- Knox box to be installed at main entrance prior to occupancy;
- Provide man gate(s) for emergency access into and between all fenced areas;
- All other state agency rules and day care licensing requirements for fire safety and protection shall be met on an ongoing basis.

Public Works/Engineering Department

The Engineering Department identified a number of technical issues and requirements regarding the site and utility plans set forth in the Village Engineer's April 20, 2017 memo (copy attached). Revised plans and supplemental information was submitted by the Applicant for Public Works/Engineering Department review. A revised review memo dated May 19, 2017 (copy attached) has been submitted by the Engineering Department indicating that most of the issues have been address, although some issues remain incomplete. Consequently, final review and approval of the revised plans by the Village Engineer and satisfaction of the outstanding issues discussed in the May 19, 2017 memo will be required prior to issuance of a building permit.

Note: an issue raised in the May 19 memo concerns potential impacts of any required/proposed blasting on the two shallow water wells that serve the Village's potable water system located a short distance away to the northeast.

Inspection Services

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

Village Planner Recommendation

APPROVE 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.

Village Planner Recommendation

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.

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.



Village of
Germantown
Willkommen

Fee must accompany application

☒ \$1460

Paid

Date

4-3-17

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

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

1 APPLICANT OR AGENT

JSD Professional Services, Inc

Attn: Justin Johnson

Phone () 262.513.0666

Fax ()

E-Mail justin.johnson@jsdinc.com

PROPERTY OWNER

Rainbow Child Care Center

Attn: Reed Fenton

Attn: Amy Labadie

Phone () 262.519-9281

reed@814cre.com

amy@814cre.com

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

Rainbow Child Care Center - Reed Fenton

3 PROPERTY ADDRESS

N112W17056 Mequon Road
Germantown, WI 53022

TAX KEY NUMBER

GTNV_223989

4 DESCRIPTION OF EXISTING OPERATION

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

Please refer to the attached Narrative included in this submittal

5 DESCRIPTION OF PROPOSED OPERATION

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

Child care, day care centers or preschool centers licensed by the State

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

Please refer to the attached Narrative included in this submittal

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY — REQUIRED

6

Attach pages as necessary.

Refer to ALTA/NSPS Survey

SUPPORTING DOCUMENTATION:

7

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

☐ _____

☐ _____

READ AND INITIAL THE FOLLOWING:

8

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

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

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

SIGNATURES — ALL APPLICATIONS MUST BE SIGNED BY OWNER!

9

Applicant

Date

Owner

Date

[Signature]

3/31/17

Memorandum

www.jsdinc.com

To: Jeffrey Retzlaff, Community Development Planner
From: Justin Johnson, Kevin Yeska and Rachel Holloway, JSD Professional Services
Re: Site Plan / CUP Submittal for Rainbow Child Care Center
JSD Project #: 16-7632
Date: May 12, 2017
cc: Larry Barton (Strang), Amy Labadie (EIG14T), Reed Fenton ((EIG14T), Alex Orman (Orman Engineering)

DESIGN TEAM REPRESENTATIVES/CONSULTANTS

Rainbow Child Care Center
Reed Fenton
Owner's Representative

1732 Crooks Rd
Troy, MI 48084

P: 248.519-9281
F: 248-569-2100
E: reed@814cre.com

JSD Professional Services, Inc.
Professional Design Consultant

161 Horizon Drive Suite 101
Verona, WI 53593
P: 608.848-5060

Justin Johnson
Project Engineer
E: justin.johnson@jsdinc.com

Kevin Yeska
Senior Landscape Designer
E: kevin.yeska@jsdinc.com

Andrew Mertz
Project Engineer
E: andrew.mertz@JSDinc.com

Orman Engineering, LLC
Alexander Orman, P.E.
Owner's Reviewing Agent

5476 Vivian Lane
Waterford, MI 48327

P: 248.682-6001
Cell: 248.425-4828
E: alex@ormanengineering.com

Strang Architects
Larry Barton, AIA
President

6411 Mineral Point Road
Madison, WI 53705

P: 608-276-9200
E: lbarton@strang-inc.com

This letter of intent has been prepared by the applicant for the property at N112W17056 Mequon Road located east of the First Bank Financial Centre situated at the NE corner of Mequon Road and Division Road. Rainbow Child Care Center (applicant) is requesting Conditional Use Approval and Site Plan Approval for a new day care facility as the property is currently zoned B-1 Neighborhood Business.

Existing Conditions

The subject property is a 2.44 acre parcel that is mostly undeveloped. The site contains a mix of open field and wooded areas (including a number of red pine plantings). Many of the existing trees on-site are in poor condition and include less desired species such as green ash, box elder, and red pine for lumber harvest. The red pines planted for future harvesting have been maintained improperly and should be either thinned or removal. In addition, an existing cross-access driveway (24' wide pavement within a 30' wide access easement) runs across the south of the lot and provides access to Mequon Road and to the developed adjacent property to the west, through to Division Road.

Proposed Use and Operational Characteristics

Rainbow Child Care Center's intent is to provide the community with safe quality child care. Rainbow is a national child care provider with approximately 120 locations throughout the United States and serving children from 6 weeks to 12 years of age. They incorporate quality education with a fun, safe learning environment. They propose to construct a new 10,782 square foot, non-sprinkled facility that will contain classroom spaces, a gymnasium, and an outdoor playground area along with other inviting amenities. The Center will include sports and physical fitness as part of their curriculum, along with healthy menu options for the children.

Rainbow Child Care Center intends to operate with 15 full time employees as the Day Care Center grows to its anticipated capacity of 115 students. Current zoning requirements for schools are 1 parking stall per 2 employees and 1 parking stall per 5 students age 16 and under. Based on this standard, the site is proposing a total of 36 parking stalls, two (2) of which will be ADA accessible stalls. Rainbow Child Care Center has no plans for future expansion of the building at this time.

Rainbow Child Care Center will operate between the hours of 6:00am and 6:30pm. Peak on-site traffic flow will occur during primary drop off/pick up times in the mornings and evenings - between 6:00am and 9:00am, and between 3:00pm and 6:30pm, respectively. Rainbow CCC will have outside play for the children throughout the day beginning at 9:30am. The outdoor play area will be bound by a 5' tall black vinyl-coated chain link fence, for children's safety, and the play area will be subdivided by age group into three separate sections using a 4' tall black vinyl-coated chain link. The play area will have multiple structures designed to fit the age group/ability of the children and will also include a canopy tent structure approximately 15'x15' in size. In addition, a concrete splash pad amenity will make for a fun, refreshing activity during hot summer days. Outside play will be limited to one classroom at a time. A 5' wide sidewalk will surround all sides of the building for purposes of exiting in the event of an emergency.

Site and Building Characteristics

The overall proposed site plan will meet all required building setbacks and bulk standards for the B-1 District as outlined in the Zoning Code. Thirty-six (36) total parking stalls (including 2 ADA stalls) will offer parents dropping off/picking up their children a place to park conveniently near the building's main entrance, while accessible sidewalks allow access from the parking area to the entrance. Employees will also utilize these parking stalls on a daily basis. Rainbow Child Care Center will propose a standalone monument sign off of Mequon Road, if approved by the Plan Commission. Signage for the development will also be placed on the building in locations approved by the Village of Germantown.

Where there is an inherent community need, Rainbow will operate a before and after school program for children ages 5-12. Rainbow operates its own 14 passenger buses to pick up and drop off children at the local public and private schools. All drivers are licensed and certified through the state as required. The buses are 139" wheel base van chassis vehicles capable of maneuvering within typical passenger vehicle parameters. The site is accessible for student drop-off by parents in front of the building by a proposed sidewalk. Parents/employees will be able to access the site from Mequon Road and/or Division Road.

The exterior of the building will be constructed of brick and timber trim as the predominate finish. The gables will have stucco with timber trim, with the base of the building having an accent of decorative masonry block. The roof will have darker asphalt shingles with texture and color variations to provide depth to the roof.

The entry and dormers will have a 13:12 pitch roof where as the main roof will have a 6:12 pitch. The overall architecture with Germanic influenced materials and higher pitched accent roofs is keeping with the design of the surrounding neighborhood. The front entrance has decorative masonry block columns, cast stone outer arch and brick inner arch, stucco and timber gables and a prominent tower allowing light into the lobby, all helping to portray the culture of the community. The entry also provides a decorative signage, lighting and tile accent to provide a welcoming atmosphere for the children.

Future Building Development

A future building and parking lot layout has been provided along the east half of the site to allow Staff and Commissioner's to understand that Rainbow Child Care is actively searching for a user to fill this open land area. At this time Rainbow has no intentions of moving forward with this development during this review process but wanted to make Staff aware of the potential for a future building. It is important to understand the space allocation and layout needed for this future development as it drives layout and design for the Rainbow Child Care Center. As site improvements take place for Rainbow this area will be regraded and temporarily reseeded until an active user comes forward.

Thank you for your consideration. The applicants look forward to receiving the Village's feedback and approval of this development plan.

Memorandum

www.jsdinc.com

To: Jeffrey Retzlaff, Community Development Planner
From: Justin Johnson, Kevin Yeska and Rachel Holloway, JSD Professional Services
Re: Site Plan / CUP Submittal for Rainbow Child Care Center
JSD Project #: 16-7632
Date: May 12, 2017
cc: Larry Barton (Strang), Amy Labadie (EIG14T), Reed Fenton ((EIG14T), Alex Orman (Orman Engineering)

DESIGN TEAM REPRESENTATIVES/CONSULTANTS

Rainbow Child Care Center
Reed Fenton
Owner's Representative

1732 Crooks Rd
Troy, MI 48084

P: 248.519-9281
F: 248-569-2100
E: reed@814cre.com



Orman Engineering, LLC
Alexander Orman, P.E.
Owner's Reviewing Agent

5476 Vivian Lane
Waterford, MI 48327

P: 248.682-6001
Cell: 248.425-4828
E: alex@ormanengineering.com

JSD Professional Services, Inc.
Professional Design Consultant

161 Horizon Drive Suite 101
Verona, WI 53593
P: 608.848-5060

Justin Johnson
Project Engineer
E: justin.johnson@jsdinc.com

Kevin Yeska
Senior Landscape Designer
E: kevin.yeska@jsdinc.com

Andrew Mertz
Project Engineer
E: andrew.mertz@JSDinc.com

Strang Architects
Larry Barton, AIA
President

6411 Mineral Point Road
Madison, WI 53705

P: 608-276-9200
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Memorandum

www.jsdinc.com

To: Jeffrey Retzlaff, Community Development Planner
From: Justin Johnson, Kevin Yeska, JSD Professional Services
Re: April 21, 2017 Village Staff Comment Response Memorandum
JSD Project #: 16-7632
Date: May 12th, 2017
cc: Larry Barton (Strang), Amy Labadie (EIG14T), Reed Fenton ((EIG14T), Alex Ormang (Orman Engineering)

Planning Department

1. The Site Plan checklist is not provided. In the future, including an appropriate reference on the checklist to specific plan sheets and/or other documents indicating where the required information can be found reduces staff review time, potential delay and is very much appreciated.
Response: A site plan checklist has been provided
2. A separate Sign Permit application is required for the monument and wall signs (copy attached).
Response: A Signage Permit has been provided
3. A sample board of exterior materials is required. The sample board can be brought the night of the Plan Commission meeting.
Response: A sample board will be provided at the upcoming Planning Commission meeting
4. Monument sign address coordinates are required to be min. 5" size lettering/numerals mounted on the sign base (vs. edge).
Response: The monument sign address coordinates have been updated
5. The tree removal plan only lists (by unique ID number) the specific location of those trees to be protected (a good thing). But what about those that are to be removed...particularly the large, hard wood that might warrant further protection consideration (vs. the invasive species that don't). Where is the 48" Black Cherry #56 and #27? Where are the Crabapples #87-#92? Any chance those can be protected?
Response: Additional numbering/identification has been provided on the Tree Identification Plan
6. The size of the proposed trees is too small, particularly along the north property line where a great deal of existing trees are proposed for removal. Given the topography and proposed grading that results in a building and overall site that will be much higher than the buildings and development to the north, replacing the extensive existing buffer with minimal 2" dia and 6' tall trees is insufficient. The minimum planting size for evergreens should be at least 10'-12' and the deciduous should be a min. 3" dia and 12'-15' tall. The quantity is also minimal. Given the planned removal of a number of very large ornamental and deciduous (not including the invasives), more trees should be planted on site; particularly along the north.
Response: The landscaping has been revised to incorporate a substantial deciduous and evergreen buffer. The minimum caliper and height at time of planting has also been increased on the revised landscape plan.

Memorandum

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7. No landscaping is proposed along the west or east property lines. Fences are proposed along the west right up against the property line. Are there privacy slats needed/proposed around the splash pad? In the other fence sections?

Response: A screening berm and five (5) deciduous trees exist approximately 50' west of the westernmost property line. This green space provides a buffer between the Bank's access drive and the infant playground/splash pad. A standard 5' tall vinyl coated chain link fence is proposed around the infant playground and splash pad. Additional landscaping has been incorporated around the splash pad to screen it from the adjacent property. No privacy slats are proposed on the fence at this time.

JSD avoided any plantings along the east property line due to the future building improvements anticipated. At such time as a plan is brought forward for the future development pad, a detailed landscape plan will be provided.

8. What measures will be taken to protect the property to the north from the uncontained runoff area shown in the storm water plans?

Response: The proposed grading plan reduces the amount of runoff in that direction.

9. Although we only briefly discussed the "Germanic Theme" concept for architecture for those properties along Mequon Road, I'm not sure that the Plan Commission will accept what is being proposed.

Response: Revised architectural elevations have been provided

Fire Department

1. Fire alarm panels/remote annunciator to be located as determined by GFD inspection staff.

Response: Plan details for fire alarm panels/remote annunciator will be provided on the Building Permit plan set submittal

2. Knox Box to be installed at main entrance prior to occupancy.

Response: Knox Box will be provided on the Building Permit plan set submittal

3. Man gates required for access to all fenced areas.

Response: Man gates are provided. Refer to Site Plan

4. Other state agency rules for fire protection from Wisconsin Children and Family's licensing rules apply.

Response: The fire protection plan meet all state licensing regulations.

Engineering Department

Sanitary Sewer

1. Fully extend sanitary sewer to the property edge on the East side. Consider an alternate route.

Response: The sanitary sewer cannot be extended to the East property line due to cover issues. As discussed with staff, this line is stopped short of the property line.

2. A 20' wide utility will be required on the public sanitary sewer main. No trees or structures will be allowed in this easement.

Response: The light poles and trees have been relocated out of the utility easement.

3. Laterals are not allowed to be connect straight into public manholes. Reconnect the lateral using a wye in the main.

Response: The laterals have been adjusted using a wye connection.

Memorandum

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4. At the two cross locations of the storm sewer and sanitary sewer, assuming the elevations given are invert elevations, the pipes will be in conflict with each other.
Response: Utilities have been adjusted, so that there will be no conflicts.
5. San-1 and San -2 will be public manholes. The Line between San-1 and San-2 will be public along with the line running between the existing public manhole and San-1.
Response: Yes, San-1, San-2, and the sewer between them will be public utilities.
6. Record Drawings will be required.
Response: Record Drawings will be provided
7. Public manholes shall have a 0.1' drop across the bench/trough of the manhole.
Response: All the sanitary manholes have a 0.1' drop across the manhole.
8. Use details provided.
Response: The sanitary sewer details that were provided have been added to Sheet C5.1.
9. All sanitary sewer shall be installed per the Village of Germantown's Specifications.
Response: Note "No. 1" under "General Utility Notes" has been updated to say, "Sanitary Sewer and watermain construction shall conform to the Village of Germantown Specifications and the 'Standard Specification for Sewer and Water Construction in Wisconsin', current edition, hereinafter referred to as the 'standard specifications'".

Water

1. 8" water main shall be made public. Will require a 20' wide utility easement over the water main loop path. No trees or structures will be allowed in the easement. Consider an alternate water main path for the water main loop.
Response: The light poles and trees have been relocated out of the utility easement.
2. The hydrant being relocated on the south property line will need a 6" gate valve (Hydrant Valve).
Response: Refer to the Hydrant assembly detail on C5.2.
3. The hydrant on the West property line is not shown to be relocated. Relocate the hydrant at the that point using an 8"x6" bolt on tee w/ 6" gate valve and lead.
Response: The hydrant on the West property line has been relocated to the west.
4. Show a curb stop on the 2" water service
Response: A curb stop has been added to the 2" water service.
5. 7' min cover on the public water main.
Response: The water main notes have been revised to address the 7' min. cover.
6. The water main shall be PVC. Label the pipe on the plan.
Response: The water main has been labeled as PVC on the plan.
7. 2" service shall be connected using a Smith-Blair All stainless saddle (model 665) w/ corp. stop with a pack joint.
Response: Note "No. 9c" on C3.0 under "General Utility Notes" has been added to the plan.

Memorandum

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8. All water main shall be installed per the Village of Germantown's Specifications.

Response: Note "No. 1" under "General Utility Notes" has been updated to say, "Sanitary Sewer and watermain construction shall conform to the Village of Germantown Specifications and the 'Standard Specification for Sewer and Water Construction in Wisconsin', current edition, hereinafter referred to as the 'standard specifications'".

9. Record Drawings will be required.

Response: Record Drawings will be provided

Storm Water Management

1. A maintenance agreement will be required for the underground storage.

Response: A maintenance agreement will be developed for the underground detention system. Does the Village of Germantown have a standard template for a Stormwater maintenance agreement, if so could you please provide the template?

2. Record drawings will be required.

Response: Record Drawings will be provided

3. Off-site drainage not accounted for on the West side of the property.

Response: A berm and a catch basin along the west property line has been added to the plans.

4. Details required for the storm water facilities (Appendix G – Sediment basin & outlet structure drawings and details)

Response: Details/shop drawing for the stormwater system will be provided when available.

5. Show where the storm sewer goes from MH 11 (where it connects in to the Mequon Road's storm sewer).

Response: An inset has been created on C2.0.

6. Curve numbers do not match between the model and the Proposed Hydrology Exhibit.

Response: The curve numbers on the Proposed Hydrology Exhibit have been updated to match the model.

Required Permits

1. Utility will be required for each: sanitary, water, and storm sewer.

Response: Applicant will submit permits following Plan Commission/Village Board approval

2. Erosion Control Permit.

Response: Applicant will submit permits following Plan Commission/Village Board approval

3. A Blasting Permit will be required if blasting occurs.

Response: Applicant will submit permits following Plan Commission/Village Board approval

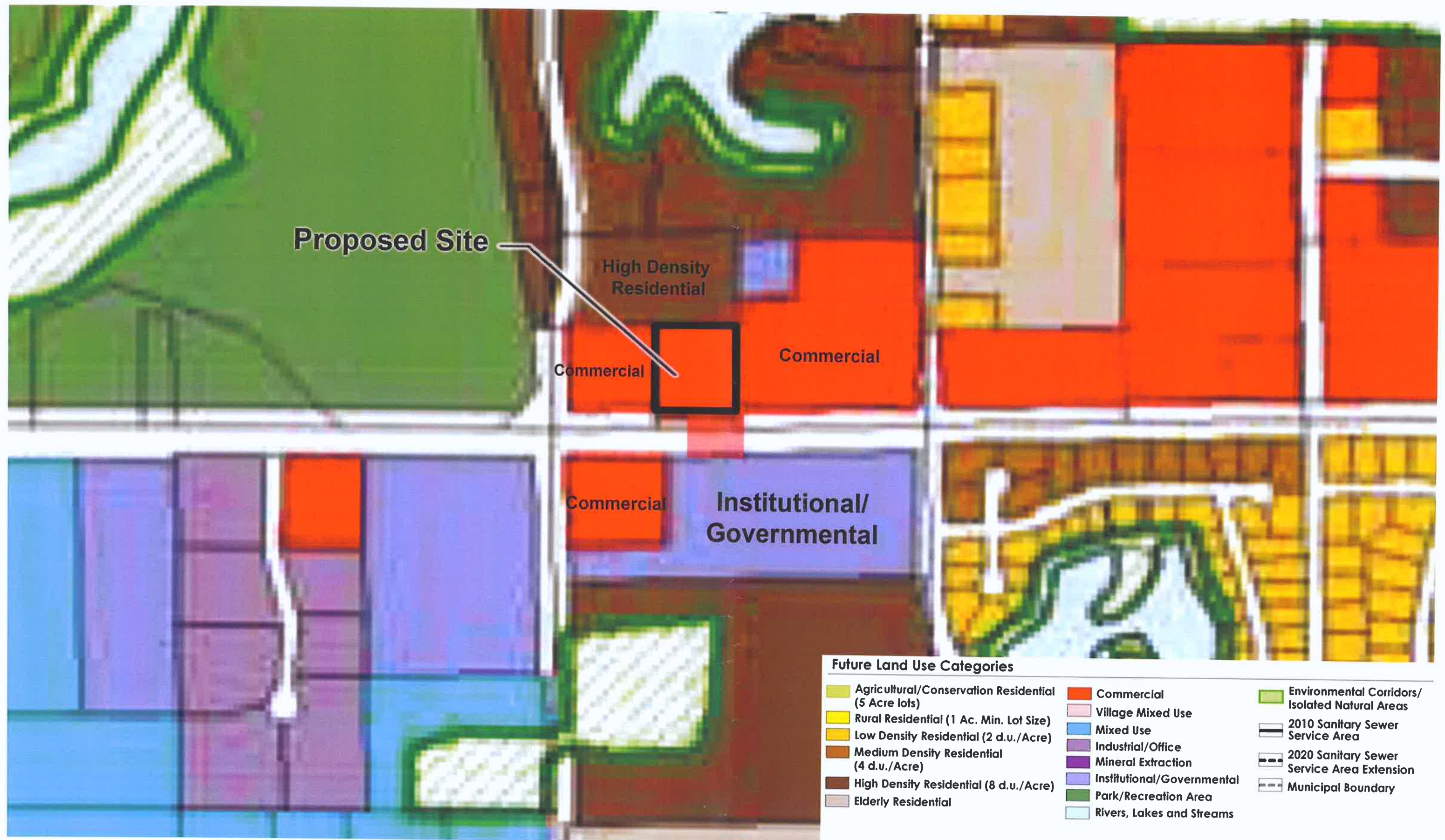
Miscellaneous

1. A Developer's Agreement will be required.

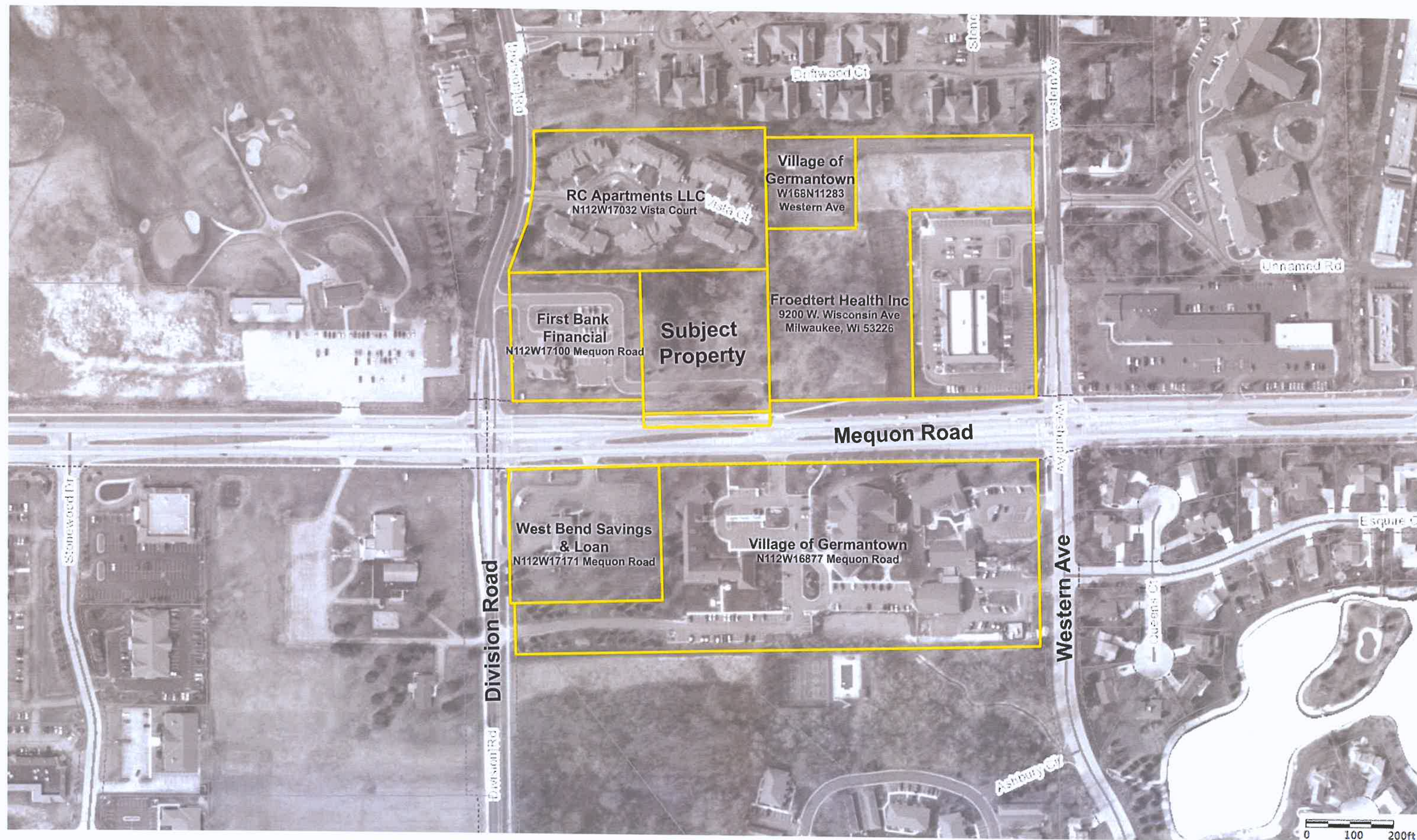
Response: Applicant will provide a Developer's Agreement prior to permit issuance.



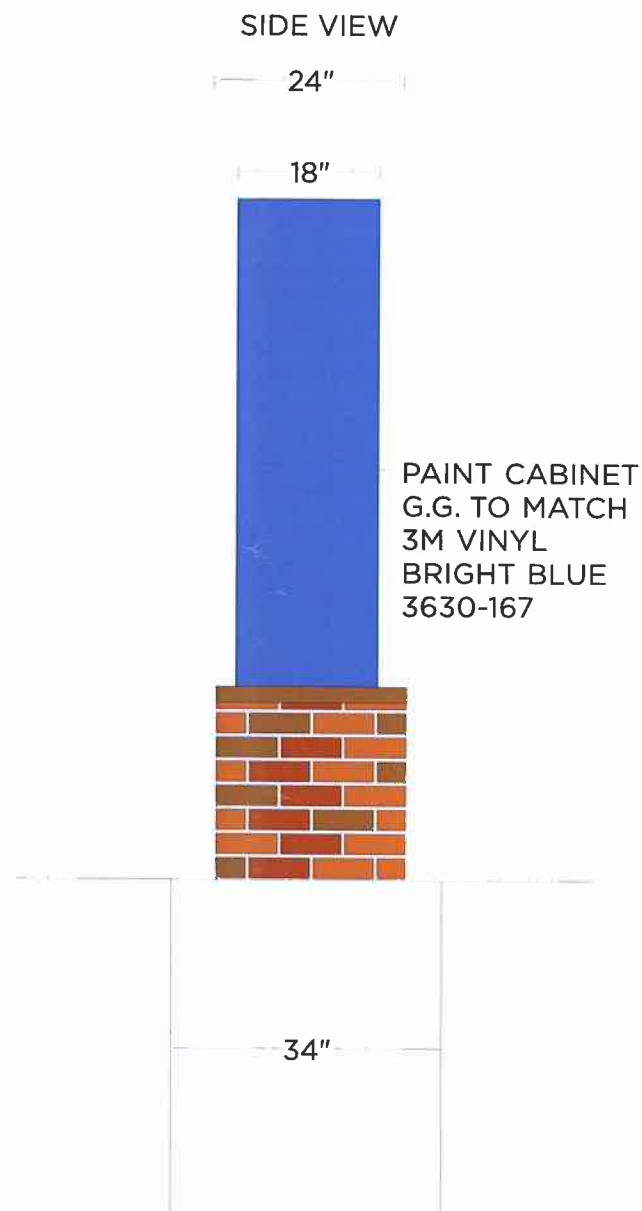
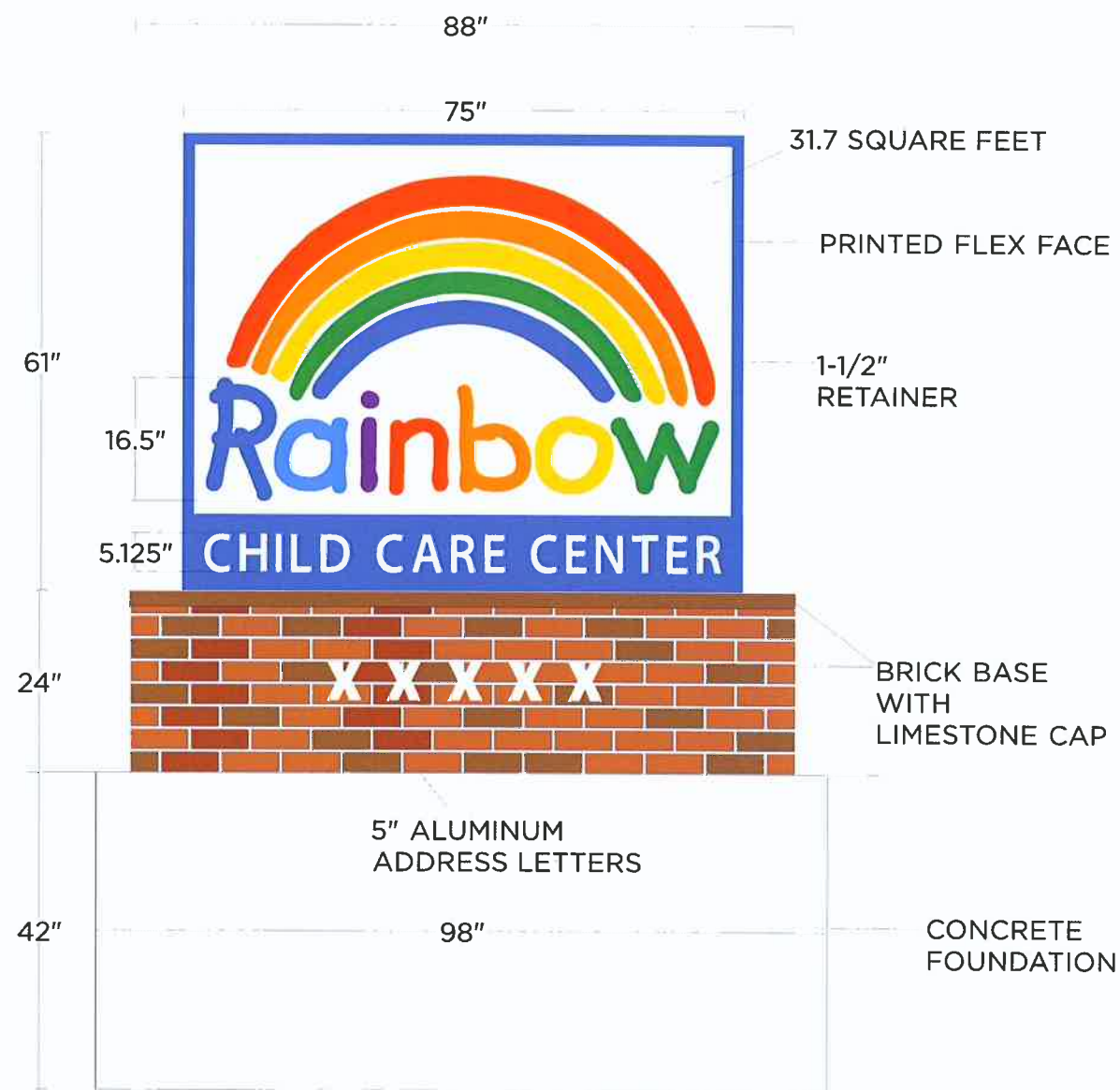
Site Locator Map



Site Zoning Map



Land Owners within 300 Feet Exhibit



DAYTIME VIEW



NIGHTTIME VIEW WITH OPAQUE BACKGROUND WITH WHITE OUTLINE

JOB NAME:

RAINBOW CHILD

CARE CENTER

LOCATION:

TYPICAL PRINTS

ACCOUNT REP: WJ

DESIGNER: WJ

REVISION: _____

NOTES:

(1) 61" X 75"

ILLUMINATED

MONUMENT SIGN

WITH 24" X 24" X 88"

BRICK BASE

FILE NAME:

MS-61inX 75in

SCALE:

1/2"=1'

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CUSTOMER APPROVAL: _____

DATE: _____

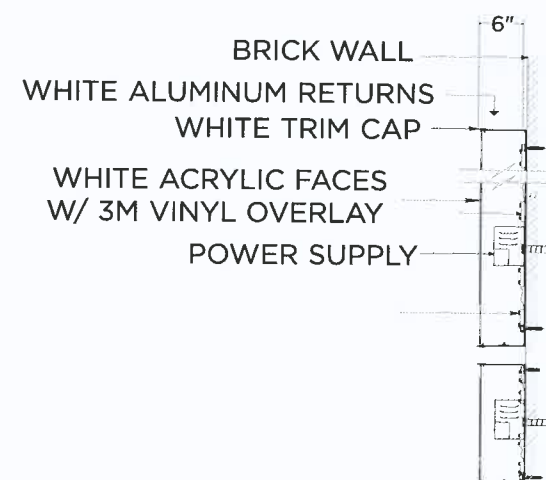


INTERNATIONAL SIGN ASSOCIATION





SIDE DETAIL OF CHANNEL LETTER



ALT B= ILLUMINATED
ALUMINUM CLOUD SIGN
WITH PLASTIC FACES
ILLUMINATED WITH
WHITE LEDS

PMS COLOR	3M TRANSLUCENT FILM	PMS COLOR	3M TRANSLUCENT FILM
GREEN 355	3M VIVID GREEN 3630-156	RED 485	3M RED 3630-33
BLUE 293	3M BRIGHT BLUE 3630-118	ORANGE	3M ORANGE 3630-44
PURPLE 2592	3M INTENSE MAGENTA 3630-118	YELLOW 116	3M SUNFLOWER 3630-25
PROCESS CYAN	3M OLYMPIC BLUE 3630-57		

JOB NAME:
RAINBOW CHILD
CARE CENTER
LOCATION:
TYPICAL PRINTS
ACCOUNT REP: WJ
DESIGNER: WJ
REVISION: _____

NOTES:
(1) 30 1/4"
ILLUMINATED WALL
SIGN

FILE NAME:
RAI-TYP EXT-ILL-CS-KK
SCALE:
3/8"=1'

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INTERNATIONAL SIGN ASSOCIATION



Rainbow Child Care Center - Lake Orion, MI



Rainbow Child Care Center - Additional Images



Rainbow Child Care Center - Additional Images

Rainbow Child Care Center & Little PR Academy Splash Pad





RAINBOW CHILD CARE CENTER | GERMANTOWN, WI

SOUTH ELEVATION





RAINBOW CHILD CARE CENTER | GERMANTOWN, WI

NORTH ELEVATION





RAINBOW CHILD CARE CENTER | GERMANTOWN, WI

EAST + WEST ELEVATIONS





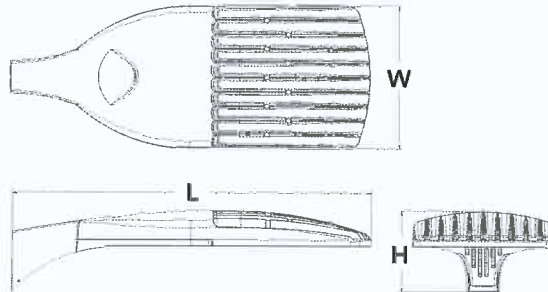
D-Series Size 1 LED Area Luminaire

d^{series}



Specifications

EPA:	1.01 ft ² (0.09 m ²)
Length:	33" (83.8 cm)
Width:	13" (33.0 cm)
Height:	7-1/2" (19.0 cm)
Weight (max):	27 lbs (12.2 kg)



Catalog
Number

Notes

Type

Introduction

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment.

The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire. The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. It is ideal for replacing 100 - 400W metal halide in pedestrian and area lighting applications with typical energy savings of 65% and expected service life of over 100,000 hours.

Ordering Information

EXAMPLE: DSX1 LED 60C 1000 40K T3M MVOLT SPA DDBXD

DSX1LED

Series	LEDs	Drive current		Color temperature		Distribution				Voltage	Mounting
DSX1 LED	Forward optics	530	530 mA	30K	3000 K	T1S	Type I Short	T5S	Type V Short	MVOLT ⁵	Shipped included
	30C 30 LEDs (one engine)	700	700 mA	40K	4000 K	T2S	Type II Short	T5M	Type V Medium	120 ⁵	SPA Square pole mounting
	40C 40 LEDs (two engines)	1000	1000 mA	50K	5000 K	T2M	Type II Medium	TSW	Type V Wide	208 ⁵	RPA Round pole mounting
	60C 60 LEDs (two engines)		(1 A) ²	AMBPC Amber phosphor converted ³	T3S	Type III Short	BLC	Backlight control ⁴	240 ⁵	WBA Wall bracket	
	Rotated optics¹		T3M		Type III Medium	LCCO	Left corner cutoff ⁴	277 ⁵	SPUMBA Square pole universal mounting adaptor ⁷		
	60C 60 LEDs (two engines)		T4M		Type IV Medium	RCCO	Right corner cutoff ⁴	347 ⁶	RPUMBA Round pole universal mounting adaptor ⁷		
			TFTM		Forward Throw Medium			480 ⁶			
			T5VS		Type V Very Short						
											Shipped separately
										KMA8 DDBXD U Mast arm mounting bracket adaptor (specify finish) ⁸	

Control options	Other options	Finish (specify)
Shipped installed PER NEMA twist-lock receptacle only (no controls) ⁹ PER5 Five-wire receptacle only (no controls) ^{9,10} PER7 Seven-wire receptacle only (no controls) ^{9,10} DMG 0-10V dimming driver (no controls) ¹¹ DCR Dimmable and controllable via ROAM® (no controls) ¹² DS Dual switching ^{13,14} PIR Motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1fc ¹⁵ PIRH Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 5fc ¹⁵	PIR1FC3V Motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1fc ¹⁵ PIRH1FC3V Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1fc ¹⁵ BL30 Bi-level switched dimming, 30% ^{14,16} BL50 Bi-level switched dimming, 50% ^{14,16} PNMTDD3 Part night, dim till dawn ¹⁷ PNMT5D3 Part night, dim 5 hrs ¹⁷ PNMT6D3 Part night, dim 6 hrs ¹⁷ PNMT7D3 Part night, dim 7 hrs ¹⁷	Shipped installed HS House-side shield ¹⁸ WTB Utility terminal block ¹⁹ SF Single fuse (120, 277, 347V) ²⁰ DF Double fuse (208, 240, 480V) ²⁰ L90 Left rotated optics ²¹ R90 Right rotated optics ²¹ DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DDBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white

Accessories	
Ordered and shipped separately.	
DL127F 1.5 JU Photocell - SSL twist-lock (120-277V) ²²	
DL1347F 1.5 CUL JU Photocell - SSL twist-lock (347V) ²²	
DL480F 1.5 CUL JU Photocell - SSL twist-lock (480V) ²²	
DSHORT SBK U Shorting cap ²²	
DSX1HS 30C U House-side shield for 30 LED unit	
DSX1HS 40C U House-side shield for 40 LED unit	
DSX1HS 60C U House-side shield for 60 LED unit	
PUMBA DDBXD U* Square and round pole universal mounting bracket (specify finish)	
KMA8 DDBXD U Mast arm mounting bracket adaptor (specify finish) ⁸	

Controls & Shields

NOTES

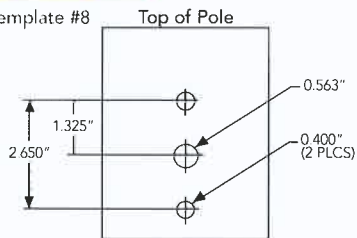
- Rotated optics available with 60C only.
- Not available AMBPC.
- Only available with 530mA or 700mA.
- Not available with AMBPC in 530mA or 700mA in BLC, LCCO or RCCO distribution.
- MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Specify 120V, 208V, 240V or 277V options only when ordering with fusing (SF, DF options).
- Not available with BL30, BL50 or PNMT options.
- Available as a separate combination accessory: PUMBA (finish) U; 1.5 G vibration load rating per ANSI C136.31.
- Must be ordered as a separate accessory; see Accessories information. For use with 2-3/8" mast arm (not included).
- Photocell ordered and shipped as a separate line item from Acuity Brands Controls. See accessories. Not available with DS option.
- If ROAM® node required, it must be ordered and shipped as a separate line item from Acuity Brands Controls. Not available with DCR.
- DMG option for 347V or 480V requires 1000mA.
- Specifies a ROAM® enabled luminaire with 0-10V dimming capability; PER option required. Additional hardware and services required for ROAM® deployment; must

- be purchased separately. Call 1-800-442-6745 or email: sales@roamservices.net. N/A with PIR options DS, PER5, PER7, BL30, BL50 or PNMT options.
- Requires 40C or 60C. Provides 50/50 luminaire operation via two independent drivers on two separate circuits. N/A with PER, DCR, WTB, PIR or PIRH.
 - Requires an additional switched circuit.
 - PIR and PIR1FC3V specify the SensorSwitch SBGR-10-ODP control; PIRH and PIRH1FC3V specify the SensorSwitch SBGR-6-ODP control; see Motion Sensor Guide for details. Dimming driver standard. Not available with PER5 or PER7. Ambient sensor disabled when ordered with DCR. Separate on/off required.
 - Dimming driver standard: MVOLT only. Not available with 347V, 480V, DCR, DS, PER5, PER7 or PNMT options.
 - Dimming driver standard: MVOLT only. Not available with 347V, 480V, DCR, DS, PER5, PER7, BL30 or BL50.
 - Also available as a separate accessory; see Accessories information.
 - WTB not available with DS.
 - Single fuse (SF) requires 120V, 277V or 347V. Double fuse (DF) requires 208V, 240V or 480V.
 - Available with 60 LEDs (60C option) only.
 - Requires luminaire to be specified with PER option. Ordered and shipped as a separate line item from Acuity Brands Controls.



Drilling

Template #8



DSX1 shares a unique drilling pattern with the AERIS™ family. Specify this drilling pattern when specifying poles, per the table below.

DM19AS	Single unit	DM29AS	2 at 90° *
DM28AS	2 at 180°	DM39AS	3 at 90° *
DM49AS	4 at 90° *	DM32AS	3 at 120° **

Example: SSA 20 4C DM19AS DDBXD

Visit Lithonia Lighting's [POLES CENTRAL](#) to see our wide selection of poles, accessories and educational tools.

*Round pole top must be 3.25" O.D. minimum.

**For round pole mounting (RPA) only.

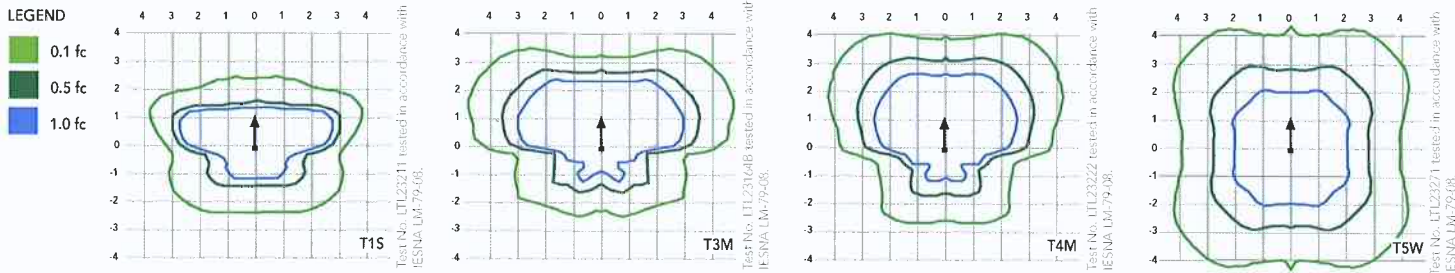
Tenon Mounting Slipfitter **

Tenon O.D.	Single Unit	2 at 180°	2 at 90°	3 at 120°	3 at 90°	4 at 90°
2-3/8"	AST20-190	AST20-280	AST20-290	AST20-320	AST20-390	AST20-490
2-7/8"	AST25-190	AST25-280	AST25-290	AST25-320	AST25-390	AST25-490
4"	AST35-190	AST35-280	AST35-290	AST35-320	AST35-390	AST35-490

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's [D-Series Area Size 1 homepage](#).

Isofootcandle plots for the DSX1 LED 60C 1000 40K. Distances are in units of mounting height (20').



Performance Data

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.02
10°C	50°F	1.01
20°C	68°F	1.00
25°C	77°F	1.00
30°C	86°F	1.00
40°C	104°F	0.99

Electrical Load

Number of LEDs	Drive Current (mA)	System Watts	Current (A)					
			120	208	240	277	347	480
30	530	52	0.52	0.30	0.26	0.23	--	--
	700	68	0.68	0.39	0.34	0.30	0.24	0.17
	1000	105	1.03	0.59	0.51	0.45	0.36	0.26
40	530	68	0.67	0.39	0.34	0.29	0.23	0.17
	700	89	0.89	0.51	0.44	0.38	0.31	0.22
	1000	138	1.35	0.78	0.67	0.58	0.47	0.34
60	530	99	0.97	0.56	0.48	0.42	0.34	0.24
	700	131	1.29	0.74	0.65	0.56	0.45	0.32
	1000	209	1.98	1.14	0.99	0.86	0.69	0.50

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the platforms noted in a 25°C ambient, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor		DSX1 LED 60C 1000		
	1.0	0.98	0.96	0.91
		DSX1 LED 60C 700		
	1.0	0.99	0.99	0.99

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Forward Optics

LEDs	Drive Current (mA)	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)					AMBPC (Amber Phosphor Converted)				
				Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
30C (30 LEDs)	530 mA	52 W	T1S	5,948	1	0	1	114	6,387	1	0	1	123	6,427	1	0	1	124	3,640	1	0	1	70
			T2S	6,132	1	0	1	118	6,585	2	0	2	127	6,626	2	0	2	127	3,813	1	0	1	73
			T2M	5,992	1	0	2	115	6,434	1	0	2	124	6,475	1	0	2	125	3,689	1	0	1	71
			T3S	5,985	1	0	1	115	6,427	1	0	2	124	6,467	1	0	2	124	3,770	1	0	1	73
			T3M	6,039	1	0	2	116	6,485	1	0	2	125	6,525	1	0	2	125	3,752	1	0	1	72
			T4M	6,121	1	0	2	118	6,573	1	0	2	126	6,614	1	0	2	127	3,758	1	0	1	72
			TF1M	6,030	1	0	2	116	6,475	1	0	2	125	6,515	1	0	2	125	3,701	1	0	1	71
			TSVS	6,370	2	0	0	123	6,840	2	0	0	132	6,883	2	0	0	132	3,928	2	0	0	76
			TSS	6,417	2	0	0	123	6,890	2	0	0	133	6,933	2	0	0	133	3,881	2	0	0	75
			TSM	6,428	3	0	1	124	6,902	3	0	1	133	6,945	3	0	1	134	3,930	2	0	1	76
			TSW	6,334	3	0	1	122	6,801	3	0	1	131	6,844	3	0	1	132	3,820	3	0	1	73
			BLC	4,735	1	0	1	91	5,085	1	0	2	98	5,116	1	0	1	98					
			LCCO	4,600	1	0	2	88	4,940	1	0	2	95	4,971	1	0	2	96					
			RCCO	4,600	1	0	2	88	4,940	1	0	2	95	4,971	1	0	2	96					
	700 mA	68 W	T1S	7,554	1	0	1	111	8,112	2	0	2	119	8,163	2	0	2	120	4,561	1	0	1	67
			T2S	7,789	2	0	2	115	8,364	2	0	2	123	8,416	2	0	2	124	4,777	1	0	1	70
			T2M	7,610	1	0	2	112	8,172	2	0	2	120	8,223	2	0	2	121	4,622	1	0	2	68
			T3S	7,601	1	0	2	112	8,162	2	0	2	120	8,213	2	0	2	121	4,724	1	0	1	69
			T3M	7,670	1	0	2	113	8,236	2	0	2	121	8,288	2	0	2	122	4,701	1	0	2	69
			T4M	7,774	1	0	2	114	8,348	2	0	2	123	8,400	2	0	2	124	4,709	1	0	2	69
			TF1M	7,658	1	0	2	113	8,223	1	0	2	121	8,275	1	0	2	122	4,638	1	0	2	68
			TSVS	8,090	2	0	0	119	8,687	3	0	1	128	8,742	3	0	1	129	4,922	2	0	0	72
			TSS	8,150	2	0	0	120	8,751	3	0	0	129	8,806	3	0	0	130	4,863	2	0	0	72
			TSM	8,164	3	0	1	120	8,767	3	0	2	129	8,821	3	0	2	130	4,924	3	0	1	72
			TSW	8,044	3	0	1	118	8,638	3	0	2	127	8,692	3	0	2	128	4,787	3	0	1	70
			BLC	6,028	1	0	2	89	6,473	1	0	2	95	6,514	1	0	2	96					
			LCCO	5,856	1	0	2	86	6,289	1	0	2	92	6,328	1	0	2	93					
			RCCO	5,856	1	0	2	86	6,289	1	0	2	92	6,328	1	0	2	93					
	1000 mA	105 W	T1S	10,331	2	0	2	98	11,094	2	0	2	106	11,163	2	0	2	106					
			T2S	10,652	2	0	2	101	11,438	2	0	2	109	11,510	2	0	2	110					
			T2M	10,408	2	0	2	99	11,176	2	0	3	106	11,246	2	0	3	107					
			T3S	10,395	2	0	2	99	11,163	2	0	2	106	11,233	2	0	2	107					
			T3M	10,490	2	0	2	100	11,264	2	0	2	107	11,335	2	0	2	108					
			T4M	10,632	2	0	2	101	11,417	2	0	2	109	11,488	2	0	2	109					
			TF1M	10,473	2	0	2	100	11,247	2	0	3	107	11,317	2	0	3	108					
			TSVS	11,064	3	0	1	105	11,881	3	0	1	113	11,955	3	0	1	114					
			TSS	11,145	3	0	1	106	11,968	3	0	1	114	12,043	3	0	1	115					
			TSM	11,165	3	0	2	106	11,989	4	0	2	114	12,064	4	0	2	115					
			TSW	11,001	3	0	2	105	11,813	4	0	2	113	11,887	4	0	2	113					
			BLC	7,960	1	0	2	76	8,548	1	0	2	81	8,601	1	0	2	82					
			LCCO	7,734	1	0	2	74	8,305	1	0	2	79	8,357	1	0	2	80					
			RCCO	7,734	1	0	2	74	8,305	1	0	2	79	8,357	1	0	2	80					

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Forward Optics

LEDs	Drive Current (mA)	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)					AMBFC (Amber Phosphor Converted)				
				Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
40C (40 LEDs)	530 mA	68 W	T1S	7,861	1	0	1	116	8,441	2	0	2	124	8,494	2	0	2	125	4,794	1	0	1	71
			T2S	8,105	2	0	2	119	8,704	2	0	2	128	8,758	2	0	2	129	5,021	1	0	1	74
			T2M	7,920	2	0	2	116	8,504	2	0	2	125	8,557	2	0	2	126	4,858	1	0	2	71
			T3S	7,910	1	0	2	116	8,494	2	0	2	125	8,547	2	0	2	126	4,966	1	0	1	73
			T3M	7,982	2	0	2	117	8,571	2	0	2	126	8,625	2	0	2	127	4,941	1	0	2	73
			T4M	8,090	1	0	2	119	8,687	2	0	2	128	8,741	2	0	2	129	4,950	1	0	2	73
			TFTM	7,969	1	0	2	117	8,558	2	0	2	126	8,611	2	0	2	127	4,875	1	0	2	72
			TSVS	8,419	2	0	0	124	9,040	3	0	1	133	9,097	3	0	1	134	5,174	2	0	0	76
			T5S	8,481	2	0	0	125	9,107	3	0	1	134	9,164	3	0	1	135	5,111	2	0	0	75
			T5M	8,496	3	0	1	125	9,123	3	0	2	134	9,180	3	0	2	135	5,175	3	0	1	76
			TSW	8,371	3	0	2	123	8,989	3	0	2	132	9,045	3	0	2	133	5,031	3	0	1	74
			BLC	6,255	1	0	2	92	6,717	1	0	2	99	6,759	1	0	2	99					
			LCCO	6,077	1	0	2	89	6,526	1	0	2	96	6,566	1	0	2	97					
			RCCO	6,077	1	0	2	89	6,526	1	0	2	96	6,566	1	0	2	97					
	700 mA	91 W	T1S	9,984	2	0	2	112	10,721	2	0	2	120	10,788	2	0	2	121	6,014	1	0	1	68
			T2S	10,294	2	0	2	116	11,054	2	0	2	124	11,123	2	0	2	125	6,299	2	0	2	71
			T2M	10,059	2	0	2	113	10,801	2	0	3	121	10,869	2	0	3	122	6,094	2	0	2	68
			T3S	10,046	2	0	2	113	10,788	2	0	2	121	10,855	2	0	2	122	6,229	1	0	2	70
			T3M	10,137	2	0	2	114	10,886	2	0	2	122	10,954	2	0	2	123	6,198	2	0	2	70
			T4M	10,275	2	0	2	115	11,033	2	0	2	124	11,102	2	0	2	125	6,209	1	0	2	70
			TFTM	10,122	2	0	2	114	10,869	2	0	2	122	10,937	2	0	2	123	6,115	1	0	2	69
			TSVS	10,693	3	0	1	120	11,482	3	0	1	129	11,554	3	0	1	130	6,490	2	0	0	73
			T5S	10,771	3	0	1	121	11,566	3	0	1	130	11,639	3	0	1	131	6,411	2	0	0	72
			T5M	10,790	3	0	2	121	11,587	4	0	2	130	11,659	4	0	2	131	6,492	3	0	1	73
			TSW	10,632	3	0	2	119	11,417	4	0	2	128	11,488	4	0	2	129	6,311	3	0	2	71
			BLC	7,963	1	0	2	89	8,551	1	0	2	96	8,605	1	0	2	97					
			LCCO	7,736	1	0	2	87	8,308	1	0	2	93	8,359	1	0	2	94					
			RCCO	7,736	1	0	2	87	8,308	1	0	2	93	8,359	1	0	2	94					
	1000 mA	138 W	T1S	13,655	2	0	2	99	14,663	3	0	3	106	14,754	3	0	3	107					
			T2S	14,079	2	0	2	102	15,118	3	0	3	110	15,212	3	0	3	110					
			T2M	13,756	2	0	3	100	14,772	3	0	3	107	14,864	3	0	3	108					
			T3S	13,739	2	0	2	100	14,754	2	0	2	107	14,846	3	0	3	108					
			T3M	13,864	2	0	2	100	14,888	3	0	3	108	14,981	3	0	3	109					
			T4M	14,052	2	0	2	102	15,090	3	0	3	109	15,184	3	0	3	110					
			TFTM	13,842	2	0	3	100	14,864	2	0	3	108	14,957	2	0	3	108					
			TSVS	14,623	3	0	1	106	15,703	4	0	1	114	15,801	4	0	1	115					
			T5S	14,731	3	0	1	107	15,818	3	0	1	115	15,917	3	0	1	115					
			T5M	14,757	4	0	2	107	15,846	4	0	2	115	15,945	4	0	2	116					
			TSW	14,540	4	0	2	105	15,614	4	0	2	113	15,711	4	0	2	114					
			BLC	10,516	1	0	2	76	11,292	1	0	2	82	11,363	1	0	2	82					
			LCCO	10,216	2	0	3	74	10,971	2	0	3	80	11,039	2	0	3	80					
			RCCO	10,216	2	0	3	74	10,971	2	0	3	80	11,039	2	0	3	80					

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Forward Optics

LEDs	Drive Current (mA)	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)					AMBPC (Amber Phosphor Convert-Ed)				
				Lumen	B	U	G	LPW	Lumen	B	U	G	LPW	Lumen	B	U	G	LPW	Lumen	B	U	G	LPW
60C (60 LEDs)	530 mA	99 W	T1S	11,569	2	0	2	117	12,423	2	0	2	125	12,501	2	0	2	126	7,167	2	0	2	72
			T2S	11,928	2	0	2	120	12,809	3	0	3	129	12,889	3	0	3	130	7,507	2	0	2	76
			T2M	11,655	2	0	2	118	12,516	2	0	3	126	12,594	2	0	3	127	7,263	2	0	2	73
			T3S	11,641	2	0	2	118	12,500	2	0	2	126	12,579	2	0	2	127	7,424	2	0	2	75
			T3M	11,747	2	0	2	119	12,614	2	0	2	127	12,693	2	0	2	128	7,387	2	0	2	75
			T4M	11,906	2	0	2	120	12,785	2	0	2	129	12,865	2	0	2	130	7,400	2	0	2	75
			TFTM	11,728	2	0	2	118	12,594	2	0	3	127	12,673	2	0	3	128	7,288	1	0	2	74
			T5VS	12,390	3	0	1	125	13,305	3	0	1	134	13,388	3	0	1	135	7,734	3	0	1	78
			T5S	12,481	3	0	1	126	13,402	3	0	1	135	13,486	3	0	1	136	7,641	3	0	0	77
			T5M	12,503	3	0	2	126	13,426	4	0	2	136	13,510	4	0	2	136	7,737	3	0	2	78
			T5W	12,320	4	0	2	124	13,229	4	0	2	134	13,312	4	0	2	134	7,522	3	0	2	76
			BLC	9,212	1	0	2	93	9,892	1	0	2	100	9,954	1	0	2	101					
			LCCO	8,950	1	0	2	90	9,611	2	0	2	97	9,671	2	0	2	98					
			RCCO	8,950	1	0	2	90	9,611	2	0	2	97	9,671	2	0	2	98					
	700 mA	131 W	T1S	14,694	2	0	2	112	15,779	3	0	3	120	15,877	3	0	3	121	8,952	2	0	2	68
			T2S	15,150	3	0	3	116	16,269	3	0	3	124	16,370	3	0	3	125	9,377	2	0	2	72
			T2M	14,803	2	0	3	113	15,896	3	0	3	121	15,995	3	0	3	122	9,072	2	0	2	69
			T3S	14,785	2	0	2	113	15,877	3	0	3	121	15,976	3	0	3	122	9,273	2	0	2	71
			T3M	14,919	2	0	2	114	16,021	3	0	3	122	16,121	3	0	3	123	9,227	2	0	2	70
			T4M	15,122	2	0	2	115	16,238	3	0	3	124	16,340	3	0	3	125	9,243	2	0	2	71
			TFTM	14,896	2	0	3	114	15,996	2	0	3	122	16,096	2	0	3	123	9,103	2	0	2	69
			T5VS	15,736	3	0	1	120	16,898	4	0	1	129	17,004	4	0	1	130	9,661	3	0	1	74
			T5S	15,852	3	0	1	121	17,022	4	0	1	130	17,129	4	0	1	131	9,544	3	0	1	73
			T5M	15,880	4	0	2	121	17,052	4	0	2	130	17,159	4	0	2	131	9,665	3	0	2	74
			T5W	15,647	4	0	2	119	16,802	4	0	2	128	16,907	4	0	2	129	9,395	4	0	2	72
			BLC	11,728	1	0	2	90	12,594	1	0	2	96	12,672	3	0	3	97					
			LCCO	11,394	2	0	3	87	12,235	2	0	3	93	12,311	2	0	3	94					
			RCCO	11,394	2	0	3	87	12,235	2	0	3	93	12,311	2	0	3	94					
	1000 mA	209 W	T1S	20,095	3	0	3	96	21,579	3	0	3	103	21,714	3	0	3	104					
			T2S	20,720	3	0	3	99	22,249	3	0	3	106	22,388	3	0	3	107					
			T2M	20,245	3	0	3	97	21,740	3	0	3	104	21,876	3	0	3	105					
			T3S	20,220	3	0	3	97	21,713	3	0	3	104	21,849	3	0	3	105					
			T3M	20,404	3	0	3	98	21,910	3	0	4	105	22,047	3	0	4	105					
			T4M	20,681	3	0	3	99	22,207	3	0	4	106	22,346	3	0	4	107					
			TFTM	20,372	3	0	3	97	21,876	3	0	4	105	22,013	3	0	4	105					
			T5VS	21,521	4	0	1	103	23,110	4	0	1	111	23,254	4	0	1	111					
			T5S	21,679	4	0	1	104	23,280	4	0	1	111	23,425	4	0	1	112					
			T5M	21,717	4	0	2	104	23,321	5	0	3	112	23,466	5	0	3	112					
			T5W	21,399	4	0	3	102	22,979	5	0	3	110	23,122	5	0	3	111					
			BLC	15,487	2	0	2	74	16,630	2	0	2	80	16,734	2	0	3	80					
			LCCO	15,046	2	0	3	72	16,157	2	0	3	77	16,258	2	0	3	78					
			RCCO	15,046	2	0	3	72	16,157	2	0	3	77	16,258	2	0	3	78					

FEATURES & SPECIFICATIONS

INTENDED USE

The sleek design of the D-Series Size 1 reflects the embedded high performance LED technology. It is ideal for many commercial and municipal applications, such as parking lots, plazas, campuses, and streetscapes.

CONSTRUCTION

Single-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance and future light engine upgrades. The LED driver is mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65). Low EPA (1.01 ft³) for optimized pole wind loading.

FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in both textured and non-textured finishes.

OPTICS

Precision-molded proprietary acrylic lenses are engineered for superior area lighting distribution, uniformity, and pole spacing. Light engines are available in standard 4000 K (70 minimum CRI) or optional 3000 K (70 minimum CRI) or 5000 K (70 CRI) configurations. The D-Series Size 1 has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

ELECTRICAL

Light engine configurations consist of 30, 40 or 60 high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to 196/100,000 hours at

25°C). Class 1 electronic drivers are designed to have a power factor >90%, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Easily serviceable 10kV or 6kV surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).

INSTALLATION

Included mounting block and integral arm facilitate quick and easy installation. Stainless steel bolts fasten the mounting block securely to poles and walls, enabling the D-Series Size 1 to withstand up to a 3.0 G vibration load rating per ANSI C136.31. The D-Series Size 1 utilizes the AERIS™ series pole drilling pattern. Optional terminal block, tool-less entry, and NEMA photocontrol receptacle are also available.

LISTINGS

UL Listed for wet locations. Light engines are IP66 rated; luminaire is IP65 rated. Rated for -40°C minimum ambient. U.S. Patent No. D672,492 S. International patent pending.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org to confirm which versions are qualified.

WARRANTY

5-year limited warranty. Complete warranty terms located at www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.



CUP # 17 – XX

Document No.

CONDITIONAL USE PERMIT

Document Title

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

Whereas the Applicants:

**First Bank Financial Centre, Property Owner and Agent for
Rainbow Child Care Center**

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

Now, therefore, this permit is issued to the Applicants to permit the operation of Child Day Care Facility from the property located at N112 W17060 Mequon Road pursuant to Section 17.28(3)(p) of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTVN 223-989**On the following described property located in the Village of Germantown, Washington County, Wisconsin:**

Part of the SW Quarter of the SW Quarter, Section 22, Town 9 North, Range 20 East in the Village of Germantown, Washington County, Wisconsin. 2.44 Acres.

Tax Key No: 223-989

Address: N112 W17060 Mequon Road

Pursuant to the following condition(s):

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.

4. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the permitted conditional use which causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to mitigate or eliminate harmful effects associated with the use but are subsequently insufficient to do so, or for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the _____ day of _____, 2017.

ATTEST:

Dean Wolter, Village President

Barbara K. D. Goeckner, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this _____ day of _____, 2017, the above named Dean Wolter, Village President, and Barbara K. D. Goeckner, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

As the property owner, Jim Marriott, and business owner/operator, _____ we hereby accept the terms and conditions set forth in this Permit, and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2017

Rainbow Child Care Center, Business Owner/Operator

First Bank Financial Centre, Property Owner

STATE OF WISCONSIN) SS
_____ COUNTY)

Personally came before me this ____ day of _____, 2017, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

(type or print name of Notary on this line)

(signature of Notary on this line)

Notary Public, State of Wisconsin

My Commission Expires: _____

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

MEETING DATE: June 19, 2017

AGENDA ITEM: Public Hearing & New Business **[ORDINANCE]**

ITEM TITLE: Village of Germantown Community Development Department;
Ordinance amending various sections of the Zoning Code (Chapter 17) of
the Village of Germantown Municipal Code

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

SUMMARY EXPLANATION:

The Community Development Department is proposing amendments to various sections in Chapter 17 (Zoning Code).

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 (*Section 1 through 4 in the draft ordinance*);
2. Amendments to the definition of "Double Frontage Lot" to incorporate 3-sided lots (*Section 5 in the draft ordinance*).

A detailed explanation of the proposed amendments is contained in the Staff Report dated 6/12/2017 (copy attached).

ATTACHMENTS:

- ◆ 6/12/17 Staff Report
- ◆ 6/12/17 Plan Commission Meeting Minutes
- ◆ Draft Ordinance

PLAN COMMISSION RECOMMENDATION:

APPROVE the proposed Zoning Code amendments.

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

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

DATE: Monday, June 19, 2017
TIME: 7:00 p.m. or later

The purpose of said hearing will be to hear any and all parties, their attorneys or agents, for or against the petition filed by the Village of Germantown Community Development Department for proposed text amendments to the following sections of the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.08 (Definitions); 17.41 (Residential Accessory Use, Building & Structure Restrictions); and 17.47 (Performance Standards).

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

Dated this 24th day of May 2017
Barbara K. D. Goeckner, Village Clerk

To Be Published On: June 1st and June 8th, 2017

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.

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 ~~T~~these performance standards are designed to limit, restrict and prohibit the effects of ~~these~~ 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 (6:00am to 10:00pm)	Nighttime (10:00pm to 6:00am)
M-1	70 db(A)	65 db(A)
M-2		
M-3	75 db(A)	70 db(A)
M-4		

Octave-Band Frequency (Cycles Per Second)	Sound Level (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

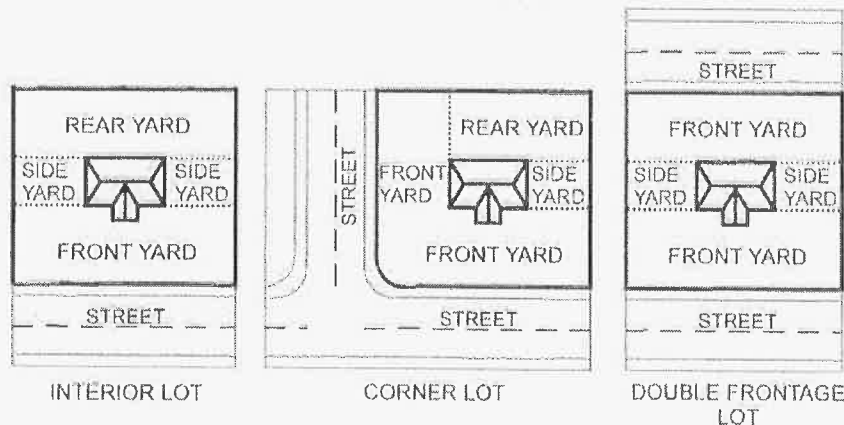
Summary

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

**AN ORDINANCE AMENDING CHAPTER 17 (ZONING CODE)
OF THE VILLAGE OF GERMANTOWN MUNICIPAL CODE**

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

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 ~~T~~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 (6:00am to 10:00pm)	Nighttime (10:00pm to 6:00am)
M-1	70 db(A)	65 db(A)
M-2		
M-3	75 db(A)	70 db(A)
M-4		

**AN ORDINANCE AMENDING CHAPTER 17 (ZONING CODE)
OF THE VILLAGE OF GERMANTOWN MUNICIPAL CODE**

Octave-Band Frequency	Sound Level
(Cycles Per Second)	(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).

**AN ORDINANCE AMENDING CHAPTER 17 (ZONING CODE)
OF THE VILLAGE OF GERMANTOWN MUNICIPAL CODE**

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.

SECTION 5. That Section 17.08(48) is to be revised 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.~~

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

Introduced by Trustee:

Adopted:

Vote: Ayes: Nays:

Dean Wolter, Village President

APPROVED AS TO FORM:

ATTEST:

Brian C. Sajdak, Village Attorney

Barbara K. D. Goeckner, Village Clerk
Page 3 of 3

ORDINANCE NO. -17

AN ORDINANCE AMENDING SECTION 9.07 OF THE MUNICIPAL CODE
RELATING TO THE PROHIBITION OF CERTAIN NOISE DISTURBANCES

WHEREAS, the Village Board previously adopted Section 9.07 of the Municipal Code which prohibits certain noise disturbances; and

WHEREAS, the Village Board, wishes to clarify and modernize the language of Section 9.07; and

WHEREAS, the regulation of noise disturbances promotes the health safety and welfare of the Community;

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

SECTION I

Section 9.07 of the Germantown Village Code, is amended to read as follows (Note: Additions are underlined; Deleted text is ~~struck through~~):

9.07 - ~~LOUD AND UNNECESSARY NOISE PROHIBITED~~ NOISE DISTURBANCES PROHIBITED.

(1) **GENERAL.** No person shall make, continue or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.

(2) **TYPES OF LOUD AND UNNECESSARY NOISES.** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

(a) Horns, Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than 3 seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.

(ii) In such a manner as to create a noise disturbance at 50 feet (15 meters) from such device, when operated in or on a public right-of-way or public space.

(d) Exhausts. The discharge into the open air of the exhaust or any internal combustion engine or motor boat, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(e) Construction and Use of Tools and Equipment or Repair of Buildings. Between 10:00 p.m. and 6:00 a.m. the following day, any of the following activities such that sound therefrom creates a noise disturbance:

(i) The erection (including excavation), demolition, alteration or repair of any building as well as the operation of any pile driver, excavating equipment, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise ~~other than between the hours of 6:00 a.m. and 10:00 p.m.~~ The Building Inspector shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant permission for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. and 6:00 a.m.

(ii) Operating or permitting the operation of any tools or equipment including, but not limited to, lawn mowers, chain saws, powered garden and lawn equipment, and other nonconstruction maintenance equipment.

(iii) Hours of operation may be extended, except on Sundays, for operations or work under public contracts where the Village's Director of Public Works deems such extension reasonably necessary under the circumstances. The Director may revoke such permission upon twenty-four-hour notice to the general contractor of such work.

(iv) This section does not apply to emergency work of public service utilities.

(f) Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed on those streets indicating a school, hospital or court street.

ORDINANCE NO. -17

AN ORDINANCE AMENDING SECTION 12.02 OF THE MUNICIPAL CODE
RELATING TO NOISE REGULATIONS FOR ALCOHOL LICENSED PREMISES

WHEREAS, the Village Board previously adopted Section 12.02 of the Municipal Code which establishes licensing provisions for intoxicating liquor and fermented malt beverages; and

WHEREAS, the Village Board, wishes to further regulate noise disturbances from licensed premises; and

WHEREAS, the regulation of noise disturbances promotes the health safety and welfare of the Community;

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

SECTION I

Section 12.02(7)(q) of the Germantown Village Code, is amended to read as follows (Note: Additions are underlined; Deleted text is ~~struck through~~):

12.02(7)(q) Outdoor Premises.

(a) No alcoholic beverages shall be served or consumed, and no amplified sound or outdoor lighting, other than customary safety and security lighting, shall be permitted within an outdoor licensed premises ~~between the hours of 10:00 p.m. and 8:00 a.m.~~ except as may be authorized by the Village Board at the time of license issuance subject to such conditions found to be necessary to minimize the impact of such use upon surrounding properties including limiting the dates and times of operation and requiring technologically reasonable steps to minimize noise and other impacts.

(b) Repeated or serious violations of Sub. (a) shall constitute grounds for revocation, suspension, or non-renewal under Sub. (12) of the outdoor premises extension and/or the alcohol beverage license.

SECTION II:

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

(e) Implements of husbandry being operated for agricultural purposes.

SECTION II:

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

SECTION III:

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

SECTION IV:

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

Introduced by Trustee:

Adopted:

Vote: Ayes: Nays: 0

Absent:

Dean Wolter, Village President

ATTEST:

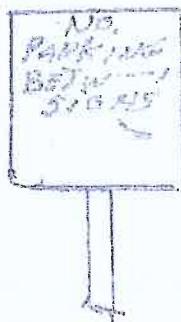
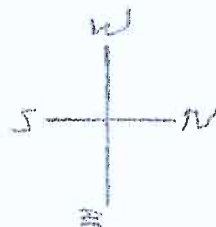
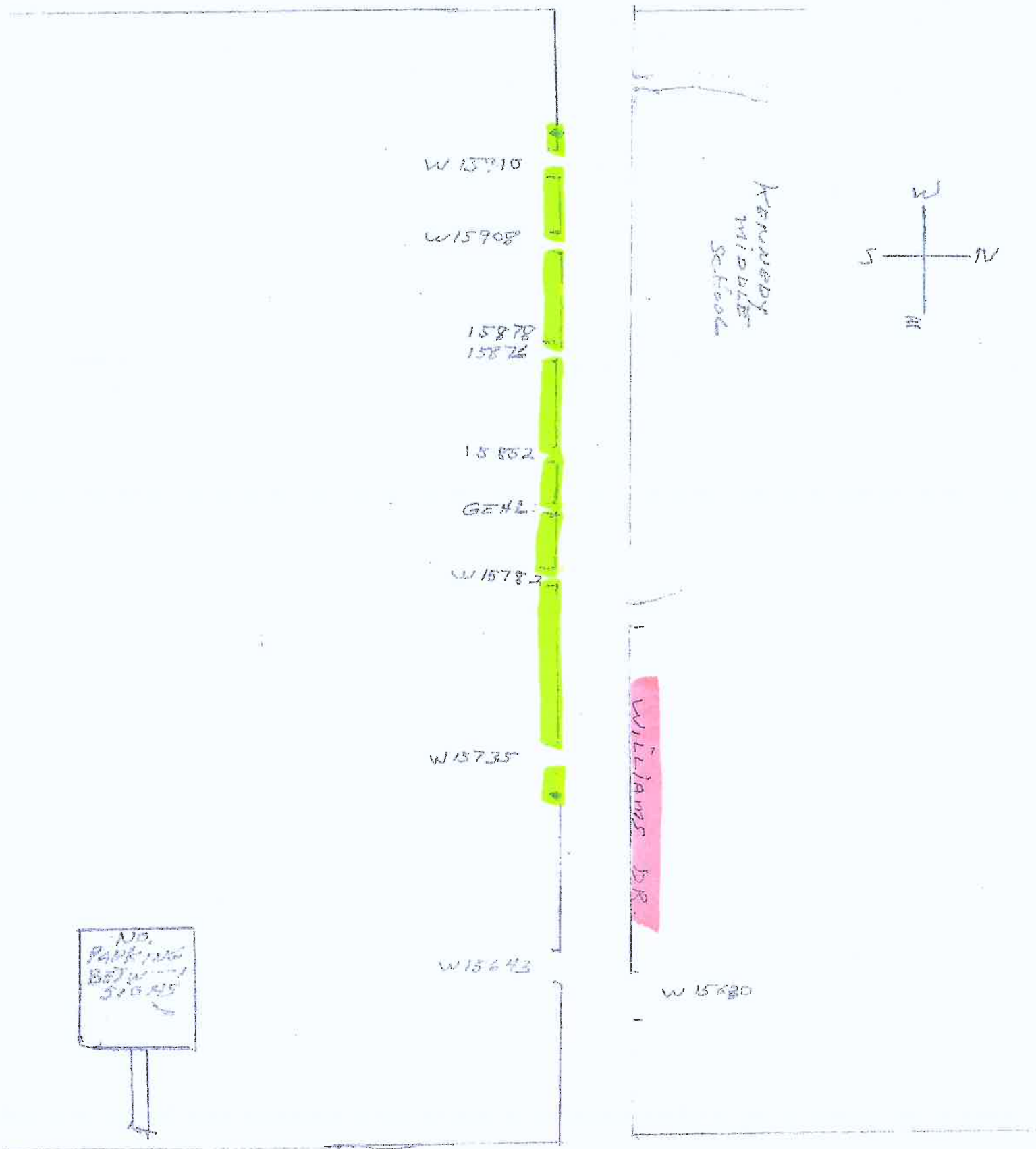
Barbara K.D. Goeckner, Village Clerk

Approved as to form:

Brian C. Sajdak, Village Attorney

Parking on Williams Drive

CRUSADER ST.



PILGRIM RD.

W 15620

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

MEETING DATE: Monday June 19th, 2017

AGENDA ITEM: New Business

ITEM TITLE: Award of Contract- 2017 Seal Coating

SUBMITTED BY: Jay Olszewski, Highway Superintendent

SUMMARY EXPLANATION:

The 2017 sealcoat projects includes approximately 85,000 square yards of Micro Surfacing or Slurry Seal, 55,000 square yards of GSB-88 and flex patching of 130 longitudinal cracks. Staff advertised this project and reached out to contractors that had bid similar projects in the past. The 2017 budget is roughly \$300,000. Attached are a series of maps detailing the location and type of sealcoat being applied.

Bids were accepted until Friday June 16th. The results will be provided at the Monday June 19th Board Meeting.

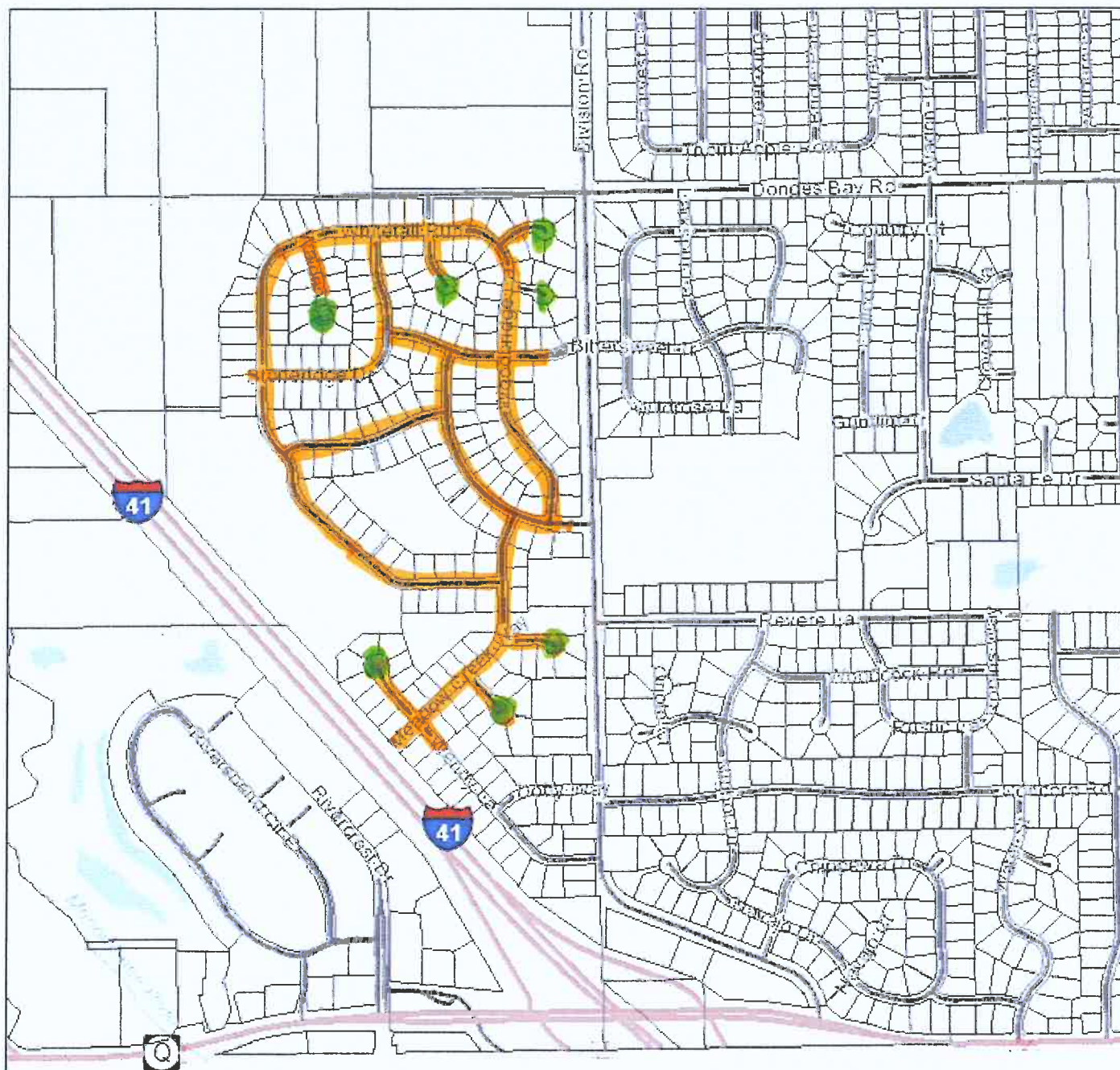
ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER x

RECOMMENDATION:

Staff will have a recommendation once the bids have been received and inspected.

BOARD ACTION:

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



Micro

GSB-88

Village of Germantown 2017 Seal Coat

DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

The Village of Germantown Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

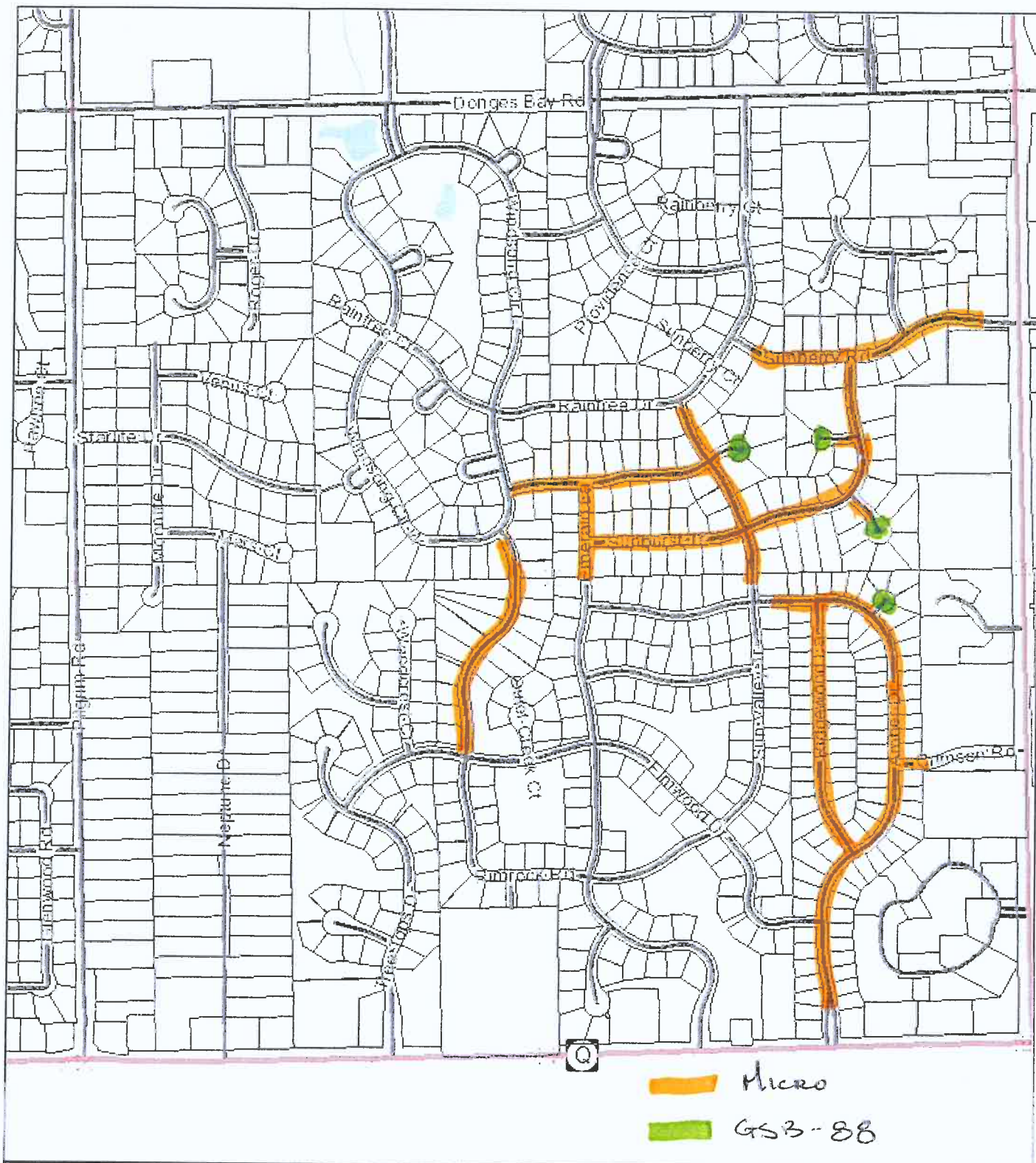


Village Of Germantown
N112 W17001 Mequon Road
Germantown, WI 53022
262-250-4700



SCALE: 1 = 924'

Print Date: 5/24/2017



Village of Germantown
Sealcoat and Crack fill 2017

DISCLAIMER:

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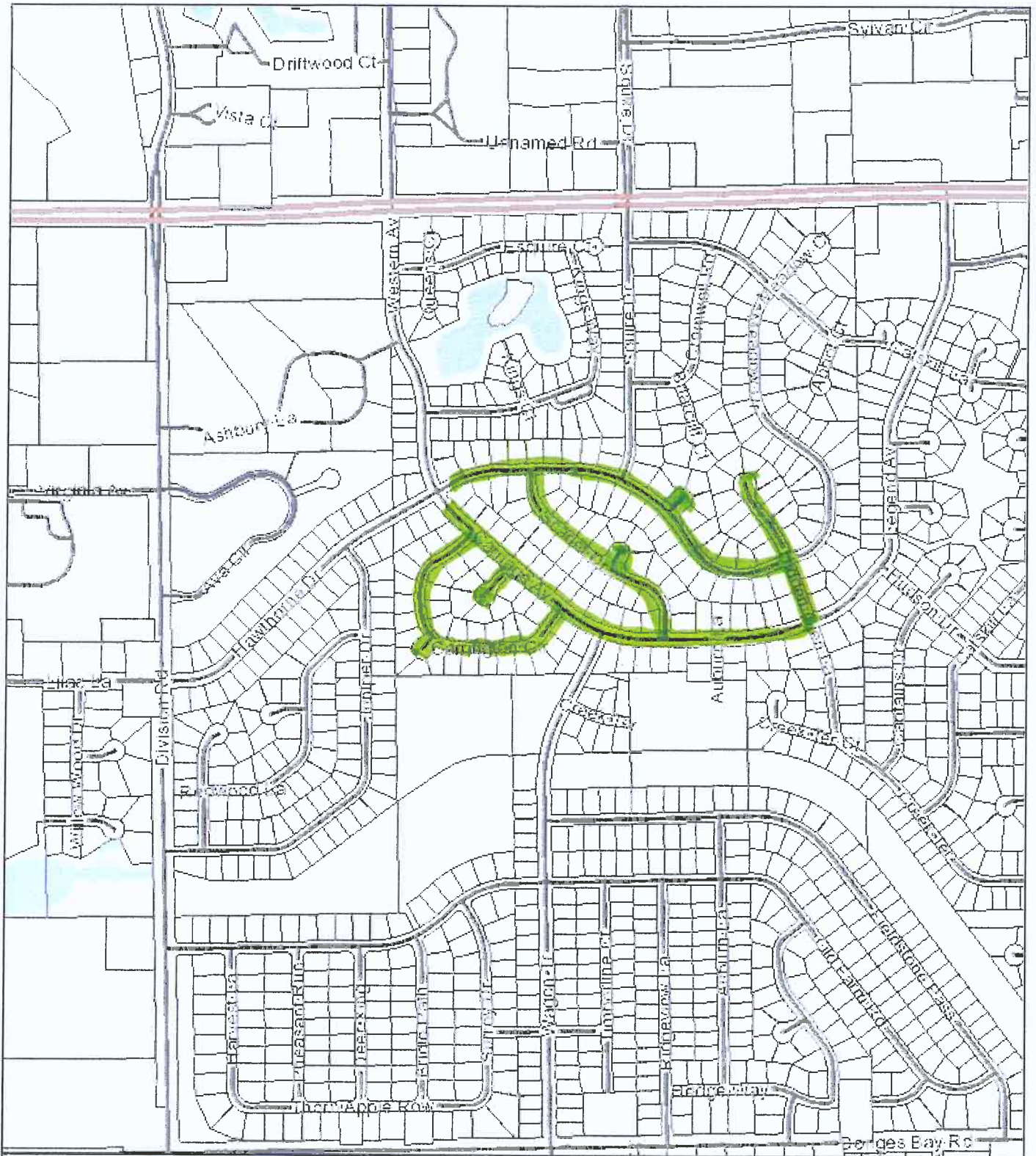
Village Of Germantown

N112 W17001 Mequon Road
Germantown, WI 53022
262-250-4700



SCALE: 1 = 766'

Print Date: 5/24/2017



Village of Germantown
Sealcoat and Crack fill 2017

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Village Of Germantown

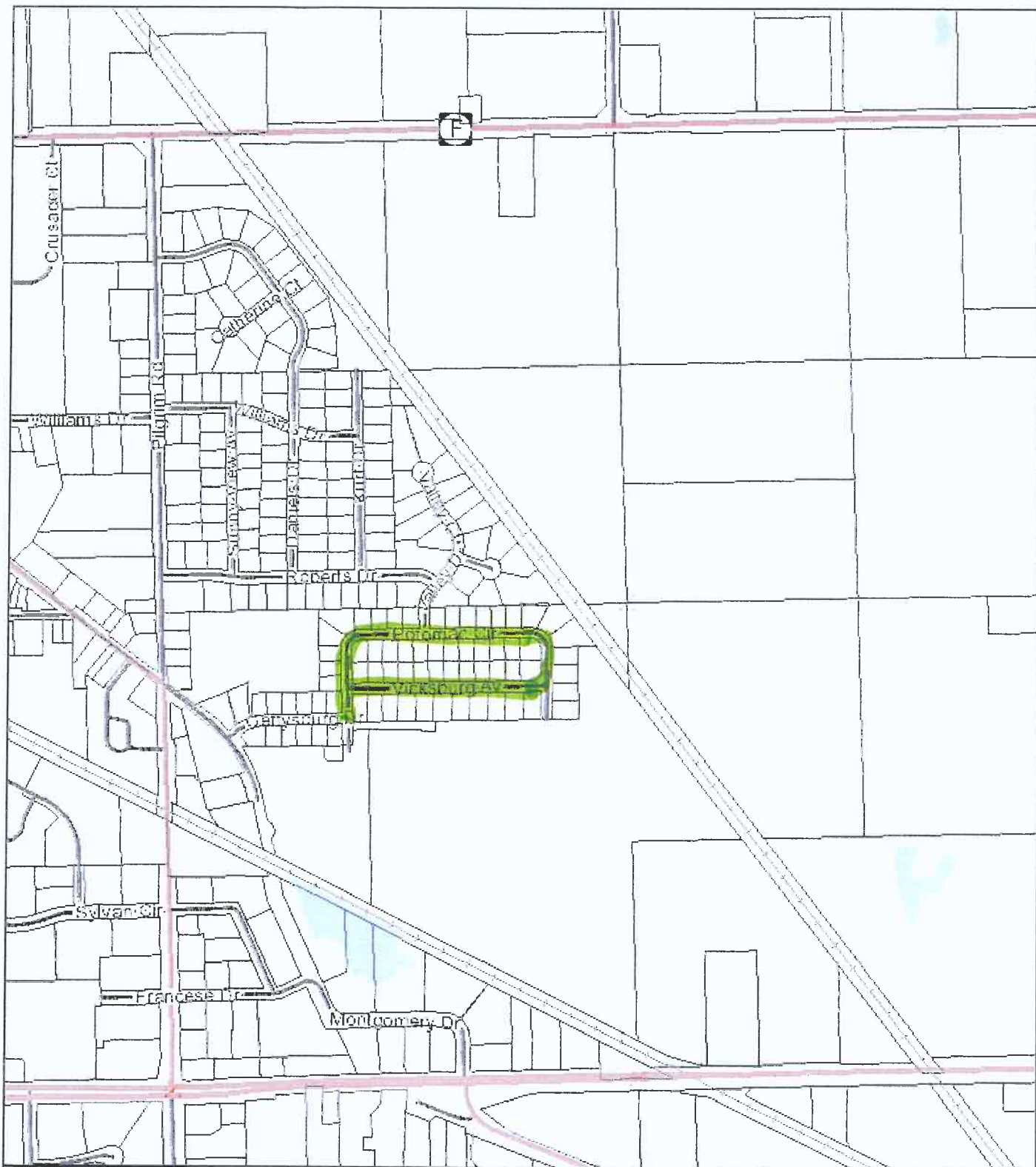
N112 W17001 Mequon Road
Germantown, WI 53022
262-250-4700



SCALE: 1" = 766'

 GSB-88

Print Date: 5/24/2017



Village of Germantown
Sealcoat and Crack fill 2017

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Village Of Germantown
N112 W17001 Mequon Road
Germantown, WI 53022
262-250-4700



SCALE: 1 = 766'



G-5B-88

Print Date: 5/24/2017