

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

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, November 6, 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: October 16, 2017 Regular Village Board Meeting and October 23, 2017 Special Village Board Meeting
 - B. Accounts payable/payroll
 1. October 25, 2017 Accounts Payable \$307,255.56
 2. October 17, 2017 Payroll (hourly) \$214,484.17
 3. October 31, 2017 Payroll (hourly & salary) \$302,046.54
 4. October 31, 2017 Accounts Payable Manual \$ 34,485.24
 - C. Operator Licenses: November 7, 2017 to June 30, 2018: [Recommended Approval]
NEW: Stephanie N. Gibicsar, Tyler R. Thiel
The following items were forwarded from **General Government and Finance** with a unanimous recommendation.
 - D. Adjust Civil Engineer Labor Grade from 12 to 16. [Recommended Approval]
 - E. Accept Auxiant Gerber Life Renewal 2 Selection, and Delta Dental for 2018 Renewal [Recommended Approval]

VIII. UNFINISHED BUSINESS:

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

- A. Keller Inc., Agent for Germantown Development LLC., Property Owner (Germantown Storage) N112 W18518 Mequon Road, Tax Key #213-964 for a REZONING application from the "M-1: Limited Industrial/Planned Development District (PDD)" to the "M-1: Limited Industrial District".
- B. Edgardo & Lilia Rivera, Property Owner's, W148 N12751 Pleasant View Drive (Tax Key: GTNV 142-971) for a CONDITIONAL USE PERMIT to keep horses pursuant to Section 17.15(2)(a) of the Zoning Code

X. NEW BUSINESS:

- A. **RESOLUTION No. XX-17 to REZONE** from the M-1: Limited Industrial/Planned Development District (PDD) to the M-1: Limited Industrial District, Keller Inc., Agent for Germantown Development LLC., Property Owner (Germantown Storage) N112 W18518 Mequon Road, Tax Key #213-964
- B. **CONDITIONAL USE PERMIT (CUP)** to keep horses pursuant to Section 17.15(2)(a) of the Zoning Code, Edgardo & Lilia Rivera, Property Owner's, W148 N12751 Pleasant View Drive (Tax Key: GTNV 142-971)
- C. **CLERK AND DEPUTY CLERK POSITIONS:** The Village Board May Enter into Closed Session per Wis. Stat. § 19.85(1)(c) for the purpose of Considering the Employment and/or Compensation of Any Public Employee Over Which the Governmental Body Has Jurisdiction or Exercises Responsibility and then may reconvene into open session to take such action as it deems appropriate.
- D. **SETTLEMENT OF PERRY V. HOELL, et al:** The Village Board May Enter into Closed Session per Wis. Stats. § 19.85(1)(g) for the purpose of conferring with Legal Counsel who is rendering advice concerning strategy to be adopted by the Village with respect to litigation in which it is involved and then may reconvene into open session to take such action as it deems appropriate.

XI. ADJOURNMENT:

The next regular meeting of the Village Board will be on November 20, 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
October 16, 2017**

CALL TO ORDER: The meeting was called to order at 7:05 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Campbell, Hughes, Miller, Myers, Warren, Kaminski and Zabel. Also present, Administrator Kreklow, Attorney Sajdak, Fire Chief Weiss, CDD Planner Retzlaff, and Deputy Clerk Strebe

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT:

Proclamation in Recognition and Honor of the Public Service of David R. Schornack, was read by President Wolter.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC

INTEREST/DEPARTMENT AND COMMITTEE REPORTS: Trustees provided information on upcoming meeting dates and times.

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

CONSENT AGENDA:

- A. Approval of Minutes: October 2, 2017 Regular Village Board meeting
- B. Accounts payable/payroll
 - 1. September 2017 Accounts Payable \$ 36,701.93
 - 2. October 3, 2017 Payroll (hourly) \$ 214,907.23
 - 3. October 13, 2017 Payroll (salary) \$ 87,281.84
- C. Operator Licenses: October 17, 2017 to June 30, 2018: [Recommended Approval]
NEW: Glenda J. Washington

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. Class "B" Fermented Malt Beverage and Class "C" Wine License Application for ST1X Golf Entertainment, W164 N11271 Squire Dr., Germantown WI 53022, Daniel Hughes and Ryan Hughes, Owner, N108 W6905 Berkshire St., Cedarburg WI 53012 [Recommended Approval]
- E. NEW "Class B" Fermented Malt Beverage and Intoxicating Liquor License Application for Marko's Pizza II Inc, W156 N9664 Pilgrim Rd, Ken Ubert, Agent. [Recommended Approval]

The following items were forwarded **from Public Works Committee** with a unanimous recommendation.

- F. Payment of \$8,053.64 to D.F. Tomasini for Emergency Repair of 12' Water Main Failure on River Lane at Bunsen Drive; Allocated from Acct. #50-742-530-6750 [Recommended Approval]

CONSENT AGENDA-continued:

- G. Extend Clean Power Cleaning Contract for 3rd Year Knowing Cost will be Based on Consumer Price Index (CPI). [Recommended Approval]
- H. Cease Participation in MMSD Green Infrastructure Program with Billing Credit for Years 2017 and Prior to be Used Toward Village's PP I/I Program. [Recommended Approval]
- I. Approve Blanket Purchase Order, Amount not to Exceed \$10,000 for Continued Purchase and Delivery of ¾" Base Course Stone by Halquist Stone to be Used for Schoen-Lauffen and Alt Bauer Parks Path Restoration Projects; Allocated from Acct. #10-553-570-8100. [Recommended Approval]

MOTION (Baum/Myers) to approve consent items A – I, roll call vote, carried.

UNFINISHED BUSINESS: None

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

- A. 2020 LAND USE PLAN MAP AMENDMENT from "Agricultural/Conservation Residential" and "Low Density Residential" to "Industrial/Office"; and (2) a REZONING Application from the "A-1: Agricultural District" to the "M-1: Limited Industrial District" for the Following Described Property: Speaker Properties LLC, Agent for Francis & Dolores Mayer, et al., Property Owners; Tax Key #173-992 and Tax Key #173-993
CDD Planner Retzlaff presented summary information related to property size and location/boarder-boundary roads/properties (subdivisions), zoning-current and proposed change, existing Speaker infrastructure site, Speaker expansion concept plan, and potential sewer boundary relocation.
Jamie Speaker provided background information on business related to founding, products manufactured/assembled, product markets, location, growth, revenues, employees, business plan/expansion, campus concept-low-density, mixed-use, office/industrial, land acquisition, project phases, details and timelines, industrial zoning extension-connection. Addressed public concerns related to barrier/buffer space-wetlands, railroad tracks, landscape requirement, quality structures/architecture, property preservation, lighting-employee safety and code requirements, cohesive existence.
CDD Planner Retzlaff noted Plan Commission recommendation is to approve rezoning of properties; included condition of landscape buffer.
- B. REZONING Application to Rezone from the "A-1: Agricultural District" to the "M-1: Limited Industrial District" for the Following Described Property: Phylmack, LLC, Agent for Thomas & Joan Roskopf, Property Owners; Lot 1 of CSM 6702, Tax Key #173-987
PUBLIC Comments:
The following property owners spoke in opposition of the proposed zoning change:
Joshua Lichtig, W197 N12556 Prairie Ridge Ct.
Jason Paul, W202 N12022 Dalebrook Dr.
Terry Garringer, W203, N12110 Delores Ct.
James Krueger, W202 N12164 Patricia Lane
Mike Whittiker, W204 N11959 Goldendale Rd.
Matt Kimmmer, N125 W20314 Isabelle Farms
Fred Spingola W202 N12092 Delores Ct.
Robert Lydon, N120 W20098 Freistadt Rd.

PUBLIC HEARING – continued:

Ryan Haines, W200 N12554 Meadowbrook Ct.
Christine Stewart N125 W19285, Isabelle Farms Dr.

Public Comments Related to:

- Safety, health, well-being of residents, quality of life,
- Noise: engine braking,
- Traffic: increase, accidents, speed, semi-trucks
- Property impact: value, eminent domain for road expansion, land-lock
- Environment: toxic chemicals, wetlands, air quality, light pollution-night sky
- Surroundings/bordering properties: encroachment on residential space, loss of rural setting, landscape barrier/buffer, TID vacant lots, potential residential space
- Development of additional lots: future industry/manufacturing
- 2020 Land Use Plan: excerpts read, basis for property investment/improvement, effects of amendments of current properties/subdivisions.
- Mandatory city water/sewer

Public hearing closed: 8:16 p.m.

- C. Village of Germantown Community Development Department for Proposed Text Amendments to the Following Section of the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.30 (B-3: General Business District) Concerning the Conversion of Commercial to Residential Uses.
- CDD Planner Retzlaff presented proposed Code Amendment to B3 General Business District regulations and background on 2020 Land Use Plan. Historic Main Street area, classified as mixed use; plan visions transforming into pedestrian oriented, retail, entertainment district; guide for existing residential and business re-development, revitalization; does not allow for reversion back to residential use. Alternatives: 1) enforce code as written and deny reversion of properties back to residential or 2) allow reversion. Advantages of enforcing code would hasten transformation of area to mixed use, eliminate incompatible uses and negative impacts. Disadvantages: potential vacant structures leading to decrease property values; property owners' little options. Advantages of allowing reversion, by right or with special permit; minimal vacant structures, historic structures maintained and preserved, allows property owners more options. Disadvantages: impede transformation of area into mixed use, potentially perpetuate incompatible uses and associated negative impacts. Plan Commission recommendation: allow reversion, attaching conditions that limit property conflicts and impede area transformation. Options: 1) Buy-Right option; change Code to allow reversion; 2) Conditional Use Permit; allow reversion through special permit, public informed of proposed change, attach conditions to reversion to help mitigate potential issues. Plan Commission recommends Buy Right option to allow reversion; draft ordinances for both options provided.

PUBLIC comments: None, closed public hearing 8:25 p.m.

NEW BUSINESS:

- A. 2020 LAND USE PLAN MAP AMENDMENT from "Agricultural/Conservation Residential" and "Low Density Residential" to "Industrial/Office"; and (2) a REZONING Application from the "A-1: Agricultural District" to the "M-1: Limited Industrial District" for the Following Described Property: Speaker Properties LLC, Agent for Francis & Dolores Mayer, et al., Property Owners; Tax Key #173-992 and Tax Key #173-993

Attorney Sajdak noted protest petitions related to rezoning of Francis & Dolores Mayer, et al., properties were received. By Statute, 20% of owners of land contained within zoning, or lands immediately adjacent to land being rezoned, or immediately opposite the street to land being rezoned, file petition, requirement of $\frac{3}{4}$ of those voting would need to vote in favor; local code is $\frac{3}{4}$ of full Village Board, (7 out of 9 trustees) would need to vote in favor in order to pass rezoning. Petitions on Mayer/Neu property rezoning were reviewed; immediate adjacent test not met, opposite test was met. **MOTION (Baum/Kaminski) to approve JW Speaker property for Francis and Delores Mayer rezoning.** Discussion related to 2020 Land Use Plan, review/update/revisions of said plan based on trends, process of assigning plan classifications/rezoning, process to mitigate issues, resident consideration, Speaker project as means of utility expansion for future development, balance/accommodation/compromise, business investments/opportunities, natural buffer and landscape barrier, preservation of property heritage, impact on property values and environment, timing/need for broker report and traffic impact study, project investment/phases/timing, TID (Tax Incremental District), approval process relative to site plan review/storm water analysis to address and correct/improve current issues, and restriction options related to Developer Agreement/zoning code/CUP (Conditional Use Permit)/PDD (Plan Development District)/zoning district overlay, public concerns/opposition to zoning change, community enhancement. **Roll call vote, ayes (Baum, Hughes, Kaminski, Wolter), 5 opposed, failed.**

Roll call vote, ayes (Baum, Hughes, Kaminski, Wolter), 5 opposed, failed.

- B. REZONING Application to Rezone from the "A-1: Agricultural District" to the "M-1: Limited Industrial District" for the Following Described Property: Phylmack, LLC, Agent for Thomas & Joan Roskopf, Property Owners; Lot 1 of CSM 6702, Tax Key #173-987.

MOTION (Baum/Miller) to approve rezoning. Village Attorney Sajdak noted only 1 protest petition filed, requires only standard majority vote. **Roll call vote, all ayes, carried.**

Recess 9:42; Meeting back in session 9:56

MOTION (Baum/Kaminski) to take item E out of order, carried.

- C. Village of Germantown Community Development Department for Proposed Text Amendments to the Following Section of the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.30 (B-3: General Business District) Concerning the Conversion of Commercial to Residential Uses.

MOTION (Baum/Zabel) to approve option 1. Trustee Baum noted Plan

NEW BUSINESS – continued:

- Commission level discussion noted process put home owner through process was time consuming. Trustee Zabel stated more B3 properties not on Main Street, affects; intention is that affects only Main street properties. **Carried.**
- D. Discussion/Approval Rehabilitation of Well #3 (Maple Rd).
MOTION (Kaminski/Warren) to approve, roll call vote, all ayes, carried.
- E. 2018 Budget Review and Approval for Publication.
Presented by Finance Director Rath, \$100,000 from maximum budget, changes to use of transportation aids, Fire Department, contingency salaries, increase levy by .11 to .16/1000 value; final Manufacturing values not available yet. **MOTION (Baum/Kaminski) to approve budget.** Trustee Warren asked for clarification of \$15,000 available based on General Government and Finance; Finance Director Rath noted \$15,000 for compression issues to contingency and \$40,000 for Fire Department. Trustee Miller noted additional \$100,000 from transportation aids, use toward roads, or to reduce borrowing. Finance Director Rath recommended utilizing monies instead of reducing borrowing. President Wolter noted allocating towards roads is good use of money; shows residents Village is addressing road issues. **MOTION (Miller/Myers) to amend motion, move \$100,000 to asphalt paving.** Village needs; Administrator Kreklow agrees with Finance Director Rath, keep steady growth, at or close to levy limits, stringent levy limits. Trustee Kaminski asked for impact to taxpayers; Finance Director noted .07/\$1,000 assessed value. **MOTION to amend, carried. MOTION on amended motion, carried.**
- MOTION (Baum/Myers) to go into closed session, roll call vote, all ayes, carried.**
- F. Settlement of Perry v. Hoell, et al. The Village Board May Enter into Closed Session per Wis. Stat. § 19.85(1)(g) for the Purpose of Conferring with Legal Counsel for the Village Who is Rendering Advice Concerning Strategy to be Adopted by the Village with Respect to Litigation in Which it is Involved and Then May Reconvene into Open Session to Take Such Action as it Deems Appropriate.
MOTION (Baum/Warren) to go into open session, carried.
- MOTION (Baum/Myers) to direct Village Attorney as discussed in closed session.**

ADJOURNMENT: There being no further business, meeting adjourned at 9:47 p.m.

Next regular Village Board meeting, Monday, November 6th at 7:00 p.m.

Kathleen M. Strebe
Deputy Clerk

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
October 23, 2017**

CALL TO ORDER: The meeting was called to order at 7:05 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Hughes, Miller, Myers, Warren, Kaminski and Zabel. Absent, Trustee Kaminski, and Campbell. Also present, CDD Planner Retzlaff, and Deputy Clerk Strebe

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

- A. Doug Weas, Weas Development, Agent for MLG Investment LLC, for Property Owners Tax Key Nos. 321-981 & 321-985 for: (1) a **CONDITIONAL USE PERMIT** to allow approximately 2,500 sq. ft. of development within a 25' wetland setback on portions of the following described properties pursuant to Section 24.04(3) of the Municipal Code; and (2) a **REZONING** application to rezone and remove 9,958 sq. ft. of portions of the following described properties from the Shoreland-Wetland Overlay Zoning District pursuant to Section 24.04(2) of the Municipal Code. Presented by CDD Planner Retzlaff; background information provided on applications. Public hearing opened at 7:55 p.m. No one spoke for or against public hearing. Public hearing closed at 7:56 p.m.

NEW BUSINESS:

- A. **CONDITIONAL USE PERMIT (CUP)** to allow approximately 2,500 sq. ft. of development within a 25' wetland setback on portions of the following described properties pursuant to Section 24.04(3) of the Municipal Code; and **MOTION (Baum/Myers) to approve, carried.** Trustee Zabel asked if 300' letters were mailed to residents; CDD Planner Retzlaff noted they were.
- B. **ORDINANCE NO. XX-17 to REZONE** and remove 9,958 sq. ft. of portions of the following described properties from the Shoreland-Wetland Overlay Zoning District pursuant to Section 24.04(2) of the Municipal Code: Doug Weas, Weas Development, Agent for MLG Investment LLC, Property Owners; Tax Key Nos. 321-981 & 321-985; (Properties located east of Appleton Ave, south of Lannon Road and west of Maple Road within the boundary of the Village of Germantown Tax Incremental District #6) **MOTION (Baum/Miller) to approve as presented, carried.**

ADJOURNMENT: There being no further business, meeting adjourned at 7:59 p.m.

Next regular Village Board meeting, Monday, November 6th at 7:00 p.m.

Kathy Strebe, Deputy Clerk

**BUSINESS OF
VILLAGE OF GERMANTOWN**

**THE GENERAL GOVERNMENT & FINANCE COMMITTEE
& VILLAGE BOARD**

MEETING DATE: October 24, 2017 – GGF
 November 6, 2017 – VB

PLACEMENT: Consent

ITEM TITLE: 2018 Health & Dental Coverage Renewals

SUBMITTED BY: Kim Rath, Finance Director

SUMMARY EXPLANATION:

The Stop Loss Renewal quote attached from Auxiant/Gerber is a preliminary draft, they've since reduced it by \$15,000 which would be an estimated \$30,000 increase overall. I'll have the revised proposal by the meeting. It is well within budget and any amount not spent for the fixed cost will be used for claim payment.

Our self-insured premium rates are:

\$1874.32 Family Gold/ \$760.43 Single Gold \$750 Deductible

\$1428.00 Family Silver/ \$537.60 Single Silver - \$4500 Family, \$2250 Single Deductible

We fund an HSA for the Silver Plan at \$2500 per year family and \$ 1250 per year Single.

Employee's pay 12% of the premium cost. There will be an in-depth study of our premium rates in 2018 with assistance by our insurance broker through R&R insurance.

The renewal quote from Delta Dental of WI remains the same as 2017, the Delta Dental premium is guaranteed for three years. Looking at the claim paid data from January through August shows significant savings by using Delta with their discount programs. It's not enough data to make any changes yet but I'd think by 2019 we'd be able to make some reductions to our Dental Budget

ATTACHMENT: ORDINANCE____ RESOLUTION ____ OTHER xx____

Stop Loss Renewal proposal – Gerber Life/Auxiant
Delta Dental Renewal

RECOMMENDATION:

Renew with Gerber Life at current level of Medical & RX - \$45,000 specific

Renew Delta Dental as an overlay network to our Self Insured Dental Plan

Vote: 4/0 –

**Health Plan - Auxiant/Gerber Life Renewal 2 - \$45,000 Specific Deductible, \$45,000
Aggregating Specific,**

Dental Plan – remain with Delta Dental, premium cost same as prior year \$5.95/ppm

PARTIAL SELF-FUNDED PROPOSAL PRESENTATION



PROPOSED EFFECTIVE DATE: 01/01/2018

Quoted Census: E: 30
Plan Design: To Closely Adopt Current

F: 64

Approved

	AUXIANT Gerber Life Current Rates		AUXIANT Gerber Life Renewal Option		AUXIANT Gerber Life Option 1
<u>Fixed Costs</u>	24/12		24/12		24/12
	Medical & Rx		Medical & Rx		Medical & Rx
A. Specific Deductible	\$45,000.00		\$45,000.00		\$50,000.00
Aggregating Specific	\$35,000.00		\$45,000.00		\$45,000.00
Single	\$152.82		\$161.13		\$147.44
Family	\$336.20		\$354.49		\$324.39
Annual:	\$313,216.80	5.4%	\$330,255.12	-3.5%	\$302,209.92
B. Aggregate Premium	Medical & RX		Medical & RX		Medical & RX
Composite	24/12		24/12		24/12
Annual:	\$11.11	0.0%	\$11.11	0.0%	\$11.11
	\$12,532.08		\$12,532.08		\$12,532.08
C. Administration Costs					
Annual Admin Fee	\$750		\$750		\$750
One Time Set-Up Fee	n/a		n/a		n/a
Medical	\$19.00		\$19.25		\$19.25
Utilization Management	\$2.80		\$2.80		\$2.80
Teladoc	\$2.60		\$2.60		\$2.60
PPO	\$5.50		\$5.50		\$5.50
COBRA/HIPAA	\$1.50		\$1.50		\$1.50
Annual:	\$35,419.20	0.8%	\$35,701.20	0.8%	\$35,701.20
D. Agent Fee	\$2.63		\$2.63		\$2.63
Annual:	\$2,966.64		\$2,966.64		\$2,966.64
TOTAL FIXED COSTS	\$364,134.72	4.8%	\$381,455.04	-2.9%	\$353,409.84
E. Aggregate Factors					
Single	\$698.48		\$714.45		\$728.06
Family	\$1,536.65		\$1,571.80		\$1,601.72
Attachment Point - Annual	\$1,431,600.00	2.3%	\$1,464,344.40	4.2%	\$1,492,222.56
F. Estimated Maximum Cost - Annual	<u>\$1,795,734.72</u>	2.8%	<u>\$1,845,799.44</u>	2.8%	<u>\$1,845,632.40</u>
Estimated Maximum Cost - Monthly	<u>\$149,644.56</u>		<u>\$153,816.62</u>		<u>\$153,802.70</u>
G. Run-In Limit	n/a		n/a		n/a

Note: Dental Admin - \$2.50

Proposal assumes the current Networks

Final Terms subject to review and approval of disclosure and final Medical Underwriting and Offer.

Refer to the Original Stop Loss Proposal for additional contingencies/conditions/limitations, etc.

Additional Carriers Quoted: HCC Life, Gerber Life (Indigo) and Gerber Life (RMTS) - Declined to Quote; American National (Bardon), American National (US Benefits), Sirius America, Fair America, Companion Life, American Fidelity, QBE Insurance, United States Fire - Uncompetitive.

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: November 6, 2017

AGENDA ITEM: Public Hearing & New Business [PDD RESOLUTION]

ITEM TITLE: Keller Inc., Agent for Germantown Development LLC, Property Owners; Rezoning Ordinance to amend Resolution No. R56-96 containing the conditions and restrictions for the M-1: Limited Industrial Planned Development District (PDD) affecting the property located at N112 W18518 Mequon Road (Parcel GTNV#213-964)

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

SUMMARY EXPLANATION:

Germantown Development LLC, owns a 3.5-acre property located at N112 W18518 Mequon Road and operates an indoor storage facility under the name Germantown Storage. The 3.5-acre property was originally developed in 1990 as part of a larger 5.3-acre parcel. In 1996, the 5.3-acre parcel was rezoned and included in the Village's first non-residential Planned Development District (PDD) that enabled the owner to build a second industrial building on the parcel (to the east) subject to specific setback and (more stringent) building size restrictions. In 2006, the 5.3-acre parcel was divided into two (2) separate parcels each containing one of the existing buildings, including the current 3.5-acre Germantown Storage parcel. Nevertheless, the stringent setback and building size restrictions adopted for the PDD (set forth in Res. No. R56-06; copy attached) remain in place.

Keller Inc., agent for Germantown Development LLC and Germantown Storage has conditional approval from the Plan Commission for site development and building plans for a 77,415 sqft addition to the existing indoor storage facility. The conditional approval is subject to Village Board approval of the proposed amendments to the building and setback requirements set forth in the original conditions & restrictions resolution for the M-1/PDD created back in 1996. The proposed amendments only affect the Germantown Development LLC/Germantown Storage property.

ATTACHMENTS:

- ◆ 10/9/17 Staff Report
- ◆ 10/9/17 Plan Commission Meeting Minutes
- ◆ Draft Resolution

PLAN COMMISSION RECOMMENDATION:

APPROVE the proposed rezoning application to amend the M-1: Limited Industrial Planned Development District (PDD) restrictions contained in Resolution No. R56-96 as they apply to the Germantown Storage facility located at N112 W18518 Mequon Road.

{see Draft PDD Resolution for proposed amendments recommended for approval by the Plan Commission}

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

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

DATE: Monday, November 6, 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 from the "M-1: Limited Industrial/Planned Development District (PDD)" to the "M-1: Limited Industrial District" for the following described property:

Applicant: Keller Inc., Agent for Germantown Development LLC., Property Owner (Germantown Storage)
Property: N112 W18518 Mequon Road, Tax Key #213-964

Lot 1 of Certified Survey Map No. 6050, as recorded in Volume 45 on Page 33 of Certified Survey Maps of Washington County, Section 21, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, 3.51 acres, GTNV 213-964

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 11th day of October, 2017

Kathy Strebe, Deputy Clerk

To Be Published On: October 18th and October 25th, 2017

Chairman Wolter asked when Public Works would have more information. Planner Retzlaff said it would be beneficial for Public Works Director Larry Ratayczak and/or Wastewater Superintendent Tim Zimmerman to address the Commission. Chairman Wolter said it should be proposed by them so the Plan Commission understands it. He said he needs more information. Planner Retzlaff said there is very little detail available at this time. Discussion continued. Chairman Wolter said the developer has done his research and this is their best option going forward and now the Village has a sewer plan and will bring in Forest Heights as well. He wants to see the overall plan, where the interceptor is, how it works with the other subdivision and why it now needs to be looked at as part of this plan.

Discussion continued.

Chairman Wolter asked that something be presented to Plan Commission in 2 weeks, at the October 23rd meeting, to see the overall plan and how it works. He knows this will set this development back a half step, but it needs to be evaluated before a decision is made. He said he respects the amount of time and cost put into this project to this point, and appreciates the changes they've incorporated into the plan.

Trustee Rep. Baum arrived at 8:46 p.m. Discussion continued regarding the lot layout. Commissioner Gray said she liked the lot layout adding that it's not inherently wrong to have a straight road once in a while. Trustee Baum agreed saying it's not that detrimental to the proposal. Mr. Hurth said he could curve the last 150 feet.

This item was for discussion and will be discussed further at the October 23, 2017 Plan Commission meeting.



Germantown Storage – N112 W18518 Mequon Road. Keller, Inc., agent for Germantown Development LLC, property owner is seeking approval of a rezoning application and site development and building plans for a 77,415 sqft addition to the existing indoor mini-storage facility on a 3.5 acre parcel. Planner Retzlaff summarized the proposal.

MOTION Baum second Gray to approve the site development and building plans for the proposed 77,415 sqft addition to the existing indoor mini-storage facility on a 3.5-acre parcel located at N112 W18518 Mequon Road subject to the following conditions:

- 1. This approval is subject to all conditions and requirements set forth herein and adopted by the Plan Commission as a condition of said approval. Approval is granted for the site development and building plans dated 8-15-17 (C1.0), 10-5-17 (C100 & C200), 9-9-17 (A1.0 & A1.1), 9-12-17 (lighting), and September 2017 (landscaping), unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission.***
- 2. The landscape plan shall be revised and prepared using the site plan as a base such that all key features are shown in context (including property lines) and that all plantings are installed on the subject property. Said revised landscape plan shall be submitted to the Village Planner for review and for approval prior to issuance of a building permit.***
- 3. 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.

- 4. The following items shall be provided as required by the Village Fire Department: (a); the addition shall be fire sprinklered meeting NFPA 13 requirements and standards for an occupancy class "S1"; (b) a separate man door with paved access shall be installed closest to the existing fire protection equipment on the south side of the existing building. The sidewalk should connect to the south parking lot between the existing building and new storm water retention pond; (c) any new or upgraded fire protection, FDC connections or alarm panels should have the locations pre-approved by the Fire Department prior to installation.*
- 5. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.*
- 6. All outstanding technical issues raised in the Village Engineer's October 5, 2017 review memo shall be addressed and reflected in a revised set of plans submitted to the Village Engineer for review/approval prior to issuance of a building permit.*
- 7. The 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.*

*MOTION Dean second Baum to Postpone the first Motion.
MOTION carried unanimously.*

MOTION Baum second Gray to Approve the proposed rezoning application to amend the M-1: Limited Industrial/Planned Development District (PDD) restrictions contained in Resolution No. R56-96 as they apply to the Germantown Storage facility located at N112 W18518 Mequon Road subject to the following conditions:

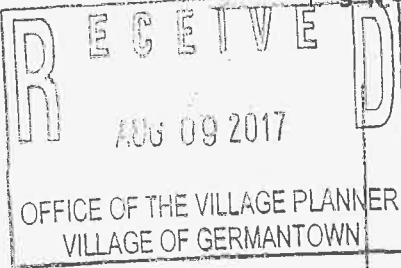
- 1. Amend the restrictions contained in Section 2 of Resolution No. R56-96 as follows:*
 - a. Delete the 57,600 sqft maximum building area restriction*
 - b. Change the Mequon Road front yard building setback from 70' to 30'*
 - c. Change the side yard (west) building setback from 50' to 10' subject to no building allowed in the utility easement*
 - d. Change the rear yard (north) building setback from 50' to 25'*
 - e. Change the maximum impervious area (building, parking and hard surfaces) from 70 to 80 percent.*

MOTION carried unanimously.

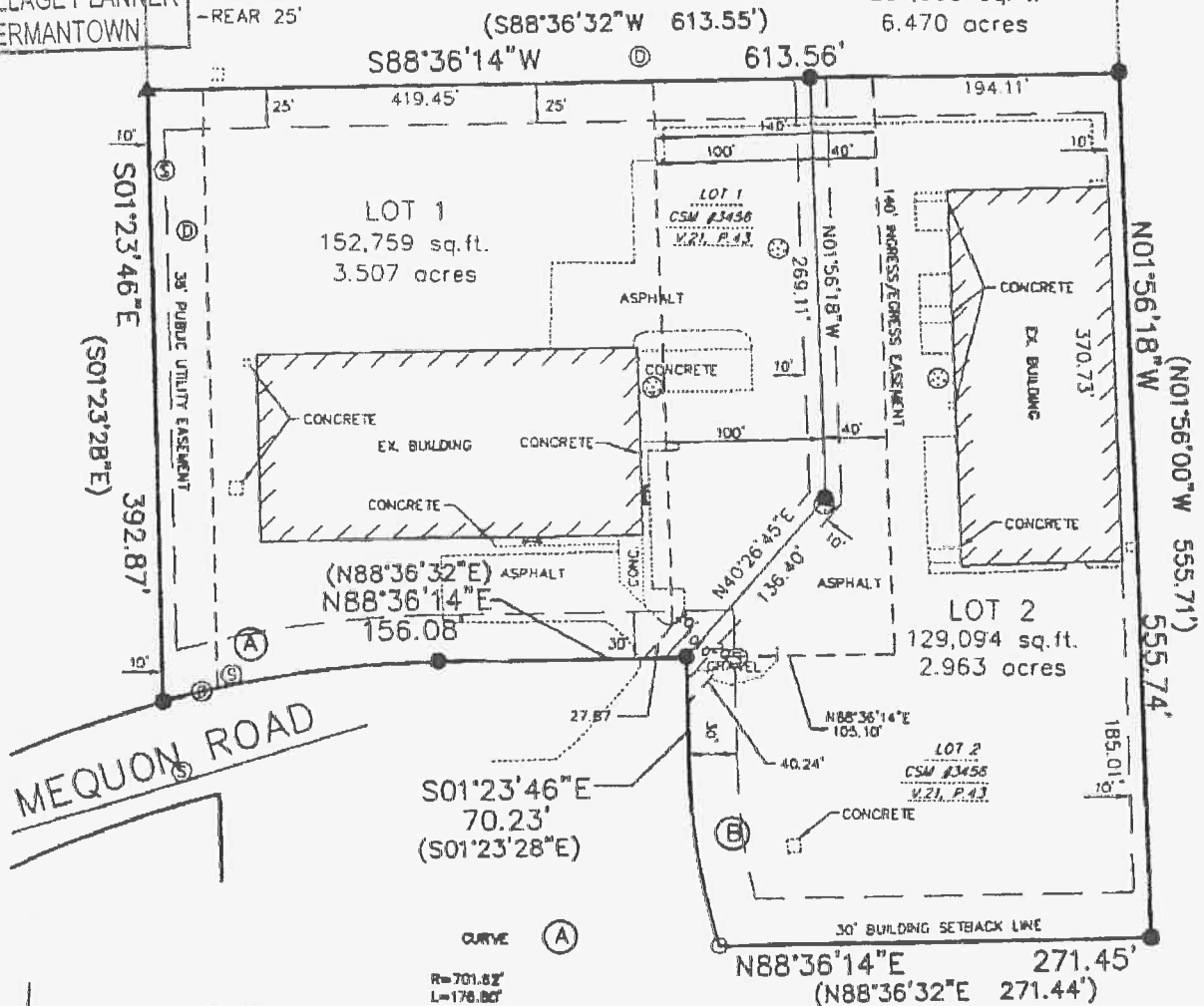
MOTION Baum second Laszewski to go back to the original Motion to Approve the site plan with the conditions as listed.

Trustee Baum questioned if there were other metal buildings in the park adding that he's not in favor of an addition that doesn't match the existing building. Planner Retzlaff confirmed there were other metal buildings explaining the walls look like a CMU split faced block rather than metal siding. Jim Dallas, Keller Inc., showed the Commission a sample of the siding offering to add some other alternate colors to break up the monotony. Planner Retzlaff explained the addition faces the buildings surrounding it and is not what you see from the street.

MOTION carried unanimously.

REZONING MAPFOR
GERMANTOWN DEVELOPMENT, LLCA REDIVISION OF PARCELS 1 AND 2, CERTIFIED SURVEY MAP # 3456, VOL. 21, PG. 43,
LOCATED IN A PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21,
T 9 N - R. 20 E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.**EXHIBIT C**ZONED M-1
BUILDING SETBACKS

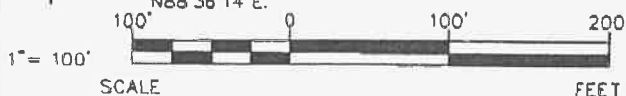
- FRONT 30'
- SIDE 10'
- REAR 25'

TOTAL AREA
281,853 sq.ft.
6.470 acres**LEGEND**

- - 3/4" x 18" REBAR SET WEIGHING 1.50 LBS/FT.
- ▲ - 1" IRON PIPE FOUND.
- () - RECORDED AS
- ⊙ - ROUND INLET
- ⓓ - DRAINAGE MANHOLE
- Ⓢ - SANITARY MANHOLE

CURVE (A)
R=701.82'
L=176.80'
Δ=14°28'18"
CB=N81°23'08"E (N81°23'04"E)
CD=178.33'

CURVE (B)
R=410.88'
L=118.32'
Δ=18°13'41"
CB=S09°30'36"E (S18°13'40"E)
CD=118.83'

LOCATION MAP
(NO SCALE)NORTH POINT REFERENCED TO THE WISCONSIN
STATE PLANE COORDINATE SYSTEM, SOUTH
ZONE. THE SOUTH LINE OF THE SOUTHWEST
QUARTER HAS A RECORDED BEARING OF
N88°36'14"E.

EXCEL
ENGINEERING INC.

100 CAMELOT DRIVE
FOND DU LAC, WI 54935
Ph: (920) 928-9800
Fax: (920) 928-9801

REZONING APPLICATION & SITE PLAN REVIEW

10/9/17 Plan Commission Meeting

Germantown Storage / Keller Inc.

Village Planner Report

Germantown, Wisconsin

Summary

Keller Inc., agent for Germantown Development LLC, property owner and Germantown Storage are seeking approval of a rezoning application and site development and building plans for a 77,415 sqft addition to the existing indoor mini-storage facility on a 3.5-acre parcel located at N112 W18518 Mequon Road.

Property Location: N112 W18518 Mequon Road

Applicant/

Property Owners: Jim Dallas

Keller Inc.

W204N11509 Goldendale Rd

Germantown, WI

Jon & Joe Kassander

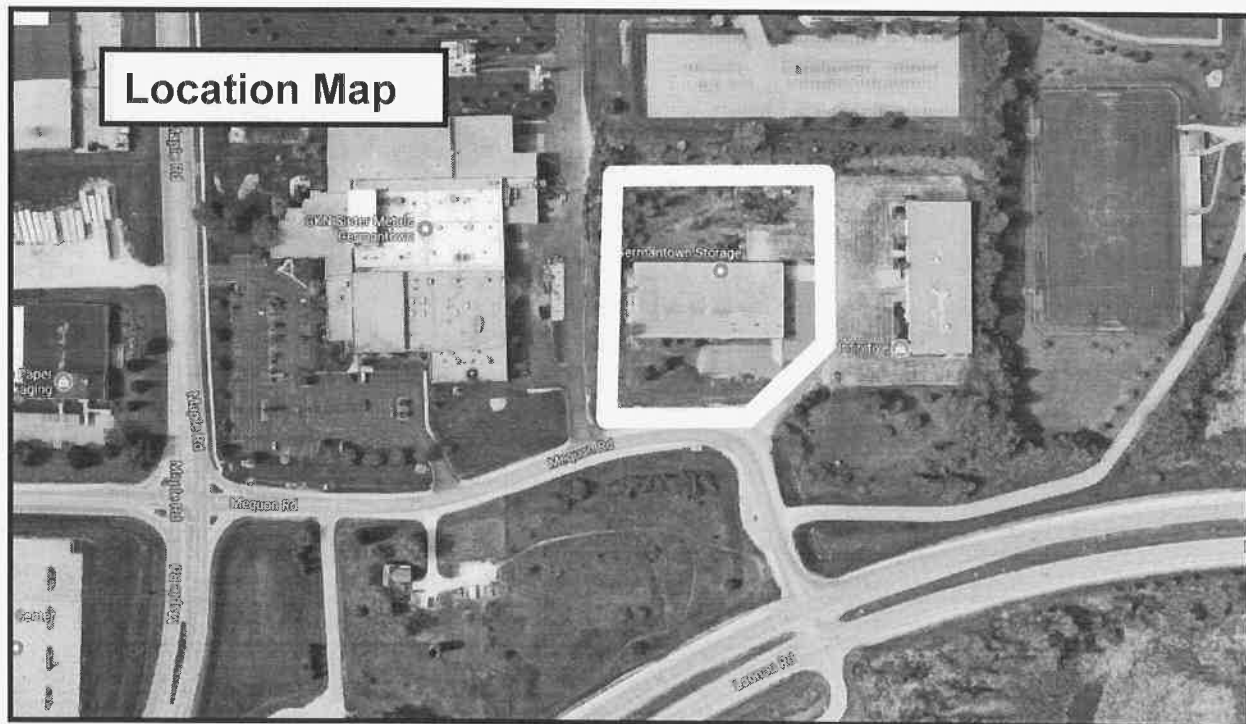
Germantown Development LLC

N112 W18518 Mequon Road

Germantown, WI

Current Zoning: M-1/PDD: Limited Industrial w/ PDD Overlay (Res. No. R56-96)

Adjacent Land Uses		Zoning
North	Industrial	M-1
South	Commercial	B-3
East	Industrial	M-1 PDD
West	Industrial	M-1



Background/Proposal

The Germantown Storage property (5.3 acres) was originally developed in 1990. In 1996, the 5.3-acre parcel was rezoned and included in the Village's first non-residential Planned Development District (PDD) that enabled the owner to build a second industrial building on the parcel (to the east) subject to specific setback and (more stringent) building size restrictions. In 2006, the 5.3-acre parcel was divided into two (2) separate parcels each containing one of the existing buildings, including the current 3.5-acre Germantown Storage parcel. Nevertheless, the stringent setback and building size restrictions adopted for the PDD (set forth in Res. No. R56-96; copy attached) remain in place.

At this time, Keller Inc., agent for Germantown Development LLC, property owner and Germantown Storage are seeking approval of a rezoning application and site development and building plans for a 77,415 sqft addition to the existing indoor mini-storage facility on a 3.5-acre parcel located at N112 W18518 Mequon Road.

M-1/PDD Rezoning

Keller Inc. is requesting that the building setback and size restrictions contained in Resolution No. R56-96 be removed/replaced with the "standard" restrictions that apply to other property located in the M-1: Limited Industrial District (see Table 1 below):

TABLE 1.		
Restriction	PDD Requirement (Res.No. R56-96)	M-1 District (17.33 Zoning Code)
Building#1 Max Size	57,600 sqft	none; max. lot coverage
Setback-Mequon Road	70 feet	30 feet
Setback-side yard (west)	50 feet	10 feet (except easements)
Setback-rear yard (north)	70 feet	25 feet
Max. Impervious lot coverage	70 percent	80 percent

Site Development & Building Plans

As presented in the site plans the proposed storage facility expansion includes the following features:

- 77,415 sqft 2-story building addition (55,571 sqft existing; 132,986 total sqft)
- a 1/4:12 pitch metal roof w/ partial parapet wall transition to existing
- vertical insulated metal panel (IMP) wall system w/ CMU masonry at east entry and foundation walls (northwest corner built into the existing terrain);
- architecture and exterior color scheme (beige) to match existing;
- internal HVAC units;
- On-site sized storm water basin (southwest corner).

Access & Parking

Access to the site is limited to the existing shared-access driveway to/from Mequon Road located in front of the building. No additional parking stalls will be added to the existing 21 parking stalls on the site (vs. the Village guideline of 31 stalls).

Utilities. Public water and sanitary sewer lines already serve the site with connections to the existing water and sanitary sewer service lines from Mequon Road.

Storm Water Management. Out of the total 3.5 acres, 106,841 sqft (69.7%) of impervious surface will be developed (including the existing building, pavement and building addition) leaving 30.3% of open space. On-site storm sewer, roof drains and swales will collect and convey storm water to a new bio-retention pond to be installed in the front yard of the site.

Landscaping. A detailed landscaping plan is proposed with additional plantings comprised of evergreen and deciduous trees, shrubs, annuals and perennials to be installed across the front yard of the site.

Lighting. Additional external lighting includes:

- Five (5) 65W 72-LED wall-mounted security lights on the east side of the building (only) projecting onto the parking/access area.

Signage. No new signage is proposed.

Staff Comments**Planning & Zoning**

The landscape plan is prepared on a separate sheet with only a few key landmarks from the site shown. As a result, when you compare the landscape plan to the site plan on Sheet C100, it's obvious see that there's no room to install the proposed landscaping in front of the proposed storm water pond yard adjacent to Mequon Road. As shown, the landscaping is proposed to be installed in the Mequon Road right-of-way... which is not allowed. The landscape plan needs to be revised and prepared over the proposed site plan with all the key features shown (including property lines) so that the landscape plan is feasible and all plantings are installed on the subject property. It appears that the proposed "grouping" of plantings shown south of the storm water pond could be relocated & reoriented to the east in front of/adjacent to existing parking lot east of the pond. However, a revised plan needs to be prepared and submitted for approval.

The proposed security lighting on the east side of the building does not include full cut-off or shielded fixtures. Despite the need for security lighting, the fixtures need to be revised to contain cut-off or shielded fixtures to eliminate glare visible from the property to the east, or, reoriented and pole-mounted along the east property line directing light toward the building (vs. away from the building).

With regard to the rezoning, the original PDD restrictions on building size and setbacks contained in Resolution No. R56-96 were adopted at a time (1996) when the Village didn't allow multiple buildings on a single property. At that time, the property owner needed the Village to create a special zoning district, i.e. a Planned Development District, to allow his proposal. The Village's files or other records don't explain why more stringent setbacks and a maximum building restriction were adopted. One can only surmise that it had more to do with reflecting what the current building size and setbacks were at the time vs. an actual need to restrict or control what might occur in the future on one parcel with two buildings. Certainly, the Village didn't contemplate the property owner eventually requesting permission to divide the property into two parcels, each with an existing building on it. At this point in time, staff does not see the reason for nor merit in terms of public safety, land value protection, etc. for retaining the stringent setback and building size restrictions for this particular property. Staff supports the proposed "rezoning" to amend/delete those restrictions.

Fire/Police Department

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

- The addition is required to be fire sprinklered to meet NFPA 13 requirements and standards for an occupancy class "S1";
- A separate man door with paved access (sidewalk) closest to the existing fire protection equipment on the south side of the existing building is required. The sidewalk should connect to the south parking lot between the existing building and new storm water retention pond;
- Any new or upgraded fire protection, FDC connections or alarm panels should have the locations pre-approved by the Fire Department prior to installation.

Public Works/Engineering Department

The Village Engineer has identified a number of technical issues and requirements regarding the grading and drainage plans, erosion control plans, and the storm water management plan as set forth in the Village Engineer's October 5, 2017 memo (copy attached). To address those issues, revised plans and supplemental information was submitted by the Applicant for further Engineering Department review on October 6, 2017. Consequently, final review and approval of the revised plans by the Village Engineer and satisfaction of the outstanding issues discussed in the October 5, 2017 memo will be required prior to issuance of a building permit.

Note: staff understands that Keller Inc. anticipates applying for an "early start" building permit for footings & foundation work upon Plan Commission approval of the site plans. The Village Engineer is recommending that, at a minimum, all of the storm water management issues raised on the October 5 memo be resolved prior to the Village granting an early start permit.

Inspection Services

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

Village Planner Recommendation

APPROVE the proposed rezoning application to amend the M-1: Limited Industrial/Planned Development District (PDD) restrictions contained in Resolution No. R56-96 as they apply to the Germantown Storage facility located at N112 W18518 Mequon Road subject to the following conditions:

1. Amend the restrictions contained in Section 2 of Resolution No. R56-96 as follows:
 - a. Delete the 57,600 sqft maximum building area restriction
 - b. Change the Mequon Road front yard building setback from 70' to 30'
 - c. Change the side yard (west) building setback from 50' to 10' subject to no building allowed in the utility easement
 - d. Change the rear yard (north) building setback from 50' to 25'
 - e. Change the maximum impervious area (building, parking and hard surfaces) from 70 to 80 percent

Village Planner Recommendation

APPROVE the site development and building plans for the proposed 77,415 sqft addition to the existing indoor mini-storage facility on a 3.5-acre parcel located at N112 W18518 Mequon Road subject to the following conditions:

1. This approval is subject to all conditions and requirements set forth herein and adopted by the Plan Commission as a condition of said approval. Approval is granted for the site development and building plans dated 8-15-17 (C1.0), 10-5-17 (C100 & C200), 9-9-17 (A1.0 & A1.1), 9-12-17 (lighting), and September 2017 (landscaping), unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission.
2. The landscape plan shall be revised and prepared using the site plan as a base such that all key features are shown in context (including property lines) and that all plantings are installed on the subject property. Said revised landscape plan shall be submitted to the Village Planner for review and for approval prior to issuance of a building permit.
3. 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.
4. The following items shall be provided as required by the Village Fire Department: (a); the addition shall be fire sprinklered meeting NFPA 13 requirements and standards for an occupancy class "S1"; (b) a separate man door with paved access shall be installed closest to the existing fire protection equipment on the south side of the existing building. The sidewalk should connect to the south parking lot between the existing building and new storm water retention pond; (c) any new or upgraded fire protection, FDC connections or alarm panels should have the locations pre-approved by the Fire Department prior to installation.
5. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.
6. All outstanding technical issues raised in the Village Engineer's October 5, 2017 review memo shall be addressed and reflected in a revised set of plans submitted to the Village Engineer for review/approval prior to issuance of a building permit.
7. The 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.



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

2 \$1285

Date Paid: 8-9-17

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

Keller, Inc.

Jim Dallas

Aaron Nagel

W204 N11509 Goldendale Rd

Phone (262) 250-9710

Fax ()

E-Mail jcdallas@kellerbuilds.com

PROPERTY OWNER

Germantown Development, LLC

Jon Kassander

Joe Kassander

N112 W18518 W Mequon Rd

Phone (414) 466-5794

2 PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

N112 W18518 W Mequon Rd
Germantown, WI 53022

213964

3 REZONING REQUEST

FROM

M-1/P-DD

TO

M-1

4 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY - REQUIRED

Attach pages as necessary

See Included

PURPOSE OF REZONING REQUEST

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

The reason for a rezoning request is due to the fact that during Keller, Inc.'s request for staff review for an addition to the existing Germantown Storage building, it was discovered that there was an underlying "PDD" zoning on the property, causing the proposed building to encroach on the city's typical PDD setbacks. The owner, Keller Inc. would like to revert back to the property's original "AM-1" zoning in order to have the new addition fit within the typical "AM-1" setback, thus creating a bigger building addition for the owners to best utilize for their growing business.

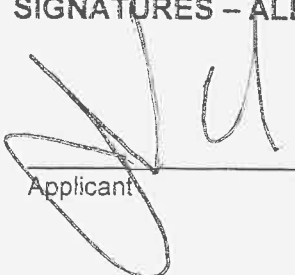
6 SUPPORTING DOCUMENTATION:

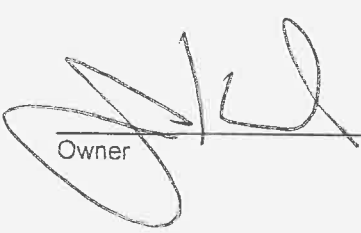
- ☒ Plat of Survey (1:100)
- ☒ Site Plan and elevations for new construction (can be conceptual)
- ☐ _____
- ☐ _____

7 READ AND INITIAL THE FOLLOWING:

- ☒ I understand that the Village is under no obligation to rezone property and that density and lot coverages provided in the Zoning Code are maximums. Actual build out will depend on myriad factors including topography and other natural conditions, surrounding neighborhood context and the detailed design of a project.
- ☒ I understand that Village Staff, Plan Commission and/or Village Board may request additional information to properly evaluate this request and failure to provide such information may in itself be sufficient cause to deny the petition.
- ☒ 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!

 _____
Applicant Date 8-8-17

 _____
Owner Date 8-8-17

RESOLUTION NO. R56 - 96 (AS AMENDED)

RESOLUTION ADOPTING CONDITIONS AND RESTRICTIONS FOR THE
INFINITIVE MACHINING PLANNED DEVELOPMENT DISTRICT:

WHEREAS, Mr. Rolf Berg, has applied for rezoning to an M-1, Limited Industrial Planned Development District (PDD) on the subject parcel (Key Number GTNV 213-969, hereinafter "the property"); and

WHEREAS, the Village Plan Commission has recommended this application to rezone into an M-1, Limited Industrial Planned Development District (PDD) this same subject property, which was granted by the Village Board on Oct. 21, 1996, and has submitted a Project Concept Plan dated August 20, 1996; and

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

WHEREAS, Section 17.27(4) of the Zoning Code of the Village of Germantown allows for the adoption of conditions and restrictions on Planned Developments; and

WHEREAS, the Germantown Plan Commission has recommended approval of the Conceptual site and architectural plans at its meeting on September 9, 1996; and

WHEREAS, the application proposes two industrial buildings to house a combination of manufacturing, design and office uses, with off-street parking on the 5.281-acre site;

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

1. General Development Plan - The plan dated and revised through August 20, 1996, shall be considered the approved General Development Plan for the subject property, including the location of driveways, parking spaces and buildings. Detailed surveys, utility plans, building plans, lighting and landscaping plans covering any portion of the total project intended for construction shall be presented to the Plan Commission prior to issuance of any building permits. These plans shall conform substantially to the approved General Development Plan in both location, design and number. Utility plans shall be based on the standards of the Village Public Works Department.

If revisions of the development plan are necessary due to adverse site conditions, resubmittal and approval of all revisions by the Plan Commission will be required.

2. Building size, height, location, and lot coverage
 - a. There are two buildings proposed as part of this project
Building #1 shall have a maximum of 57,600 square feet area.
Building #2 shall have a maximum of 25,000 square feet area.
 - b. The buildings shall be no more than 35 feet in height as per Section 17.03(13).
 - c. The buildings shall meet the following setback and lot coverage requirements:

Front yard setback from Mequon Road	minimum 70 feet
Side yard setback from west property line	minimum 50 feet
Side yard setback from east property line	minimum 10 feet
Rear yard setback from north property line	minimum 70 feet
 - d. The overall building, parking and hard surfaces shall not exceed 70% lot area.
3. Parking - The project shall include a minimum of one off-street parking space per 500 square feet of production area, not including warehouse or storage space. All parking spaces shall be a minimum of eight (8) feet from the property line.
4. Driveway Construction and Ownership - All internal driveways shall be constructed and maintained by the owner. Paved surfaces shall be a minimum of 3 inches of asphalt on 8 inch base stone. Private easements and access agreements are not enforced by the Village and must be addressed separately.
5. Public Utilities - The developer will provide all necessary easements and dedication of facilities as required by the Village Engineer.
6. Signage
 - a. The property is allowed one free-standing sign, maximum 160 square feet area, maximum 25 foot height.
 - b. Each building will be allowed wall mounted signage of up to 200 square feet. This signage must be located on the south wall of the building
 - c. No roof signage is allowed for this project.
7. Specific lighting and landscaping plans shall be submitted to and approved by the Plan Commission prior to occupancy of the building.

8. Garbage and refuse collection and disposal shall be provided by the property owner.
9. A Developer's Agreement is to be entered into with Mr. Berg and the Village of Germantown prior to any construction on the properties.
10. Permitted and Conditional Uses for this property are limited to those listed in the M-1, Limited Industrial District. No outdoor display or sales shall be permitted on this property.
11. To eliminate the five parking stalls on the southwest portion of property and to move them to the northern portion of the property, if needed to meet Code requirements.

Introduced by Trustee: Tom Kempnski

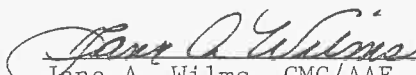
Adopted: October 21, 1996

Vote: 8 Aye; 0 Nay

Absent: Wetterau

ATTEST:


Charles J. Hargan
Village President


Jane A. Wilms, CMC/AAE
Village Clerk

ORDINANCE NO. 16-06

AN ORDINANCE TO AMEND THE ZONING CODE
For ROLF & BARBARA BERG CERTIFIED SURVEY MAP AND PDD REZONING,

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

SECTION I. To amend the zoning map of the Village of Germantown, for the reconfiguration of two lots, owned by Rolf & Barbara Berg, creating separate parcels for each of the existing buildings shown on Certified Survey Map #3456; and for the rezoning of both parcels to be M-1 PDD to be in accordance with Section 17.27 (4) Municipal Code, on the property known as Tax Key No. GTNV-213969 & GTNV-21397 located at: N112 W18486 Mequon Road, Germantown, WI 53022; bounded and described as follows:

A redivision of Parcel 1 and 2, Certified Survey Map Number 3456, Volume 21, page 43 and being located in a part of the Southwest ¼ of the Southwest ¼ of Section 21, T.9 N.-R.20 E, Village of Germantown, Washington County, Wisconsin and being more particularly described as follows:

Commencing at the Southeast corner of the Southwest ¼ of said Section 21; thence South 88 -36'-14" West along the South line of the Southwest ¼ of said Section 21, 1,272.79 feet to the point of beginning; thence North 01 -56'18" West along the East line of said parcels 1 and 2, 555.74 feet; thence South 88 -36'-14" West along the North line of said Parcel 1, 613.56 feet; thence South 01 -23'-46" East along the West line of said parcel 1, 392.87 feet to the Northerly right-of-way line of Mequon Road; thence along said right-of-way line on a curve to the right having a radius of 701.62 feet, 176.80 feet along curve to a point which is North 81 -23'-06" East, 176.33 feet from last described point; thence north 88 -36'-14" East along said right-of-way line, 156.08 feet; thence South 01 -23'-43" East along said right-of-way line, 70.23 feet; thence on a curve to the left having a radius of 410.69 feet, 116.32 feet along curve to a point which is South 09 -30'-36" east, 115.93 feet from last described point; thence North 88 -36'-14" East along the South line of the Southwest ¼ of said Section 21, 271.45 feet to the point of beginning and containing 6.470 acres (281,853 sq.ft) of land more or less and being subject to all easements and restrictions of record. That such is a correct representation of all the exterior boundaries of the land surveyed and the subdivision thereof made.

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

Introduced by: Melvin Ewert and James Langer

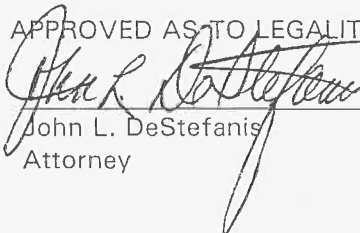
Adopted: June 19, 2006

Vote: Ayes: Ewert, Langer, Steitz, Vanderheiden, Brzezinski, Kempinski, Sorce, Bech, and Hargan. Nays: None

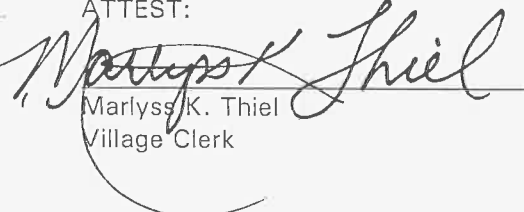
Ayes: 9 Nays: 0


Charles J. Hargan, Village President

APPROVED AS TO LEGALITY:


John L. DeStefanis
Attorney

ATTEST:


Marlyss K. Thiel
Village Clerk

Published: July 5, 2006

RESOLUTION No. R 19 - 17

AMENDING RESOLUTION NO. R56-96
CONTAINING THE CONDITIONS AND RESTRICTIONS
FOR A M-1: LIMITED INDUSTRIAL PLANNED DEVELOPMENT DISTRICT (PDD)
CREATED FOR THE LANDS CONTAINED IN CERTIFIED SURVEY MAP #3456

WHEREAS, Keller Inc., agent for Germantown Development LLC, property owner, and Germantown Storage (hereinafter the "Developer") acquired the property located at N112 W18518 Mequon Road that is regulated under a M-1: Limited Industrial Planned Development District (M-1/PDD) which was originally granted by the Village Board on October 21, 1996; and

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

WHEREAS, on October 9, 2017 the Germantown Plan Commission reviewed a proposal by the Developer to amend the conditions and restrictions contained in Resolution No. R56-96, specifically the building and setback restrictions contained therein and recommended approval of said amendment; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Germantown hereby approves and adopts the amendments set forth below to Resolution No. R56-96 as follows:

SECTION 1. Section 2 of Resolution No. R56-96 is amended as follows where words underlined are to be added and words ~~stricken~~ are to be deleted:

2. Building Size, Height, Location and Lot Coverage.

- a. There are two buildings proposed as part of this project. Building #1 shall have no prescribed maximum area restriction ~~a maximum of 57,600 square feet area~~. Building #2 shall have a maximum of 25,000 square feet area.
- b. The buildings shall be no more than 35 feet in height as per Section 17.08(13).
- c. The buildings shall meet the following setback and lot coverage requirements:
 - i. Front yard setback from Mequon Road minimum 30 ~~70~~ feet
 - ii. Side yard setback from west property line minimum 10 ~~50~~ feet
subject to no building allowed in the utility easement
 - iii. Side yard setback from east property line minimum 10 feet
 - iv. Rear yard setback from north property line minimum 25 ~~70~~ feet
- d. The overall building, parking and hard surfaces shall not exceed 80 ~~70~~% of lot area.

Introduced by Trustee: _____

Adopted: _____, 2017

Vote: Ayes: _____
 Nays: _____

Dean Wolter, Village President

ATTEST:

_____, Village Clerk

This instrument drafted by:
Jeffrey W. Retzlaff, AICP
Community Development Director, Village of Germantown

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

MEETING DATE: November 6, 2017

AGENDA ITEM: Public Hearing & New Business **(CONDITIONAL USE PERMIT)**

ITEM TITLE: Edgardo & Lilia Rivera, Property Owners; Conditional Use Permit Application to allow the keeping of horses on the property located at W148 N12751 Pleasant View Drive (Parcel GTNV#142-971)

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

SUMMARY EXPLANATION:

Edgardo & Lilia Rivera, property owners of a 2.75-acre parcel located in an Rs-2: Single-Family Zoning District, is requesting a Conditional Use Permit to raise horses on the property located at W148 N12751 Pleasant View Drive. Rivera is a member of the Wisconsin Roping Association and is interested in improving the property and barn for purposes of raising horses for his personal training and his family's recreational purposes.

Unlike the Rs-1 District (5-acre min parcel area) where horses are allowed "by right" as a permitted use, horses in the Rs-2 District require a conditional use permit (CUP) because the smaller parcel size may create potential negative impacts on other, relatively smaller residential parcels that may be in the vicinity. The Rivera property is developed with a farm dwelling, large barn and other miscellaneous farm structures and is the remnants of what used to be an operating farm that was eventually rezoned and divided into four (4) parcels back in 2009 (with the other 3 parcels at least 5-acres in area and zoned Rs-1: Single-Family where horses are allowed "by right"). The land surrounding the Rivera property is used for agricultural and/or hobby farm-type uses. The surrounding zoning is either A-1: Agricultural, A-2: Agricultural or Rs-1: Single-Family.

ATTACHMENTS:

- ◆ 10/9/17 Staff Report
- ◆ 10/9/17 Plan Commission Meeting Minutes
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATION:

APPROVE a conditional use permit for Edgardo & Lilia Rivera to allow the raising of horses on the property located at W148 N12751 Pleasant View Drive subject to three (3) conditions.

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

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

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

DATE: Monday, November 6, 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 to keep horses pursuant to Section 17.15(2)(a) of the Zoning Code on the following described property:

Applicants: Edgardo & Lilia Rivera, Property Owner's

Property: W148 N12751 Pleasant View Drive (Tax Key: GTNV 142-971)

Lot 2 of Certified Survey Map No. 5836 as recorded in Volume 42 on Page 356 of Certified Survey Maps of Washington County, Section 14, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin, 2.74 acres, Tax Key #142-971

A copy of the application is on file in the Planning & Zoning Division of the Community Development Department, N112 W17001 Mequon Road, and available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 11th day of October 2017.
Kathy Strebe, Deputy Clerk

To Be Published On: October 18th and October 25th, 2017



Edgardo & Lilia Rivera – W148 N12751 Pleasant View Drive. The property owners of a 2.75 acre parcel located in an Rs-2: Single-Family Zoning District are requesting a Conditional Use Permit to raise horses on the property. Planner Retzlaff summarized the proposal.

MOTION Gray second Laszewski to Approve a conditional use permit for Edgardo Rivera to allow the raising of horses on the property located at W148 N12751 Pleasant View Drive subject to the following conditions:

- 1. The number of horses kept on the property on a permanent basis (3 months or longer) shall not exceed a total of three (3) horses.***
- 2. Manure shall be removed on a regular basis and in a reasonable manner or otherwise composted or spread to protect surface and groundwater, minimize the breeding of flies, and to control odors. Manure piles shall be set back a minimum distance of 100' from any lot line or well.***
- 3. Animals shall not be allowed to create excessive odor problems or present a health hazard to surrounding lands.***
- 4. Adequate drainage facilities or improvements shall be provided by the landowner to protect any adjacent land from run-off containing contaminants such as organic wastes.***

MOTION carried unanimously.

Speaker Properties LLC, Agent for Francis & Dolores Mayer, etal, Property Owners – 39.7 acres east of Goldendale Road, north of the Neuland Subdivision and south of the WisDOT/Wisconsin & Southern Railroad. Speaker Properties LLC is requesting approval of an amendment to the 2020 Future Land Use Plan Map and a rezoning application for 39.7 acres to expand their existing 51-acre Freistadt Road facility. Planner Retzlaff summarized the proposal which includes the following amendments:

1. Change approximately 31.1 acres classified as "Agricultural/Conservation Residential" to "Industrial/Office"
2. Change approximately 8.6 acres classified as "Low Density Residential" to "Industrial/Office"
3. Expand the 2020 Sanitary Sewer Service Area (SSA) boundary to include the 39.7 acre Mayer/Neu property (subject to SEWRPC & MMSD approval).
4. Change approximately 39.7 acres from A-1: Agricultural to M-1: Limited Industrial Zoning District

George Lehnerer, J.W. Speaker, explained the properties are for future use by the J.W. Speaker Corporation and there's no plan to sell or create lots at this time.

MOTION Gray second Nilles to Approve the proposed 2020 Land Use Plan (LUP) map amendments to change the classification of approximately 39.7 acres as follows:

- 1. Change approximately 31.1 acres classified as "Agricultural/Conservation Residential" to Industrial/Office";***
- 2. Change approximately 8.6 acres classified as "Low Density Residential" to "Industrial/Office"***
- 3. Expand the 2020 Sanitary Sewer Service Area (SSA) boundary to include the 39.7 acre Mayer/Neu property (subject to SEWRPC & MMSD approval).***

Mark Russell, W200 N12526 Meadow Brook Court, Matt Kimmler, N125 W20314 Isabelle Farms Drive and Mike Purtell, N120 W20169 Dalebrook Drive, spoke against the proposal. They want the

CONDITIONAL USE PERMIT

10/9/17 Plan Commission Meeting

Edgardo Rivera

Village Planner Report

Germantown, Wisconsin

Summary

Edgardo Rivera, property owner of a 2.75-acre parcel located in an Rs-2: Single-Family Zoning District, is requesting a Conditional Use Permit to raise horses on the property located at W148 N12751 Pleasant View Drive.

Property Location: W148 N12751 Pleasant View Drive

Property Owner/

Applicant:

Edgardo Rivera

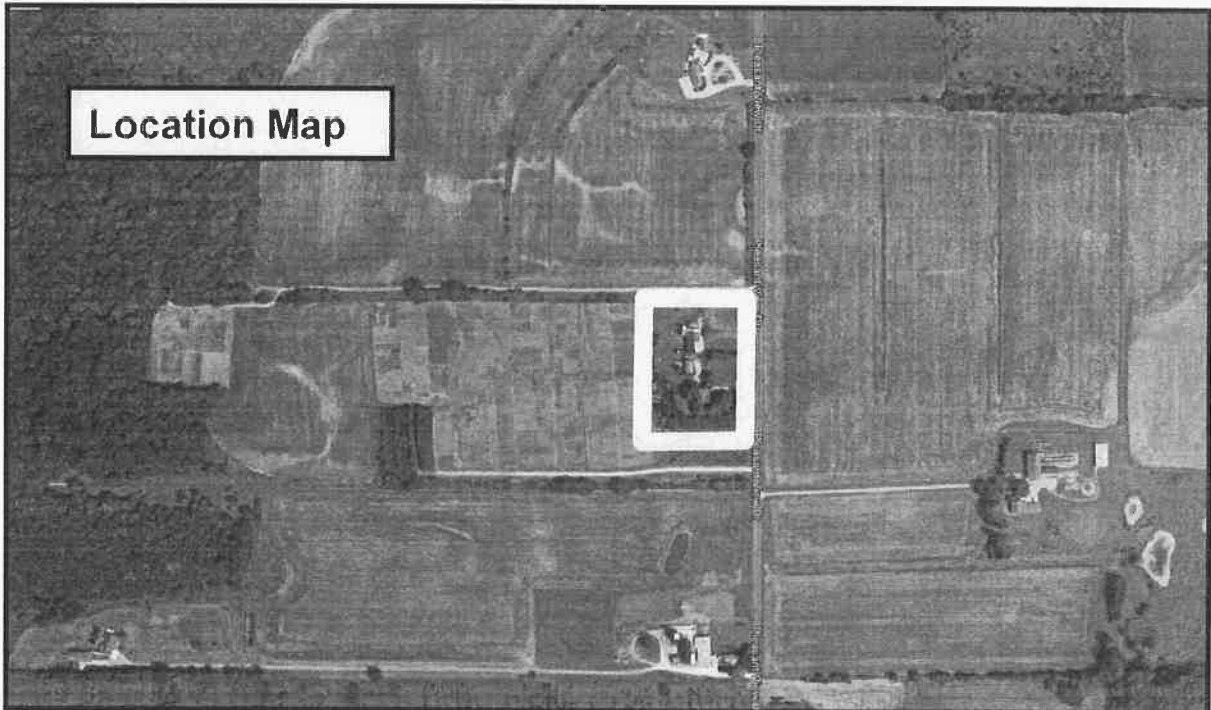
W148 N12751 Pleasant View Drive

Germantown, WI

Existing Zoning: Rs-2: Single-Family

Adjacent Land Uses		Zoning
North	Agricultural	A-1
South	Agricultural	A-2
East	Agricultural	A-1
West	Residential	Rs-1

Location Map



Proposal

Edgardo Rivera, property owner of a 2.75-acre parcel located in an Rs-2: Single-Family Zoning District, is requesting a Conditional Use Permit to raise horses on the property located at W148 N12751 Pleasant View Drive.

Rivera is currently a member of the Wisconsin Roping Association and is interested in improving the property and barn for purposes of raising horses for his personal training and his family's recreational purposes.

Staff Analysis

The Rs-2 District (2-acre min parcel size) provides for single-family residential uses in the rural areas not served by public sewer and water services. Unlike the Rs-1 District (5-acre min parcel area) where raising horses is allowed "by right" as a permitted use, raising horses in the Rs-2 District requires a conditional use permit (CUP) because the smaller parcel size may have the effect of creating potential negative impacts on other, relatively smaller residential parcels in the vicinity. The Rivera property is developed with a farm dwelling, large barn and other miscellaneous farm structures; the remnants of what used to be an operating farm owned and eventually rezoned and divided into four (4) parcels back in 2009 (the other 3 parcels are at least 5-acres each in area and zoned Rs-1: Single-Family where horses are allowed "by right"). The land surrounding the Rivera property is currently used for agricultural and/or hobby farm-type uses. The surrounding zoning is either A-1: Agricultural, A-2: Agricultural or Rs-1: Single-Family.

Staff supports the request for a CUP to allow the raising of horses on the Rivera property subject to reasonable regulation over manure management and potential odor problems.

Village Planner Recommendation

APPROVE a conditional use permit for Edgardo Rivera to allow the raising of horses on the property located at W148 N12751 Pleasant View Drive subject to the following conditions:

1. The number of horses kept on the property on a permanent basis (3 months or longer) shall not exceed a total of three (3) horses.
2. Manure shall be removed on a regular basis and in a reasonable manner or otherwise composted or spread to protect surface and groundwater, minimize the breeding of flies, and to control odors. Manure piles shall be set back a minimum distance of 100' from any lot line or well.
3. Animals shall not be allowed to create excessive odor problems or present a health hazard to surrounding lands.
4. Adequate drainage facilities or improvements shall be provided by the landowner to protect any adjacent land from run-off containing contaminants such as organic wastes.



Village of



Germantown

Willkommen

Fee must accompany application

☒ \$1460 Paid \$ Date 2-6-17

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

Edgardo T. Rivera
W148 N 12751 Pleasant View Dr.
Germantown, WI 53022

Phone (414) 861-3414

Fax ()

E-Mail edgardo.rivera@att.net

PROPERTY OWNER

W148 N 12751 Pleasant View Dr.
Germantown WI 53022

Phone ()

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

~~Edgardo T. Rivera~~ Edgardo T. Rivera

3 PROPERTY ADDRESS

W148 N 12751 Pleasant View Dr.
Germantown, WI 53022

TAX KEY NUMBER

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.

5 DESCRIPTION OF PROPOSED OPERATION

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

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

- I would like to keep my horse for Roping.
- Right now I am a member Wisconsin Roping Association.
- Pleasure ride for my kids.
- Barn already, I would like to fix the barn and property.

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY — REQUIRED

6

Attach pages as necessary.

SUPPORTING DOCUMENTATION:

7

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

READ AND INITIAL THE FOLLOWING:

8

E.R. 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.

E.R. 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.

E.R. 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

Edgardo J Ruiz 2/6/17
Applicant Date

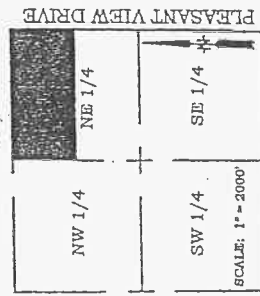
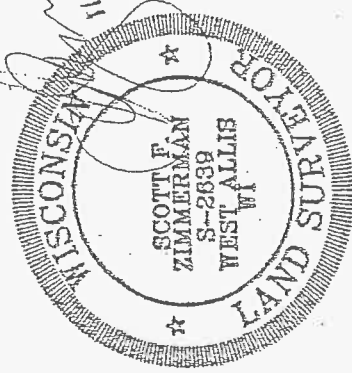
Owner _____

Date _____

COPY

CERTIFIED SURVEY MAP No. _____

Of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 14, Town 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

VICINITY SKETCH
NW 1/4 SEC. 14-9-20

NOTE:

- DENOTES 1"x24" IRON PIPE 1.13 LBS. PER LINEAL FOOT SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE. BEARINGS REFER TO THE WISCONSIN STATE PLANE CO-ORDINATE SYSTEM SOUTH ZONE.

FEE
#77.25 (22)
EXEMPT

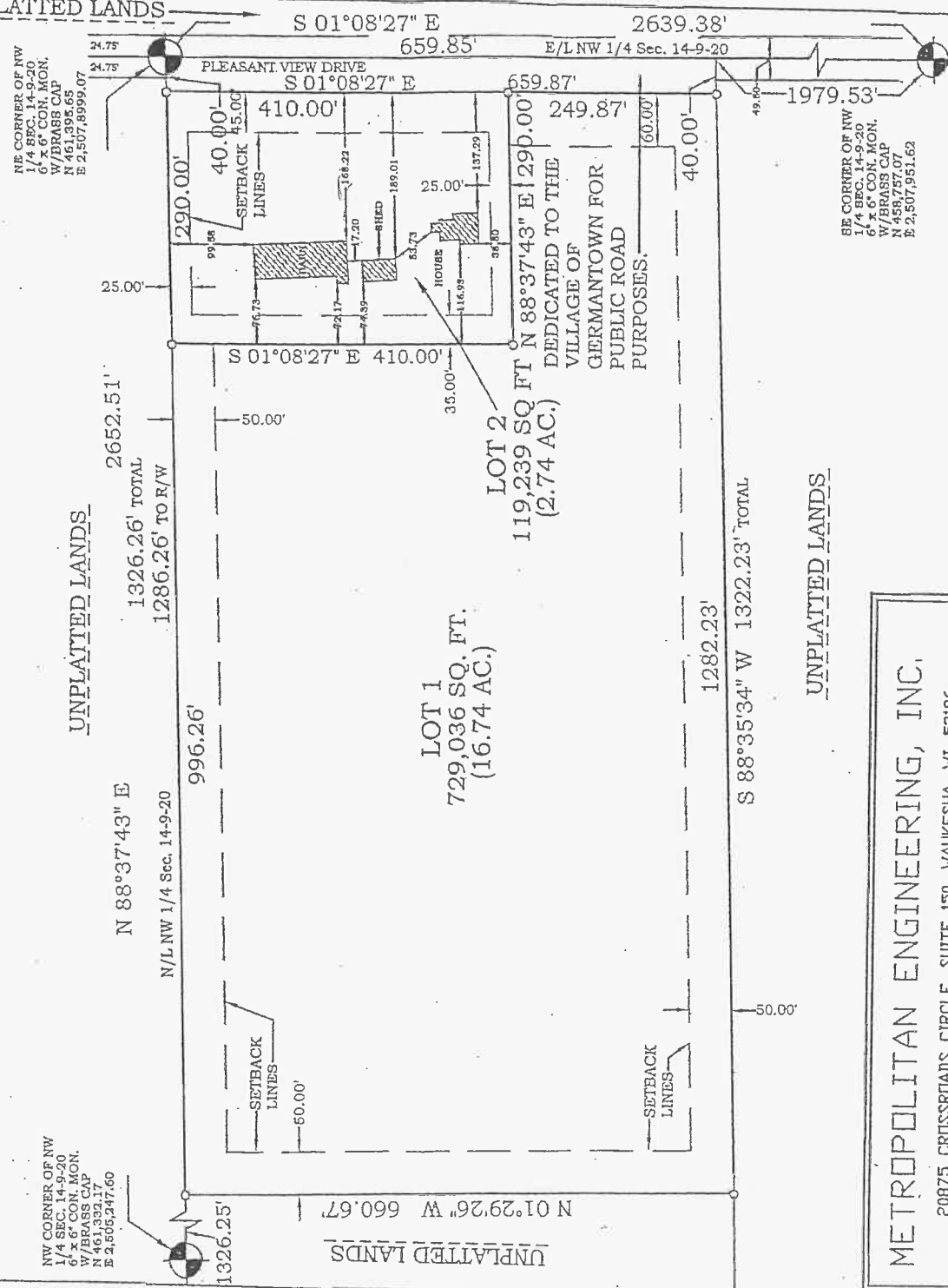
GRAPHIC SCALE



MAP NO. 5836 VOL. 42 PAGE 356

DUL# 1473350

UNPLATTED LANDS



UNPLATTED LANDS

METROPOLITAN ENGINEERING, INC.

20875 CROSSROADS CIRCLE, SUITE 150, WAUKESHA, WI. 53186

PH. (262) 782-2221 FAX 782-4426

October 28, 2004
SHEET 1 OF 3

CERTIFIED SURVEY MAP NO. _____ SHEET 1 OF 3

DOC# 1238806

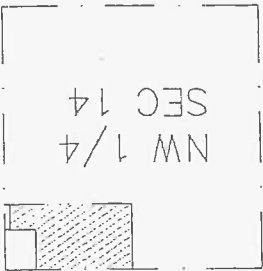


ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5836, BEING A PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN

Recorded
Dec. 08, 2009 AT 10:40AM
SHARON A MARTIN, REGISTER OF DEEDS
WASHINGTON COUNTY, WISCONSIN

PLEASANT VIEW DRIVE

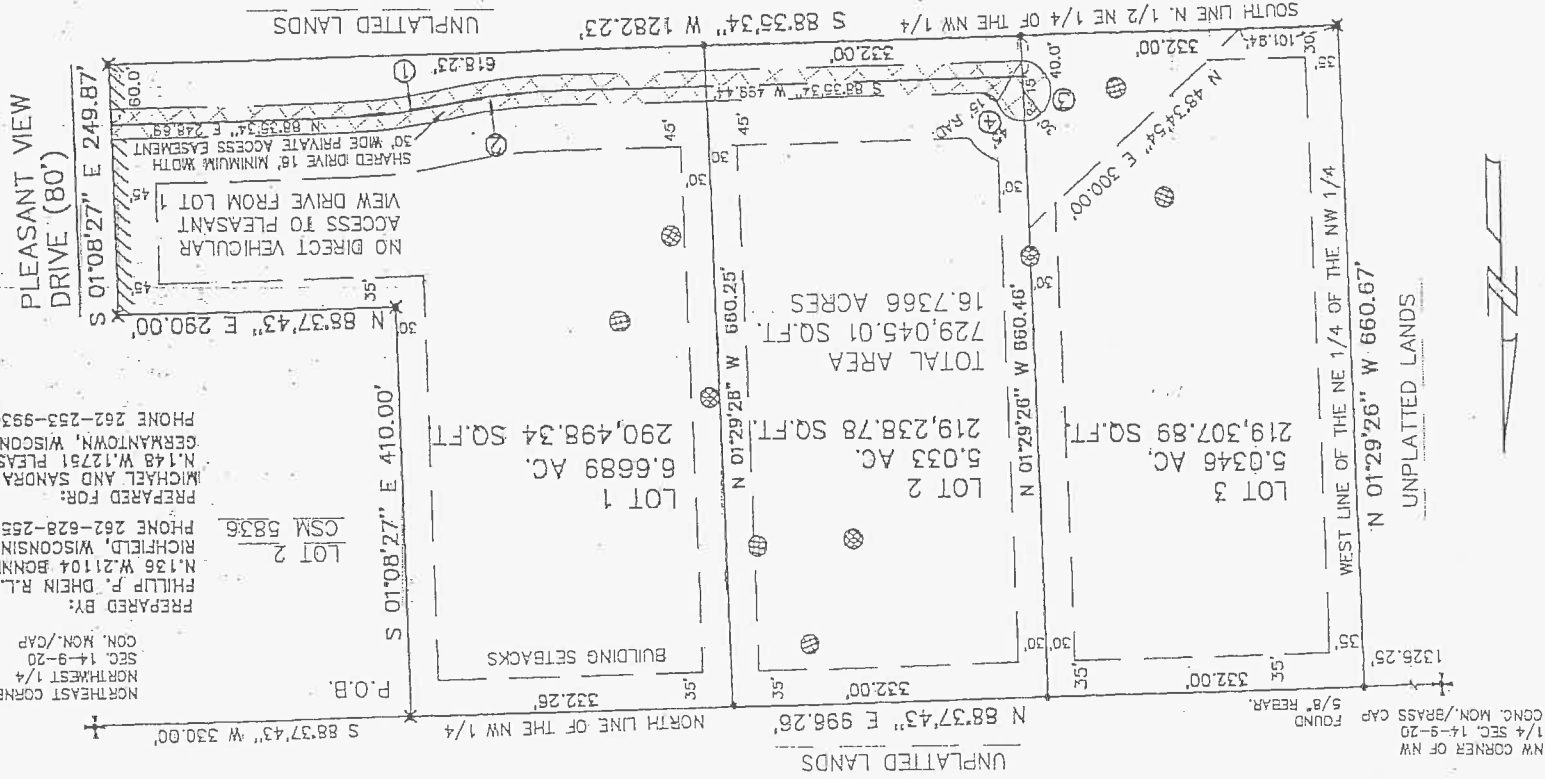
LOCATION MAP
SCALE: 1" = 2000'



PREPARED BY:
PHILLIP P. DHEIN R.L.S. 1681
N.136 W.21104 BONNIEWELL RD.
RICHFIELD, WISCONSIN 53076
PHONE 262-628-2555
CSM 5836
LOT 2
PREPARED FOR:
MICHAEL AND SANDRA M. BECH FAMILY TRUST
N.148 W.12791 PLEASANT VIEW DR.
GERMANTOWN, WISCONSIN 53022
PHONE 262-253-9930

Fee Amount: \$15.00

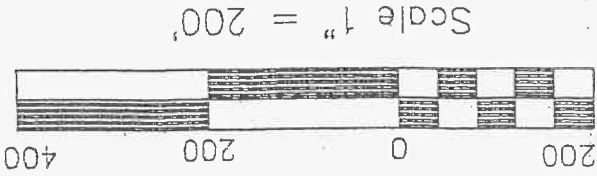
NOTE: To ensure compliance with the Village's storm water management requirements, this development was approved with the restriction that the maximum amount of impervious surface allowed to be developed within this development is limited to a total of 21,780 square feet. 1,415 sq. ft. will be deducted for a cul-de-sac bulb leaving 20,365 sq. ft. to be allocated to the three 3 lots for future development. All lot owners must refer to the Development Agreement made between the VILLAGE and the OWNER for details regarding this storm water management restriction and impervious area allocation.



CURVE NO.	DELTA	RADIUS	ARC	CHORD BEARING & DISTANCE
CURVE 1	111.800"	515.88'	101.74'	S.82.56.34"W 101.575'
CURVE 2	111.800"	515.88'	101.74'	S.82.56.34"W 101.575'
CURVE 3	250.3403"	30.00'	131.20'	N.33.49.26"E 48.97'
CURVE 4	70.3144"	15.00'	18.46'	S.56.08.35"E 17.32'

LEGEND:
• DENOTES SET 1" X 24" IRON PIPE WEIGHT 1.13 LBS. PER LINEAL FOOT
* DENOTES FOUND 1" IRON PIPE UNLESS OTHERWISE NOTED
BEARING BASIS WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)
SOIL BORINGS SCALED FROM SOIL TEST

CURVE DATA



CUP # xx-17

Document No.

CONDITIONAL USE PERMIT

Document Title

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

Whereas the Applicants:

Edgardo & Lilia Rivera, Property Owners

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 keeping/raising of horses from the property located at W148 N12751 Pleasant View Drive pursuant to Section 17.15(2)(a) of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTNV 142-971

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

Lot 2 of Certified Survey Map No. 5836 as recorded in Volume 42 on Page 356 of Certified Survey Maps of Washington County, Section 14, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin, 2.74 acres, Tax Key #142-971

Tax Key No: 142-971

Address: W148 N12751 Pleasant View Drive

Pursuant to the following condition(s):

1. The number of horses kept on the property on a permanent basis (3 months or longer) shall not exceed a total of three (3) horses.
2. Manure shall be removed on a regular basis and in a reasonable manner or otherwise composted or spread to protect surface and groundwater, minimize the breeding of flies, and to control odors. Manure piles shall be set back a minimum distance of 100' from any lot line or well.
3. Animals shall not be allowed to create excessive odor problems or present a health hazard to surrounding lands.
4. Adequate drainage facilities or improvements shall be provided by the landowner to protect any adjacent land from run-off containing contaminants such as organic wastes.

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

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

Dean Wolter, Village President

ATTEST:

_____, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

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

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin

My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY OPERATOR

As Applicants and Property Owners, Edgardo & Lilia Rivera, 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

Print Name- Edgardo Rivera

Print Name- Lilia Rivera

Signature- Edgardo Rivera

Signature- Lilia Rivera

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: _____

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