

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

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, May 7, 2018 7:00 p.m.

LOCATION: Germantown Village Hall Board Room

I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

II. **ROLL CALL:**

III. **PLEDGE OF ALLEGIANCE:**

IV. **PRESIDENT'S REPORT:**

V. **APPOINTMENTS:**

A. **Commissions/Boards/Committees**

1. **Board of Review**

Alt. Member	Lisa Filla	05/01/2018 – 04/30/2022
(completing prior alternate term)		

2. **Board of Zoning Appeals**

Member	Barry White	05/01/2018 – 04/30/2021
Member	Philip Fritsche	05/01/2018 – 04/30/2021
Member	Jim Hansen	05/01/2018 – 04/30/2021
Member	Dan Campbell	05/01/2018 – 04/30/2021

3. **Plan Commission**

Member	Matthew Kimmler	05/01/2018 – 04/30/2021
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4. **Senior Center Advisory Committee**

Trustee	Dan Wing	04/17/2018 – 04/20/2021
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5. **Tourism Commission**

Trustee	Jeffrey M. Hughes	05/15/2018 – 05/20/2019
Chamber Rep	Lynn Grgich	05/15/2018 – 05/20/2019
Hotel Rep	Sue Ciurro	05/15/2018 – 05/20/2019
Member	Patricia Adair	05/15/2018 – 05/20/2019
Member	Carroll Merry	05/15/2018 – 05/20/2019
Member	Judy Rogers	05/15/2018 – 05/20/2019

6. **Library Board**

Member	Ronald Seiser	05/15/2018 – 05/20/2021
Member	Kim Musbach	05/15/2018 – 05/20/2021

VI. ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST
COMMITTEE AND DEPARTMENT 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, Village Clerk, And Department Heads.

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

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

VIII. CONSENT AGENDA:

A. Approval of Minutes: April 16, 2018 Regular Village Board Meeting

B. Accounts payable/payroll

1.	April 17, 2018	Payroll (Hourly)	\$ 218,070.58
2.	April 25, 2018	Accounts Payable	\$ 326,181.37
3.	April 30, 2018	Payroll (Salary)	\$ 90,610.17
4.	April 30, 2018	Accounts Payable	\$ 108,085.11
5.	May1, 2018	Payroll (Hourly)	\$ 224,772.76

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

C. Operator's Licenses: Naseem Abbas, Victoria Ahrens, Andrew Aldred, Frank Arena, Judy Arnold, Theresa Bach, Kayla Billmann, Jeffrey Bird, Erin Bird, Brian Boettcher, Andrew Brawn, William Brockman IV, David Burns, Jewelia Cook, Mellissa Czerwinski, Ann Davis, Bridget DeLeon, Kevin Dobson, Susan Drexler, Richard Eastham, Jonathan Engelmann, Mary Erickson, Dawn Fouche', Shawn Frank, Julie Friede, Sherry Gagliano, Kim Gamroth, Kayla Gleixner, Lisa Grad, Amanda Greenwood, Judith Greve, Paul Groh, Susan Goecks, Joseph Gutenkunst, Yvonne Hall, Kathryn Hanson, Susan Hanson, Charles Hargan, Denise Harthun, Anita Hauner, Jennifer Heisdorf, Jayme Hoff, Eric Hoffman, Chelsea Humphreys, David Iverson II, Jeffrey Jacobs, Bruce Javens, Susan Jesmok, Jodi Kanzenbach, Jeetendra Khinot, Dawn Kirchner, Karen Klever, Steve Koenig, Nicholas Koeppler, Kimberly Kohler, Ronald Kohls, Wayne Kohls-Guenther, Joseph Krajcik, Janice Krueger, Erik Lange, Emily Lazaris, Rebecca Leibiger, Matthew Levesley, Cassidy Liederbach, Alexander Lindenberg, Tayla Lofton, Adam Maciejczak, Daniel Marchewka, Paul McLeod, Janet Miller-Parkison, Jennifer Murray, Michael Nardelli, Heather Nellessen, Chad Nickerson, Ruth Numrich, William Numrich, Susan Oechsner, Nancy Oinas, Rick Perry, Suzanne Peyer, Justin Pischke, Michael Polski, Ashley Rahl, Cedric Reed, Cheryl Rhoades, Kevin Riley, Susan Roxbury, Wendy Sarwas, Ashley Satterlee, Shane Schallert, Teresa Schmitz, Ingolf Sam Schneider, James Schramm, Eric Schroeder, Caleb Siden, Cynthia Singsheim, Tara Smith, Pareshkumar Soni, Cassandra Tabbert, Carlton Tatreau, Michelle Thomas, Joel Timmerman Jr., Joel Timmerman III, Rebecca Ulik, Roberta Van Asten, Asif Vadsaria, Tamara Waterhouse, Tyrus Welch, Ashley Welnicke, Amy Westra, Jarrid Willoughby, Michael Willavage, Stephanie Wolf, Sheri Ziehlsdorf [Recommendation Forthcoming].

D. Police Department New Squad Equipment – in an amount not to exceed \$24,491.70, from General Fire Equipment.

The following items were forwarded from **Park and Recreation Commission** with a unanimous recommendation.

- E. Spassland Park Playground Design and Installation from Lee Recreation LLC in an amount not to exceed \$69,480, from Capital Improvements Projects. Engineered Wood Fiber Surfacing to be purchased and installed by the Village, from the Operating Budget in an amount not to exceed \$5,520.
- F. Resolution 33-2018 Germantown Junior Warhawks Field Usage Agreement.

The following items were forwarded from **Government and Finance Committee** with a unanimous recommendation.

- G. Setting of Interim Fire Chief Position Salary at \$83,083 retroactive to the appointment.

IX. PUBLIC HEARING:

- A. Paul & Jennifer Groh, Operators of Metro Cigars and Agent for MLG Germantown Investment, LLC, Property Owner – N102 W19455 Willow Creek Way, Willow Creek Business Park, Lot #5 of CSM 6782 – NE corner of Appleton Avenue & Willow Creek Way; Tax Key: GTNV 321-974. Conditional Use Permit for the operation of a Cigar Store and Bar/Lounge Operation pursuant to Section 17.33(3)(h) of the Zoning Code.
- B. William Wetterau, Agent for the William H. Wetterau Revocable Trust, Property Owner – W204 N12541 Goldendale Road & W204 N12660 Goldendale Road, Tax Key: GTNV 181-992 & 181-997-001. Rezoning Application from Rs-2: Residential Single Family & A-1: Agricultural Zoning District to the Rs-1: Residential Single Family and A-2: Agricultural Zoning District.
- C. Amendments to the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.42 (Conditional Use Permits); 17.51 (Changes and Amendments); and 17.53 (Public Hearings) affecting the conduct of public hearings for certain zoning-related matters including conditional use permits and Zoning Code Amendments.
- D. Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner, W154 N11492 Fond du Lac Avenue, W154 N11474 Fond du Lac Avenue and N114 W15450 Gettysburg Drive, Tax Key #233-983, 233-982 and 233-975 to **(1)** create an I: Institutional Planned Development District (I/PDD) pursuant to Sections 17.26 and 17.27 of the Zoning Code; **(2)** to Rezone properties from the Rs-6 Residential Single Family Zoning District and I: Institutional Zoning District into the newly created I/PDD Zoning District; **(3)** Adopt conditions & restrictions for the I/PDD Zoning District; and **(4)** Amend the Village of Germantown Comprehensive Plan 2020 Land Use Plan Map from the Medium Density Residential to Institutional/Governmental classification.

X. NEW BUSINESS:

- A. Deutschstadt Heritage Foundation Inc. Picnic License, Temporary Class “B” Fermented Malt Beverage and Wine for MaiFest May 18 – May 20, Freidenfeld Park, Tent on Country Aire Dr.
- B. Resolution 27-2018 – Adoption of Purchasing Policy.

X. NEW BUSINESS (Continued):

- C. Junk Dealer Establishment Application for Waste Management Recycle America LLC, W132 N10487 Grant Dr., Germantown WI 53022, Owner RAA Trucking LLC.
- D. Certified Survey Map, Jeffrey & Shelly Davis, N112 W20569 Mequon Road & Patrick & Carolyn Quella, N112 W20451 Mequon Road, Property Owners.
- E. Conditional Use Permit for the operation of a cigar store and bar/lounge operation. Paul & Jennifer Groh, Operators of Metro Cigars & MLG Germantown Investment, LLC, Property Owner of N102 W19455 Willow Creek Way, Lot #5 of CSM 6782 Willow Creek Way in the Willow Creek Business Park.
- F. Ordinance 07-2018, Rezoning from Rs-2: Residential Single Family & A-1: Agricultural Zoning District to the Rs-1: Residential Single-Family and A-2: Agricultural Zoning Districts and Certified Survey Map for William Wetterau, Agent for the William H. Wetterau Revocable Trust, Property Owner, W204 N12541 Goldendale Road and W204 W12660 Goldendale Road.
- G. Ordinance 08-2018, to create an I: Institutional Planned Development District (I/PDD) and Rezone the following properties from the Rs-6: Residential Single-Family Zoning District and I: Institutional Zoning District into the newly created I/PDD Zoning District, Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner, W154 N11492 Fond du Lac Avenue, W154 N11474 Fond du lac Avenue and N114 W15450 Gettysburg Drive, Tax Key #233-983, #233-982 and #233-975.
- H. Resolution 32-2018, to Adopt Conditions and Restrictions for the I/PDD Zoning District, Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner, W154 N11492 Fond du Lac Avenue, W154 N11474 Fond du lac Avenue and N114 W15450 Gettysburg Drive, Tax Key #233-983, #233-982 and #233-975.
- I. Ordinance 09-2018, to Amend the Village of Germantown Comprehensive Plan 2020 Land Use Plan Map from Medium Density Residential to Institutional/Governmental, Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner, W154 N11474 Fond du lac Avenue and N114 W15450 Gettysburg Drive, Tax Key #233-982 and #233-975.
- J. Ordinance 10-2018, Amendments to the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.42-Conditional Use permits, 17.51-Changes and Amendments; and 17.53- Public Hearings.
- K. Ordinance 11-2018 Amend Sections 9.041, 9.042, and 9.043, Municipal Code Relating to the Use, Possession and Sale of Nicotine and Vapor Products.

XI. ADJOURNMENT

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
April 16, 2018**

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

ROLL CALL: Present: President Wolter, Trustees Baum, Hughes, Kaminski, Miller, Myers, Zabel. Excused Absence: Campbell and Warren. Also present: Administrator Kreklow, Clerk Boldrey, and Attorney Sajdak.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT: Pres. Wolter announced that there is room on various committee and boards. If interested complete the form on line or at the Clerk's Office.

APPOINTMENTS:

A. Standing Committees of the Village Board

A. General Government & Finance:

Chair Trustee Arthur Zabel	04/17/2018 – 04/16/2019
Trustee Terri Kaminski	04/17/2018 – 04/16/2019
Trustee David Baum	04/17/2018 – 04/16/2019
Trustee Rick Miller	04/17/2018 – 04/16/2019

MOTION (Baum/Myers) to approve Appointments to the General Government and Finance Committee. Motion carried.

B. Public Safety:

Chair Trustee Jeff Hughes	04/17/2018 – 04/16/2019
Trustee Dan Wing	04/17/2018 – 04/16/2019
Trustee Robert Warren	04/17/2018 – 04/16/2019
Trustee Dennis Myers	04/17/2018 – 04/16/2019

MOTION (Baum/Myers) to approve Appointments to the Public Safety Committee. Motion carried.

C. Public Works & Highways:

Chair Trustee Terri Kaminski	04/17/2018 – 04/16/2019
Trustee Jeff Hughes	04/17/2018 – 04/16/2019
Trustee Robert Warren	04/17/2018 – 04/16/2019
Trustee Arthur Zabel	04/17/2018 – 04/16/2019

MOTION (Baum/Myers) to approve Appointments to the Public Works & Highways Committee. Motion carried.

B. Commissions/Boards/Committees

1. Administrative Appeals Review Board
Trustee Terri Kaminski 04/17/2018 – 04/16/2019
2. Board of Review
Member Ingolf Schneider 05/01/2018 – 04/30/2023
3. Historic Preservation Commission
Chair/Trustee Rick Miller 04/17/2018 – 04/20/2020
4. Library Board
Trustee Dan Wing 04/17/2018 – 04/16/2019
5. Park & Recreation Commission
Trustee Rick Miller 04/17/2018 – 04/16/2019
Member Brian Depies 05/01/2018 – 04/30/2021
Member Steve Stapleman 05/01/2018 – 04/30/2021
6. Plan Commission
Chair Dean Wolter 04/17/2018 – 04/16/2019
Trustee David Baum 04/17/2018 – 04/16/2019
Member Name to Come 05/01/2018 – 04/30/2021
Member Anthony Laszewski 05/01/2018 – 04/30/2021
Member Peter Nilles 05/01/2018 – 04/30/2021
7. Police & Fire Commission
Member Al Campbell 05/01/2018 – 04/30/2023
8. Senior Center Advisory Committee
Member Arline Flesch 05/01/2018 – 04/30/2021
Trustee Arthur Zabel 04/17/2018 – 04/20/2020
Trustee Dennis Myers 04/17/2018 – 04/20/2020

MOTION (Zabel/Baum) to approve Appointments under Item B. Commissions / Boards / Committees. Tr. Zabel pointed out that there is an opening under Plan Commission. Motion carried.

C. Weed Commissioner

Planning/Zoning Adm. Jeff Retzlaff 04/17/2018 – 04/16/2019

MOTION (Baum/Miller) to approve Appointment to Weed Commissioner. Motion carried.

D. Mid-Moraine Legislative Committee

Trustee Representative Arthur Zabel 04/17/2018 – 04/16/2019

MOTION (Baum/Meyers) to approve Appointment to Mid-Moraine Legislative Committee. Motion carried.

E. Official Posting Places

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

MOTION (Baum/Miller) to approve Official Posting Places. Motion carried.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/DEPARTMENT AND COMMITTEE REPORTS:

Trustees provided information on upcoming meeting dates and times.

Tr. Miller commented he is taking the Mia Fest responsibilities. Mia Fest will be May 18 – May 20. There will not be a soccer tournament; however, there will more than likely be soccer games. This will be held at Freidenfeld Park.

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

None.

CONSENT AGENDA:

- A. Approval of Minutes: April 2, 2018 Regular Village Board Meeting
- B. Accounts payable/payroll
 - March 20, 2018 Payroll (Hourly) \$ 214,347.08
 - March 25, 2018 Accounts Payable \$ 442,709.07
 - March 31, 2018 Payroll (Salary) \$ 87,470.62
- C. Operator's Licenses: Operator's Licenses: Cynthia Heyman, Marie Ashley Mendiola, Kristine Meinhardt [Recommended].

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

- D. Squad Equipment and Change-Over. – Police Department.

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

- E. Invoice – CTW Corp. – Repair at Well #11 in an amount not to exceed \$17,668.
- F. Purchase of New Automatic Transfer Switch for Well #7 from – Fabick Cat in an amount not to exceed \$6,397.
- G. Engagement of Frank Giltzer Electric for the installation of new Transfer switch in an amount not to exceed \$5,480.
- H. Authorization to Purchase – Crack Filling Material.
- I. Award of Contract – Country Aire/Mequon Road Water Main Extension & Relocation.
- J. Developer Agreement – Rainbow Childcare Center of Germantown – Review & Possible Action.

MOTION (Baum/Myers) to approve Consent Agenda Items A – J. Roll call vote carried.

IX. PUBLIC HEARING:

- A. Bill Carity, Carity Land Corporation, agent for Briscoe Development & Management, Inc., property owners – 147.2 acres south of Freistadt Road, east of the Canadian National Railroad, north of Mequon Road and west of Country Aire Drive. 2020 Comprehensive Land Use Plan (LUP) map amendments to reclassify portions of said property from “Agricultural/Conservation Residential” to “Low Density Residential”, “Low Density Residential” to “Medium Density Residential” and “Commercial” to “Medium Density Residential” for purposes of developing a 142-lot single-family and 60-unit condominium residential development known as “Wrenwood” (Tax Key Nos. GTNV 231-998, 232-989, 232-998, 233-981, 234-993 and 234-990).

Pres. Wolter read the Public Hearing notice. Planner Retzlaff commented that there will be

one presentation for both items.

- B. Bill Carity, Carity Land Corporation, agent for Briscoe Development & Management, Inc., property owners – 147.2 acres south of Freistadt Road, east of the Canadian National Railroad, north of Mequon Road and west of Country Aire Drive. Applications to create an Rs-5: Single-Family & Rm-2: Multi-family Planned Development District (PDD) pursuant to Section 17.27 of the zoning code, and, to Rezone said property from the A-1: Agricultural Zoning District into the newly created Rs-5 & Rm-2/PDD for purposes of developing a 142-lot single-family and 60-unit condominium residential area known as “Wrenwood” (Tax Key Nos. GTNV 231-998, 232-989, 232-998, 233-981, 234-993 and 234-990).

Planner Retzlaff gave history to the project. The economy in 2008 was so that the project was withdrawn at that point. He reviewed the general development plan for 147.2 acres with 200 residential dwelling units, 142 single family lots and 60 multi-family condominiums. Planner Retzlaff showed the site location maps. Proposed zone map amendments were shown. The proposed sewer service area boundary map amendment was shown. The creation of a planned development district was shown. The preservation of 59 acres of open space wetland was shown and the central park area trail plans. Sanitary Sewer will be extended from East along Mequon Road / Country Aire.

Attorney Sajdak clarified that the two Public Hearings will be held together. Pres. Wolter read both of the Public Hearing Notices. The Public Hearings were opened together at 7:20 P.M.

Ken Miller of S. Country Air Dr. came to the podium. He commented on opposition to the multi-family development as proposed. He commented that the property on Mequon should stay as Commercial. He commented that RS-5 is too dense.

Susan Bernhardt of Freistadt Road came to the podium. She commented that this is a lot to digest and requested for the public hearing to be rescheduled to a later date. She questioned where the run off will go. Pres. Wolter commented that there are planned retention ponds. Mrs. Bernhardt commented that she has horses and ducks and there is manure that is spread. She objected to houses on small parcels. Mrs. Bernhardt commented on speeding on Freistadt Road. She commented on the wildlife.

Lynne Miller of Freistadt Road came to the podium. She commented concern of elevation from a previous built subdivision that is now causing flooding. She is concerned of the zoning and adding to the schools. She is not opposed to development but is opposed to density.

Richard Stahle of Country Aire Drive commented he does not agree with the high density.

John Schaetzel of Donges Bay commented he opposes the density of the development.

Bob Aiken of Country Aire Drive commented concern of the development.

Marcus Stern of Forrest Drive commented that the plan is too dense and not compatible.

Margaret Miller of Country Aire Drive is not against development but believes it is too dense.

The Public Hearing closed at 7:50 P.M.

X. NEW BUSINESS:

Action on Hiring of Village Engineer.

Administrator Kreklow introduced Eric Nitschke to the Village Board.

MOTION (Myers/Miller) to approve Eric Nitschke as the Village Engineer. Roll call vote carried.

- XI.** Bill Carity, agent for Briscoe Development & Management Inc., property owner, 147.2 acres of land south of Freistadt Road, east of the Canadian National Railroad, north of Mequon Road and west of Country Aire Drive (Tax Key Nos. 231-998, 232-989, 232-998, 233-981, 234-993 and 234-990). Consideration and action on a 2020 Land Use Plan (LUP) map amendment Ordinance 07-2018 to reclassify portions of said property from “Agricultural/Conservation Residential” to “Low Density Residential”, “Low Density Residential” to “Medium Density Residential” and “Commercial” to “Medium Density Residential” for purposes of developing a 142-lot single-family and 60-unit condominium residential development known as “Wrenwood”.

MOTION (Baum/Myers) to approve as presented, Ordinance 07-2018.

Tr. Miller questioned the change in the density and the land use plan. Planner Retzlaff explained the different low density residential options. Discussion of the density ensued. Motion carried, Tr. Zabel, Myers, and Miller voted no.

- XII.** Bill Carity, agent for Briscoe Development, property owner – 147.2 acres of land south of Freistadt Road, east of the Canadian National Railroad, north of Mequon Road and west of Country Aire Drive (Tax Key Nos. 231-998, 232-989, 232-998, 233-981, 234-993 and 234-990); Consideration and action on Rezoning Ordinance 08-2018 to Create an Rs-5 & Rm-2 Planned Development District (PDD) and rezone said property from the A-1: Agricultural Zoning District to the Rs-5 & Rm-2/PDD District, and, consideration and action on Resolution 28-2018 establishing specific conditions and restrictions for the Rs-5 & Rm-2/PDD to guide specific development therein.

MOTION (Baum/Kaminski) to approve as presented, Ordinance 08-2018 and Resolution 28-2018. Discussion of the setback ensued.

Motion carried, Tr. Zabel, and Miller voted no.

- XIII.** 2017 Germantown Community Library Annual Report.

Trisha Smith, Library Director, came forward to give detail of the 2017 Germantown Library Annual Report. She reported on circulation information and community events and programs. The Germantown Community Library is a part of the Monarch Library System. There has been a 5.1% increase of circulation from 2016 to 2017.

- XIV.** Resolution 29-2018, Authorization to Proceed with an Agreement with Ehlers to Provide a Feasibility Analysis of a Tax Incremental District.

MOTION (Kaminski/Myers) to approve as Resolution 29-2018, Authorization to Proceed with an Agreement with Ehlers to Provide a Feasibility Analysis of a Tax Incremental District. The Resolution is in an amount not to exceed \$5,700 which is the

first phase. Phil Cosson of Ehlers came to the podium to report on the agreement. Chad Novis of Zilber Property Group came to the podium as an introduction to the development company.

Roll call vote carried, Tr. Zabel voted no.

- XV. Resolution 30-2018, Authorization to Proceed with an Agreement with R.W. Management Group in an amount not to exceed \$24,000 for Analysis of the Fire Department and Hiring of Fire Chief.**

MOTION (Myers/Baum) to approve as Resolution 30-2018, Authorization to Proceed with an Agreement with R.W. Management Group in an amount not to exceed \$24,000 for Analysis of the Fire Department and Hiring of Fire Chief. Administrator Kreklow commented the he met with the Police and Fire Commission that some planning and analysis of the Fire Department is done prior to or with the hiring process. This will be funded by Capital Improvements.

Roll call vote carried.

- XVI. Resolution 31-2018 Authorizing and Directing Village Staff to Contact and Work with Southeastern Wisconsin regional Planning Commission (SEWRPC) to Amend the Regional Water Quality Management Plan for Eventual Addition of Certain Lands Located Generally Between Freistadt Road, Goldendale Road, Wisconsin Southern Railroad and the Existing Sewer Service area to the East to MMSD's Sanitary Sewer Service Area.**

MOTION (Baum/Myers) to approve as Resolution 31-2018, Authorizing and Directing Village Staff to Contact and Work with Southeastern Wisconsin regional Planning Commission (SEWRPC).

Motion carried.

ADJOURNMENT: There being no further business, meeting adjourned at 9:15 p.m.

Deanna L. Boldrey, WCMC/CMC
Village Clerk

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

MEETING DATE: Monday, April 2nd, 2018

AGENDA ITEM: New Business

ITEM TITLE: Squad Equipment and Change-Over

SUBMITTED BY: Capt. Mike Snow

SUMMARY EXPLANATION:

The department is requesting approval of funds for the change-over and purchase of equipment for the squads approved for 2018. I have attached two quotes; the difference is due to the fact that one of the outgoing squads is a Ford Expedition so there is not a great deal of equipment that can be used on the Explorer. The other squad being replaced is an Explorer so there is a significant amount of equipment that can be reused.

The funds for the change-overs are in the 2018 budget under account 10-512-570-8100.

Squad #15	\$13,554.50
<u>Squad #19</u>	<u>\$10,937.20</u>
Total	\$24,491.70

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER_____

RECOMMENDATION:

BOARD ACTION:

**MEETING MINUTES
PUBLIC SAFETY COMMITTEE MEETING
APRIL 2, 2018
GERMANTOWN VILLAGE HALL BOARD ROOM**

CALL: The meeting was called to order at 5:30 p.m. by Chairman Hughes.

ROLL CALL: Chairman Hughes, Trustee Campbell, Trustee Myers and Trustee Warren.

Also present were Police Captain Snow and Deputy Fire Chief Delain.

PUBLIC COMMENT: No discussion.

APPROVAL OF MINUTES: a motion was made by Warren, seconded by Myers, to approve the minutes of the March 5, 2018 Public Safety Meeting. Motion carried unanimously.

POLICE DEPARTMENT MONTHLY REPORT: Captain Snow reported on the following:

- Staffing update – P.O. Farnsworth is nearly finished with his field training and P.O. Onela is still in school

POLICE DEPARTMENT ANNUAL REPORT: Snow advised the annual report had been completed by Communications Supervisor Schmidt and he would answer any questions the committee may have. Myers appreciated the quality of the report, Hughes noted there were no major spikes or dips in the numbers.

FIRE DEPARTMENT MONTHLY REPORT: Deputy Fire Chief Delain reported on the following:

- There has been good feedback regarding their recruitment ad on facebook and they are continuing with the recruitment process
- Training updates for staff
- 143 calls for service for February

OVERTIME REPORTS:

Police Department – Snow stated there is nothing new to report and overtime is tracking normally.

Fire Department – Delain stated their overtime numbers are looking good, nothing unusual.

POLICY UPDATES FOR POLICE & FIRE DEPARTMENT:

Police Department - Snow advised the police department was updating the following policies as it moves forward in the accreditation process:

- 5.01 Use of Force
- 6.32 Honor Guard
- 12.01 Weapons and Ammunition

Fire Department – none

UNFINISHED BUSINESS: none

NEW BUSINESS:

SQUAD EQUIPMENT AND CHANGEOVER – POLICE DEPARTMENT: Snow advised the department was requesting approval for the changeover and purchase of equipment for the squads which were approved in the 2018 budget. He received 2 quotes from General Fire of different amounts due to one of the old squads being an Expedition resulting in higher changeover costs to the new Explorer. The prices quotes are \$13,554.50 and \$10,937.20, for a total of \$24,491.70.

A motion was made by Myers, seconded by Campbell, to forward this purchase request to Village Board with a recommendation of approval for the squad equipment and changeover costs in the amount of \$24,491.70 through General Fire. Motion carried unanimously.

CHANGE OF AGENT, HEATHER LAZAR OF COST PLUS WORLD MARKET: a motion was made by Myers, seconded by Campbell, to forward this Change of Agent for Heather Lazar to Village Board with a recommendation of approval. Snow and Delain indicated there were no objections from police and fire departments. Motion carried unanimously.

APPLICATION FOR FIREWORKS USER PERMIT, JULY 4TH AT FIREMAN'S PARK – LYNN GRGICH, KIWANIS, OPERATOR: WOLVERINE FIREWORKS DISPLAY: a motion was made by Myers, seconded by Warren, to forward this application to Village Board with a recommendation of approval for the fireworks user permit application for July 4th at Fireman's Park to Lynn Grgich of Kiwanis. Snow and Delain indicated there were no objections from police and fire departments. Motion carried unanimously.

OPERATOR LICENSES: Katelyn Dory, Joshua Stoltenberg (Recommend Approval). A motion was made by Myers, seconded by Campbell, to forward the applications for Operator License for K. Dory and J. Stoltenberg to Village Board with a recommendation of approval. Snow and Delain advised they had no objections for these license applications. Motion carried unanimously.

NEW CLASS B FERMENTED MALT BEVERAGE APPLICATION FOR APPLE WORKS WINERY LLC, W179 N12536 FOND DU LAC AVE., KEVIN BEHNKE, MAY 1, 2018 – JUNE 30, 2018: A motion was made by Warren, seconded by Myers to forward this application to Village Board with a recommendation of approval.

Discussion followed with Village Attorney Sajdak advising there have been discussions regarding this application with the winery owner since last August. He stated there are statutory issues they are attempting to overcome to allow owner to sell both wine and beer. He went on to explain the intricacies of the statutes and the steps taken to work matters out regarding whether or not a Class B Premises is eligible to hold a winery license. Sajdak stated that despite changes that have occurred over time with licensing issues, he still believes that the statute requires the separation of the Class B Premises from other operations on site. He noted that this applicant already has a winery permit through the state which encompasses the property as a whole, but the permit form is not broken down in an effective manner.

Sajdak referred to a map showing the committee how the applicant's property conducts manufacturing in a different area from the sales area, so the premises are separate, but the permit would be for the whole property. He added that the application for the Class B permit includes those manufacturing premises also – same description was used for this application and the state permit. Sajdak stated that while he was not entirely comfortable with the winery permit on the same premises as the sales location, he was willing to look past that fact due to the Department of Revenue's guidance in this situation, provided that the premises description for the Class B includes only the smaller sales building that is on site.

Hughes questioned whether this license would include the outside patio to the west, Sajdak responded it would and the owner advised the outdoor patio and tent are included on the permit.

After further discussion, Sajdak requested that the motion to approve include the limitation of the Class B Premises to be only the sales building and the surrounding tent and patio area. Committee members agreed and the motion to forward this item to Village Board with a recommendation of approval for the New Class B Fermented Malt Beverage Application for Apple Works Winery LLC, would include that it be limited to the sales building and surrounding tent and patio area. Motion carried unanimously.

NEXT MEETING: Hughes advised next month's meeting would be held on Monday, May 7, 2018 at 5:30 p.m. at the Village Hall Boardroom.

ADJOURNMENT: There being no further business, the meeting was adjourned at 5:49 p.m.

Recorded by,

Julie L. Barth
Secretary



General Fire Equipment Co., Inc

975 North Hawley Rd
Milwaukee, WI 53213

Phone: 414/475-0959

Order Number **B15551**

Order Date 02/02/18

Bid Expiration Date (None)

Required Date 02/02/18

Bill To:

Germantown Police Department
P.O. Box 96
N112 W16877 Mequon Road
Germantown, WI 53022

Ship To:

Germantown Police Department
P.O. Box 96
N112 W16877 Mequon Road
Germantown, WI 53022

THIS IS A BID/ESTIMATE

Customer	Ship Via	F.O.B.	Terms	Purchase Order Number	Salesperson	Reference No.
GERM02	Best way	Origin	Net 25 Days		BW03	
Qty. Ordered	Qty. Shipped	Item Number	Unit of Measure	Unit Price		Extended Price
	Back Ordered	Item Description (Customer Part No.)		Discount %	Tax	
3	0	SOUENGHNK02		51.00		153.00
		Sound-Off BluePrint Remote Node Wire Harness		N		
1	0	001		2700.00		2700.00
		Labor Charges For Installation Of Equipment Into Squad		N		
					Shipping Subtotal	300.00
					Non Taxable Subtotal	13254.50
					Taxable Subtotal	0.00
					Tax	0.00
					Total Order	13554.50

Phone: 414/475-0959

Order Number B15563**Order Date** 02/02/18

Bid Expiration Date (None)

Required Date 02/02/18

Bill To:

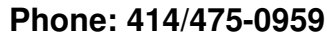
Germantown Police Department
P.O. Box 96
N112 W16877 Mequon Road
Germantown, WI 53022

Ship To:

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THIS IS A BID/ESTIMATE

Customer	Ship Via	F.O.B.	Terms	Purchase Order Number	Salesperson	Reference No.	
GERM02	Best way	Origin	Net 25 Days		BW03		
Qty. Ordered	Qty. Shipped	Item Number	Unit of Measure		Unit Price		Extended Price
	Back Ordered	Item Description (Customer Part No.)			Discount %	Tax	
1	0	SQD			0.00		0.00
		Squad 2018 Ford PI Utility			N		
1	0	SET-PB450L2			595.00		595.00
		Setina Alum. Contour Push Bumper w/ 2-Sound-Off nFORCE			N		
		Led's					
		Driver's Side Red + White					
		Passenger side Blue + White					
		Lights can alternate (either just red + blue or add white to the warning pattern for additional attention getting power) This set-up allows for the ability to turn on white portion of lights to steady burn to activate with the takedowns for additiional area blanket coverage to help insure a safer environment for your officer's.					
2	0	SOUEENT3B3-			160.00		320.00
		Sound-Off Surface Mount LED Intersection Module, Each			N		
1	0	UNI8848-0002			200.00		200.00
		Unity X-LED 6" LED Light Black Head Assy, 215,000cp			N		
1	0	SOUPNT1CRV05			10.00		10.00
		Sound-Off Intersector Adapter for Ford PI Utility Mirror			N		
1	0	SOUETHFSS-FV			81.00		81.00
		Sound-Off Select-A-Pattern SS Headlight Flasher, PI Utility			N		
2	0	SOUENFSGS2-			139.50		279.00
		Sound-Off nForce Single Deck/Grill Mount 10-16v, 9 LED			N		



Required Date 02/02/18

Germantown Police Department
P.O. Box 96
N112 W16877 Mequon Road
Germantown, WI 53022



General Fire Equipment Co., Inc

975 North Hawley Rd
Milwaukee, WI 53213

Phone: 414/475-0959

Order Number B15563

Order Date 02/02/18

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Customer	Ship Via	F.O.B.	Terms	Purchase Order Number	Salesperson	Reference No.
GERM02	Best way	Origin	Net 25 Days		BW03	
Qty. Ordered	Qty. Shipped	Item Number	Unit of Measure	Unit Price		Extended Price
	Back Ordered	Item Description (Customer Part No.)		Discount %	Tax	
		PA Mic on magnetic holder on side of consle between seat and laptop pole Radar wires Power and remote, loomed and run down PS of dash exposed Radar heads go to the DS of console by windshield No LED indicator for camera DVR up front 1" filler above for Lind box clearance Flashlight on vertical bracket mounted to angle bracket on laptop mount				
1	0	SOUENGCC01241		461.25		461.25
		Sound-Off BluePrint 100 Amp Central Controller				
1	0	SOUENGHNK01		52.50		52.50
		Sound-Off BluePrint Central Controller Harness				
1	0	SOUENGND20001		107.25		107.25
		Sound-Off BluePrint Input Node				
3	0	SOUENGND04101		258.75		776.25
		Sound-Off BluePrint Remote Node				
3	0	SOUENGHNK02		51.00		153.00
		Sound-Off BluePrint Remote Node Wire Harness				
1	0	001		2700.00		2700.00
		Labor Charges For Installation Of Equipment Into Squad				
				Shipping Subtotal		300.00
				Non Taxable Subtotal		10637.20
				Taxable Subtotal		0.00
				Tax		0.00
				Total Order		10937.20

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

MEETING DATE: Monday, May 7, 2018

AGENDA ITEM: New Business

ITEM TITLE: Spassland Park Playground

SUBMITTED BY: Mark Schroeder, Park & Recreation Director

SUMMARY EXPLANATION:

Monies were included in the 2018 CIP Budget to replace the play equipment at Spassland Park. Requests for Proposals were sent to 6 playground companies, with a total of 11 design proposals submitted. The commission completed a preliminary review of these designs at the March commission meeting with 4 designs selected for further review.

Letters were sent to residents near the park with an invitation to view and vote on their preferred design. The 4 designs were posted to the department Facebook page, with a total of 284 votes cast (266 on-line, 18 in-person). After reviewing the design options and public comments, the Park and Recreation Commission is ready to move ahead on the final design.

The preferred design the Park & Recreation Commission has selected is from Lee Recreation LLC, which includes playground equipment and installation. Not included in the contract with Lee Recreation LLC is the cost of the engineered wood fiber surfacing. The surfacing material will be purchased directly by the village and installed by village DPW/Parks staff.

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER X

RECOMMENDATION:

At the April 18th, 2018 Park and Recreation Commission Meeting, a motion was made by Commissioner Depies, seconded by Commissioner Miller, to send forth a positive recommendation to the Village Board to approve the playground design and installation from Lee Recreation LLC, in an amount not to exceed \$69,480, as well as the surfacing materials at a cost of \$5,520. Motion carried unanimously. Monies to come from 2018 CIP Budget Account #40-552-570-8450.

**VILLAGE OF GERMANTOWN
WASHINGTON COUNTY**

RESOLUTION NO. 33-2018

GERMANTOWN JUNIOR WARHAWKS FIELD USAGE AGREEMENT

WHEREAS, the Village of Germantown and the Germantown Diamond Club (currently named the Germantown Junior Warhawks) held a two year agreement that will expire on December 31, 2018; and,

In March, staff met with representatives of the Germantown Junior Warhawks to discuss renewal of the agreement, as well as the annual field usage fee. Currently, field usage fees are calculated on a per participant basis for baseball/softball, soccer, and football programs. In the case of the Junior Warhawks, a per participant fee of \$15 has been incorporated to address deficiencies in field maintenance. The fees paid are deposited in the Park and Recreation Non-Reverting, Non-Lapsing Facility Fund designated for use by the Village to help maintain the fields used by the Germantown Junior Warhawks.

The Germantown Junior Warhawks organization has experienced an increase in membership over the last several years. Based on the current method for determining the usage fee, there is a concern on the increasing costs to the program when factoring in not only these fees, but the additional costs for using the Germantown School District and Germantown Little League facilities.

Attached for your review and approval is a proposed two-year agreement with the Germantown Junior Warhawks for 2018-2019. The only proposed change to the current agreement is to go from a per participant fee of \$15, to an annual lump sum payment of \$3,000. In addition, there remains a provision for payment to the Village for any ball diamond supplies that are used, as well as the requirement to provide a liability insurance policy, and relinquish usage if the Village declares a need.

WHEREAS, On April 18, 2018, the Park and Recreation Commission met and recommended the attached agreement; and,

NOW THEREFORE BE IT RESOLVED, that the attached Agreement Between the Village of Germantown and the Germantown Junior Warhawks is hereby approved.

Introduced by: _____

Adopted: May 7, 2018

Vote: Ayes: _____ Nays: _____

Dean M. Wolter, Village President

ATTEST:

Deanna L. Boldrey, WCMC/CMC
Village Clerk

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

MEETING DATE: May 7, 2018

AGENDA ITEM: New Business

ITEM TITLE: Junior Warhawks Baseball/Softball – Field Usage Agreement 2018-2019

SUBMITTED BY: Mark Schroeder, Park & Recreation Director

SUMMARY EXPLANATION:

The Germantown Junior Warhawks (formerly Diamond Club) is not-for profit organization which offers the sports of baseball and softball to approximately 300 Germantown youth annually.

In November 2016, following review and recommendation by the Park & Recreation Commission, the Village Board approved a 2-year agreement with the Germantown Diamond Club. This agreement will expire on December 31, 2018.

In March, staff met with representatives of the Germantown Junior Warhawks to discuss renewal of the agreement, as well as the annual field usage fee. Currently, field usage fees are calculated on a per participant basis for baseball/softball, soccer, and football programs. In the case of the Junior Warhawks, a per participant fee of \$15 has been incorporated to address deficiencies in field maintenance. The fees paid are deposited in the Park and Recreation Non-Reverting, Non-Lapsing Facility Fund designated for use by the Village to help maintain the fields used by the GT Junior Warhawks.

The GT Junior Warhawks organization has experienced an increase in membership over the last several years. Based on the current method for determining the usage fee, there is a concern on the increasing costs to the program when factoring in not only these fees, but the additional costs for using the Germantown School District and Germantown Little League facilities.

Attached for your review and approval is a proposed 2-year agreement with the GT Junior Warhawks for 2018-2019. The only proposed change to the current agreement is to go from a per participant fee of \$15, to an annual lump sum payment of \$3,000. In addition, there remains a provision for payment to the Village for any ball diamond supplies that are used, as well as the requirement to provide a liability insurance policy, and relinquish usage if the Village declares a need.

ATTACHMENT: ORDINANCE ☐ RESOLUTION ☐ OTHER ☒

Attachment: 2018-2019 Field Usage Agreement

RECOMMENDATION:

At the April 18, 2018 Park & Recreation Commission Mtg., a motion by Commissioner Borden, seconded by Commissioner Stapelman, to recommend to the Village Board to approve the Junior Warhawks Field Usage Agreement for 2018-2019. Motion unanimously carried.

FACILITY USAGE AGREEMENT

This Agreement entered into as of the date specified below by and between the **VILLAGE OF GERMANTOWN**, Washington County, Wisconsin (the “Village”) and the **GERMANTOWN JUNIOR WARHAWKS**, Germantown, Wisconsin (the “User”).

In consideration of the mutual obligations, undertakings, promises and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **USAGE OF FIELD:** The Village hereby agrees to allow the User to utilize one (1) field at Firemen’s Park (Freistadt Field), one (1) field at Kinderberg Park, one (1) field at Haupt Strasse Park, and one (1) field at Friedenfeld Park (see appendix A) for games and practices (the “Premises”).
2. **RIGHT OF USAGE:** The Village’s Parks & Recreation Department shall be responsible for scheduling the various sport fields located at Freistadt Field, Kinderberg Park, Haupt Strasse Park, and Friedenfeld Park, and will have priority in usage of the fields. The User will be allowed non-exclusive use of the fields for baseball and softball games and practices during their season (April – July). The Village reserves the right to close the fields at any time for routine or preventative maintenance, poor or unsafe conditions and/or at other times when deemed in the best interest of the Village. The fields may be utilized by the Village, in its sole discretion, for baseball or softball practices as well as other recreational uses, including without limitation, use by other applicants, associations, or teams.
3. **REPAIRS:** User agrees that any repairs that need to be completed to the Premises resulting from User’s use thereof shall be the sole responsibility of the User, provided that Village may, in its sole discretion, choose to complete any repair work on its own and invoice User for the cost thereof. Such invoice shall be paid within 60 days of its issuance.
4. **TERMS:** The term of this agreement is two (2) years and shall commence on January 1, 2018 and terminate on December 31, 2019 unless terminated or renewed in accordance with this agreement.
5. **IMPROVEMENTS:** It is understood and agreed that the Premises will be used by the User for games, practices, storage, and related lawful uses. The User may, at its own expense, construct and install improvements and equipment on the Premises to carry out its purposes and use thereof, provided that such work and equipment shall first be approved by the Village. Approvals are required by the Park and Recreation Director, Park and Recreation Commission, Building Inspection and possibly Planning Commission and Village Board depending on project and improvements. Any permanent structures or improvements installed by User shall become property of the Village, while any non-permanent improvements shall remain property of the User.
6. **FEES:** User will pay the Village a lump sum fee of \$3,000 annually. The fee will be deposited in a non-reverting and non-lapsing fund to be used for preventative and routine maintenance and/or improvements at the Village’s discretion. The Village will also charge

the User for products (i.e. chalk, diamond dry, turf, etc) used for their activity. Routine maintenance shall be performed according to the schedule outlined in Appendix B.

7. **SPONSORSHIP:** The Village reserves and retains all naming rights and all rights and privileges for sponsorships, advertising and promotions. In the event that this agreement relates to the scheduling of a tournament, camp or clinic, the User shall provide the Village with written notice of any event sponsors, including the name of the sponsors and other information that may be requested by the Village. Event sponsorships will be permitted unless such sponsorship conflicts with any other Village sponsorships.
8. **ASSIGNMENT AND SUBLETTING:** User may not assign this agreement or the usage of the Premises, or any part thereof, to any other organization.
9. **COMPLIANCE WITH LAW:** User shall maintain the playing facility and comply with the highest safety standards set forth by the User's governing body. Except as otherwise provided for within this Agreement and those changes undertaken at User's discretion subject to the terms herein, User shall not be required to make any alterations, additions or improvements to the premises.
10. **LIABILITY:** User, on behalf of itself and its affiliates, successors, heirs and assigns, hereby releases and holds the Village and its officers, employees, representatives and agents harmless from any and all liability of any kind or nature occasioned by any act or omission within or on the Premises. User further agrees to keep in full force and effect during the term of this agreement, a public liability insurance policy, written and issued by a responsible insurance company acceptable to the Village, insuring itself and the Village against injury to property, person, or loss of life arising out of the use and occupancy of the demised premises, with limits of at least \$100,000 property damage, \$500,000 for one person, and \$1,000,000 for any number of persons injured or killed in any one accident, and shall furnish the Village adequate and written evidence of such coverage annually.
11. **AMENDMENT AND DEFAULT:** This Agreement may be amended at any time upon the mutual written agreement of the parties. This Agreement may be terminated in the event of the default of any of the terms and conditions set forth herein provided that User has failed to correct such default following 30 days written notice by the Village to User.

Entered into this ____ day of ____, 2018

VILLAGE OF GERMANTOWN

GERMANTOWN JUNIOR WARHAWKS

Village President

President

Village Clerk

Secretary

Park & Recreation Director

Treasurer

APPENDIX A

Firemen's Park – Freistadt Field



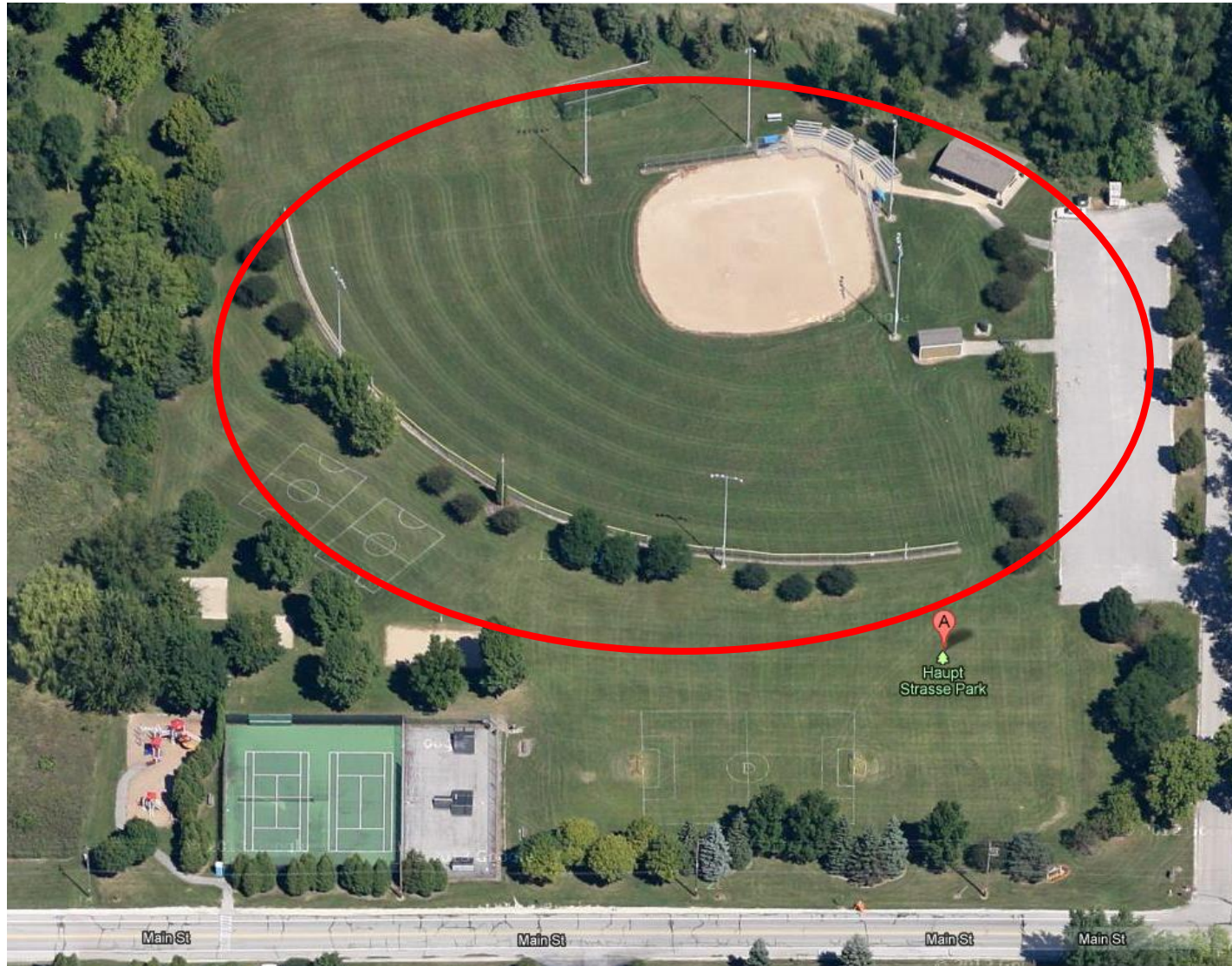
APPENDIX A

Kinderberg Park



APPENDIX A

Haupt Strasse Park



**VILLAGE OF GERMANTOWN
GENERAL GOVERNMENT & FINANCE COMMITTEE
MEETING MINUTES
April 16, 2018**

CALL TO ORDER: The meeting was called to order at 6:00 p.m. by Chairperson Zabel.

ROLL CALL: Present: Chairperson Zabel, Trustee Members: Baum, Kaminski, and Miller. Also present: Administrator Kreklow, Clerk Boldrey, and Deputy Clerk Tucker.

APPROVAL OF MINUTES: March 26, 2018 – **MOTION (Miller/Baum) to approve. Motion carried.**

PUBLIC COMMENT: No public comment.

NEW BUSINESS:

- A. Review and Acceptance of 2017 Water Utility PSC Report.
The report is informational only and has been filed with the Public Service Commission.
- B. Resolution 29-2018, Authorization to Proceed with an Agreement with Ehlers to Provide a Feasibility Analysis of a Tax Incremental District.
Motion by (Kaminski/Baum) to forward Resolution 29-2018 to the Village Board. Tr. Baum commented it is hard to approve not knowing what it is. Further Discussion ensued. Tr. Kaminski commented the area will develop. Amendment Motion (Baum/Miller) to amend the \$14,500 to \$5,700. Amendment Motion carried. Motion as amended carried, Zabel Voted No.
- C. Resolution 30-2018, Authorization to Proceed with an agreement with R. W. Management Group in an amount not to exceed \$24,000 for Analysis of the Fire Department and Hiring of Fire Chief. Administrator Kreklow reported that the contract is with R. W. Management Group for the analysis of the Fire Department and hiring of the Fire Chief. First would be an organizational analysis and then the assistance with hiring of the Fire Chief. He requested quotes from five different firms and received quotes from three. The fire department analysis is due to clarification of the direction for the fire department as far as moving from paid on call to a full-time model. The company will talk to the fire department, trustees, police & fire commission. The Police & Fire Commission did request assistance with the search of a Fire Chief. Discussion of the process ensued.
Motion by (Baum/Miller) to approve recommendation of Resolution 29-2018. Motion carried unanimously.

OLD BUSINESS:

- A. Resolution 27-2018 – Adoption of Purchasing Policy.
Motion by (Kaminski/Miller) to approve recommendation of Resolution 27-2018. Discussion ensued for clarification on the gray items. The ranges were discussed for direction. The policy will clarify these items. Administrator Kreklow commented the policy is meant to create more guidelines and improved controls. Motion carried unanimously.
- B. Setting of Interim Fire Chief Salary.
Motion by (Baum/Miller) to recommend the interim fire chief salary as \$83,083. This will be retroactive to the appointment and while the appointment is interim Fire Chief. Motion carried unanimously.

REPORTS:

A. **Monthly Year to Date Financials:**

1. Revenue and Expense Report All Funds: Administrator Kreklow commented that it is early to tell but all seems ok.
2. Health and Dental Plans: Administrator Kreklow reported both plans are doing well. The year end report from the third party administrator. It is early to tell where 2017 will end up.
3. TIF 6 Summary: The report was reviewed. Administrator Kreklow reported that there is a lot of construction underway. Materials will be submitted in May to the Plan Commission. An interfund transfer will be needed for TIF 6.

B. **Impact Fees Financial Reports:** The report was reviewed.

C. **Accounts Payable:** March 25, 2018 and April 10, 2018 payables were reviewed.

D. **Code Violation Reports:**

1. Building Inspection Department.
2. Planning Department.

The reports were reviewed.

E. **C.I.P. PROJECTS:** The reports were reviewed.

F. **Letter of Credit Summaries:**

1. Building Inspection Department – Reviewed.
2. Public Works Department– Reviewed.
3. Planning Department – Reviewed.

G. **Summary of all Village Contracts:** Contracts were reviewed and no changes from last month.

SCHEDULE NEXT MEETING: There will be a meeting on May 21, 2018 at 6 pm.

ADJOURNMENT: Chairman Zabel adjourned meeting at 6:52 p.m.

Respectfully Submitted,

Deanna L. Boldrey
Village Clerk

**VILLAGE OF GERMANTOWN
WASHINGTON COUNTY**

RESOLUTION NO. 27-2018

RESOLUTION ADOPTING THE PURCHASING POLICY

WHEREAS, the Village of Germantown follows the Village Municipal Code 3.08, Claims Procedure, for purchasing purposes; and,

WHEREAS, purchasing should have a more detailed policy document; and,

WHEREAS, a new policy document has been created and reviewed by staff; and,

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Germantown, does hereby adopt the Attached Purchasing Policy.

Introduced by: _____

Adopted: _____

Vote: Ayes: ____ Nays: ____

Dean M. Wolter, Village President

ATTEST:

Deanna L. Boldrey, WCMC/CMC
Village Clerk

Purchasing Policy

Purpose:

The budget is designed to provide a sufficient level of detail to provide funding authorization for most ongoing operating expenditures. However, it is understood that purchasing must follow some rules that cannot be included in the annual budget or the Village Code. Because of the diverse nature of municipal government, these requirements will be different based on the type of spending. To clarify these requirements, the following Purchasing policies have been created.

Purchasing Processes

There are several levels of authorization that may be necessary to initiate a purchase using municipal funds. The level of authorization required will depend on which of the following conditions may apply to the purchase.

Operational Expenses including maintenance and office supplies

During the budgeting process, the Village Board approves department budgets with the understanding that some of the spending within those budget amounts may be made without direct board approval. However, all such spending must follow the parameters set out in these policies.

Authorizations:

For purchases and contracts that are under \$2,500 and have already been approved by the budget, only department head approval is required. Department heads may delegate this approval when necessary; any such delegation must be reported in advance (when possible) to the Village Administrator, Village Finance Director, and Accounts Payable Personnel to ensure efficient payment of invoices. Department heads may sign contracts valued at \$2,500 or less. While purchase orders are not required for purchases under \$2,500 proper documentation including receipts, invoices and/or vouchers will still be required.

For purchases between \$2,500 and \$7,500

- Village Administrator authorization is required; if possible this authorization should occur before the purchase.
- A purchase order must be filled out and submitted to the Finance Department with the

proper signatures, accompanied by appropriate documentation including receipts and invoices.

- When no receipt/invoice is available, the purchase order must be accompanied by a completed voucher.
- If a contract must be signed for purchases up to 7,500, Village Administrator should be the contract signatory.

For purchases between \$7,500 and \$15,000

- Committee of jurisdiction authorization is required, in addition to the Village Administrator; if possible this authorization should occur before the purchase.
- A purchase order must be filled out and submitted to the Finance Department with the proper signatures, accompanied by appropriate documentation.
- When no receipt/invoice is available, the purchase order must be accompanied by a completed voucher.
- If a contract must be signed for purchases between \$7,500 and \$15,000, the Committee Chairperson or his/her delegate should be the contract signatory.

For purchases over \$15,000,

- Village Board Authorization is required, in addition to Village Administrator and Committee approvals.
- A purchase order must be filled out and submitted to the Finance Department with the proper signatures, accompanied by appropriate documentation.
- When no receipt/invoice is available, the purchase order must be accompanied by a completed voucher.
- Staff must solicit bids for purchase over \$15,000 and provide three such bids/quotes to the board along with the request. When three bids are not available, staff should explain their methodology for solicitation and present bids available.

For multiple purchases of the same item(s):

- Some items must be purchased multiple times throughout the year. In this situation, a “blanket” purchase order may be approved by the Village Board for a specified dollar amount.
- This blanket purchase order serves as a purchase limit. Each purchase is then deducted from the total amount, until the approved amount has been spent. If additional items are needed after this time, a new purchase order must be approved by the Village Board.

Contracts for Professional Services

The Village of Germantown maintains a large number of professional service contracts across departments. In general, these contracts will follow the same standards as purchases do. Contracts in this context include formal contracts, binding agreements, and obligations to pay.

For contracts with a value of less than \$7,500 a year:

- The Village Administrator may act as signatory, based on recommendations by the department head.
- Department head must solicit multiple bids, to the best of their ability.
- Contracts with an annual payment will require purchase orders (but not authorization) for each subsequent year of the contract, until it ends.
- To the best of their ability, department heads should compare pricing before renewing the terms of such contracts.

For contracts with a value of more than \$7,500 a year:

- Department head must solicit bids, based on the RFP/RFQ requirements in the Competitive Pricing for Contracted Services section of this policy.
- Department head must submit to the Village Board an explanation of the bidding process and the resulting bids. Department head may also need to submit a detailed explanation of the services and/or the vendors for Board consideration.
- The Committee of Jurisdiction must approve contracts valuing more than \$7,500 a year, with the Committee Chairperson or his/her delegate serving as signatory. Contracts over \$15,000 a year must be approved by the Village Board, with the Village President or his/her delegate serving as signatory.
- Contracts with an annual payment will require purchase orders (but not authorization) for each subsequent year of the contract until it ends.
- Such contracts must be reconsidered and/or re-bid before a new contract is signed. Contracts should not be allowed to automatically roll-over into a new agreement without proper Village Board consideration and approval.

Capital Purchases

Because of the nature of Capital Purchases, the process is somewhat different than for general purchases. Any Capital Spending MUST be part of a Capital Project approved during the annual Village Budget. Capital Purchases made outside these projects will require full Village Board approval before they can be made, except in emergency situations. However, approval of Capital Projects in the annual budget does not mean automatic approval of all purchases made for those projects; in general, these purchases will follow the same process as all other

purchasing, with the exception that any public construction projects must follow the guidelines established in Wis. Stat. 62.15.

Other Purchasing Policies

Competitive Pricing

To help ensure that the Village is getting high quality goods or services at the most competitive pricing, the following purchasing best practices should be applied based upon the item's expected purchase cost, and/or nature of the purchase. Purchases dictated by state statute or state contract are exempt from these requirements. It is expected that all Village employees implement these practices into their department's purchasing, to the extent they are able.

Competitive Pricing on General Goods and Purchases

- 1) While there are no specific bidding processes required for items under \$2,500 in value, price checking should be done whenever practical.
- 2) For purchases from \$2,500-\$15,000 in value, price checking from at least 3 vendors is required to be documented. If three vendors are not available or if item is exempt from bidding, documentation of these reasons should be made.
3. If the item to be purchased is \$15,000 or more in value the following methods should be used:

Written price quotes from at least 3 vendors are required for items to be purchased that are \$15,000 or more in value. Quotes should be based on substantially equivalent products. All quotes should be based on the minimum appropriate standard for acceptable quality. However, multiple quotes are not required when pricing is based on the bidding done by other governments, such as items purchased under State contract pricing.

Additional Considerations – General Goods:

- Pricing should be considered in conjunction with obtaining the appropriate quality of goods.
- Product availability and the timeliness of delivery may also impact purchasing decisions.
- The scope of products and the efficiencies of consolidating orders may be a differential factor.
- Making quantity or bulk purchases should be considered if significant savings can be

realized. For general supplies, consolidation of orders among departments should always be considered.

- The amount of time spent on purchasing should be commensurate with the product costs.

Competitive Pricing for Contracted Services:

- 1) All contracted services, professional service agreements, or consulting agreements which have a total value under \$5,000 will use the following procedures:

Staff shall negotiate pricing with one or more potential service providers based on the scope of services required. The terms of these agreements must be made in writing prior to commencement of services and should include timelines and deliverables.

- 2) All contracted services, professional service agreements, or consulting agreements of \$5,000 or more; or construction contracts of \$25,000 or more must use the following procedures:

Staff shall prepare and solicit written Request for Quotes (RFQ), Request for Proposal (RFP), or other scope of services document that may be usual and customary for the type of services required.

These documents will be prepared in a manner that will identify in ample detail, the scope of services required. This should include the applicable timelines and deliverables; any factors other than cost of services that may impact the contract award should also be clearly stated when preparing these documents, so that all respondents may address these issues.

In certain cases, legitimate business needs may justify sole source contracting when the products or services are one-of-a-kind, proprietary, required under other agreements, are in response to emergency situations, or when other time constraints make competitive procurement infeasible. In such cases, the reasons for sole source contracting must be explained, documented, and presented to the Village Board with the request for contract approval.

When bidding public construction projects, staff must also follow the provisions set forth under Wisconsin Statutes s. 62.15. When making expenditures for items funded directly by a state or federal grant, staff will also adhere to the procurement provisions identified by those grantors.

Responsibility for Contract Renewal

The Administrator will be responsible to monitor all annual or multi-year contracts that may be subject to renewal or rebidding and include a report of such items as part of the quarterly financial reports to the General Government & Finance Committee. Contracts over \$5,000 should not be allowed to automatically renew without appropriate discussions and approvals.

For contracts over \$7,500, this means that the Village Board must approve renewals prior to automatic renewal.

Additional Considerations – Contracts:

Pricing may not be the sole criteria in selecting service providers. Contracts and proposals may also be evaluated based on a combination of factors that result in the best benefit to the Village, including but not limited to:

- The Understanding of the work required by the Village
- The Quality and Responsiveness of the proposal
- Willingness to accept contract terms or conditions
- Demonstrated competence and professional qualifications of the firm
- Background and related experience of the specific individuals to be assigned to the project
- Recent experience in successfully performing similar services / References
- Proposed methodology for completing work
- Level of staff interaction required to complete work

Other Procurement Processes

- Purchase Orders are required for all purchases over \$2,500; levels of approval for Purchase Orders follow the process described above.
- Documentation is required for *all* purchases, whether through petty cash, purchase order, voucher or credit card.
- Credit card statements will be reviewed each month by the Village Administrator and the Finance Director.
- Department heads have the responsibility for securing documentation from department employees and providing it as required to the Finance Director and/or the Village Administrator.
- Once a purchase or contract has been approved and initiated, it is understood that the Village is obligated to the vendor for payment.

Credit Card Policy

- A department head shall authorize use of the credit card by department members.
- The employee signs the credit card out from the Finance Department or Police Department.

- The employee makes the purchase, informing the vendor of the Village's tax-exempt status, and obtains a receipt for the purchase.
- The department head initials the receipt and writes the appropriate account code on the receipt/invoice.
- The credit card and approved receipt are returned to the Finance Department, along with a completed purchase order. Purchases without an invoice should be accompanied by a voucher.
- Credit card purchases exceeding \$2,500 shall be accompanied by an approved purchase order, following established criteria.
- Any late fees charged because of lack of authorization and/or documentation will be charged to the appropriate department's budget.

Clarification for Department Heads

- The Village Administrator is the authorized signatory for all purchases, purchase orders, purchase agreements and contracts valued at \$2,500 or more.
- To improve the efficiency of the payment process, documentation attached to purchase orders should include either the passed resolution or motion that grants authorization for that purchase or contract. Please insure that motions are clearly marked with the meeting date.
- If there is ever a question of who should approve a purchase or contract, the always opt for the higher level of permissions.

#

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: May 7, 2018

AGENDA ITEM: New Business (CERTIFIED SURVEY MAP)

ITEM TITLE: Jeffrey & Shelly Davis, N112 W20569 Mequon Road and Patrick & Carolyn Quella, N112 W20451 Mequon Road, Property Owner's; 2-Lot Certified Survey Map (Lot Line Adjustment)

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

SUMMARY EXPLANATION:

Jeffrey & Shelly Davis and Patrick & Carolyn Quella, property owners, are seeking approval of a Certified Survey Map (CSM) to relocate their common property line to facilitate construction of an addition to the Davis's existing dwelling located a N112 W20569 Mequon Road.

As shown in the draft CSM, the north-south property line between the two parcels is being slightly reconfigured and relocated to create an approximate 10 x 50 "bump out" to the east.

ATTACHMENTS:

- ◆ 4/9/18 Staff Report
- ◆ 4/9/18 Plan Commission Meeting Minutes
- ◆ Preliminary CSM

PLAN COMMISSION RECOMMENDATIONS:

APPROVE the 2-lot Certified Survey Map (CSM) as proposed.

PLAN COMMISSION MINUTES
April 9, 2018

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

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Peter Nilles, Tony Laszewski, Bill Shadid and Mary Ellen Gray were present. Commissioner Bob Williams arrived at 6:35. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

APPROVAL OF MINUTES: *MOTION Baum second Gray to Approve the minutes from 3-26-18.*

MOTION carried unanimously.

Jeffrey & Shelly Davis – N112 W20569 Mequon Road and Patrick & Carolyn Quella – N112 W20451 Mequon Road. The property owners are seeking approval of a Certified Survey Map to relocate their common property line to facilitate construction of an addition to the Davis' existing dwelling. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the Certified Survey Map for the Davis and Quella properties at N112 W20569 & W20451 Mequon Road subject to the following condition:

- 1. All technical corrections and issues raised by the Village Surveyor in the April 4, 2018 memo shall be corrected prior to recording the CSM.*

MOTION carried unanimously.

Brookside Mobile Home Community – W209 N11681 Hilltop Circle. Herb Wolf, agent for Brookside MHP, is seeking approval of a revised site plan that creates five (5) additional home sites within the 40.8-acre mobile home community. Planner Retzlaff summarized the proposal.

Commissioner Williams arrived 6:35 p.m.

MOTION Baum second Shadid to Approve the revised site plan for the Brookside Meadows Mobile Home Community with the additional five (5) home sites date stamped March 1, 2018, subject to the following conditions:

- 1. The trail system, gazebo, pavilion and "guest" parking stalls shown in the approved site plan dated January 1, 2004 shall be presented on the revised site plan as originally approved.*
- 2. The currently delineated wetland boundary and associated 25' wetland setback line shall be presented on the revised site plan.*
- 3. The perimeter boundary of the proposed five (5) additional home sites shall be revised so that no wetland area or the associated 25' wetland setback is contained in/on said home sites.*
- 4. A Certified Survey Map (CSM) shall be prepared and recorded to join the two parcels*

CERTIFIED SURVEY MAP (CSM) APPLICATION

4/9/18 Plan Commission Meeting

Jeffrey & Shelly Davis / Quella

Village Staff Report & Recommendation

Germantown, Wisconsin

Summary

Jeffrey & Shelly Davis and Patrick & Carolyn Quella, property owners, are seeking approval of a Certified Survey Map (CSM) to relocate their common property line to facilitate construction of an addition to the Davis' existing dwelling located at N112 W20569 Mequon Road.

Property Location: N112 W20569 & N112 W20451 Mequon Road

Applicant/

Property Owners: Jeff & Shelly Davis
N112 W20569 Mequon Road
Germantown, WI

Patrick & Carolyn Quella
N112 W20451 Mequon Road
Germantown, WI

Current Zoning: Rs-3: Single-family Residential

Adjacent Land Uses		Zoning
North	Agricultural	A-2
South	Agricultural	A-2
East	Agricultural	Rs-3
West	Agricultural	A-2



Proposal

Jeffrey & Shelly Davis and Patrick & Carolyn Quella, property owners, are seeking approval of a Certified Survey Map (CSM) to relocate their common property line to facilitate construction of an addition to the Davis' existing dwelling located at N112 W20569 Mequon Road.

As shown in the draft CSM (copy attached), the north-south property line between the two parcels is being slightly reconfigured and relocated to create an approximate 10' x 50' "bump out" to the east.

Staff Comment

The Davis' propose to construct a 16'7" x 34'6" (580 sqft) addition to the east side of their existing dwelling but are unable to meet the minimum 20' side yard setback that applies to properties in an Rs-3 Zoning District. The Davis' applied for but were denied a variance request by the Board of Zoning Appeals in December 2017 that would have reduced the side yard setback from 20 to 10 feet to accommodate the addition. With the variance being denied and the Davis' unable/unwilling to redesign the addition to meet the applicable setback, the only other option is to adjust the property line as proposed. By co-signers to the CSM, the adjacent property owners, Patrick & Carolyn Quella, agree with the proposed CSM.

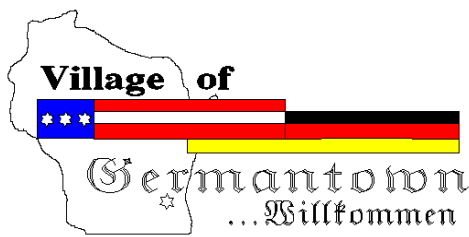
Public Works/Engineering Department

The Village Surveyor has also identified a few minor technical corrections in an April 4, 2018 memo (copy attached) that will have to be corrected prior to recording the CSM.

Village Planner Recommendation

APPROVE the Certified Survey Map for the Davis & Quella properties located at N112 W20569 & W20451 Mequon Road subject to the following condition:

1. All technical corrections and issues raised by the Village Surveyor in the April 4, 2018 memo shall be corrected prior to recording the CSM.



Engineering Department Memorandum

To: Jeff Retzlaff Village Planner

CC:

From: Bob Beilfuss, PLS, Village Surveyor

Date: April 4, 2018

Re: Davis Land Division

Jeff,

Here are my review comments for the CSM received 3-22-2018.

Certified Survey Map-Rezoning-PDD

Applicant or Owner Jeffery Davis

Land Surveyor/Firm: Jesse Zoltowski, PLS, Metropolitan Survey Service

1. The Village Clerk's name needs to be revised to Deanna L. Boldrey, WCMC/CMC

No further review comments.

Document Submittals and Data Conversion

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

Prior to Recording the Certified Survey Map, the professional land surveyor is responsible for submitting a copy of the AutoCad drawing file (.dwg) of the document in version 2016 on compact disk (CD) or via email to the Village Surveyor.

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

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

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



Village of



Germantown

Willkommen

Fee must accompany application

☐ \$2,900 with public improvements

☒ \$1,960 without public improvements

Paid \$ Date 3-22-18

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

Jeffrey S. Siedly w DAVIS

1112 W20569 MEQUON RD.

GERMANTOWN, WI 53022

Phone (262) 502-9888

Fax ()

E-Mail JDAVIS@FLOSTAR.COM

PROPERTY OWNER

SAME

Phone ()

2 PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

1112 W20569 MEQUON RD.

301-984

3 PURPOSE OF LAND SPLIT

<u>MOVING LOT LINE TO SATISFY SET BACKS</u>	Will the land split require rezoning?	
	From	To

4 READ AND INITIAL THE FOLLOWING:

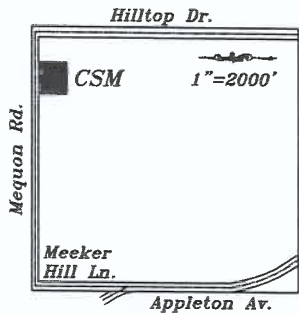
- JD I understand that the Certified Survey Map is not valid until recorded at the Washington County Register of Deeds. The Village will record the document and charge the applicant all applicable recording fees.
- JD I understand that the Map will not be placed on the Village Board agenda until all 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.
- JD 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.
- JD I understand all delinquent property taxes on any of the properties involved shall be paid prior to recording.

SIGNATURES — ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Jeffrey S. Siedly 3-22-18
Applicant Date Owner Date

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 1 & Lot 2 of Certified Survey Map No. 5338, being a part of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.



Vicinity Map
NE 1/4 Sec. 30-9-20

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.



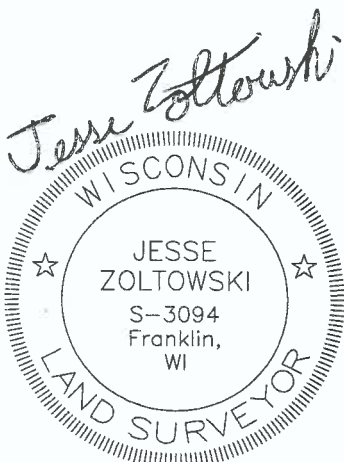
BOUNDARY LINE TABLE

1	S 00°24'03" E	50.00'
2	N 89°35'57" E	10.00'
3	S 00°24'03" E	52.67'
4	S 27°34'44" W	21.31'

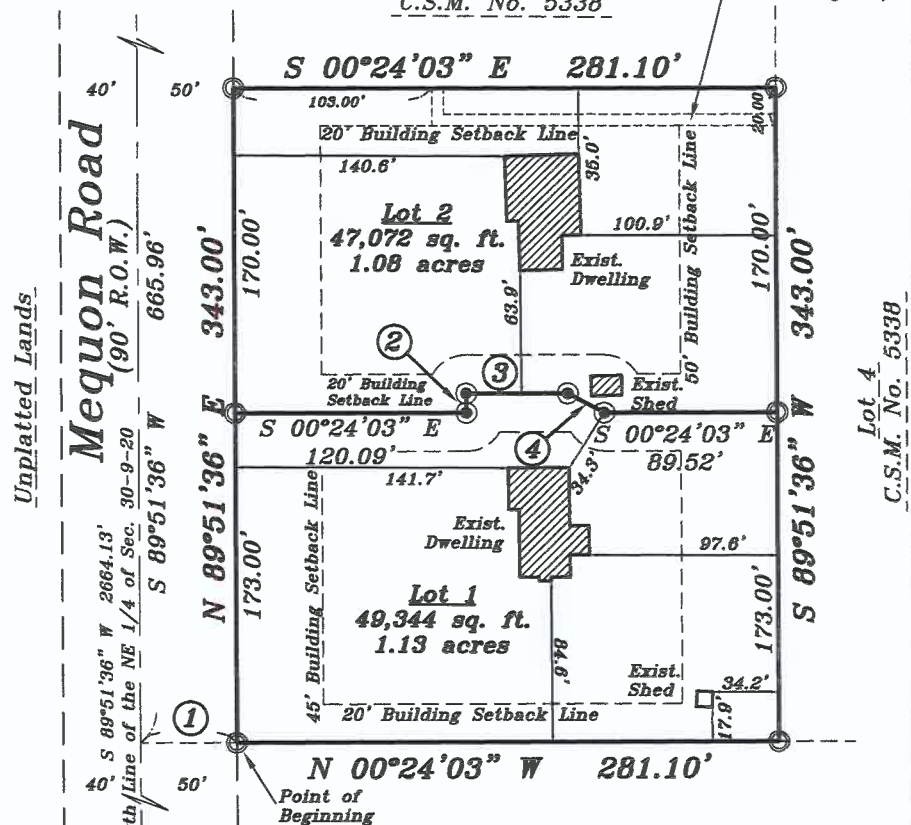
NE Cor., NE 1/4
Sec. 30, T9N, R20E
(conc. mon. w/brass cap)
N = 450,544.48
E = 2,489,852.28

Lot 3
C.S.M. No. 5338

6' Wide Underground
Utility Easement
(Vol. 974, Pg. 300;
Vol. 1339, Pg. 413)



March 14, 2018



NW Cor., NE 1/4
Sec. 30, T9N, R20E
(conc. mon. w/brass cap)
N = 450,537.93
E = 2,487,188.43

Prepared For:
Jeffrey S. Davis
Shelly M. Davis
N112 W20569 Mequon Road
Germantown, WI 53022
(414) 750-9744

Prepared By:
Jesse Zoltowski P.L.S S-3094
Metropolitan Survey Service, Inc.
9415 W. Forest Home Ave., Suite 202
Hales Corners, WI 53130
(414) 529-5380

Notes:

- Denotes iron pipe found and accepted.
- Denotes 1"x 24" iron pipe, 1.13 lbs/ft. set.

Map bearings refer to Grid North of the Wisconsin State Plane Coordinate System, South Zone (NAD-27)(Jan. 2017), with the North line of the NE 1/4 of Sec. 30-9-20 having an assumed bearing of N 89°51'36" E.

Tax Key No.: GTNV 301984

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 1 & Lot 2 of Certified Survey Map No. 5338, being a part of the East 1/2 of the Northeast of the Northeast 1/4 of Section 30, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

SURVEYOR'S CERTIFICATE

I, Jesse Zoltowski, Professional Land Surveyor, do hereby certify:
That I have surveyed, divided and mapped a redivision of Lot 1 & Lot 2 of Certified Survey Map No. 5338, being a part of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin; bounded & described as follows:

Commencing at the Northeast 1/4 corner of the Northeast 1/4 of said Section 30; thence S 89°51'36" W along the north line of said Section 30, 665.96 feet; thence S 00°24'03" E, 50.00 feet to the point of beginning of the lands to be described; thence N 89°51'36" E, 343.00 feet to a point; thence S 00°24'30" E, 281.10 feet to a point; thence S 89°51'36" W, 343.00 feet to a point; thence N 00°24'03" W, 281.10 to the point of beginning. Said lands containing 96,416 square feet. (2.21 acres).

That I have made such survey, land division and map by the direction of Jeffrey S. Davis, Shelly M. Davis, Patrick Quella and Carolyn Quella owners of said lands.

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

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and Chapters 17 and 18 of the Village of Germantown Zoning and Land Division Ordinances in surveying, dividing and mapping the same.

March 14, 2018
Date

Jesse Zoltowski
Jesse Zoltowski
Professional Land Surveyor S-3094



PREPARED FOR:
Jeffrey S. Davis
Shelly M Davis
N112 W20569 Mequon Road
Mequon, WI 53022

PREPARED BY:
Jesse Zoltowski
Metropolitan Survey Service
9415 W Forest Home Ave, #202
Hales Corners, WI 53130

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 1 & Lot 2 of Certified Survey Map No. 5338, being a part of the East 1/2 of the Northeast of the Northeast 1/4 of Section 30, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

OWNER'S CERTIFICATE

Jeffrey S. Davis and Shelly M. Davis, husband and wife and Patrick Quella and Carolyn Quella, husband and wife, as owners, do hereby certify that we have caused the land described on this map to be surveyed, re-divided and mapped as represented on this map, in accordance with the provisions of Chapter 236.34 of the Wisconsin State Statutes and Chapter 17 and 18 of the Village of Germantown Zoning and Land Division Ordinances.

WITNESS the hand and seal of said owners this _____ day of _____, 20____.

Jeffrey S. Davis

Shelly M. Davis

STATE OF WISCONSIN)
_____) COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20____, the above named Jeffrey S. Davis and Shelly M. Davis, husband and wife, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public-State of Wisconsin
My Commission Expires: _____

WITNESS the hand and seal of said owners this _____ day of _____, 20____.

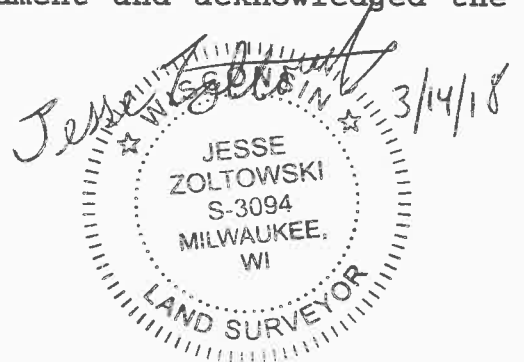
Patrick Quella

Carolyn Quella

STATE OF WISCONSIN)
_____) COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20____, the above named Patrick Quella and Carolyn Quella, husband and wife, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public-State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 1 & Lot 2 of Certified Survey Map No. 5338, being a part of the East 1/2 of the Northeast of the Northeast 1/4 of Section 30, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

CONSENT OF CORPORATE MORTGAGEE: (DAVIS)

First Bank Financial Center, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described on this map and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said First Bank Financial Center, has caused these presents to be signed by _____, (title) _____, at _____, Wisconsin, this _____ day of _____, 20____.

Signed _____
Print Name and Title: _____

STATE OF WISCONSIN)
_____ COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20____, _____, (Title) _____ of _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

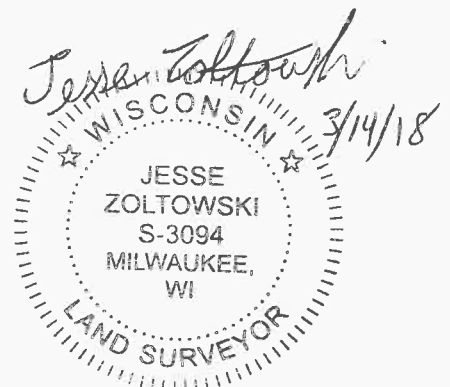
Notary Public
State of Wisconsin
My Commission Expires: _____

CONSENT OF CORPORATE MORTGAGEE: (QUELLA)

PNC Bank, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described on this map and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said PNC Bank, has caused these presents to be signed by _____, (title) _____, at _____, Wisconsin, this _____ day of _____, 20____.

Signed _____
Print Name and Title: _____



CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 1 & Lot 2 of Certified Survey Map No. 5338, being a part of the East 1/2 of the Northeast of the Northeast 1/4 of Section 30, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

CONSENT OF CORPORATE MORTGAGEE: CONT(QUELLA)

STATE OF WISCONSIN)

_____ COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20____, _____, (Title) _____ of _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public
State of Wisconsin
My Commission Expires: _____

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

Laura A. Johnson, Secretary

Date

Date

VILLAGE OF GERMANTOWN BOARD APPROVAL

This Certified Survey Map, being a redivision of Lot 1 & Lot 2 of Certified Survey Map No. 5338, being a part of the East 1/2 of the Northeast of the Northeast 1/4 of Section 30, Township 9 North, Range 20 East, in the 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____, No. _____.

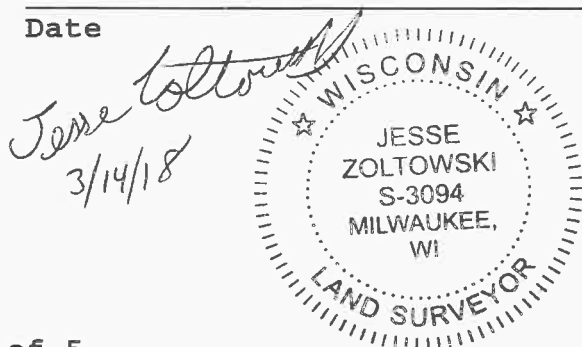
Dean Wolter, Village President

Barbara K.D. Goeckner, Village Clerk

Date

Date

THIS INSTRUMENT WAS DRAFTED BY:
Jesse Zoltowski, P.L.S. S-3094



#

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: May 7, 2018

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

ITEM TITLE: Paul & Jennifer Groh, Operators of Metro Cigars and Agent for MLG Germantown Investment LLC, Property Owner. Conditional Use Permit (CUP) for the operation of a Cigar Store and Bar/Lounge at N102 W19455 Willow Creek Way (Willow Creek Business Park Lot 5).

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

SUMMARY EXPLANATION:

Paul & Jennifer Groh, owner/operator of Metro Cigars located at W182 N9606 Appleton Avenue, are seeking approval of a Conditional Use permit to relocate and operate a cigar store and bar/lounge from a new 3,700 sqft retail building located on a 2.08-acre lot in the Willow Creek Business Park (Lot 5). The operation would include the retail sale of cigars and accessories, a cigar smoking lounge and bar area, a private conference room, and a deck for seasonal activities and seating.

ATTACHMENTS:

- ◆ 3/26/18 Staff Report
- ◆ 3/26/18 Plan Commission Meeting Minutes
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATIONS:

APPROVE the Conditional Use Permit with Plan Commission Recommendations.

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, May 7, 2018
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 "Cigar Store and Bar/Lounge" operation from the property described below pursuant to Section 17.33(3)(h) of the Village Zoning Code:

Applicant: Paul & Jennifer Groh, Operators of Metro Cigars and Agent for MLG Germantown Investment, LLC, Property Owner

Property: Located in Willow Creek Business Park, Lot #5 of CSM 6782 – NE Corner of Appleton Avenue & Willow Creek Way Tax Key: GTNV 321-974 2.08 Acres

Lot 5 of CSM 6782, Section 32, Town 9 North, Range 20 East in the Village of Germantown, Washington County, Wisconsin. 2.08 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 9th day of April 2018
Deanna Boldrey, Village Clerk

To Be Published On: April 18th and April 25, 2018

CUP # xx-18

Document No.

CONDITIONAL USE PERMIT

Document Title

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

Whereas the Applicants:

Paul & Jennifer Groh, Owners and Operators of Metro Cigars LLC and Agent for MLG Germantown Investment, LLC, Property Owner

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

Now, therefore, this permit is issued to the Applicants to permit the operation of a Cigar Store and Bar/Lounge from the property located at N102 W19455 Willow Creek Way pursuant to Section 17.33(3)(h) of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTNV 321-974

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

Lot #5 of Certified Survey Map No. 6782, Willow Creek Business Park, Section 32, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin. Parcel containing 2.08 acres.

Tax Key No: 321-974

Address: N102 W19455 Willow Creek Way

Pursuant to the following condition(s):

1. The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit application (CUP) and supporting materials dated February 26, 2018. The physical facilities from which said uses and activities are permitted include the existing and proposed buildings specified in the CUP application and supporting materials. Days and hours of operation shall be limited to those specified in the CUP application and supporting materials submitted with the CUP application.
2. Site Plan review and approval from the Village is required prior to construction of the proposed Metro Cigar facility on Lot 5 of the Willow Creek Business Park.
3. All temporary and permanent exterior signs require a permit and shall comply with all current sign regulations. Off-premise advertising and directional signage is regulated by the Village and requires a permit if/when allowed.

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 uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this 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 _____, 2018.

Dean Wolter, Village President

ATTEST:

Deanna Boldrey, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this ____ day of _____, 2018, the above named Dean Wolter, Village President, and Deanna Boldrey, 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

Paul & Jennifer Groh, as Owners and Operators of Metro Cigars LLC, we hereby accept the terms and conditions set forth in this Permit and understand that non-adherence to the terms and conditions as stated herein, and, with other applicable Village ordinances, may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2018

Jennifer Groh, Agent for Metro Cigars LLC

Signature of Jennifer Groh, Agent for Metro Cigars LLC

STATE OF WISCONSIN) SS
_____) COUNTY)

Personally came before me this ____ day of _____, 2018, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY OPERATOR

Paul & Jennifer Groh, as Owners and Operators for Metro Cigars LLC, do hereby accept the terms and conditions set forth in this Permit and understand that non-adherence to the terms and conditions as stated herein and, with other applicable ordinances, may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2018

Paul Groh, Agent for Metro Cigars LLC

Signature of Paul Groh, Agent for Metro Cigars LLC

STATE OF WISCONSIN) SS
_____) COUNTY)

Personally came before me this ____ day of _____, 2018, 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: _____

Metro Cigars – W182 N9606 Appleton Avenue. Paul & Jennifer Groh, owner/operators of Metro Cigars, are seeking approval of a Conditional Use Permit (CUP) to operate a cigar store and bar/lounge, and Site Plan and Sign Permit applications for a proposed 3,700 sqft retail building located on a 2.08-acre lot in the Willow Creek Business Park (Lot 5). Planner Retzlaff summarized the proposal and recommendation to deny the conditional use permit and site plan applications.

Discussion followed. Commissioner Laszewski asked if it was necessary to build into the 25-foot wetland setback area. Planner Retzlaff said he didn't know why, but there is some latitude for the Willow Creek Business Park Review Board to push the building into the 25-foot parking setback so the building may have an opportunity to be relocated. Commissioner Nilles inquired if a legal opinion was received from the Village Attorney regarding the smoking ban. Planner Retzlaff said he had not heard back from the Village Attorney and is looking for confirmation that a business can move a pre-existing smoking business under the smoking ban from one place to another.

MOTION Baum second Shadid to Approve the Conditional Use Permit application filed by Paul & Jennifer Groh, owner/operator of Metro Cigars, to operate a cigar store and bar/lounge from the property located on Lot 5 in the Willow Creek Business Park subject the following conditions:

- 1. The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit application (CUP) and supporting materials dated February 26, 2018. The physical facilities from which said uses and activities are permitted include the existing and proposed buildings specified in the CUP application and supporting materials. Days and hours of operation shall be limited to those specified in the CUP application and supporting materials submitted with the CUP application.***
- 2. Site Plan review and approval from the Village is required prior to construction of the proposed Metro Cigar facility on Lot 5 of the Willow Creek Business Park.***
- 3. All temporary and permanent exterior signs require a permit and shall comply with all current sign regulations. Off-premise advertising and directional signage is regulated by the Village and requires a permit if/when allowed.***
- 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 uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***

Commissioner Shadid said he is a sales representative and has used Metro Cigars as a meeting place. He considers it an asset as a Germantown resident. Planner Retzlaff explained in the M-1 zoning district, B-2 uses are allowed if they support other businesses in the Park not just other patrons around the Park. Commissioner Laszewski said he goes off site to meet as well but asked if it would be a smoky atmosphere. Paul Groh, Metro Cigars, explained the air purification system for

the business. Commissioner Williams said he can't conclude if this business would benefit the Park because he doesn't have the demographic information for the Park. He commented that he drove through the Industrial Park and isn't sure how an indoor volleyball club directly benefits an Industrial Park. And if we allow a Surge Martial Arts center or Adversity Volleyball Club to be located in the Industrial Park, why not allow a cigar/bar to be in the Industrial Park. Commissioner Gray agreed with Planner Retzlaff's comments. She said she would never go to a place that has smoke in it. It's excluding a huge number of people who won't go in and she feels it's not the right place for it and would prefer to see something else there.

Trustee Baum asked Barry Chavin, MLG Commercial, if the businesses in the park would support the business or will it have a negative impact. Mr. Chavin said he doesn't feel it will be detrimental, some people will use it, and some will not. He said he thought after the consultation meeting it was his understand that the use would be acceptable as long as the size of the building was increased, and conference rooms were added. He said the size of building has increased from 2,600 to 3,700 square feet. He stated MLG had similar concerns as the Planner and consulted with Stephen Perry Smith, Review Board Coordinator for MLG who recommended providing concrete curbing around the parking lot and is happy with the brick around the building. Mr. Smith said he was fine with the architecture. The site is tricky at 1.3 acres and not many people can afford to build on a small lot. He stated the size is important to the increment in order to retire the debt and MLG thinks it's a good use and is in favor of the business.

Chairman Wolter said we've stretched other businesses in other areas in the Industrial Park in the past. This is a strong business in Germantown and is well served and he commended the owners for wanting to take on this lot. He said people come here because of the business model previously and it works for Metro Cigars and would probably not work for other business. This is a bonus lot for the Village and he feels we should take advantage of the increment for this TIF. He said he supports the use and feels its one of the few things that could actually work at this location. Commissioner Gray commented that the business brings people from all over the place, having very little to do with supporting anything in the Business Park. Chairman Wolter said he understands why she would say that, but those that want to go there, don't have a problem going to an establishment like this.

MOTION carried 6-1 (Gray).

MOTION Baum second Shadid to Approve the site development & building plans and sign permit for the proposed 3,700 sqft retail building for a retail cigar shop and bar/lounge on Lot 5 in the Willow Creek Business Park subject to the following:

- 1. Subject to further revisions required by the Plan Commission, approval is granted for the site development plans dated March 14, 2018, Site Photometric plan dated January 24, 2018, and the architectural plans dated March 12, 2018.***
- 2. Site Plan approval is subject to the granting of a conditional use permit (CUP) by the Village Board for the operation of a cigar store and bar/lounge from the property located on Lot 5 of the Willow Creek Business Park.***
- 3. Site Plan approval is subject to the granting of a conditional use permit (CUP) by the Village Board for a proposed encroachment into the 25' wetland setback with site grading and fill as shown on the proposed Grading and Erosion Control Plan (Sheet 6).***

Prior to issuance of a building permit, the Applicant is responsible for securing said CUP approval required pursuant to Section 24.04(3)(c)5. Of the Shoreland-Wetland Zoning Code.

- 4. All landscaping, parking lot, screening, and lighting 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.***
- 5. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components for the proposed wall-mounted sign. All electrical sign components must be listed and labeled by a recognized lab.***
- 6. An emergency access Knox Box shall be installed at a location determined in cooperation with and approved by the Germantown Fire Department.***
- 7. Bi-annual fire safety inspections will be conducted by the Germantown Fire Department.***
- 8. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.***
- 9. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department prior to the issuance of a building permit application for either of the proposed building renovation projects.***
- 10. The Applicant shall submit a revised plan containing details of the proposed dumpster enclosure to the Village Planner for review and approval prior to issuance of a building permit. Said enclosure shall comply with the location, design and material requirements set forth in the March 26, 2018 Village Staff report and recommendation.***
- 11. All technical corrections and issues raised in the Public Works Department/Village Engineer's March 21, 2018 memo shall be addressed and, if necessary, reflected in a revised plan set and/or other supporting documents submitted to the Village Engineer for review/approval prior to issuance of a building permit.***

MOTION to Amend Baum second Shadid to include the comments from MLG written by Stephen Smith as presented in the March 23, 2018 letter. Prior to commencement of construction, you will need to do the following:

- 1. Please comply with the requirements noted below and in the Review Board checklist dated 3/23/18 including providing concrete curbing around the parking lot and a dumpster enclosure around the trash/recycling dumpsters.***
- 2. Obtain all necessary State of Wisconsin Department of Commerce and Village of Germantown, approvals and permits.***

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

William H. Wetterau, W204 N12541 Goldendale Road & W204 N12660 Goldendale Road. The property owner is seeking approval of a 2-lot Certified Survey Map (CSM) and rezoning application to re-divide two parcels on 40.1 acres of land. Planner Retzlaff summarized the proposal.

CONDITIONAL USE PERMIT (CUP), SITE PLAN & SIGN PERMIT APPLICATIONS

3/26/18 Plan Commission Meeting

Paul & Jennifer Groh / Metro Cigars LLC

Village Planner Report

Germantown, Wisconsin

Summary

Paul & Jennifer Groh, owner/operator of Metro Cigars located at W182 N9606 Appleton Avenue, are seeking approval of a Conditional Use Permit (CUP) to operate a cigar store and bar/lounge, and, Site Plan and Sign Permit applications for a proposed 3,700 sqft retail building located on a 2.08-acre lot in the Willow Creek Business Park (Lot 5).

Property Location: Lot 5 Willow Creek Business Park

Applicant/

Property Owner: Paul & Jennifer Groh MLG Germantown Investment LLC
W182 N9606 Appleton Ave 13400 Bishops Lane
Germantown, WI Brookfield, WI

Current Zoning: M-1: Limited Industrial

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



Proposal

Paul & Jennifer Groh, owner/operator of Metro Cigars located at W182 N9606 Appleton Avenue, are seeking approval of a Conditional Use Permit (CUP) to operate a cigar store and bar/lounge, and, Site Plan and Sign Permit applications for a proposed 3,700 sqft retail building located on a 2.08-acre lot in the Willow Creek Business Park (Lot 5).

As discussed at the January 2018 PC consultation, the Groh's would expand and relocate their existing cigar operation into the proposed 3,700 sqft, single-tenant retail building for the retail sale of cigars and accessories, a cigar smoking lounge and bar area, a private conference room, and a deck for seasonal activities and seating.

In support of their CUP application (see letter dated March 15, response #8), the Groh's indicate that Metro Cigars has in the past and will continue to support surrounding businesses by providing meeting facilities to be made available for use by other businesses, as well as, providing an overall positive economic impact to the Village through the continued sales of premium cigars and services provided by Metro Cigars.

Highlights

The applicant has submitted site development and building plans for development of the 2.08-acre (1.3-acres buildable) site. As presented in the plans, the Groh's propose the following improvements:

- 3,704 sqft single-story, single-tenant retail building with a bar, lounge, walk-in humidor, bathrooms, separate gathering, meeting & conference rooms, interior storage, outside patio (620 sqft)
- Exterior materials comprised of brick, stone, Stucco panel & trim board accents, 8/12 gabled roof w/ 40-year dimensional shingles
- 29-stall parking lot w/ one (1) access driveway to Willow Creek Way

Parking, Access and Traffic Circulation

A 29-stall parking lot is proposed. Under the Village's Zoning Code parking guidelines, approximately 20 parking stalls should be provided. Access to the property will be by way of one (1) access driveway on Willow Creek Way.

Utilities

Public water and sanitary sewer lateral lines will be extended to the site from existing mains in Willow Creek Way. All other essential utility services including gas, electric, phone, will be installed underground.

Storm Water Management

Impervious area on the 2.08 acre site will be approximately 18,730 sqft (21%) leaving 79% open space (maximum impervious allowed is 80% in the Willow Creek BP). As shown on the Grading & Erosion Control Plan (Sheet 5), the parking area will be will be graded to re-route storm water run-off from the site to the existing roadside ditch and existing inlet and storm sewer located within the Willow Creek Way right-of-way (connecting to the existing regional storm water management basins in the Willow Creek BP).

Landscaping

A detailed landscaping plan shows landscape items comprised of ornamental trees, shrubs, perennials, and grasses installed around the perimeter of the parking lot and along the west and south sides of the building.

Lighting

External lighting is provided for the parking area and on the buildings:

- Three (3) 59W LED pole-mounted fixtures mounted at 16' on steel light poles located in the parking lot;
- Four (4) 20W sconce & five (5) 27W lantern LED wall-mounted fixtures located on the perimeter of the building;
- Four (4) 11W LED ground-mounted landscape accent lights at the front and rear entrances.

Trash/Recycling

A single dumpster pad is proposed located on the north side of the parking lot (no enclosure detail is provided).

Signage

One (1) 1'6" high x 12'8" wide (19 sqft) wall sign is proposed on the front (northwest) façade facing the parking lot and Willow Creek Way. The sign is comprised of individual, LED internally-lit letters mounted on a raceway matching the building. No other signage is proposed.

Staff Comments

Planning & Zoning

As discussed in January during the initial PC consultation, the gross area of Lot 5 is 2.08 acres and is located on the inside curve of Willow Creek Way near the park entrance. The buildable area within Lot 5 is impacted by a drainage easement, a landscape & signage easement, and a large wetland and 25' setback area on the south side. Consequently, the amount of net buildable area is limited to approximately 1.3 acres. Furthermore, the size of any building on this parcel will more than likely have uses that are either commercial/retail, office or personal service-oriented vs. the light industrial, warehousing and corporate office uses expected to develop on the larger parcels in the Willow Creek BP.

Under the Willow Creek Business Park covenants, commercial retail uses are allowed provided that they meet the M-1 Zoning District provisions. Like past discussions regarding other land uses that are not specifically a "by right" permitted use in the M-1 District, the proposed cigar store & lounge/bar may be allowed in the M-1 District with a conditional use permit. As set forth in the Zoning Code, the list of CUP uses that may be allowed in the M-1 District includes ***"commercial activities allowed in the B-2 Community Business District when the Plan Commission finds that the activity directly supports the businesses in the Industrial Park and can be integrated into an overall plan..."*** [see Section 17.33(3)(h)]. Consequently, before the proposal can

move forward, the Plan Commission is required to consider and determine if the proposed use is the type of business that directly supports the businesses in the Business Park, and, if it can be integrated into the overall park layout.

As discussed in January, Staff has the opinion that a free-standing cigar store & smoking lounge in the Willow Creek BP does not clearly satisfy the M-1 Zoning District requirement that retail businesses like this “...*will directly support the businesses of the industrial park and be integrated into an overall plan for the park*”. The more typical or customary uses that would likely meet this requirement include: daycare facilities, gasoline or convenience stores, sandwich shops and restaurants, etc. Arguably, these types of operations are likely to serve the needs of a larger number of employees and visitors working and/or doing business in the Park. With that said, the Village has approved some B-2 commercial uses in the Germantown Industrial Park (also zoned M-1) that are not so typical, e.g. martial arts & fitness operation, doggy daycare, indoor recreation center & birthday party/special event venue.

Staff believes a retail cigar store & smoking lounge/bar is too narrowly focused and, as such, cannot provide the degree of support to other businesses contemplated by the M-1 District requirement. Having an 11' x 15' “conference room” and a 16' x 24' “meeting room” is not likely to provide anything new or different in terms of support that the other businesses won't/don't already have within their own facility. Meeting space is the sort of feature that all new businesses typical include in their own building, as is the case with the currently-under-construction Discount Ramps industrial building across the street (and more than likely the other industrial buildings in the Willow Creek BP will include). Moreover, given trends in personal health, employer health and wellness programs, changing social norms regarding the use of tobacco and smoking of any kind, and, the fact that the meeting areas proposed in the Metro Cigars building will not be in a smoke-free environment, the likelihood of outside businesses using these meeting spaces by businesses whose employees, clients are not all cigar aficionados or do not appreciate the cigar life is minimal.

Notwithstanding, Staff also believes that this short-coming could be overcome if the cigar shop and lounge operated within a multi-tenant building that was also the home to other businesses that would be more typical and supportive in terms of the uses, services or products provided, e.g. child daycare, convenience store, sandwich shop or restaurants, vs. the physical building features (e.g. meeting rooms). This was discussed by Staff and the PC during the consultation meeting in January. However, the proposal continues to be for a single-tenant user in a single-tenant building.

Other notable Business Park covenant requirements include:

- a requirement that the minimum building size for a commercial/retail building be 4,000 sqft per one acre of buildable land area (approximately 5,200 sqft for the 1.3 buildable acres for Lot 5);
- acceptable primary building materials comprised of masonry, brick, decorative concrete masonry units, pre-cast concrete panels, cut stone or stone-faced concrete block, Acceptable accent materials such as glass, EIFS and

architectural metal panels, tile, and smooth-faced concrete block cannot exceed 30% of exterior wall area.

Regardless if the business is operated from a free-standing or a multi-tenant building, the expectation is that the architecture and materials will meet the minimum Willow Creek Business Park covenants and Village Zoning Code requirements.

Again, Staff does not feel that the proposed building architecture, and to a lesser extent the exterior materials, are what is envisioned for the Willow Creek BP. While a single-story, gabled building with a steep-pitched, dimensional-shingled roof with "Germanic-themed" Stucco panels and exposed wood trim accents might fit neatly into the Mequon Road commercial corridor, it does not/will not fit into nor be compatible with the other industrial buildings having contemporary architecture with materials comprised pre-cast concrete panels, masonry units, and glass-enhanced entrance and other features that are envisioned (and already approved, i.e. Discount Ramps) for and typically constructed in business parks like the Willow Creek BP. Another example of the apparent incompatibility of the proposed architecture and materials with the overall Willow Creek BP is the BP monument sign installed on March 22, which is a vertically-positioned slab of stone with the "Willow Creek Business Park" name etched on the sides located along Appleton Ave less than 75 feet away from the proposed Metro Cigar building site. Further, and despite assurances to the contrary made by representatives for MLG Commercial at the meeting in January, Staff does not believe the quality of the materials proposed meet or exceed the requirements of the Willow Creek BP covenants, and, do not make up for the smaller sized building in terms of generating increased value (i.e. "increment") necessary to meet the projected TID #6 financial plan.

With regard to site development, the building is positioned in close proximity to the 25' wetland setback on the east side of the lot (see Grading & Erosion Control Sheet 6). In fact, 2-3 feet of fill is proposed in these areas that will encroach into the 25' setback... which is not allowed by right, but may be permitted with a conditional use permit and compensatory mitigation (development activities that involve over 3' of fill or impervious surface in a 25' wetland setback requires compensation at a 2:1 ratio). If the necessary fill and grading activities cannot be relocated beyond the 25' wetland setback, a separate conditional use permit to allow encroachment into the setback area will be required, along with the required compensatory mitigation plan that details how much area is encroached, how much area of compensation is required, where the compensation will take place and in what manner (e.g. enhanced wetland-friendly plantings to protect the wetlands elsewhere on the property).

Details for the dumpster enclosure have not been provided. The following is recommended to guide the location, design and materials:

1. The enclosure shall be placed on a concrete pad with a minimum concrete depth of four inches (4").
2. The enclosure area shall be screened on three (3) sides by a wall from view from public streets and abutting properties.
3. The walls shall be constructed in a durable fashion of brick, stone or other masonry

-
- materials compatible with the principal building. The gate shall be an opaque type material of either wood, concrete, vinyl or chain link with privacy slats (wooden fencing must be of the "shadow box" design).
4. The height of the enclosure shall fully enclose the container(s) and should generally not exceed eight feet (8') in height (unless necessitated by the height of the container).
 5. The enclosure shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections, shall be on the interior side of the fence.
 6. The gates shall be constructed with commercial grade hinges, poles and hasps.
 7. The supporting poles at the gates shall be metal with the appropriate diameter to support the gate at least one and five-eighths inches (1-5/8") in diameter.
 8. The gates shall have a closing latch and gates must remain closed at all times except during service.
 9. Drains that connect to the sanitary system are not permitted within an enclosure area. Drains that connect to a storm water drainage system may be allowed; contact the Village Engineer.
 10. All enclosure areas shall include landscaping comprised of evergreen and deciduous trees & shrubs. Said landscaping shall be integrated with landscaping of the entire lot and included in the overall landscape plan for the lot.

For the reasons discussed above, Staff (Village Planner) does not support and, therefore, will not recommend approval of the proposed CUP application and site plans.

Public Works/Engineering

The Village's consulting engineer for this development proposal has provided a series of comments regarding the proposed development and site plans listed in a March 21, 2018 memo from the Village's Public Works Director (copy attached). Although relatively minor, these items will need to be addressed in a revise set of plan sheets and approved by the Village prior to issuance of a building permit.

Wisconsin's "Public Places Smoking Ban"

Finally, as discussed in January, the "public places" smoking ban adopted in 2009 and 2010 under Wis. Stats. 101.123 specially exempts existing tobacco stores and tobacco bars from the prohibition of smoking under certain conditions:

- (3) EXCEPTIONS. The prohibition against smoking in sub. (2) (a) does not apply to the following:
- (h) A private residence.
 - (i) A room used by only one person in an assisted living facility as his or her residence.
 - (j) A room in an assisted living facility in which 2 or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.
 - (L) A retail tobacco store that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.
 - (m) A tobacco bar that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.

Although Metro Cigars has been in business for 14+ years and pre-dates the 2009 smoking ban in public places, a question about whether a pre-existing and exempt business can relocate and retain their exempt status remains (a legal opinion from the Village Attorney on this question is pending).

Village Planner Recommendation:

Conditional Use Permit

DENY the conditional use permit application filed by Paul & Jennifer Groh, owner/operator of Metro Cigars, to operate a cigar store and bar/lounge from the property located on Lot 5 of the Willow Creek Business Park on the grounds that Groh's have not provided sufficient justification that the proposed use and facility will satisfy the requirement under Section 17.33(3)(h) that the business will directly support other businesses in the Willow Creek Business Park and cannot be integrated into the overall plan for the Business Park.

However, if the Plan Commission acts to recommend to **APPROVE** the CUP application, Staff recommends that any approval include the following conditions:

1. The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit application (CUP) and supporting materials dated February 26, 2018. The physical facilities from which said uses and activities are permitted include the existing and proposed buildings specified in the CUP application and supporting materials. Days and hours of operation shall be limited to those specified in the CUP application and supporting materials submitted with the CUP application.
2. Site Plan review and approval from the Village is required prior to construction of the proposed Metro Cigar facility on Lot 5 of the Willow Creek Business Park.
3. All temporary and permanent exterior signs require a permit and shall comply with all current sign regulations. Off-premise advertising and directional signage is regulated by the Village and requires a permit if/when allowed.
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 uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.

Village Planner Recommendation:
Site Development & Building Plans and Sign Permit

DENY the site development and building plans filed by Paul & Jennifer Groh, owner/operator of Metro Cigars, for the proposed 3,700 sqft retail building for a retail cigar shop and bar/lounge from the property located on Lot 5 of the Willow Creek Business Park on the grounds that the proposed building size, architecture and exterior materials do not comply with the specific requirements nor intent of the Willow Creek Business Park covenants or Site Plan requirements in the Village Zoning Code.

However, if the Plan Commission acts to **APPROVE** the site development and building plans and sign application, Staff recommends that any approval include the following conditions:

APPROVE the site development & building plans and sign permit for the proposed 3,700 sqft retail building for a retail cigar shop and bar/lounge on Lot 5 in the Willow Creek Business Park subject to the following:

1. Subject to further revisions required by the Plan Commission, approval is granted for the site development plans dated March 14, 2018, Site Photometric plan dated January 24, 2018, and the architectural plans dated March 12, 2018.
2. Site Plan approval is subject to the granting of a conditional use permit (CUP) by the Village Board for the operation of a cigar store and bar/lounge from the property located on Lot 5 of the Willow Creek Business Park.
3. Site Plan approval is subject to the granting of a conditional use permit (CUP) by the Village Board for a proposed encroachment into the 25' wetland setback with site grading and fill as shown on the proposed Grading and Erosion Control Plan (Sheet 6). Prior to issuance of a building permit, the Applicant is responsible for securing said CUP approval required pursuant to Section 24.04(3)(c)5. Of the Shoreland-Wetland Zoning Code.
4. All landscaping, parking lot, screening, and lighting 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.
5. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components for the proposed wall-mounted sign. All electrical sign components must be listed and labeled by a recognized lab.
6. An emergency access Knox Box shall be installed at a location determined in cooperation with and approved by the Germantown Fire Department.
7. Bi-annual fire safety inspections will be conducted by the Germantown Fire Department.

Village Planner Recommendation:
Site Development & Building Plans

-- continued --

8. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.
9. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department prior to the issuance of a building permit application for either of the proposed building renovation projects.
10. The Applicant shall submit a revised plan containing details of the proposed dumpster enclosure to the Village Planner for review and approval prior to issuance of a building permit. Said enclosure shall comply with the location, design and material requirements set forth in the March 26, 2018 Village Staff report and recommendation.
11. All technical corrections and issues raised in the Public Works Department/Village Engineer's March 21, 2018 memo shall be addressed and, if necessary, reflected in a revised plan set and/or other supporting documents submitted to the Village Engineer for review/approval prior to issuance of a building permit.



Village of



Germantown

Willkommen

Fee must accompany application

☒ \$1460 Paid Ly. Date 2-26-18

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

Paul & Jennifer Groh
Metro Cigars, LLC
W182N9606 Appleton Ave
Germantown WI 53032
Phone (262) 255-1996
Fax (262) 255-1988
E-Mail paulmetro cigars@gmail.com

PROPERTY OWNER - Lot 5

WLG Germantown Investment LLC
13400 Bishop Lane, Suite 270
Brookfield, WI 53005
Phone (414) 395-4676
Barry Chavin - Agent

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

Metro Cigars, LLC

3 PROPERTY ADDRESS

TAX KEY NUMBER

CSM 6782, Lot 5, Willow Creek Business Park

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.

See attached

5 DESCRIPTION OF PROPOSED OPERATION

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

Commercial activities allowed in the B-2: Community Business District

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

See attached

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY — REQUIRED

6

Attach pages as necessary.

Survey attached

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



Metro Cigars, LLC was founded by Paul & Jennifer Groh in November of 2003 to reach out to cigar smokers in Washington County and surrounding areas. We are operating in Suite 104 of JBJ Properties Cornerstone strip mall. Our suite is 1686 sq ft and is conveniently located at the corners of Hwy 175 & Hwy Q in Germantown.

We pride ourselves as being friendly, professional tobacconists to assist our customers in making the perfect cigar purchase. We have a walk-in humidor and offer over 900 facings of premium cigars along with pipe tobacco and accessories. We offer an extremely tasteful and comfortable lounge equipped with flat screen TV's and free Wi-Fi. To compliment the enjoyment of a cigar we also offer a selection of over 40 different bottled beers, 40+ premium spirits and wines along with 2 tap beer options.

Because Metro Cigars, LLC was in existence before the statewide smoking ban was put into law in July 2010 our operation is grandfathered to allow pipe and cigar smoking as this is our main business. The law also allows us to move our operation as needed.

We both work in the store along with 1 full-time employee and 3 part-time employees.

Our hours are M-F 10am-8pm; Saturday 9am-6pm; Sunday 11am-4pm.

Expansion Objectives

Metro Cigars, LLC has been in its current location for over 14 years and we are in desperate need of more space to accommodate our continuously growing customer base. We currently occupy 1686 sq feet in a strip mall. We are looking to move just 1 mile north to more than double our size to 3700 sq ft. The property is currently a vacant lot in the Village of Germantown's newly developed Willow Creek Business Park, Lot 5.

The new location will provide our customers an even larger selection of cigars, pipe tobacco and accessories and expand our lounge area to accommodate triple the number of customers, we will be improving our air quality as well as providing a full service bar. The new location will be offering an experience like none other in the southeastern Wisconsin.

The expansion of the store will enable us to create bigger and better cigar events. We would like to provide our customers with a nice outdoor patio overlooking the wetlands behind the

proposed building. We will also be offering a rentable conference room that will have full presentation capabilities.

We will be hiring 3-4 more part-time employees bringing our total to 1 full-time employee and 6-7 part-time employees.

We would like to extend our hours to M-F 10am-10pm; Saturday 9am-8pm; Sunday 11am-6pm.

A proposed site plan and elevations are attached along with pictures of our existing store.

CERTIFIED SURVEY MAP NO. _____

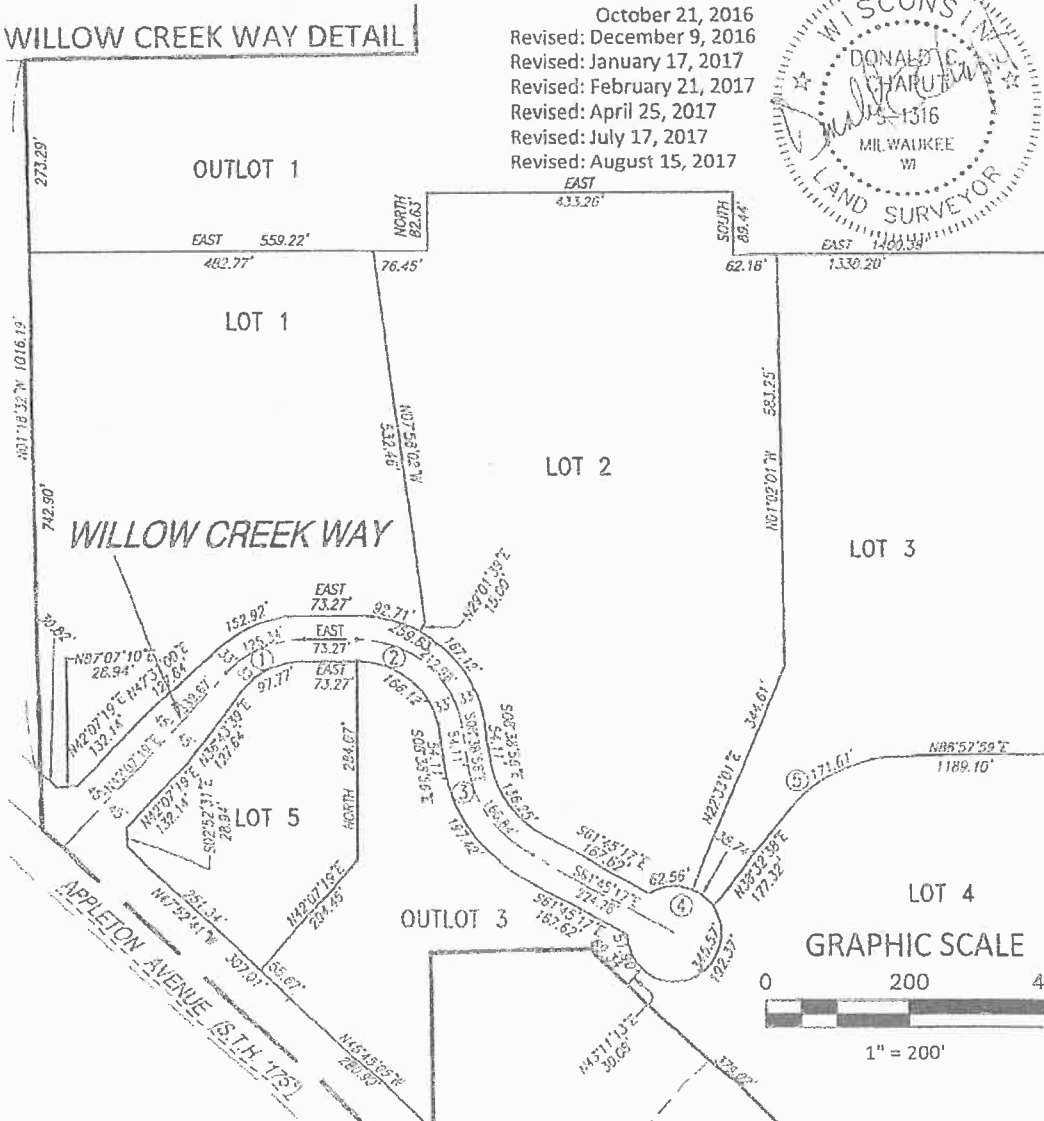
Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

CURVE DATA

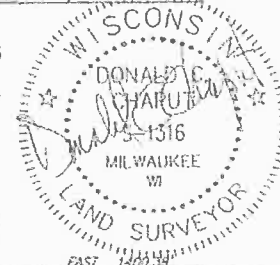
CURVE	LOT	ARC	RADIUS	CHORD BEARING	CHORD	DELTA	TANGENT BEARING	TANGENT BEARING
1	1	152.92'	183.00'	N66°03'39.5"E	148.51'	47°52'41"	N42°07'19"E	EAST
1	CL	125.34'	150.00'	N66°03'39.5"E	121.73'	47°52'41"	N42°07'19"E	EAST
1	5	97.77'	117.00'	N66°03'39.5"E	94.95'	47°52'41"	N42°07'19"E	EAST
2	TOTAL	259.83'	183.00'	S49°19'28"E	238.55'	81°21'04"	EAST	S08°38'56"E
2	1	92.71'	183.00'	S75°29'10.5"E	91.72'	29°01'39"	EAST	S60°58'21"E
2	2	167.12'	183.00'	S34°48'38.5"E	161.37'	52°19'25"	S60°58'21"E	S08°38'56"E
2	CL	212.98'	150.00'	S49°19'28"E	185.53'	81°21'04"	EAST	S08°38'56"E
2	OUTLOT 3	166.12'	117.00'	S49°19'28"E	152.52'	81°21'04"	EAST	S08°38'56"E
3	2	136.25'	147.00'	S35°12'06.5"E	131.43'	53°06'21"	S08°38'56"E	S61°45'17"E
3	CL	166.84'	180.00'	S35°12'06.5"E	160.93'	53°06'21"	S08°38'56"E	S61°45'17"E
3	OUTLOT 3	197.42'	213.00'	S35°12'06.5"E	190.43'	53°06'21"	S08°38'56"E	S61°45'17"E
4	TOTAL	345.57'	66.00'	N28°14'43"E	66.00'	300°00'00"	N58°14'43"E	S01°45'17"E
4	2	62.56'	66.00'	S85°23'52"W	60.24'	54°18'18"	N58°14'43"E	S67°26'59"E
4	3	38.74'	66.00'	N50°37'59"W	38.19'	33°38'00"	S67°26'59"E	S33°48'59"E
4	4	192.37'	66.00'	N49°41'07"E	131.15'	167°00'12"	S33°48'59"E	N46°48'47"W
4	OUTLOT 3	51.90'	66.00'	S24°17'02"E	50.58'	45°03'30"	N46°48'47"W	S01°45'17"E
5	3 & 4	171.61'	195.00'	S63°45'18"W	168.12'	50°25'21"	N38°32'38"E	N88°51'69"E



WILLOW CREEK WAY DETAIL



October 21, 2016
 Revised: December 9, 2016
 Revised: January 17, 2017
 Revised: February 21, 2017
 Revised: April 25, 2017
 Revised: July 17, 2017
 Revised: August 15, 2017



This instrument was drafted by Donald C. Chaput
 Professional Land Surveyor 5-1316

Drawing No. 1665-grb
 Sheet 2 of 12 Sheets

#

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: May 7, 2018

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

ITEM TITLE: William H. Wetterau Trust, Property Owner of W204 N12541 Goldendale Road & W204 N12660 Goldendale Road. Rezoning Ordinance from Rs-2: Residential Single-Family & A-1: Agricultural Zoning District to the Rs-1: Residential Single-Family and A-2: Agricultural Zoning District, and, 2-Lot Certified Survey Map (Re-divide two parcels)

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

SUMMARY EXPLANATION:

William Wetterau, Trustee for the William Wetterau Trust, property owner of two existing parcels on Goldendale Road is seeking approval of a 2-lot Certified Survey Map (CSM) and rezoning application to re-divide two parcels on 40.1 acres of land.

Proposed Lot 1 is 34.8 acres in area and will include an existing dwelling that is currently part of the existing 2.0-acre parcel zoned Rs-2. Proposed Lot 2 is 5.4 acres in area and will include an existing dwelling that currently is part of the existing 38.1-acre parcel. The proposed re-division is necessary to facilitate the sale/acquisition of the existing dwellings and parcels between the Wetterau family.

ATTACHMENTS:

- ◆ 3/26/18 Staff Report
- ◆ 3/26/18 Plan Commission Meeting Minutes
- ◆ Draft CSM
- ◆ Draft Ordinance 07-2018

PLAN COMMISSION RECOMMENDATIONS:

APPROVE the 2-lot Certified Survey Map (CSM) and Rezoning as proposed.

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, May 7, 2018
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear all parties, their attorneys or agents, for or against an application to rezone the following described land from the Rs-2: Residential Single Family & A-1: Agricultural Zoning District to the Rs-1: Residential Single-Family and A-2: Agricultural Zoning Districts as part of a redivision of said land.

Applicant: William Wetterau, Agent for the William H. Wetterau Revocable Trust, Property Owner

Properties: W204 N12541 Goldendale Road (Tax Key: GTNV 181-992)
W204 N12660 Goldendale Road (Tax Key: GTNV 181-997-001)

W204 N12541 Goldendale Road (Tax Key: GTNV: 181-992)

Lot 1 of CSM 2962 PT of the SE NE, Section 18, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin containing 2 Acres and,

W204 N12660 Goldendale Road (Tax Key: GTNV 181-997-001)

Parcel 2 of CSM 5031, as recorded in Volume 1233 on Page 365, of Certified Survey Maps of Washington County, Section 18, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin containing 38.11 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.

Deanna Boldrey, Village Clerk
Dated this 9th day of April 2018

To Be Published On: April 18th and April 25, 2018

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF GERMANTOWN ZONING CODE**
(William H. Wetterau Revocable Trust, Property Owner)

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

SECTION 1. That the zoning map of the Village of Germantown is amended by rezoning the following described property from the Rs-2: Single-Family & A-1: Agricultural Zoning Districts to the Rs-1: Single-Family Zoning District:

Part of the Northeast ¼ and Southeast ¼ of the Northeast ¼ of Section 18, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin. Commencing at the Northeast corner of the Northeast ¼ of said Section 18, thence South 01°11'40" East 872.08 feet to a point on the East Line of the Northeast ¼ of said Section 18; thence South 81°57'19" West 50.38 feet to the point of beginning; thence South 01°11'40" East 431.12 feet; thence South 89°48'08" West 587.29 feet; thence North 06°34'52" West 356.22 feet; thence North 83°13'27" East 372.41 feet; thence North 81°57'19" East 251.80 feet to the point of beginning. Said parcel containing 236,702 sqft or 5.434 acres.

SECTION 2. That the zoning map of the Village of Germantown is amended by rezoning the following described property from the Rs-2: Single-Family & A-1: Agricultural Zoning District to the A-2: Agricultural Zoning District:

Part of the Northeast ¼ and Southeast ¼ of the Northeast ¼ of Section 18, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin. Commencing at the Northeast corner of the Northeast ¼ of said Section 18, thence South 01°11'40" East 872.08 feet to a point on the East Line of the Northeast ¼ of said Section 18; thence South 81°57'19" West 50.38 feet; thence South 01°11'40" East 431.12 feet to the point of beginning; thence South 01°11'40" East 1325.40 feet; thence North 77°15'11" West 1311.71 feet; thence North 01°08'36" West 1034.98 feet; thence North 88°48'20" East 684.94 feet; thence North 88°48'08" East 587.29 feet to the point of beginning. Said parcel containing 1,515,274 sqft or 34.786 acres.

SECTION 3. 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: _____, 2018

Vote: _____
Ayes: _____
Nays: _____

Dean Wolter, Village President

ATTEST:

Deanna Boldrey, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

Published:

DRAFT

CERTIFIED SURVEY MAP (CSM) & REZONING APPLICATIONS

3/26/18 Plan Commission Meeting

William Wetterau

Village Planner Report

Germantown, Wisconsin

Summary

William Wetterau, Trustee for the William Wetterau Trust, property owner of two existing parcels on Goldendale Road is seeking approval of a 2-lot Certified Survey Map (CSM) and rezoning application to re-divide two parcels and 40.1 acres of land located at W204 N12541 & W204 N12660 Goldendale Road.

Location: W204 N12541 Goldendale Road
W204 N12660 Goldendale Road

**Applicants/
Property Owners:** William Wetterau, Trustee
W204 N12660 Goldendale Road
Germantown, WI 53022

Current Zoning: W204 N12541 Goldendale Road- Rs-2: Single-Family (2.0 Ac)
W204 N12660 Goldendale Road- A-1: Agricultural (38.1 Ac)

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



Proposal

William Wetterau, Trustee for the William Wetterau Trust, property owner of two existing parcels on Goldendale Road is seeking approval of a 2-lot Certified Survey Map (CSM) and rezoning application to re-divide two parcels and 40.1 acres of land located at W204 N12541 & W204 N12660 Goldendale Road.

Proposed Lot 1 is 34.8 acres in area and will include an existing dwelling that is currently part of the existing 2.0-acre parcel zoned Rs-2. Proposed Lot 2 is 5.4 acres in area and will include an existing dwelling that currently is part of the existing 38.1-acre parcel. The proposed re-division is necessary to facilitate the sale/acquisition of the existing dwellings and parcels between members of the Wetterau family.

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

The Land Use Plan (LUP) map classifies the properties as "Agricultural/Conservation Residential" and "Rural Residential", respectively. The proposed re-division is consistent with the LUP map classifications. The proposed parcels are also consistent with the proposed rezoning districts that apply to both proposed parcels: the Rs-1: Single-Family District (Lot 2) and the A-2: Agricultural District (Lot 1).

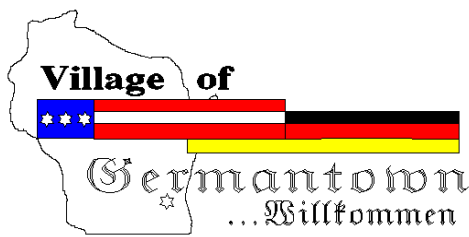
As shown on page 2 of the CSM, a portion of Lot 2 contains a parking easement for the benefit of the adjacent Wetterau Homestead Inc. transit and storage business. The terms of a parking easement agreement are enclosed.

The Engineering Department (Village Surveyor) has identified a few technical corrections in a March 16, 2018 memo (copy attached) that will have to be corrected prior to recording of the CSM.

Village Planner Recommendation

APPROVE the 2-lot Certified Survey Map and proposed Rs-2 & A-1 to Rs-1 & A-2 rezoning for the Wetterau properties located on Goldendale Road subject to the following conditions:

1. All technical corrections identified by the Village Surveyor as summarized in the March 16, 2018 memo shall be made prior to recording the CSM.



Engineering Department Memorandum

To: Jeff Retzlaff Village Planner

CC:

From: Bob Beilfuss, PLS, Village Surveyor

Date: March 16, 2018

Re: Bill Wetterau Land Division

Jeff,

Here are my review comments for the Concept CSM received 1-29-2018.

Certified Survey Map-Rezoning-PDD

Applicant or Owner William Wetterau

Land Surveyor/Firm: Richard Simon, PLS,

1. There are references to Certified Survey Map No. 5124 on the document provided and that CSM is not pertinent to this property.
2. There appears to be a 20' error on the north line of proposed Lot 2 when you compare it to the same line on Certified Survey Map No. 5031.
3. There is a reference that Certified Survey Map No 557 is part of this redivision, but that CSM is not shown on the map.
4. Building setback lines for current zoning are missing and need to be mapped, dimensioned and date stamped.
5. A certificate of mortgagee is required unless the owner can provide written proof that a lender is not involved with this property.

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.

March 16, 2018

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.

CSM 6385
LOT 1
181988
15.70AC

CSM 6385
LOT 2
181989
5.90AC

CSM 557
181994
2.31AC

CSM 2962
LOT 1
181992
2.00AC

CSM 5031
PARCEL 2
181997001
38.11AC

181999
1.00AC

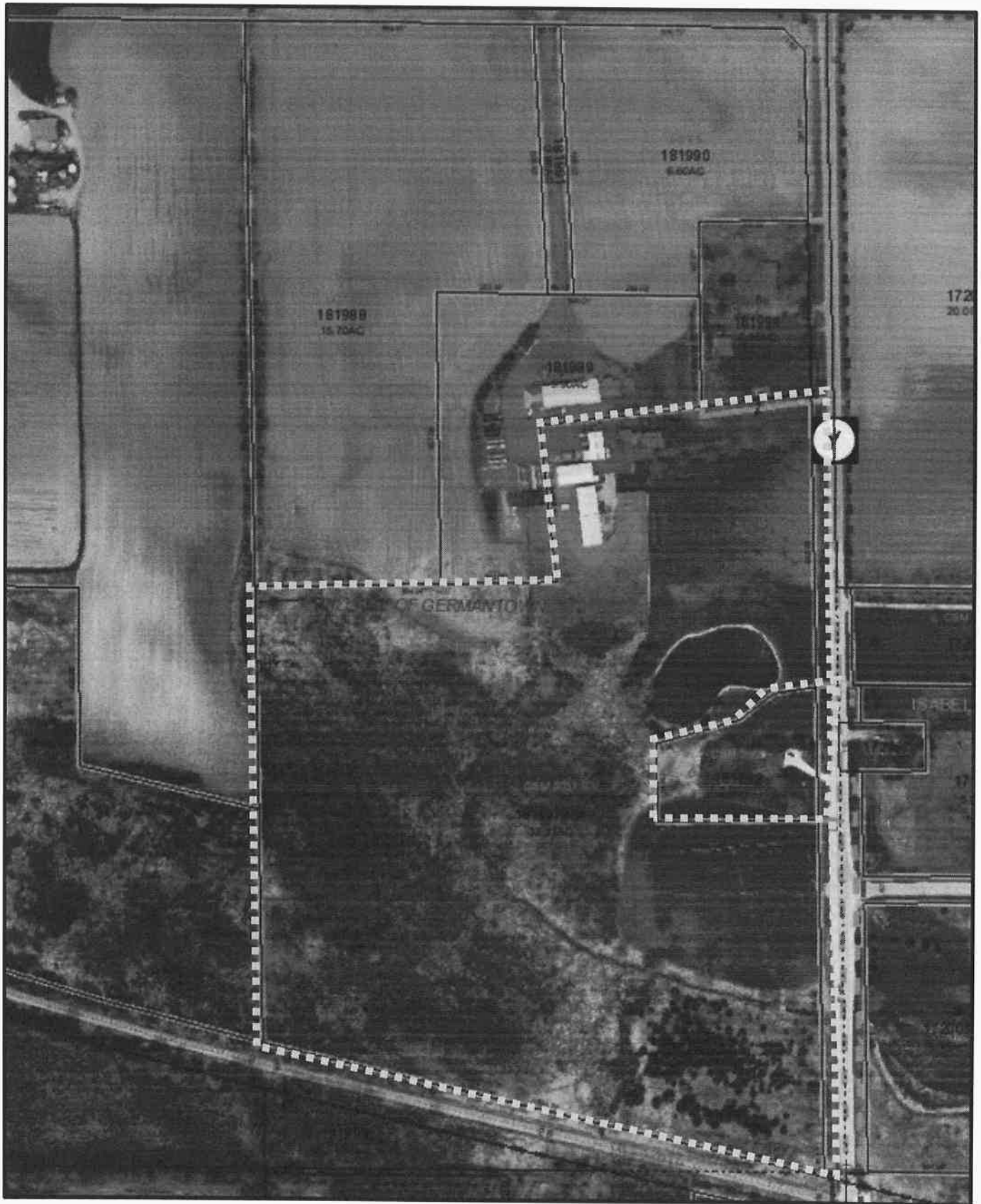
VILLAGE OF GERMANTOWN

NE

SE

Y

**Wetterau Property
Existing Parcel Boundaries**





Village of



Germantown

Willkommen

Fee must accompany application

☐ \$2,900 with public improvements

☒ \$1,960 without public improvements

Paid \$ Date 2-27-18

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

PROPERTY OWNER

WILLIAM H. WETTERAU

S/A

Phone (414) 791-0908

Phone ()

Fax ()

E-Mail BILBOBHAMSTED@Aqua.com

2 PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

W204 N12541 Goldendale Rd.

W204 N12660 Goldendale Rd

181-992

181-997-001

3 PURPOSE OF LAND SPLIT

<u>See attached</u>	Will the land split require rezoning?	
	From <u>R</u>	To

4 READ AND INITIAL THE FOLLOWING:

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

SIGNATURES — ALL APPLICATIONS MUST BE SIGNED BY OWNER!

5

Shel Weterau
Applicant

2/26/18
Date

Shel Weterau
Owner

2/26/18
Date



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: 2-27-8 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

WILLIAM W. WETTERAU

Phone (414) 791 0908

Fax ()

E-Mail BILBOBHMSTED@VANOO

PROPERTY OWNER

S/A

Phone ()

2 PROPERTY ADDRESS OR GENERAL LOCATION

W204 N12541 Goldendale Rd
W204 N12660 Goldendale Rd

TAX KEY NUMBER

181-992
181-997-001

3 REZONING REQUEST

FROM

RS2+A1

TO

RS1+A2

4 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

See attached

Certified Survey Map No.

A Redivision of Parcel 2 Certified Survey Map No. 5124, A Redivision of Lot 1 Certified Survey Map No. 2962, being part of Certified Survey Map No 557, All being part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 18, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Surveyor:

Richard Simon
5080 Fairy Chasm
West Bend, WI 53095
rich@cornerstonelandsurvey.com
(262) 424-5630

Owner:

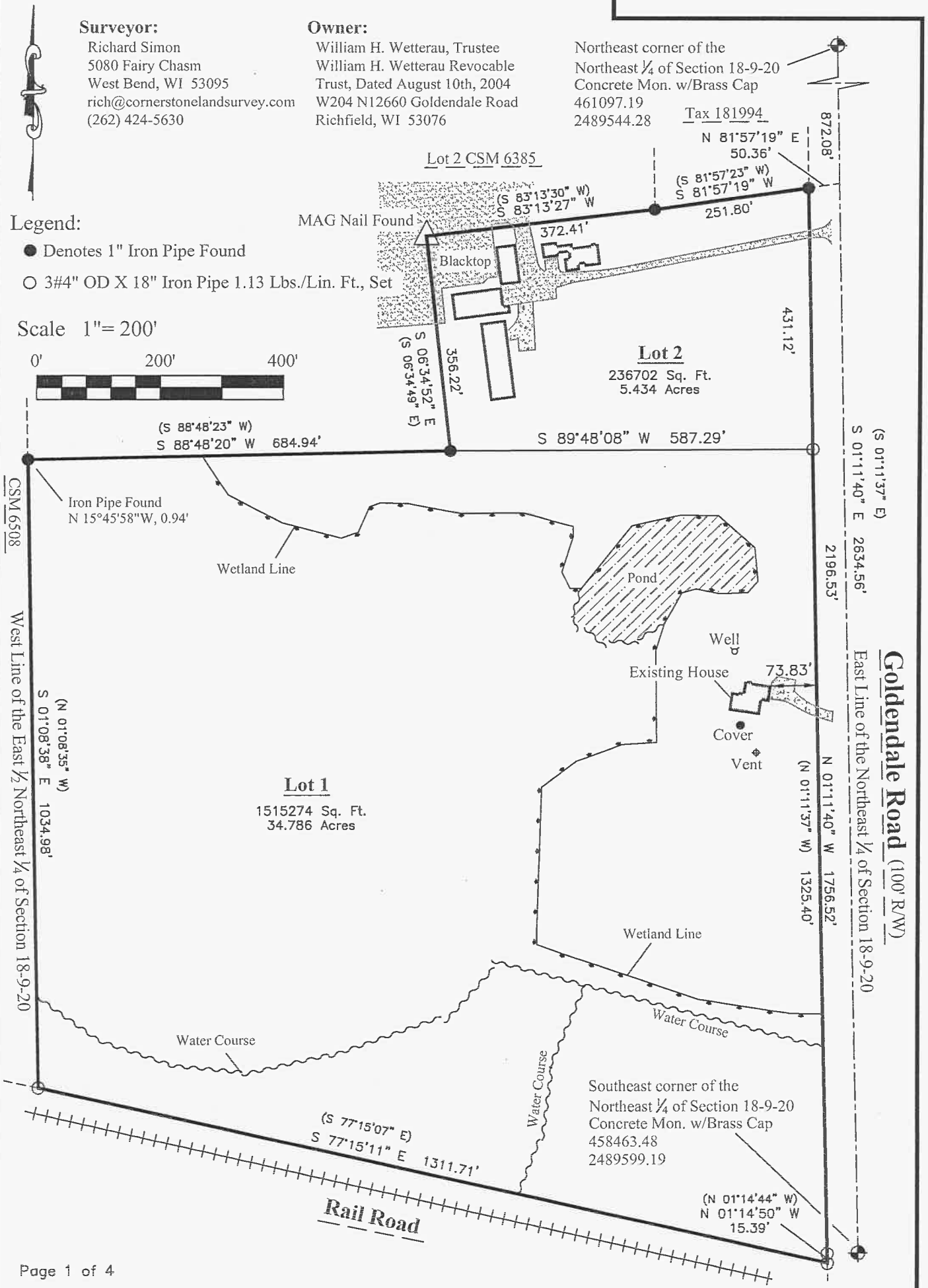
William H. Wetterau, Trustee
William H. Wetterau Revocable
Trust, Dated August 10th, 2004
W204 N12660 Goldendale Road
Richfield, WI 53076

Northeast corner of the
Northeast $\frac{1}{4}$ of Section 18-9-20
Concrete Mon. w/Brass Cap
461097.19
2489544.28
Tax 181994

Legend:

- Denotes 1" Iron Pipe Found
- 3#4" OD X 18" Iron Pipe 1.13 Lbs./Lin. Ft., Set

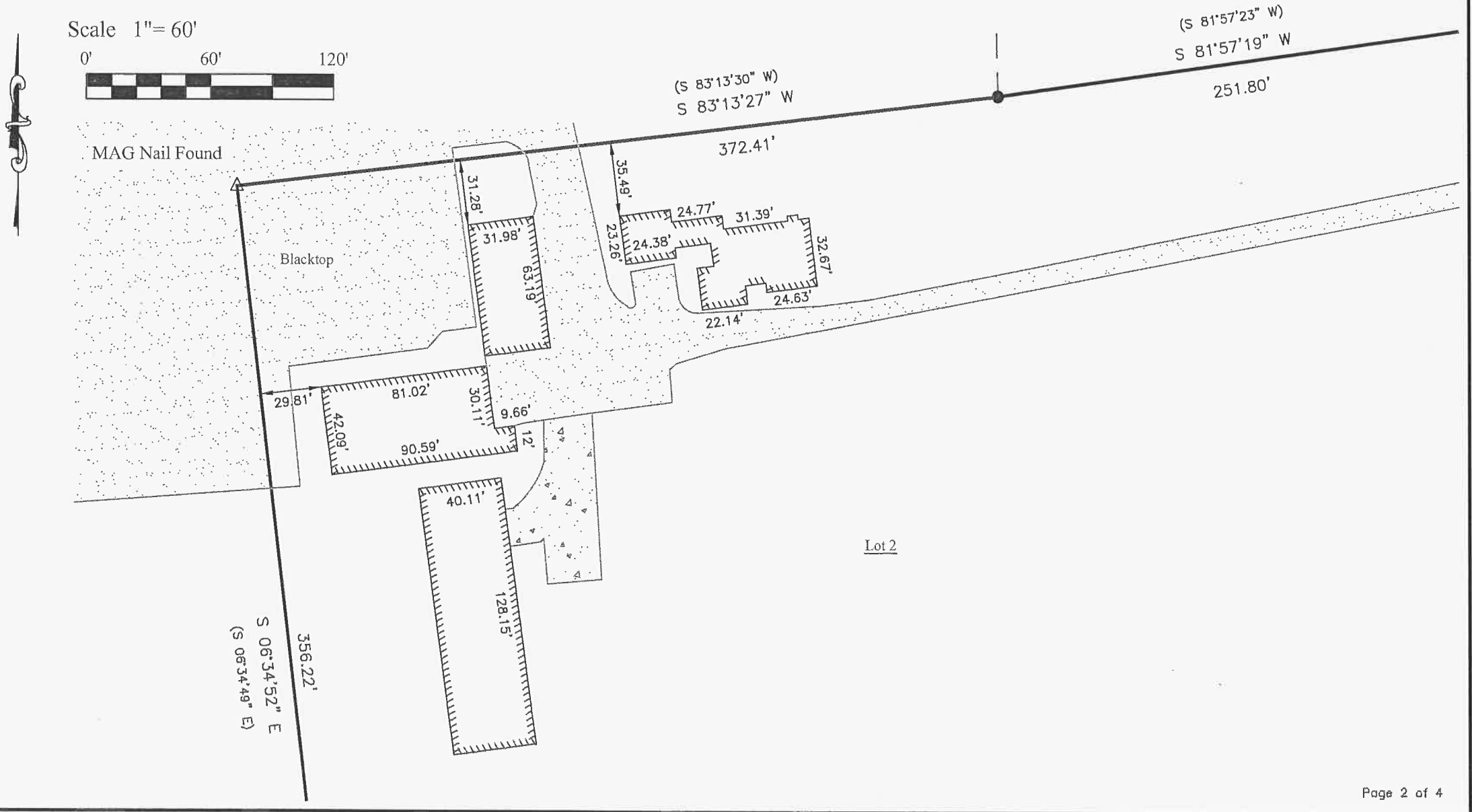
Scale 1" = 200'



Certified Survey Map No.

A Redivision of Parcel 2 Certified Survey Map No. 5124, A Redivision of Lot 1 Certified Survey Map No. 2962, being part of Certified Survey Map No 557, All being part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 18, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Lot 2 Building Detail



Certified Survey Map No.

A Redivision of Parcel 2 Certified Survey Map No. 5124, A Redivision of Lot 1 Certified Survey Map No. 2962, being part of Certified Survey Map No 557, All being part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 18, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Surveyor's Certificate

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

A Redivision of Parcel 2 Certified Survey Map No. 5124, A Redivision of Lot 1 Certified Survey Map No. 2962, being part of Certified Survey Map No 557, All being part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 18, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Described as follows:

A Redivision of Parcel 2 Certified Survey Map No. 5124, A Redivision of Lot 1 Certified Survey Map No. 2962, being part of Certified Survey Map No 557, All being part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 18, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Said parcel contains 1751976 Sq. Ft. or 40.220 Acres Gross

That I have made such survey, division, and map by the direction of William H. Wetterau, Trustee of the William H. Wetterau Revocable Trust, Dated August 10th, 2004

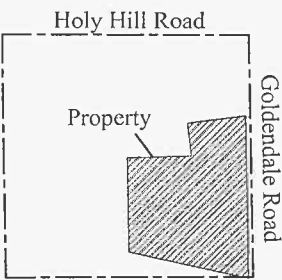
That this map is a correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

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

Dated this 17th day of February, 2018

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

Location Map
Northeast 1/4 of Section 18-9-20



Village of Germantown Planning Commission Approval

This Certified Survey Map is hereby approved by the Planning Commission of the Village of Germantown on this day of , 2018.

Dean Wolter, Chairman, Date

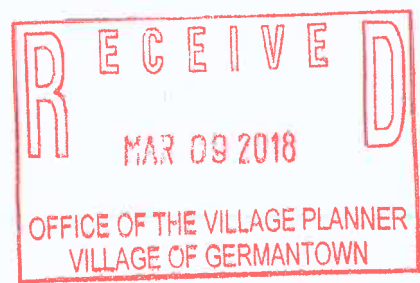
Laura A. Johnson, Secretary, Date

Village of Germantown Board Approval

This Certified Survey Map, being a division of (Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 18, 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 _____, 2018.

Dean Wolter, Village President, Date

Deanna Boldrey, Village Clerk, Date



PARKING EASEMENT

Document No.

Return to:

Atty. James A. Spella
Schloemer Law Firm, S.C.
143 S. Main Street, Third Floor
West Bend, WI 53095

1. Parties and Parcels. The Grantor of this Parking Easement is the William H. Wetterau Revocable Trust dated August 10, 2004, hereinafter referred to as "Grantor". The Grantee of this Parking Easement is Homestead Transfer + Storage LLC, hereinafter referred to as "Grantee".

Grantor is the titled owner of the following parcel of land, hereinafter referred to as **Lot 1**.

Lot 2 of CERTIFIED SURVEY MAP NO. _____, recorded in the Washington County Registry on _____, 2018 in Volume ____ of Certified Survey Maps on page _____, as Document No. _____, and being a division of Parcel 2 of Certified Survey Map No. 5031 as recorded in Volume 1233 on page 365 of Certified Survey Maps of Washington County, being part of the Southeast 1/4 of the Northeast 1/4 of Section 18, Town 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Grantor hereby grants and conveys to Grantee a perpetual and exclusive Parking Easement with regard to the following portion of Lot 1 described as follows and hereinafter referred to as the **Parking Easement Area**:

That part of Lot 2; Beginning at the Northwest corner of said Lot 2; thence S06°34'52"E along the West line of said Lot 2, 88.00 feet; thence N83°13'27"E, 107.00 feet; thence N06°34'52"W, 88.00 feet to a point on the North line of said Lot 2; thence S83°13'27"W along the North line of said Lot 2, 107.00 feet to the point

of beginning of this description; All being part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 18, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

The Parking Easement Area is depicted on the attached Exhibit A.

This Parking Easement is granted to Grantee for the benefit of the following described parcel titled to the Grantee, hereinafter referred to as **Lot 2**.

Lot Two (2) and Outlot One (1) of Certified Survey Map No. 6385 recorded in the Washington County Registry on November 24, 2010, in Volume 48 of Certified Survey Maps, Pages 159-162 as Document No. 1268288, being a redivision of Parcel 1 of Certified Survey Map No. 5031 being part of the NE 1/4 and SE 1/4 of the NE 1/4 of Section 18 and part of the NE 1/4 of the SE 1/4 of Section 18, Township 9 North Range 20 East, Village of Germantown, Washington County, Wisconsin, (as corrected by Affidavit of Correction recorded January 5, 2011, as Document No. 1270390).

2. Grant of Easement. In consideration for the sum of One and no/100 Dollars (\$1.00), the Grantor hereby establishes and grants an exclusive Parking Easement for the benefit of the Grantee, its assigns and successors in interest, and Grantee's (and its assigns and successors in interest) tenant's employees of any business located on Lot 2 for vehicle and trailer parking on the Parking Easement Area as well as all rights of ingress and egress over Lot 1 to the Parking Easement Area. The purpose of this Parking Easement is to allow such employees employed on the businesses located on Lot 2 to utilize the Parking Easement Area for employee parking.

Grantee shall not detract from the access rights of the benefited parties, nor prevent, hinder or interfere in any way with the free flow and passage of vehicular and pedestrian traffic over, to, from and between Lot 1 and Lot 2.

3. No Public Dedication. Nothing in this Parking Easement shall be deemed to be a gift or dedication of any portion of the Parking Easement granted under this Parking Easement to the general public or for any public purposes whatsoever.

4. Indemnity. The owner of Lot 2 shall indemnify, defend and hold harmless the owner of Lot 1, its successors and assigns and those claiming by, through or under such owner, from and against any and all liability, claims, suits, damages, demands or expenses arising out of personal injury or property damage to any person or thing arising out of the use of the Parking Easement granted under this Parking Easement, except for liability, claims, suits, damages, demands or expenses arising out of the negligent or willful acts of the owner of Lot 1, its successors or assigns or those claiming by, through or under such owner including guests and invitees.

5. Taxes. Grantor will shall be responsible for all real estate taxes, special assessments and charges levied or assessed upon Lot 1.

6. Liability Insurance. The Grantee agrees to hold the Grantor harmless from any and all public liability of any kind or nature occasioned by any act or omission within or on the above Parking Easement Area except as resulting from Grantor's neglect or willful act, and to keep in full force and effect during the term of this Easement, a public liability insurance policy, written and issued by a responsible insurance company acceptable to the Grantor, insuring itself and Grantor against injury to property, person, or loss of life arising out of the use and occupancy of the Parking Easement Area.

7. Amendment. This Parking Easement may be amended by the recording of a written instrument executed by or on behalf of the owners of both Lot 1 and Lot 2.

8. Non-Use. Non-use or limited use of the Parking Easement rights granted in this Parking Easement shall not prevent the benefitting party from later use of the Parking Easement rights to the fullest extent authorized in this Parking Easement.

9. Governing Law. This Parking Easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.

10. Invalidity. If any term or condition of this Parking Easement, or the application of this Parking Easement, any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Parking Easement, or the application of the term or condition to persons or circumstances other than those to which it has held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.

11. Waiver. No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Parking Easement shall be construed to be a waiver of the right of power. A waiver by any party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Parking Easement.

12. Covenants Running with Land. The rights contained within this Parking Easement shall run with the land and inure to and be for the benefit of Grantee it successors and assigns, and the tenants, sub-tenants, and employees and of such persons. All of the terms and conditions in this Parking Easement, including the benefits and burdens, shall be binding upon, and inure to the benefit of, and be enforceable by any owner of Lot 1 and/or Lot 2. The Parking Easement granted under this Parking Easement is a Parking Easement appurtenant to Lot 2 and may not be transferred separately from, or severed from, title to Lot 2. Furthermore, the benefit to the Parking Easement granted in this Parking Easement shall not be extended to any properties other than Lot 2 without the consent of the owner of the fee simple interest in all of Lot 1.

13. Notices. All notices to each party, may be made in person, by mail, by fax transmission or e-mail transmission as set forth below and shall be binding and have legal effect on the date of personal delivery, date of certified mail or date and time of fax transmission or e-mail transmission.

To Grantor: William H. Wetterau Revocable Trust
c/o William H. Wetterau
W204 N12541 Goldendale Road
Richfield, WI 53076
E-Mail: bilbobhmsted@yahoo.com

To Grantee: Homestead Transfer + Storage LLC
c/o Troy A. Wetterau
W130 N11414 Equine Trail
Germantown, WI 53022
E-Mail: whltd@icloud.com

The parties agree that any photocopy, facsimile and/or e-mail shall be treated as an original document. Any document containing a photocopy, facsimile and/or e-mail with signatures or initials of any party shall be deemed sufficient evidence of that party's action or intent and shall have the same legal binding effect of a document containing the original signature or initials of such parties.

William H. Wetterau Revocable Trust
Dated August 10, 2004,
Grantor

Dated _____, 2018.

By: _____
William H. Wetterau, Trustee

Homestead Transfer + Storage LLC,
Grantee

Dated _____, 2018.

By: _____
Troy A. Wetterau, Member

STATE OF WISCONSIN)
 : ss.
WASHINGTON COUNTY)

Personally came before me this ____ day of _____, 2018, the above named William H. Wetterau to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Washington County, WI
My commission _____

STATE OF WISCONSIN)
 : ss.
WASHINGTON COUNTY)

Personally came before me this ____ day of _____, 2018, the above named Troy A. Wetterau to, me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Washington County, WI
My commission _____.

THIS DOCUMENT WAS DRAFTED BY:

Attorney James A. Spella
Schloemer Law Firm, S.C.
West Bend, WI 53095
Phone No.: 262-334-3471
Fax No.: 262-334-9193

William H. Wetterau, W204 N12541 Goldendale Road & W204 N12660 Goldendale Road. The property owner is seeking approval of a 2-lot Certified Survey Map (CSM) and rezoning application to re-divide two parcels on 40.1 acres of land. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the 2-lot Certified Survey Map and proposed Rs-2 & A-1 to Rs-1 & A-2 rezoning for the Wetterau properties located on Goldendale Road subject to the following conditions:

- 1. All technical corrections identified by the Village Surveyor as summarized in the March 16, 2018 memo shall be made prior to recording the CSM.***

MOTION carried unanimously.

Trio Engineering, Agent for the Germantown School District, property owner of the Germantown High School – W180 N11501 River Lane. The property owner is seeking approval of a Certified Survey Map (CSM) to combine four existing parcels that comprise the Germantown High School property totaling 73.7 acres. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the Certified Survey Map land combination for the four parcels owned by the Germantown School District for the high school property located at W180 N11501 River Lane subject to the following conditions:

- 1. All technical corrections and issues raised by the Village Surveyor in the March 16, 2018 memo shall be addressed and/or corrected prior to recording the CSM.***

MOTION carried unanimously.

ANNOUNCEMENTS: Chairman Wolter said there is an election in one week. Commissioner Gray said she waited a half an hour to vote at the last election. Clerk Deanna Boldrey explained the turnout was higher than expected. Commissioner Laszewski said the state of pollinators is in a sad state and asked if there was a way to promote more Wisconsin plants in landscape plans. Planner Retzlaff offered to build in more stringent landscape requirements. Trustee Baum commented that could be very expensive, but he is in favor of standards, so the Plan Commission doesn't get a little hand sketched landscape drawing. Chairman Wolter agreed to look at something to help support pollinators and bring back what's been removed.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: May 7, 2018

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

ITEM TITLE: Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner; W154 N11492 Fond du Lac Avenue, W154 N11474 Fond du Lac Avenue and N114 W15450 Gettysburg Drive; **(1)** Create an I: Institutional Planned Development District (I/PDD); **(2)** Rezone properties the Rs-6 Residential Single Family Zoning District and I: Institutional Zoning District into the I/PDD Zoning District; **(3)** Adopt Conditions & Restrictions for the I/PDD Zoning District; and **(4)** Amend the Village of Germantown 2020 Land Use Plan Map from the "Medium Density Residential" to "Institutional/Governmental" classification.

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

SUMMARY EXPLANATION:

In May 2017, the Plan Commission approved site development and building plans for a building addition and site improvements to the existing MacArthur Elementary School facility located on a 7.8-acre property at W154 N11492 Fond du Lac Avenue. At this time, the Germantown School District is requesting approval to create an Institutional Planned Development District (PDD) for MacArthur Elementary School and two adjacent residential lots that have been acquired by the School District to facilitate the a new 52-stall parking lot and site improvements to the existing MacArthur Elementary School facility located at W154 N11492 Fond du Lac Avenue.

The purpose for the PDD is to adopt minimum zoning regulations for the MacArthur School property that accurately reflect existing conditions, and, to accommodate a new parking lot with reduced setbacks from the adjacent residential property lines. The most significant setback reduction proposed is along the east property line adjacent to the Green Meadow Subdivision (Gettysburg Drive). The School District is proposing to reduce the minimum parking lot setback from 50 to 25 feet where the two residential lots have been acquired.

Both residential parcels adjacent to the school property are currently designated on the 2020 Land Use Plan as "Medium Density Residential" and zoned Rs-6: Single-Family. The proposal includes reclassifying the residential parcels to "Institutional/Governmental" and changing the zoning from Rs-6 to the new MacArthur School PDD.

The Plan Commission has conditionally approved site development plans to remove the residential dwellings from the adjacent lots and redevelop that area with a new 52-stall parking lot subject to Village Board approval of the PDD rezoning.

There is also a certified survey map (CSM) that has been prepared to combine the two residential lots with the school property; however, there is an outstanding title/ownership issue that has not yet been resolved. The CSM will be brought to the Board for approval in the near future.

Chris Hitch, Trio Engineering
MacArthur Elementary School, Germantown School District, Property Owner
"MacArthur School District" PDD

Page 2

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ATTACHMENTS:

- ◆ 4/9/18 Staff Report
- ◆ 4/9/18 Plan Commission Meeting Minutes
- ◆ Draft I/PDD Zoning Ordinance
- ◆ Draft "MacArthur School District" PDD Conditions & Restrictions Resolution

PLAN COMMISSION RECOMMENDATION:

APPROVE creating an I: Institutional/PDD (the "MacArthur School PDD") for the 8.6-acre property, and, rezoning the two residential lots from Rs-6: Single-Family to the I/PDD as proposed by the Germantown School District for the MacArthur School property located at W154 N11492 Fond du Lac Avenue subject to the following requirements and conditions:

1. The I: Institutional Zoning District regulations as amended by the School District and summarized herein shall constitute the specific conditions and restrictions for the PDD;
2. Subject to revision required by the Plan Commission or Village Board, a separate General Development Plan sheet showing the entire parcel area with the basic development features shown on Sheet C300 & C301 should be prepared and made part of the PDD ordinance prior to recording;
3. The PDD conditions & restrictions resolution shall contain a requirement that a certified survey map (CSM) land combination shall be completed and approved to combine the subject parcels.

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, May 7, 2018
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear all parties, their attorneys or agents, for or against applications to: (1) create an I: Institutional Planned Development District (I/PDD) pursuant to Sections 17.26 and 17.27 of the Zoning Code; and (2) rezone the following described properties from the Rs-6: Residential Single-Family Zoning District into the newly created I/PDD Zoning District (Parcel 1, 2 and 3); and (3) Amend the Village of Germantown Comprehensive Plan 2020 Land Use Plan Map from Medium Density Residential to Institutional/Governmental for the following described properties (Parcel 2 and 3):

Properties: W154 N11492 Fond du Lac Avenue (Tax Key Number #GTNV 233-983)
W154 N11474 Fond du Lac Avenue (Tax Key Number #GTNV 233-982)
N114 W15450 Gettysburg Drive (Tax Key Number #GTNV 233-975)

Applicant: Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner

Parcel 1 W154 N11492 Fond du Lac Avenue (Tax Key #233-983)

Outlot 5 and Outlot 6 of Assessors Plat of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, Containing 7.63 acres more or less.

Parcel 2 W154 N11474 Fond du Lac Avenue (Tax Key #233-982)

Lot 1 of CSM 2934, recorded as document number 1436923, Section 23, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, Containing .51 acre more or less.

Parcel 3 N114 W15450 Gettysburg Drive (Tax Key #233-975)

Lot 2 of CSM 2934, recorded as document number 1436923 Section 23, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, Containing .44 acres more or less.

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.

Deanna Boldrey, Village Clerk
Dated this 9th day of April 2018

To Be Published On: April 18th and April 25, 2018

RESOLUTION NO. 32-2018

ADOPTING CONDITIONS AND RESTRICTIONS FOR THE MACARTHUR SCHOOL PLANNED DEVELOPMENT DISTRICT ("MACARTHUR SCHOOL PDD")

WHEREAS, Germantown School District, property owner (hereinafter the "Owner") has applied for a I: Institutional Planned Development District (I/PDD) to be applied to the property located in the Village of Germantown as described in Exhibit A; 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 (PDD) that modify the basic allowances, limitations, and bulk regulations of the underlying zoning district, as well as, allow for the establishment of specific uses, bulk regulations, density standards, yard setbacks, etc. to ensure proper development, operation and maintenance of the proposed development in the General Development Plan; and

WHEREAS, the Village of Germantown Plan Commission on April 9, 2018, reviewed the I/PDD rezoning application and forwarded a positive recommendation regarding both the rezoning and General Development Plan to the Village Board;

NOW, THEREFORE BE IT RESOLVED that the Village Board of the Village of Germantown hereby adopts the following specific conditions and restrictions that shall apply to all development on and the use of property within the PDD:

1. **PURPOSE AND INTENT.** The MacArthur School PDD is intended to provide for the orderly development and operation of the MacArthur Elementary School property within the context of the surrounding existing residential neighborhoods. The MacArthur School PDD is comprised of the original school property and two adjacent residential lots located at the Fond du Lac Avenue @ Gettysburg Drive intersection that have been acquired to expand parking and improve accessibility to the school. The PDD restrictions are established to reflect existing conditions that currently exist, and, to establish minimum setback requirements for the new parking area adjacent to the Green Meadow Subdivision residential neighborhood south and east of the school.
2. **GENERAL DEVELOPMENT PLAN (GDP).** The General Development Plan (Exhibit B dated _____, 2018) establishes the parameters for the type, amount and relative location of development on the property within the PDD. While future development within the PDD shall be generally consistent with the GDP, the GDP does not grant specific site development or building approval. Proposed modifications and/or revisions to the GDP shall be reviewed consistent with Section 17.27(9) of the Zoning Code.
3. **PERMITTED LAND USES.** Principal and accessory uses allowed within the MacArthur School PDD shall be limited to those uses and activities that are typical and customary for a public elementary school. No conditional uses are permitted. Temporary uses may be allowed as set forth in Section 17.26 (Institutional District).

4. **SITE DEVELOPMENT AND BUILDING REQUIREMENTS.**

Unless otherwise set forth below, all site development and building shall be in accordance with the lot, building and other applicable bulk requirements set forth in the underlying I: Institutional Zoning District under Section 17.26 and other applicable Zoning Code regulations.

a. Setback and Yard Requirements:

1. Minimum Front/Street Yard Building Setback: 30 feet
2. Minimum Rear Yard Building Setback: 25 feet
3. Minimum Side Yard Building Setback: 15 feet
4. Minimum Front/Street Yard Parking Setback: 12.5 feet
5. Minimum Rear Yard Parking Setback: 5.5 feet
6. Minimum Parking Setback (West Property Line): 1.5 feet
7. Minimum Parking Setback (East Property Line): 25 feet

b. Parking and Loading Requirements:

1. Minimum Parking Setback (West Property Line): 1.5 feet
2. Reduce the Minimum Setback Requirement between Commercial Parking Lots and Residential Property from 50 to 25 feet
3. Minimum Parking Stall Width: 9 feet
4. Minimum Parking Stall Area: 160 sqft

c. Other Allowances & Limitations:

1. Allow Street Tree Requirements to be Determined by the Plan Commission as part of an approved Site Development & Building Plan
2. Allow interior parking lot landscaping to be installed and maintained at the Owner's Discretion as part of an approved Site Development & Building Plan

5. **EXTERIOR LIGHTING.**

The Owner shall be responsible for ensuring making any necessary adjustments, including supplemental shielding or fixture replacement, to the exterior pole-mounted light fixtures after installation to eliminate any glare or view of the light source affecting any adjacent or surrounding residential properties. The Owner shall contact and coordinate with said neighbor to resolve any complaints or issues with said lights impacting the residential property.

6. **APPLICABILITY OF MUNICIPAL CODE.**

Unless otherwise set forth herein, all other applicable zoning and development regulations contained in the Germantown Municipal Code (e.g. General Zoning, Shoreland-Wetland Zoning, Floodplain Zoning, Subdivision) shall apply to development and land use within MacArthur School PDD. In the event a requirement, restriction or limitation set forth herein conflicts with a similar requirement, restriction or limitation found in another section of the Municipal Code, the most stringent requirement, restriction or limitation shall apply.

7. **PARCEL COMBINATION REQUIRED.**

A certified survey map (CSM) land combination shall be completed and approved to combine the three parcels that comprise the MacArthur School PDD.

Introduced by: _____

Adopted: _____, 2018

Vote: Ayes: ____ Nays: ____

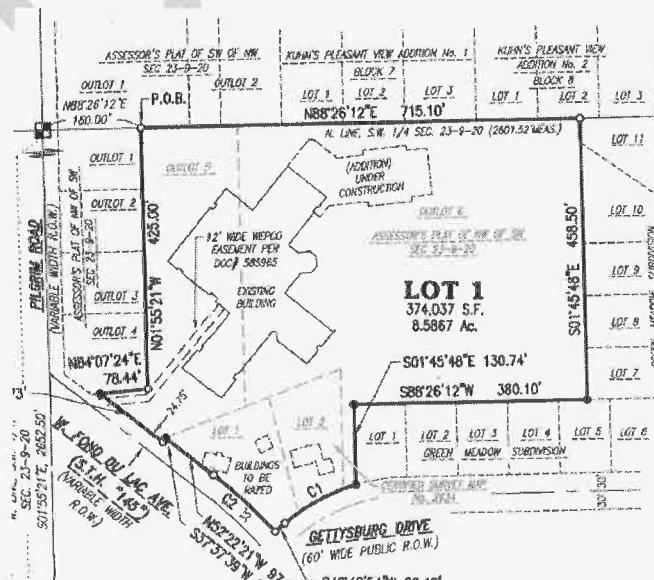
Dean Wolter, Village President

ATTEST:
_____, Village Clerk

EXHIBIT A

MacArthur School Planned Development District (PDD) Boundary Description

Commencing at the Northwest corner of said Southwest 1/4 of said Section 23;
Thence North $88^{\circ}26'12''$ East and along the North line of the said Southwest 1/4
Section, 160.00 feet to the Northwest corner of Outlot 5 in "Assessor's Plat Village of
Germantown NW 1/4 S.W 1/4" and the point of beginning of lands hereinafter
described; Continuing Thence North $88^{\circ}26'12''$ East and along the said North line of
the said Southwest 1/4 Section, 715.10 feet to a point on the West line of said
"Green Meadow Subdivision"; Thence South $01^{\circ}45'48''$ East along said West line,
458.50 feet to a point on the North line of said "Green Meadow Subdivision"; Thence
South $88^{\circ}26'12''$ West and along said North line, 380.10 feet to the Northwest corner
of Lot 1, "Green Meadow Subdivision"; Thence South $01^{\circ}45'48''$ East and along the
West line of said Lot 1, 130.74 feet to a point on the North Right-of-Way line of
"Gettysburg Drive"; Thence Southwesterly 131.95 feet along said North Right-of-
Way line and the arc of a curve, whose center lies to the Southeast, whose radius is
307.42 feet, and whose chord bears South $61^{\circ}00'39''$ West, 130.94 feet to a point;
Thence South $48^{\circ}42'54''$ West along said North Right-of-Way line, 20.46 feet to the
North Right-of-Way line of "West Fond du Lac Avenue" (S.T.H. "145"); Thence
Northwesterly 137.15 feet along said North Right-of-Way line and the arc of a curve
whose center lies to the Southwest, whose radius is 892.82 feet, and whose chord
bears North $47^{\circ}58'18''$ West, 137.01 feet to a point; Thence continuing along said
North Right-of-Way line, North $52^{\circ}22'21''$ West, 97.61 feet to a point; Thence
continuing along said North Right-of-Way line, South $37^{\circ}37'39''$ West, 8.25 feet to a
point; Thence continuing along said North Right-of-Way line, North $52^{\circ}22'21''$ West,
129.73 feet to the South line of Outlot 4 "Assessor's Plat Village of Germantown NW
1/4 SW 1/4"; Thence along said South line, North $84^{\circ}07'24''$ East, 78.44 feet to a
point on the West line of said Outlot 5 "Assessor's Plat Village of Germantown NW
1/4 SW 1/4"; Thence North $01^{\circ}55'21''$ West, 425.00 feet to the point of beginning of
this description. Said Parcel contains 374,037 Square Feet (or 8.5867 Acres) of
land.



MacArthur School Planned Development District (PDD)
Resolution No. 32-2018
Adopted May 7, 2018
Page 5 of 5

EXHIBIT B

**MacArthur School Planned Development District (PDD)
General Development Plan**

{Attach General Development Plan Dated _____, 2018}

DRAFT

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

("MacArthur School District", Germantown School Board, Property Owner)

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

SECTION 1. That the Zoning Code and zoning map of the Village of Germantown is amended by the creation of an I: Institutional Planned Development District (I/PDD) to be known as the "MacArthur School District", and, the following described area is rezoned from the Rs-6: Single-Family Residential and I: Institutional Zoning Districts into the newly created "MacArthur School I/PDD Zoning District:

Commencing at the Northwest corner of said Southwest 1/4 of said Section 23; Thence North 88°26'12" East and along the North line of the said Southwest 1/4 Section, 160.00 feet to the Northwest corner of Outlot 5 in "Assessor's Plat Village of Germantown NW 1/4 S.W 1/4" and the point of beginning of lands hereinafter described; Continuing Thence North 88°26'12" East and along the said North line of the said Southwest 1/4 Section, 715.10 feet to a point on the West line of said "Green Meadow Subdivision"; Thence South 01 °45'48" East along said West line, 458.50 feet to a point on the North line of said "Green Meadow Subdivision"; Thence South 88°26'12" West and along said North line, 380.10 feet to the Northwest corner of Lot 1, "Green Meadow Subdivision"; Thence South 01°45'48" East and along the West line of said Lot 1, 130.74 feet to a point on the North Right-of-Way line of "Gettysburg Drive"; Thence Southwesterly 131.95 feet along said North Right-of-Way line and the arc of a curve, whose center lies to the Southeast, whose radius is 307.42 feet, and whose chord bears South 61 °00'39" West, 130.94 feet to a point; Thence South 48°42'54" West along said North Right-of-Way line, 20.46 feet to the North Right-of-Way line of "West Fond du Lac Avenue" (S.T.H. "145"); Thence Northwesterly 137.15 feet along said North Right- of-Way line and the arc of a curve whose center lies to the Southwest, whose radius is 892.82 feet, and whose chord bears North 47°58'18" West, 137.01 feet to a point; Thence continuing along said North Right-of-Way line, North 52°22'21" West, 97.61 feet to a point; Thence continuing along said North Right-of-Way line, South 37°37'39" West, 8.25 feet to a point; Thence continuing along said North Right-of-Way line, North 52°22'21" West, 129.73 feet to the South line of Outlot 4 "Assessor's Plat Village of Germantown NW 1/4 SW ¼"; Thence along said South line, North 84°07'24" East, 78.44 feet to a point on the West line of said Outlot 5 "Assessor's Plat Village of Germantown NW 1/4 SW 1/4"; Thence North 01°55'21" West, 425.00 feet to the point of beginning of this description. Said Parcel contains 374,037 Square Feet (or 8.5867 Acres) of land.

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: _____, 2018

Vote: Ayes: _____
 Nays: _____

Dean Wolter, Village President

ATTEST:

Deanna Boldrey, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

Published:

ORDINANCE NO. 09-2018

AN ORDINANCE TO AMEND THE LAND USE PLAN MAP OF THE VILLAGE OF GERMANTOWN 2020 "SMART GROWTH" COMPREHENSIVE PLAN

MacArthur Elementary School Property (Fond du Lac Avenue @ Gettysburg Drive)
Germantown School District, Property Owner

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

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

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

SECTION 3. That the Germantown School District, property owner, has submitted an application to amend the Land Use Plan map of the Village of Germantown Year 2020 Smart Growth Plan for two parcels approximately .95 acres in area located in the northeast quadrant of the Fond du Lac Avenue @ Gettysburg Drive intersection (Tax Parcels #233-982 & 233-975) by changing the land use classification from "Medium Density Residential" to "Institutional/Governmental" as a prerequisite for an application to rezone the property from the Rs-6: Single-Family Residential District to the I/PDD: Institutional/Planned Development District;

SECTION 4. That the Village Board conducted a public hearing of the application on May 7, 2018 following publication and notification of said hearing and receipt of a recommendation from the Plan Commission made on April 9, 2018;

SECTION 5. That, after consideration of the application, supporting documentation, Plan Commission recommendation and public hearing testimony received, the Village Board does by enactment of this ordinance formally change the land use classification of the following described parcels from "Medium Density Residential" to "Institutional/Governmental":

Parcel 1: W154 N11474 Fond du Lac Avenue (Tax Key #233-982)
Lot 1 of CSM 2934, recorded as document number 1436923, Section 23, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, Containing .51 acre more or less.

Parcel 2: N114 W15450 Gettysburg Drive (Tax Key #233-975)
Lot 2 of CSM 2934, recorded as document number 1436923 Section 23, Township 9
North, Range 20 East, Village of Germantown, Washington County, Wisconsin, Containing
.44 acres more or less.

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: _____, 2018

Vote: Ayes: _____
 Nays: _____

Dean Wolter
Village President

ATTEST:

Deanna Boldrey, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

Published:

- 5. The private community water system shall be tested and maintained per NFPA 25 with inspection, testing and maintenance done in cooperation with the Fire Department to ensure ongoing compliance;**
- 6. The water supply from the private water system hydrants has not proven to consistently provide a sufficient water supply with some hydrants currently tagged as “out of service”. This issue needs to be rectified prior to the issuance of building permits for the five additional home sites.**

Discussion followed. Planner Retzlaff said revised plans should show the trail system and the parking stalls for guest parking. Herb Wolf said the walking path on the west lot will be moved about 20 feet to reconnect with the existing path.

MOTION carried unanimously.

MacArthur Elementary School – W154 N11492 Fond du Lac Avenue. Site Plan Review for a new 52-stall parking lot and associated site improvements, Certified Survey Map to combine parcels and Rezoning Application to create an I: Institutional PDD (Planned Development District) and Rezone .95 acres from Rs-6: Single Family Residential to the I: Institutional PDD. Planner Retzlaff summarized the proposal.

Chris Hitch, Trio Engineering, said they were agreeable to the conditions and added the homeowner to the east was in support of the plans for additional landscaping but asked that the asphalt path be removed as part of the project. He said the request for additional plantings is likely to be met through a second row of plantings that will be staggered in that area and eliminating the path will accommodate that. He said widening the drive for the fire department gives the same functionality of the path. Planner Retzlaff asked for consideration to tie the existing path to the sidewalk adjacent to the drop off lane. Mr. Hitch said he didn't think that would be a problem and it would be doable. Discussion continued.

MOTION Baum second Laszewski to Approve creating an I: Institutional/PDD (the “MacArthur School PDD”) for the 8.6-acre property, and, rezoning the two residential lots from Rs-6: Single-Family to the I/PDD as proposed by the Germantown School District for the MacArthur School property located at W154 N11492 Fond du Lac Avenue subject to the following requirements and conditions:

- 1. The I: Institutional Zoning District regulations as amended by the School District and summarized herein shall constitute the specific conditions and restrictions for the PDD;***
- 2. Subject to revisions required by the Plan Commission or Village Board, a separate General Development Plan sheet showing the entire parcel area with the basic development features shown on Sheet C300 & C301 should be prepared and made part of the ordinance prior to recording;***
- 3. The PDD conditions & restrictions resolution shall contain a requirement that a certified survey map (CSM) land combination shall be completed and approved to combine the subject parcels.***

MOTION carried unanimously.

MOTION Baum second Shadid to Approve the proposed 3-lot CSM combining the MacArthur School property with the two residential lots for the total 8.6-acres as proposed by the Germantown School District subject to the following conditions:

- 1. All technical corrections identified by the Village Surveyor as summarized in the March 16, 2018 memo shall be made prior to recording the CSM by the Village Board;**
- 2. The CSM shall not be submitted to the Village Board for review/approval until the title/Ownership issue concerning the north driveway to/from Roberts Drive has been resolved.**

MOTION carried unanimously.

MOTION Baum second Shadid to APPROVE the revised site development plans for the proposed parking lot and site improvements to the existing MacArthur School property located at W154 N11492 Fond du Lac Avenue subject to the following conditions:

- 1. Approval is granted for the site development and landscaping plan sheets dated February 9, 2018 unless superseded by further revisions required by the Plan Commission as part of granting approval;**
- 2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit;**
- 3. Additional landscape plantings for a total of twenty (20) plantings comprised of both deciduous shade and evergreen trees shall be planted along the east property line adjacent to the Green Meadow Subdivision to provide a more adequate and immediate buffer between the parking lot and residential properties. Said plantings shall have a minimum planted size of 3" dia. deciduous and 8'-10' tall evergreen. A revised or supplemental landscape plan indicating the type and location of said plantings shall be submitted to the Village Planner for review/approval prior to issuance of an occupancy permit for the school building additions.**
- 4. The District shall enter into a Landscape Maintenance Agreement with the Village as required under 17.43(6a) of the Zoning Code. Said agreement shall be executed by the owner and submitted to the Village for recording prior to issuance of an occupancy permit.**
- 5. The "entry only" access driveway from Gettysburg Drive and the "exit only" driveway to Fond du Lac Avenue both need to have a minimum pavement width of 20 feet to accommodate emergency vehicles as required by the Germantown Fire Department.**
- 6. All technical corrections & issues identified by the Village Public Works Director summarized in the March 22, 2018 memo shall be addressed in revised plans and/or supplemental information reviewed and approved by the Village prior to issuing any permit required for the development.**

MOTION to Amend Baum second Gray to add Condition #7 that the walkway on the east side of the drop off lane be connected to the pathway on the east side of the property and remove the rest of it.

Discussion followed. Mr. Hitch said they'd move the path toward the public street, so it connects at the same place where the path connects at the street today. The neighbors wishes will be met by removing the asphalt to the north.

MOTION to Amend carried unanimously.

Commissioner Gray said she was opposed to the proposed smaller parking spaces saying its tricky to park in them. Planner Retzlaff explained the current code requires a parking stall size of 180 square feet but does not specify a minimum width. He said what is being proposed isn't really any dramatically inconsistent with what the code currently provides for, but he understands the concern. He said we have made changes to parking space sizes on other projects in the past.

MOTION to Approve as Amended carried unanimously.

Community Development Department – Proposed code Amendments (Zoning Code Public Hearing and Protest Petition Requirement. Planner Retzlaff explained he and the Village Attorney have gotten together to propose a couple changes to the zoning code specifically concerning public hearings and protest provisions in the Zoning Code. He said the existing Zoning Code requires public hearings for certain zoning related matters including, zoning map amendments, zoning code text amendments, conditional use permits, comprehensive plan map and text amendments and tax increment establishment. Wisconsin Statutes require public hearings for such zoning related matters but with regard to the first three does not prescribe any particular body of local government that should hold such meetings that are required. The Village Code does prescribe public hearings to be held before the Village Board for rezonings, text amendments and conditional use permits. The proposed amendment changes the public hearing requirement from the Village Board to the Plan Commission for those 3 items. It will allow the public to share information, opinions and identify issues at the beginning of the review process and allow the Plan Commission to make more informed recommendations to the Village Board. He said its typical of other communities to hold a public hearing before the Plan Commission and not necessarily before public officials. However, we could require a process to require both. Discussion followed.

Chairman Wolter said most communities hold their public hearings before Plan Commission. He mentioned a public hearing for a rezoning for Grace Lutheran church. He explained people lined up at a podium and were put on a 3-minute clock. He said it was handled very well and in an orderly fashion and everyone said what they needed to say. Planner Retzlaff said those procedural details will still need to be worked out. Commissioner Laszewski said people do come to speak during public input when there are certain hot topic issues but thinks a public hearing in front of elected officials is still important, so their concerns are heard. Trustee Baum said the Plan Commission needs to hear the feedback to make a recommendation to the Village Board based on what's been heard. The notification process says there is a vehicle to voice a grievance and we want them to come before Plan Commission, so we can make a recommendation or make changes based on what's been heard.

**PLANNED DEVELOPMENT DISTRICT (PDD),
CERTIFIED SURVEY MAP(CSM) &
SITE PLAN REVIEW (REVISED)**
4/9/18 Plan Commission Meeting

MacArthur Elementary School / Trio Engineering

Village Planner Report

Germantown, Wisconsin

Summary

Trio Engineering, agent for the Germantown School District, property owner, is requesting approval of a rezoning application to create a Planned Development District (PDD), a CSM to combine parcels, and a revised Site Plan for a new 52-stall parking lot and associated site improvements to the existing MacArthur Elementary School facility located at W154 N11492 Fond du Lac Avenue.

Property Location: W154 N11492 Fond du Lac Avenue

Applicant/

Property Owners: Chris Hitch, PE
Trio Engineering
12660 W. North Ave
Brookfield, WI

Ric Erickson
Germantown School District
N104 W13840 Donges Bay Road
Germantown, WI

Current Zoning: I: Institutional

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



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Proposal/Background

In May 2017, the Plan Commission approved site development and building plans for a building addition, alterations and site improvements to the existing 51,139 sqft MacArthur Elementary School facility located on a 7.83-acre property at W154 N11492 Fond du Lac Avenue. The approved site plans included the following features:

- Classroom & Information Media Center (IMC) addition (17,885 sqft)
- Heavy Interior Renovation, e.g. new partitions, finishes, major mechanical, electrical & plumbing (9,472 sqft)
- Light Interior Renovation, e.g. flooring, ceiling, paint, casework, lighting, electrical and data (790 sqft)
- Complete sprinkler system
- Asphalt perimeter service drive
- Minor storm water management, e.g. site grading, swales, rain garden

At this time, the Germantown School District is requesting approval of a rezoning application to create a Planned Development District (PDD), a CSM to combine parcels, and a revised Site Plan for a new 52-stall parking lot and associated site improvements to the existing MacArthur Elementary School facility located at W154 N11492 Fond du Lac Avenue.

Certified Survey Map (CSM)

As shown in the attached preliminary CSM, the School District has acquired two (2) residential lots located adjacent to the existing MacArthur School property near the Fond du Lac Ave @ Gettysburg Drive intersection. The purpose for the CSM is simply to combine these two additional parcels with the larger school property to provide additional space for the new 52-stall parking lot and new access driveway.

Planned Development District (PDD) & Rezoning

The two residential lots being combined with the school property are currently located in an Rs-6: Single-family Zoning District. In order to combine the parcels, rezoning of the two lots into the same I: Institutional Zoning District is required. However, because the two residential lots are proposed to be rezoned into the I District and redeveloped into a new 52-stall parking lot, the Village's 50' non-residential parking lot setback requirement also has to be met. To do so, the proposed parking stalls and access driveway onto Gettysburg Drive would ordinarily have to be located a minimum distance of 50 feet away from the east property line because the new parking lot abuts the remaining residential neighborhood to the east. Because the 50' setback requirement would significantly reduce the utility/value of the additional area by forcing the access driveway closer to the intersection and reducing the number of parking stalls that could be developed, the School District is proposing to create an "Institutional Planned Development District (I/PDD) for the MacArthur property with different setback requirements that more accurately reflect the existing parking lot situation, and, to maximize the usability of the additional land.

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As set forth in the February 14, 2018 letter supporting the rezoning application, the School District has included a short list of zoning district regulations for the new “MacArthur PDD”. These regulations use the I: Institutional District as the base district or starting point with modifications to the following:

- Setback and Yard Requirements:
 - o Minimum Front/Street Yard Building Setback: 30 feet;
 - o Minimum Rear Yard Building Setback: 25 feet;
 - o Minimum Side Yard Building Setback: 15 feet;
 - o Minimum Front/Street Yard Parking Setback: 12.5 feet;
 - o Minimum Rear Yard Parking Setback: 5.5 feet;
 - o Minimum Parking Setback (West Property Line): 1.5 feet;
 - o Minimum Parking Setback (East Property Line): 25 feet;
- Parking and Loading Requirements:
 - o Minimum Parking Setback (West Property Line): 1.5 feet;
 - o Reduce the Minimum Setback Requirement between Commercial Parking Lots and Residential Property from 50 to 25 feet;
 - o Minimum Parking Stall Width: 9 feet;
 - o Minimum Parking Stall Area: 160 sqft;
 - o Allow Interior Parking Lot Landscaping to be at Landowner’s Discretion;
- Other:
 - o Allow Street Tree Requirements to be Determined by Plan Commission;
 - o Sheet C300 & C301 shall constitute the General Development Plan for the proposed “MacArthur PDD”.

[NOTE: A separate PDD Conditions & Restrictions resolution containing these development-specific allowances, references to the detailed general development plan, and any other conditions of approval deemed appropriate by the Village, will be prepared by Village staff at the time the PDD is considered by the Village Board].

Site Plan

The applicant has submitted a revised set of site development plans that specifically address the redevelopment of the additional .95 acres of land for the new 52-stall parking lot. As presented in the plan set, the Developer proposes the following improvements:

- Demolish & remove the two existing dwellings and re-grade the site;
- Construct/install an underground storm water storage system to serve the proposed parking lot and building down spouts w/ planned discharge to the existing storm sewer system in Fond du Lac Avenue;
- Construct/install a new 52-stall paved parking lot w/ interior landscaped areas, a perimeter parent & student “drop off” lane, a new “Enter Only” access driveway from Gettysburg Drive and a new “Exit/Right-Turn Only” driveway to Fond du Lac Avenue (bus traffic will continue to use the existing Fond du Lac Ave driveway and on-site circulation and drop-off area adjacent to the west side of the existing school building;

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- Install low-level earth berms and landscaping buffering, including additional street trees, along the street frontage of Fond du Lac Avenue, Gettysburg Drive, and, along the east property line adjacent to the residential neighborhood;

Landscaping & Lighting

A detailed landscaping plan shows landscape items comprised of deciduous shade, evergreen and ornamental trees and shrubs installed within and around the parking lot perimeter and east property line.

No external lighting of the new parking lot is proposed.

Staff Comments

Planning & Zoning

Both of the two residential parcels are designated on the 2020 Land Use Plan as “Medium Density Residential” and currently zoned Rs-6: Single-Family. The LUP map classifications should be changed and can be processed as a LUP map amendment concurrently with the proposed PDD creation and rezoning.

As discussed above, the purpose for the PDD is to essentially adopt minimum zoning regulations that for the MacArthur School property that reflect existing conditions, and, to accommodate the new parking lot with reduced setbacks from the adjacent property lines. Staff supports the creation of a PDD for the MacArthur School property; however, a separate General Development Plan sheet showing the entire parcel area with the basic development features shown on Sheet C300 & C301 should be prepared and made part of the PDD ordinance.

The most significant and concerning setback reduction proposed as a result of the PDD is that proposed along the east property line adjacent to the existing Green Meadow Subdivision (Gettysburg Drive). The School District is proposing to reduce the minimum parking lot setback from 50 to 25 feet (as shown on the proposed site plan). Staff's concern is that the amount and type of landscaped buffering proposed along this property line is minimal. The grading and low-level berms proposed are not very high and the quantity of plantings is sparse (despite the mature height of plantings shown on the landscape plan). Additional (twice as many as proposed) and larger (8-10 feet tall at planting vs. 6 feet proposed) evergreen and deciduous trees and shrubs should be installed along this property line to create a more adequate and immediate buffer. Once the parking lot is done and new access driveway installed, the amount and pattern of vehicle traffic will change instantaneously and so will the need for buffering for the adjacent residential properties.

Public Works/Engineering

The Village Surveyor has identified a few technical issues with the proposed CSM in a March 16, 2018 memo (copy attached). The Surveyor is recommending that action on the CSM be deferred until a title/ownership issue concerning the north driveway to/from Roberts Drive has been resolved.

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Also, the Public Works Director and Village's consulting engineer for this project have identified a series of technical items that will need to be addressed in a revised site and/or construction plans, specifications, etc. prior to the Village issuing a building permit (e.g. erosion control and plumbing permits) for the parking lot expansion.

Fire Department

The Fire Department is recommending approval subject to the following requirements:

1. The "entry only" access driveway from Gettysburg Drive and the "exit only" driveway to Fond du Lac Avenue both need to have a minimum pavement width of 20 feet to accommodate emergency vehicles.

Village Planner Recommendation:

PDD & Rezoning

APPROVE creating an I: Institutional/PDD (the "MacArthur School PDD") for the 8.6-acre property, and, rezoning the two residential lots from Rs-6: Single-Family to the I/PDD as proposed by the Germantown School District for the MacArthur School property located at W154 N11492 Fond du Lac Avenue subject to the following requirements and conditions:

1. The I: Institutional Zoning District regulations as amended by the School District and summarized herein shall constitute the specific conditions and restrictions for the PDD;
2. Subject to revision required by the Plan Commission or Village Board, a separate General Development Plan sheet showing the entire parcel area with the basic development features shown on Sheet C300 & C301 should be prepared and made part of the PDD ordinance prior to recording;
3. The PDD conditions & restrictions resolution shall contain a requirement that a certified survey map (CSM) land combination shall be completed and approved to combine the subject parcels.

Village Planner Recommendation:

Certified Survey Map (CSM)

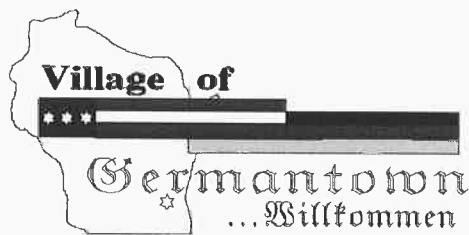
APPROVE the proposed 3-lot CSM combining the MacArthur School property with the two residential lots for the total 8.6-acres as proposed by the Germantown School District subject to the following conditions:

1. All technical corrections identified by the Village Surveyor as summarized in the March 16, 2018 memo shall be made prior to recording the CSM by the Village Board;
2. The CSM shall not be submitted to the Village Board for review/approval until the title/ownership issue concerning the north driveway to/from Roberts Drive has been resolved.

Village Planner Recommendation

APPROVE the revised site development plans for the proposed parking lot and site improvements to the existing MacArthur School property located at W154 N11492 Fond du Lac Avenue subject to the following conditions:

1. Approval is granted for the site development and landscaping plan sheets dated February 9, 2018 unless superseded by further revisions required by the Plan Commission as part of granting approval;
2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit;
3. Additional landscape plantings for a total of twenty (20) plantings comprised of both deciduous shade and evergreen trees shall be planted along the east property line adjacent to the Green Meadow Subdivision to provide a more adequate and immediate buffer between the parking lot and residential properties. Said plantings shall have a minimum planted size of 3" dia. deciduous and 8'-10' tall evergreen. A revised or supplemental landscape plan indicating the type and location of said plantings shall be submitted to the Village Planner for review/approval prior to issuance of an occupancy permit for the school building additions.
4. The District shall enter into a Landscape Maintenance Agreement with the Village as required under 17.43(6a) of the Zoning Code. Said agreement shall be executed by the owner and submitted to the Village for recording prior to issuance of an occupancy permit.
5. The "entry only" access driveway from Gettysburg Drive and the "exit only" driveway to Fond du Lac Avenue both need to have a minimum pavement width of 20 feet to accommodate emergency vehicles as required by the Germantown Fire Department.



Engineering Department Memorandum

To : Jeffrey W. Retzlaff, AICP, Planning Director/Zoning Administrator
From : Larry Ratayczak, P.E., Director of Public Works
Date : March 22, 2018
Re : MacArthur School Renovations and Additions– W154N11492: Site Plan Review

Items Reviewed:

1. Civil Plan Set (C100, C200, C201, C300, C301, C400, C401, C500, C600) Dated: 02-09-18
2. Stormwater Management Report/Calcs Dated: 02-09-18

General Comments:

1. The submitted plans have been reviewed for general conformance with State and Village design guidelines. It is understood that these are preliminary plans and therefore, there are several items to be resolved within the current plan set. However, it is our belief that the remaining items can be resolved at a staff level so that the project can remain on the upcoming plan commission agenda. The items listed below will need to be fully resolved before the Engineering Dept. can recommend a formal approval of the plans and permit for construction.
2. Please respond to each item below. **A written response addressing each item shall be included in your submittal.**
3. This project has over an acre of disturbance and will require an approved WDNR NOI (WRAPP) prior to the start of construction. Please submit a copy of the approved WRAPP once it is received.
4. This project will require DSPS (State site plumbing review and permitting). Please submit a copy of the approved permit prior to final approval.
5. As-builts prepared to Village standards shall be prepared and provided to the Village.
6. The Village sewer and water depts. may have additional comments as the plans are developed further. The Village reserves the right to comment further on the resubmitted plans and information.
7. A professional engineers original seal is to be affixed, signed and dated on the final set of construction plans.
8. *Add notes to the plans to list the following: Contact Frank Rosecky, 262-250-4722 for a utility permit, Contact Bob Beilfuss, 262-250-4721 for a driveway permit.*
9. *Add street labels to all sheets.*
10. As mentioned by Bob Beilfuss in a previous meeting, please provide documentation of a land transfer, land division, or easement for the existing access drive and sanitary lateral to the north.

11. Based on a previous conversation with Chris Hitch it is understood that the building addition and site improvements on the North side of the site have been previously reviewed and are currently under construction. Based on this our review is focused on the Parking Lot addition on the south side of the site and the stormwater management plan.
12. As a guide to the review response: Items in *italics* are resolved or acknowledged, items in regular font are to be addressed yet, items in **Bold** are additional feedback to remaining original comment.

C200 Site Demolition and Erosion Control Plans

1. *Update erosion control notes to include specifics for Winter Stabilization Practices*

C201 Site Demolition and Erosion Control Plans

1. *Update erosion control notes to include specifics for Winter Stabilization Practices.*
2. *Add note that existing sewer and water services to buildings be demolished shall be abandoned per Village Requirements.*

C300 Site Development Plan

1. *Plans have a note to restripe the existing parking lot. Will it be striped to match the existing or to a new layout? Please show and dimension the new layout.*

C301 Site Development Plan

1. *Dimension the width and angle for the parking spaces.*
2. *Are these steps? If so call out and provide details on riser height and denote hand railings as well.*
3. *Delineate clearly where the proposed Village curb and gutter will be installed along Gettysburg Drive and what type will be used at all locations (i.e. depressed vs full height)*
4. **Please provide bus and fire turning movements into the site from Gettysburg Drive to ensure the driveway apron and drive width is appropriate, adjust as needed.**
5. *Add stop signs and stop bars onsite at the exit to Fond Du Lac Ave.*
6. *Add truncated domes where applicable for the ADA parking/ramp access.*

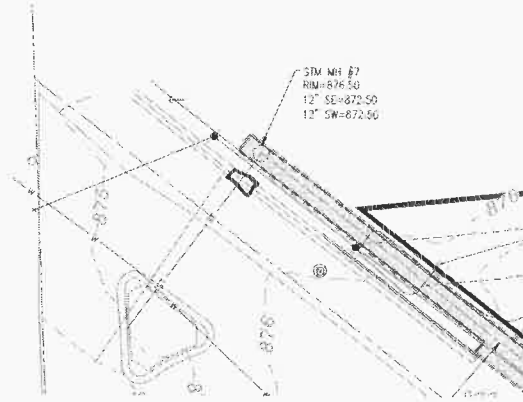
C400 Site Grading and Utility Plan

1. *Is there a step at the door on the northeast end of the building? If so note the step on the plans. Note a landing is required at the door.*
2. *The sanitary sewer connection to the existing 10" in Roberts Drive shall be made with a manhole. Manhole shall match Village standard detail (attached)*
3. *Adjust cleanout spacing to meet state plumbing code. (Max of 300' upstream of the manhole)*

and every 100' after that).

4. Add spot elevations and additional contours to clearly define the overflow. Contours shown do not match the note. Note indicates top @ 875.5 but the 875 contour does not continue around the north side of Rain Garden.
5. Please show existing watermain on site and ensure all required water separation (both vertical and horizontal) are provided.
6. It appears some contours are missing or the rim elevations is incorrect near STM inlet #1. Rim elevation is shown as 867.50 but adjacent spot grades are 878.8.

C401 Site Grading and Utility Plan

1. There appears to be some contours missing at the South parking lot area. Where does the existing 879 tie back in? Add additional information to show how all runoff from the parking lot will be specifically directed into inlet #4. Without curb in this area it appears a portion of the parking lot will run past this inlet without being captured.
 2. At STM MH#7 the existing conditions and proposed plans do not show the existing curb inlet in the roadway. Revise the plans to include the proposed connection to this existing structure. **Structure has been added, but no invert information is shown. Add existing and proposed invert elevations to the existing catch basin. Label length and slope for the pipe between MH #7 and the existing catch basin.**
- 
3. Show all existing utilities in the area of the proposed storm sewer installation within the R.O.W. Also, ensure adequate separation between the existing water service to the property.

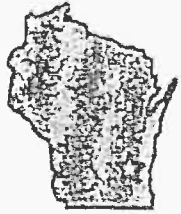
C500 Construction Details

1. Include details for the underground stormwater management system.
2. Add details for the sidewalk and concrete aprons within the Village R.O.W.

Stormwater Management Report

1. Drainage boundary for area P-1 does not match the grading shown. Many of the areas shown as tributary to the basin will bypass the basin either to the North or East. Is the 8" storm sewer from CB#1 sized for the 100 year event? If not show how overland flow will be routed to the basin (based on current plans it will overtop to the north and not to the basin). Adjust the drainage areas or proposed grading to match. Appears area P-1 has been changed to be an undetained area which addresses this comment.

2. Add additional grading information to show how runoff from area P-2 is routed into the two proposed inlets. Without those inlets being in pocketed areas and graded to drain to them, it appears most of the runoff from this area will bypass the inlets to the east. **As noted above it appears some contours may be missing that could clarify this. Please also add some spot grades or contours to show how the drainage for the existing playground area makes its way into the underground detention pipe.**
3. Provide storm sewer calculations, including grate calculations for 100-yr event in areas where surface flow enters the underground stormwater management systems. Provide additional inlets or revise grates as required. **Germantown requires storm calcs to use the atlas 14 rainfall values. Please update the calculations to use the appropriate rainfall values.**
4. *Adjust the WinSLAMM model to use the entire year with a winter season range. WinSLAMM adds additional loading in the spring to account for buildup of sediment over the winter months. If the winter season range is not used the additional loading is not accounted for (this can be a benefit to the modelling).*
5. *Per current WDNR guidance on modelling bio-filtration in WinSlamm, set the infiltration rate fraction side to 0.*
6. *Depth and weir height listed in the SLAMM model do not appear to match the plans.*
7. *Note that this site could be considered a redevelopment site and provide 40% TSS reduction for the new parking and roadway areas as required by NR 151.*
8. Adjust drainage boundary on the east side of the site for areas P-2 and P-3 to match the grading shown.
9. Additional information is needed on the underground detention system and how it is modeled. In general we have a number of questions; System details and a more detailed explanation of how it is modeled may clarify.
 - How will runoff that enters the system at inlet #6 be treated for water quality? Seems like that runoff would never make it to the water quality chamber.
 - Appears the system is perforated and the surrounding stone is used as storage. Additional detail is needed on stone type used for backfill and stone volume used.
 - It appears this is all modeled as one large system but it's not very clear how the storage volume was calculated for the three different systems (the 48" pipe, water quality chamber, and the remainder of the storage).
- 10 Provide info on how the existing building rooftop in area P-2 gets into the detention system.



Village of

Germantown

Willkommen

Fee must accompany application

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

PAID _____ DATE 10-9-17

SITE PLAN REVIEW APPLICATION

Pursuant to Section 17.43 of the Municipal Code

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

1

APPLICANT OR AGENT

Scott Kramer
Plunkett Raysich Architects, LLP
209 S Water St
Milwaukee, WI 53204
Phone (414) 359-3080
Fax ()
E-Mail skramer@prarch.com

PROPERTY OWNER

Ric Ericksen
Germantown School District
N104W13840 Donges Bay Rd
Germantown, 53022
Phone (262) 253-3900
Fax ()
E-Mail REricksen@germantown.k12.wi.us

2

PROPERTY ADDRESS

MacArthur Elementary School
W154 N11492 FOND DU LAC AVE.
GERMANTOWN, WI 53022

3

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

North Low Density Residential	South Low Density Residential	East Low Density Residential	West Low Density Residential
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4

READ AND INITIAL THE FOLLOWING:

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

5

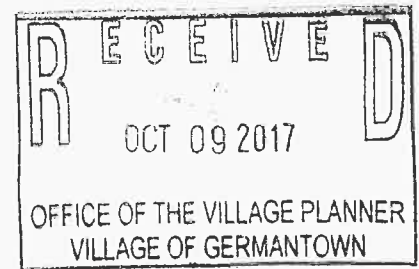
SIGNATURES - ALL APPLICATION MUST BE SIGNED BY OWNER!

[Signature] 10.6.17
Applicant Date

[Signature] 10/9/17
Owner Date



PLUNKETT RAYSICH
ARCHITECTS, LLP



06 October 2017

JEFF RETZLAFF
Village of Germantown
N112 W17001 Mequon Rd
Germantown, WI 53022

Re: MacArthur Elementary School
160024-03

JEFF RETZLAFF, below is a summary of the project for MacArthur Elementary School.

OWNER: Germantown School District
N104 W13840 Donges Bay Rd
Germantown, WI 53022

ARCHITECT: Plunkett Raysich Architects, LLP
209 S Water St
Milwaukee, WI 53204

CM: C.D. Smith Construction, Inc.
889 E Johnson St
Fond du Lac, WI 54935

The site is currently zoned I – Institutional

The neighboring sites are zoned:

North: Rs-5 Single-Family Residential District + Rs-4 Single-Family Residential District
East: Rs-6 Single-Family Residential District
South: Rs-6 Single-Family Residential District
West: Rs-6 Single-Family Residential District

Statement of Design Intent:

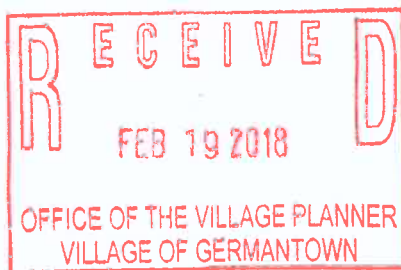
The proposed work at MacArthur Elementary School is in addition the work already approved by the Village of Germantown Plan Commission. The work we are looking for approval on is site improvements. The site improvements will include demolishing two existing homes on the south side of the site and replacing with parking as well as a new ingress/ egress point. The purpose of these site improvements is to improve the site circulation, separating the parent vehicular traffic from the Bus drop-off and pick-up, to increase child safety. Also, with the additional on-site parking, on-street parking will be diminished.

Best regards,
Scott Kramer AIA, NCARB
Partner

209 south water street milwaukee, wisconsin 53204 414 359 3060
2310 crossroads drive suite 2000 madison, wisconsin 53718 608 240 9900
205 north orange avenue suite 202 sarasota, florida 34236 941 348 3618

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Partners: Michael P. Brush, Martin P. Choren, Gregg R. Golden, Mark C. Herr, John J. Holz, Nicholas D. Kent,
Steven A. Kieckhafer, Scott A. Kramer, David J. Raysich, Michael H. Scherbel, Michael J. Sobczak



February 9, 2018

Village of Germantown
N112 W17001 Mequon Road
Germantown, WI 53204

Attn: Jeffrey Retzlaff, AICP
Village Planner & Zoning Administrator

Re: MacArthur Elementary School – Parking Lot Addition
Staff Review Comments dated November 9, 2017

Dear Mr. Retzlaff:

Enclosed you will find updated Site Development Plans and supporting documents for the proposed parking lot addition at MacArthur Elementary School. Our responses to the November 9, 2017 staff review comments are provided in bold lettering below.

Planning Department

1. The two residential parcels are located in an Rs-6: Single-family Zoning District. Both parcels would need to be rezoned into the I: Institutional District prior to/concurrent with development of the parking area. Further, these parcels will need to be combined with the existing school parcel as one parcel with a certified survey map (CSM) land division application. Both can be processed concurrently.
 - **Certified Survey Map and Rezoning documents are included with this submittal.**
2. As provided under Section 17.45 of the Zoning Code, off-street parking areas for non-residential uses cannot be closer than 50 feet to a residential district line. The enter-only driveway and portions of the parking lot closest to the east property line do not meet that 50 foot setback requirement. Revisions to the parking lot and driveway location are needed to meet this requirement.
 - **An application to rezone the property to Planned Development District has been submitted for review. Reduced setbacks are proposed as part of the PDD zoning.**
3. Sheet C401 indicates that grading will be conducted into the Village right-of-way. A right-of-way permit will be required.
 - **Noted.**
4. The new exit-only driveway is located only 120 feet from the existing driveway onto FDL Avenue. Will two-way traffic be allowed at the existing driveway after completion of the new parking area? One-way only? Will there be a situation where bus and vehicle traffic leaving from these two driveways (i.e. left-turn ins & right-turn outs) will be competing for the same space on FDL Avenue? Any need for a left turn lane?
 - **The existing driveway onto Fond du Lac Avenue does not allow two-way traffic. This existing condition is not proposed to change. There will not be a situation where bus and vehicle traffic is leaving from both the existing and the proposed driveway. There is no need for a left turn lane.**
5. The proposed enter-only driveway onto Gettysburg Drive creates a new traffic pattern that will bring both parked and drop-off vehicles into a part of the residential area that doesn't occur today. Do you have actual numbers (or at least

reasonable estimates based on current operations), of how much drop-off (a.m.) and pick-up (p.m.) traffic is expected to occur at the new driveways onto FDL Avenue and Gettysburg Drive? Has there been any assessment of how many vehicles will park on-site in the p.m. pick-up period and if there's sufficient stacking space in the drop-off lane without cars having to wait and line up off-site along Gettysburg and or FDL Avenue?

- **Roughly 50 students have standing arrangements for drop-off/pick-up. A typical day sees approximately 30-35 vehicles, with approximately 5-10 vehicles parking on Gettysburg Drive. The proposed parking lot has been planned to accommodate current operations and offer additional capacity for the future.**
6. Where will the monument sign be relocated? If onto the new parking area, please indicate the location and dimension the property line setbacks.
 - **The proposed monument sign is now identified on the Site Development Plan.**
 7. The total street frontage is approximately 375 feet. A minimum of 8 to 10 street trees (total) along FDL Avenue and Gettysburg Drive is required. The number of trees proposed in the landscape plan that qualify as "street tree" is only three (the Oak). Norway Spruce do not satisfy the street tree requirement. The plan needs to be supplemented with additional street trees.
 - **The landscape plan has been revised accordingly.**
 8. Because of the new traffic patterns affecting the residential area to the south, has there been any type of neighborhood outreach to solicit feedback from the surrounding property owners regarding the parking lot project? Particularly those to the east and south who will be most directly impacted by the increased traffic into their neighborhood.
 - **The school district has been in contact with the surrounding property owners and shared information about the proposed parking lot project.**

Fire Department

1. No comments.
 - **Noted.**

Public Works / Engineering Department

General:

1. The submitted plans have been reviewed for general conformance with State and Village design guidelines. It is understood that these are preliminary plans and therefore, there are several items to be resolved within the current plan set. However it is our belief that the remaining items can be resolved at a staff level so that the project can remain on the upcoming plan commission agenda. The items listed below will need to be fully resolved before the Engineering Department can recommend a formal approval of the plans and permit for construction.
 - **Noted.**
2. Please respond to each item below. A written response addressing each item shall be included in your submittal.
 - **Noted.**
3. This project has over an acre of disturbance and will require an approved WDNR NOI (WRAPP) prior to the start of construction. Please submit a copy of the approved WRAPP once received.
 - **A copy of the permit will be provided to the Village once issued by DNR, prior to construction.**

4. This project will require DSPS (State site plumbing review and permitting). Please submit a copy of the approved permit prior to final approval.
 - **A copy of the permit will be provided to the Village once issued by DSPS, prior to construction. Due to the extensive backlog (roughly 3 months at the time of this letter) in DSPS site plumbing review, it is requested that the Village not withhold final project approval until the DSPS permit is issued, but instead condition approval on receipt of the DSPS permit and allow non-permit related construction to proceed according to the project schedule.**
5. As-builts prepared to Village standards shall be prepared and provided to the Village.
 - **All infrastructure is proposed to be private. Please specify which infrastructure will require as-built documentation to Village standards.**
6. The Village sewer and water departments may have additional comments as the plans are developed further.
 - **Review comments are respectfully requested from all Village departments prior to review/discussion at Plan Commission to facilitate an orderly progression of the proposed project and adequate budgeting for the planned improvements.**
7. A professional engineers original seal is to be affixed, signed and dated on the final set of construction plans.
 - **Noted.**
8. Add notes to the plans to list the following: Contact Frank Rosecky, 262-250-4722 for a utility permit, Contact Bob Beilfuss, 262-250-4721 for a driveway permit.
 - **The notes have been added to the plans as requested.**
9. Add street labels to all sheets.
 - **Street labels have been added as requested.**
10. As mentioned by Bob Beilfuss in a previous meeting, please provide documentation of a land transfer, land division, or easement for the existing access drive and sanitary lateral to the north.
 - **Documentation will be provided by Germantown School District.**

Site Demolition & Erosion Control Plan (C200):

1. Update erosion control notes to include specifics for Winter Stabilization Practices.
 - **The erosion control notes have been updated accordingly.**

Site Demolition & Erosion Control Plan (C201):

1. Update erosion control notes to include specifics for Winter Stabilization Practices.
 - **The erosion control notes have been updated accordingly.**
2. Add note that existing sewer and water services to buildings be demolished shall be abandoned per Village requirements.
 - **The note has been added as requested.**

Site Development Plan (C300):

1. Plans have a note to restripe the existing parking lot. Will it be striped to match the existing or to a new layout? Please show and dimension the new layout.
 - **The existing parking lot was restriped to match the existing layout as part of the building addition project which was previously approved by the Plan Commission.**

Site Development Plan (C301):

1. Dimension the width and angle for the parking spaces.
 - **Additional dimensions have been provided as requested.**

2. Are these steps? If so, call out and provide details on riser height and denote hand railings as well.
 - **This area has been revised to provide greater landscape/screening for the neighbor.**
3. Delineate clearly where the proposed Village curb and gutter will be installed along Gettysburg Drive and what type will be used at all locations (i.e. depressed vs full height).
 - **Additional information has been provided as requested.**
4. Please provide bus and fire turning movements into the site from Gettysburg Drive to ensure the driveway apron and drive width is appropriate, adjust as needed.
 - **The proposed parking lot is only intended for passenger vehicles and the drop-off/pick-up of students by parents. All bus traffic will continue to access the school property from the existing driveway located on Fond du Lac Avenue.**
5. Add stop signs and stop bars onsite at the exit to Fond du Lac Avenue.
 - **Stop signs and stop bars have been added as noted.**
6. Add truncated domes where applicable for the ADA parking/ramp access.
 - **Truncated domes have been added as noted.**

Site Grading & Utility Plan (C400):

1. Is there a step at the door on the northeast end of the building? If so, note the step on the plans. Note a landing is required at the door.
 - **There is not a step in this location. A landing was constructed as part of the building addition project which was previously approved by the Plan Commission.**
2. The sanitary sewer connection to the existing 10" in Roberts Drive shall be made with a manhole. Manhole shall match Village standard detail.
 - **A manhole connection is proposed, per the Village standard detail.**
3. Adjust cleanout spacing to meet state plumbing code. (Max of 300' upstream of the manhole and every 100' after that.)
 - **Cleanout spacing has been addressed. DSPS site plumbing permit has been issued as part of the building addition project which was previously approved by the Plan Commission.**
4. Add spot elevations and additional contours to clearly define the overflow. Contours shown do not match the note. Note indicates top @ 875.50 but the 875 contour does not continue around the north side of rain garden.
 - **Note has been corrected to indicate top @ 874.75 and overflow to the north. Rain garden was constructed as part of the building addition project which was previously approved by the Plan Commission.**
5. Please show existing water main onsite and ensure all required water separation (both vertical and horizontal) are provided.
 - **Existing water main location has been expanded to confirm separation distances.**

Site Grading & Utility Plan (C401):

1. There appear to be some contours missing at the south parking lot area. Where does the 879 tie back in? Add additional information to show how all runoff from the parking lot will be specifically directed into inlet #4. Without curb in this area it appears a portion of the parking lot will run past this inlet without being captured.
 - **The plan has been revised to further illustrate how runoff will be directed. Barrier curb has been added along the outer edge of the parking lot in this location.**
2. At storm manhole #7 the existing conditions and proposed plans do not show the existing curb inlet in the roadway. Revise the plans to include the proposed connection to this existing structure.
 - **The plans have been revised accordingly.**

3. Show all existing utilities in the area of the proposed storm sewer installation within the R.O.W. Also, ensure adequate separation between the existing water service to the property.
 - **Existing utility information is based on the best available records and field observations.**

Construction Details (C500):

1. Include details for the underground StormTrap system with the next review submittal.
 - **The system has been value engineered by the general contractor and a Contech system is now proposed. System details from the manufacturer are included with this submittal.**
2. Add details for the sidewalk and concrete aprons within the Village R.O.W.
 - **Village standard driveway and sidewalk detail has been added as requested.**

Stormwater Management Report:

1. Drainage boundary for area P-1 does not match the grading shown. Many of the areas shown as tributary to the basin will bypass the basin either to the north or east. Is the 8" storm sewer from CB #1 sized for the 100 year event? If not, show how overland flow will be routed to the basin (based on current plans it will overtop to the north and not to the basin). Adjust the drainage areas or proposed grading to match.
 - **Pre-development runoff drains to the north property line, as represented by basin E-1 of the study area. The rain garden constructed as part of the building addition has been removed as a control practice from the hydrologic calculations. Basin UD-1 has been expanded to also include the post-development area previously represented by basin P-1. While smaller storm events will in fact drain through the rain garden, the entire northern portion of the study area has been represented as undetained in the hydrologic calculations, which is a conservative approach.**
2. Add additional grading information to show how runoff from area P-2 is routed into the two proposed inlets. Without those inlets being in pocketed areas and graded to drain to them, it appears most of the runoff from this area will bypass the inlets to the east.
 - **A shallow swale along the edge of pavement will direct runoff from area P-2 to storm inlet #1, which is illustrated on the plans.**
3. Provide storm sewer calculations, including grate calculations for 100-yr event in areas where surface flow enters the underground stormwater management systems. Provide additional inlets or revise grates as required.
 - **Storm sewer calculations are provided to confirm private site plumbing code compliance. In the 100-year storm event, the proposed overland flow routes will direct runoff to storm inlet #1, storm inlet #4 and storm inlet #6 – all of which enter the underground storage system. Calculations for these inlets are provided to confirm their capacity to convey the 100-year flow from the surface into the underground storage system.**
4. Adjust the WinSLAMM model to use the entire year with a winter season range. WinSLAMM adds additional loading in the spring to account for buildup of sediment over the winter months. If the winter season range is not used the additional loading is not accounted for (this can be a benefit to the modeling).
 - **The model has been adjusted as requested.**
5. Per current WDNR guidance on modeling bio-filtration in WinSLAMM, set the infiltration rate fraction side to 0.
 - **Bio-filtration has been removed from the modeling.**
6. Depth and weir height listed in the WinSLAMM model do not appear to match the plans.
 - **Data for the sharp crested weir is confirmed to match the plans and is based on the bottom elevation of the water quality pipe as the datum. WinSLAMM requires input data for a broad**

crested weir to execute the model, yet the proposed underground storage system does not incorporate such an overflow. Therefore placeholder values for a broad crested weir are used in the model, which are conservative.

7. Note that this site could be considered a redevelopment site and provide 40% TSS reduction for the new parking and roadway areas as required by NR 151.
 - **Noted.**

Please feel free to contact me with any questions, comments or to further discuss the updated plans.

Sincerely,



Chris Hitch, Vice President

Cc: Scott Kramer, Plunkett Raysich Architects LLP
Jeff Holmes, Germantown School District



EXISTING SETBACKS

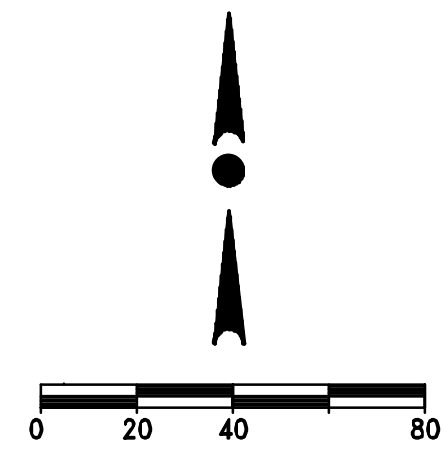
Building Setback = 30' front
Building Setback = 15' side
Building Setback = 25' rear
Parking Setback = 8' along all sides



CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.
CALL DIGGERS HOTLINE 1-800-242-8511

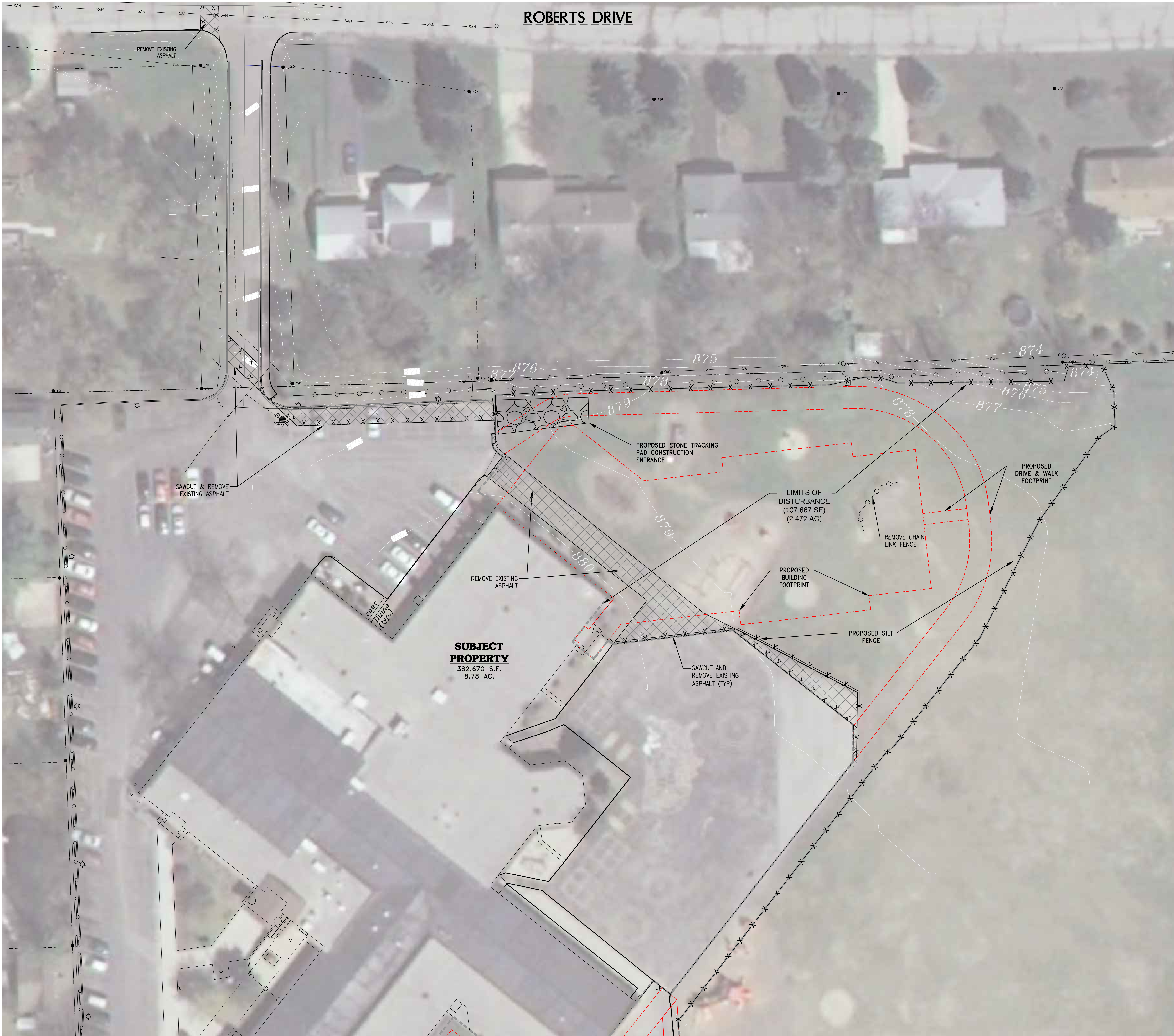
NOTE:
EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.

EXISTING CONDITION SURVEY DATA OBTAINED BY METROPOLITAN SURVEY SERVICE, INC. DATED DECEMBER, 2014 AND MARCH 2017



EXISTING SITE CONDITIONS
1" = 40'

Plunkett Raysich Architects, LLP -- February 12, 2018 -- 4:28pm
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**SUBJECT
PROPERTY**
382,670 S.F.
8.78 AC.

ROBERTS DRIVE

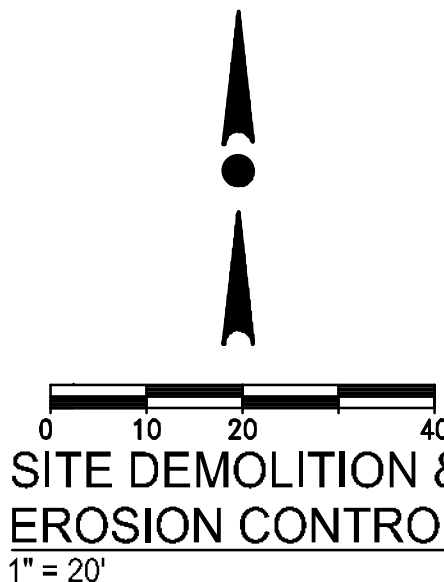
- LATE SEASON STABILIZATION NOTES:**
- THE OBJECTIVE IS TO STABILIZE THE SITE WITH 70% VEGETATIVE COVERAGE OF ALL PERVIOUS DISTURBED AREAS BEFORE THE END OF THE GROWING SEASON. THIS WILL BE DONE BY SEEDING OF ALL DISTURBED AREAS WITH PERMANENT VEGETATION BY SEPTEMBER 15. IF THIS DEADLINE IS MISSED, THEN STABILIZATION WILL BE COMPLETED BY:
- SEEDING OF ALL DISTURBED AREAS WITH TEMPORARY SEED MIX (OATS, WINTER WHEAT, ANNUAL RYE) BY OCTOBER 15. PERMANENT SEED MIX MUST THEN BE IMPLEMENTED BY JUNE 1 OF THE FOLLOWING YEAR.
 - IF THE OCTOBER 15 DEADLINE IS MISSED, COVERAGE OF ALL DISTURBED AREAS BY NOVEMBER 1 WITH:
 - TOPSOIL, SEED, AND THE MATERIAL CALLED FOR IN THE APPROVED STABILIZATION PLANS, WHERE TOPSOIL, SEED, AND EROSION CONTROL MATTING IS CALLED FOR.
 - TOPSOIL, SEED, AND TYPE A SOIL STABILIZER FROM THE WDOT PRODUCT ACCEPTABILITY LIST OR OTHER METHOD APPROVED BY THE VILLAGE FOR ALL AREAS WHERE SEED, TOPSOIL, AND MULCH IS CALLED FOR IN THE APPROVED PLANS.
 - IF THE NOVEMBER 1 DEADLINE HAS BEEN MISSED, AND THE VILLAGE STAFF HAS DETERMINED THAT IT IS INFEASIBLE TO RE-APPLY TOPSOIL, THE PERMIT APPLICANT SHALL:
 - APPLY TYPE A SOIL STABILIZER FROM THE WDOT PRODUCT ACCEPTABILITY LIST TO ALL DISTURBED AREAS.
 - INSTALL DITCH CHECKS IN ALL DITCHES WITH SLOPE GREATER THAN 0.5X AT INTERVALS SUCH THAT THE TOP OF THE DOWNHILL DITCH CHECK IS AT THE ELEVATION OF THE FOOT OF THE UPHILL DITCH CHECK. DITCH CHECKS SHALL BE EITHER:
 - TRIANGULAR FOAM-CORE
 - STONE INSTALLED PER THE WODNR TECHNICAL STANDARD
 - COMPOST-FILLED TUBES, OR
 - A COMPARABLE PRODUCT AS APPROVED BY THE VILLAGE STAFF.

VILLAGE UTILITY & DRIVEWAY PERMIT CONTACTS
• CONTACT FRANK ROSECKY, (262) 250-4722, FOR A UTILITY PERMIT.
• CONTACT BOB BELFUS, (262) 250-4721, FOR A DRIVEWAY PERMIT.

- CONSTRUCTION SEQUENCE PLAN**
- INSTALL PERIMETER SILT FENCE, WATTLE, CONSTRUCTION FENCING AND STONE TRACKING PAD.
 - REMOVE EXISTING CONCRETE, PAVEMENT, AND SITE FEATURES IN VICINITY OF PROPOSED PROJECT. NOTE THAT PAVEMENT IN PARKING LOT, WHERE INDICATED, MAY REMAIN IN PLACE DURING BUILDING CONSTRUCTION TO PROVIDE A STABLE SURFACE (TO BE REMOVED AND RECONSTRUCTED WITH FINAL GRADING).
 - REMOVE AND RELOCATE EXISTING UTILITIES (NON-SEQUENTIAL; COORDINATE WITH UTILITY COMPANIES AND CONSTRUCTION SCHEDULE).
 - ROUGH GRADE BUILDING AREAS.
 - BEGIN CONSTRUCTION OF FOOTINGS & FOUNDATIONS FOR PROPOSED BUILDINGS.
 - INSTALL STORM SEWER AND BUILDING UTILITY CONNECTIONS (INCLUDING GAS/ELEC/TEL) PER UTILITY PLANS (NON-SEQUENTIAL).
 - BUILDING CONSTRUCTION MAY COMMENCE AS ALLOWED BY VILLAGE BUILDING PERMIT (NON-SEQUENTIAL). STABILIZE ANY DISTURBED AREAS OUTSIDE OF ACTIVE WORK AREA, IF LEFT UNDISTURBED FOR > 7 DAYS.
 - FINISH GRADING SITE. RESURF TOPSOIL AND SEED, MULCH AND FERTILIZE OUTSIDE OF PAVEMENT AREAS UPON COMPLETION OF FINISH GRADING.
 - INSTALL STONE BASE, SIDEWALK, CURB AND PAVEMENT.
 - COMPLETE LANDSCAPING AND FINAL STABILIZATION AROUND BUILDINGS CONCURRENT WITH BUILDING CONSTRUCTION. IF CONSTRUCTION ACTIVITIES CONTINUE PAST 10/15/17, WINTER STABILIZATION PRACTICES SHALL BE FOLLOWED.
 - REMOVE PERIMETER SILT FENCE AND CLOSE OUT CONSTRUCTION SITE PERMITS ONCE THE SITE IS SUBSTANTIALLY VEGETATED (>70% GROUND COVER).

 CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.
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EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. VERIFICATION OF THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.



**SITE DEMOLITION &
EROSION CONTROL PLAN**
1" = 20'

© Plunkett Raysich Architects, LLP

MACARTHUR E.S. RENOVATIONS AND ADDITION
W154 N11492 FOND DU LAC AVE.
GERMANTOWN, WI 53022

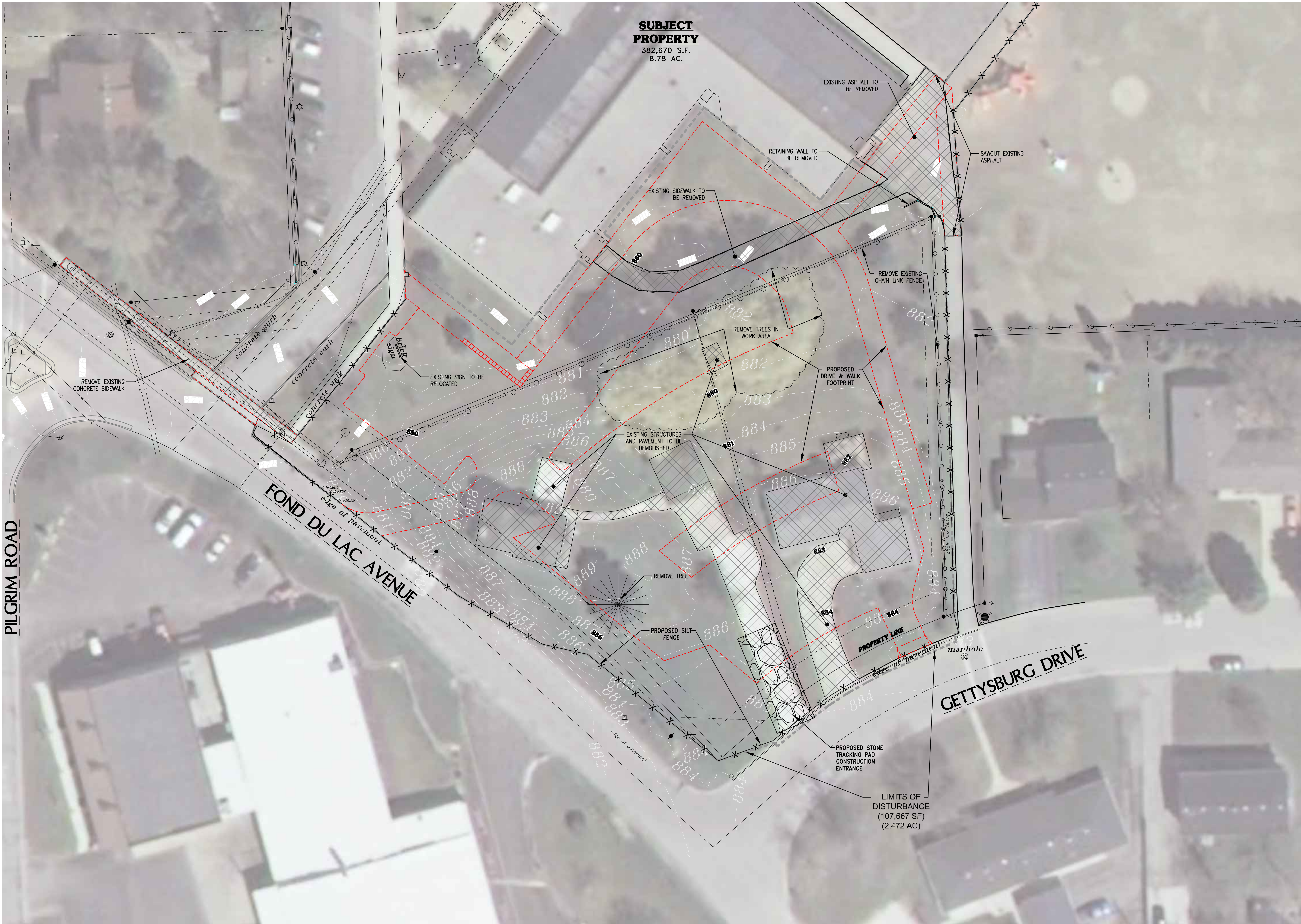
Revisions
VILLAGE REVIEW
PDD REZONING

Date:
09 FEB 18
Job No.:
160024-03
Sheet No.:
C200

TRIO
1500 W. North Avenue
Brookfield, WI 53005
Tel: (262) 780-3480
Fax: (262) 780-3480
email: jprabhu@trio.com

prad
PLUNKETT RAYSICH
ARCHITECTS, LLP

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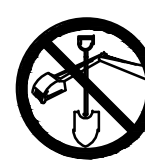
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3. IF THE NOVEMBER 1 DEADLINE HAS BEEN MISSED, AND THE CITY STAFF HAS DETERMINED THAT IT IS INFEASIBLE TO RE-APPLY TOPSOIL, THE PERMIT APPLICANT SHALL:
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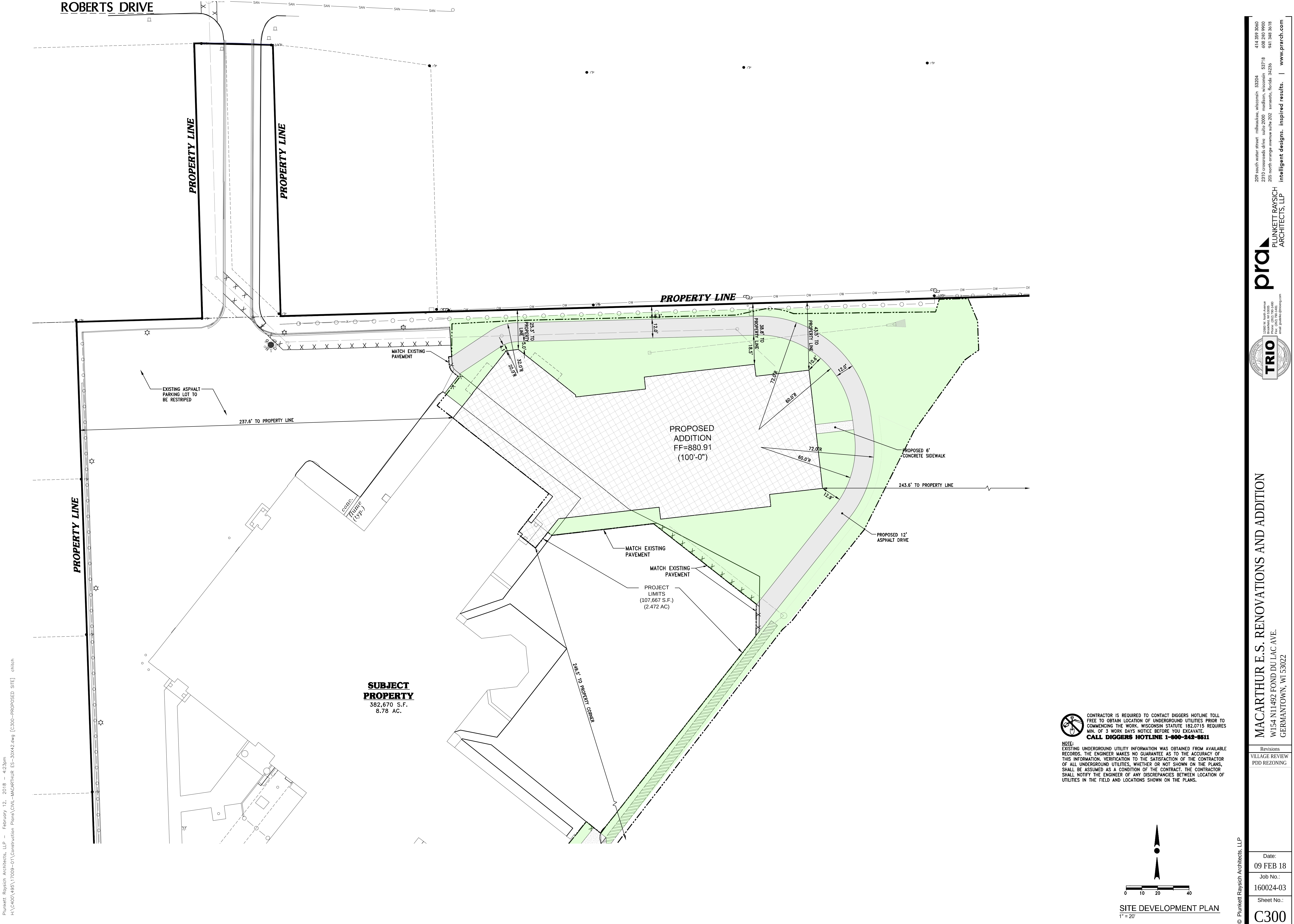
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• CONTACT BOB BELFUS, (262) 250-4721, FOR A DRIVEWAY PERMIT.

EXISTING SEWER & WATER SERVICE ABANDONMENT NOTE:
• EXISTING SEWER AND WATER SERVICES TO BUILDINGS TO BE DEMOLISHED SHALL BE ABANDONED PER VILLAGE REQUIREMENTS.

CONSTRUCTION SEQUENCE PLAN
1. INSTALL PERIMETER SILT FENCE, WATTLE, CONSTRUCTION FENCING AND STONE TRACKING PAD.
2. REMOVE EXISTING CONCRETE, PAVEMENT, AND SITE FEATURES IN VICINITY OF PROPOSED PROJECT. NOTE THAT PAVEMENT IN PARKING LOT, WHERE INDICATED, MAY REMAIN IN PLACE DURING BUILDING CONSTRUCTION TO PROVIDE A STABLE SURFACE (TO BE REMOVED AND RECONSTRUCTED WITH FINAL GRADING).
3. REMOVE AND RELOCATE EXISTING UTILITIES (NON-SEQUENTIAL; COORDINATE WITH UTILITY COMPANIES AND CONSTRUCTION SCHEDULE).
4. ROUGH GRADE BUILDING AREAS.
5. BEGIN CONSTRUCTION OF FOOTINGS & FOUNDATIONS FOR PROPOSED BUILDINGS.
6. INSTALL STORM SEWER, AND BUILDING UTILITY CONNECTIONS (INCLUDING GAS/ELECTRIC) PER UTILITY PLANS (NON-SEQUENTIAL).
7. BUILDING CONSTRUCTION MAY COMMENCE AS ALLOWED BY VILLAGE BUILDING PERMIT (NON-SEQUENTIAL). STABILIZE ANY DISTURBED AREAS OUTSIDE OF ACTIVE WORK AREA IF LEFT UNDISTURBED FOR > 7 DAYS.
8. FINISH GRADING SITE. RESPREAD TOPSOIL AND SEED, MULCH AND FERTILIZE OUTSIDE OF PAVEMENT AREAS UPON COMPLETION OF FINISH GRADING.
9. INSTALL STONE BASE, SIDEWALK, CURB AND PAVEMENT.
10. COMPLETE LANDSCAPING AND FINAL STABILIZATION AROUND BUILDINGS CONCURRENT WITH BUILDING CONSTRUCTION. IF CONSTRUCTION ACTIVITIES CONTINUE PAST 10/15/17, WINTER STABILIZATION PRACTICES SHALL BE FOLLOWED.
11. REMOVE PERIMETER SILT FENCE AND CLOSE OUT CONSTRUCTION SITE PERMITS ONCE THE SITE IS SUBSTANTIALLY VEGETATED (>70% GROUND COVER).

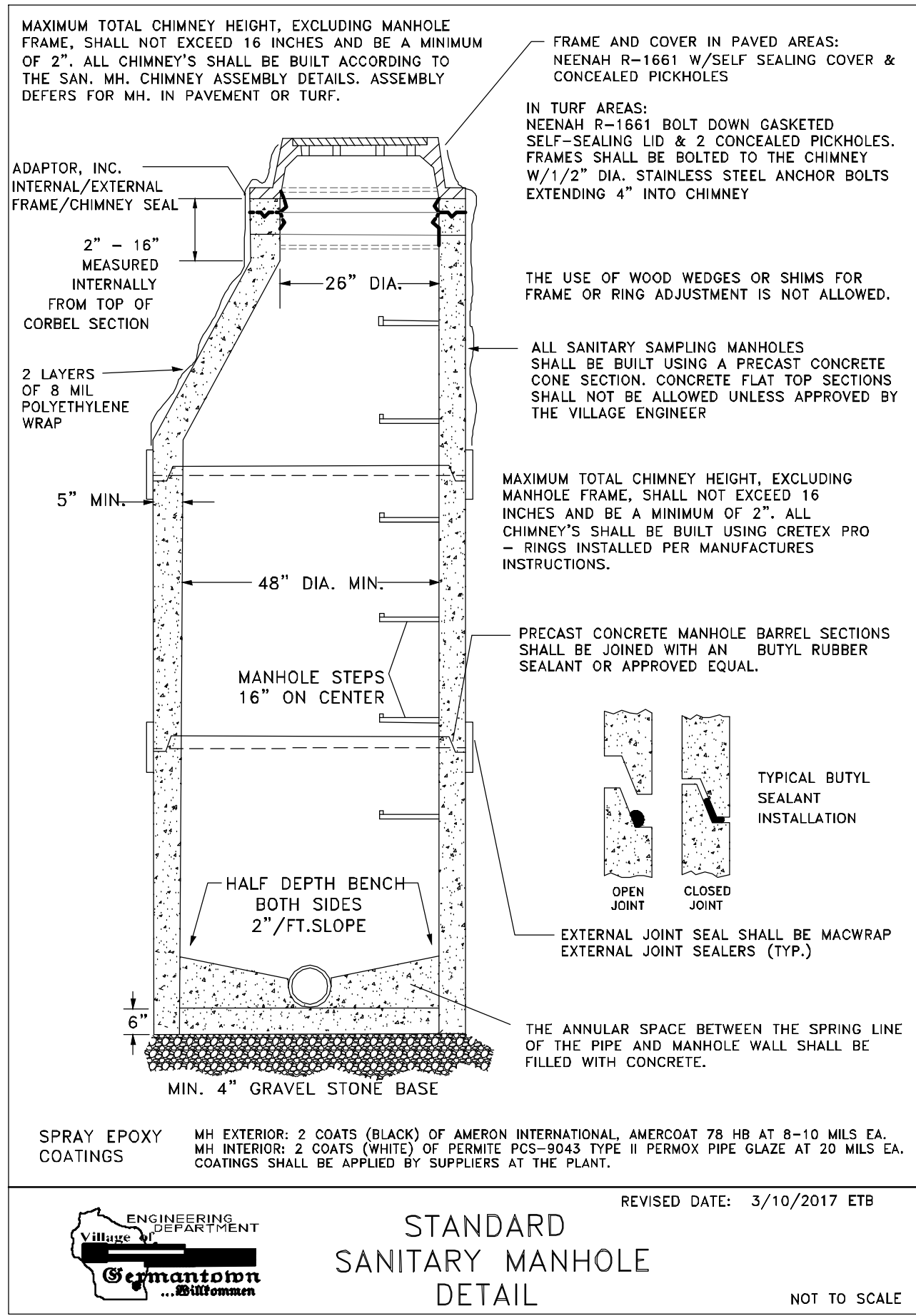
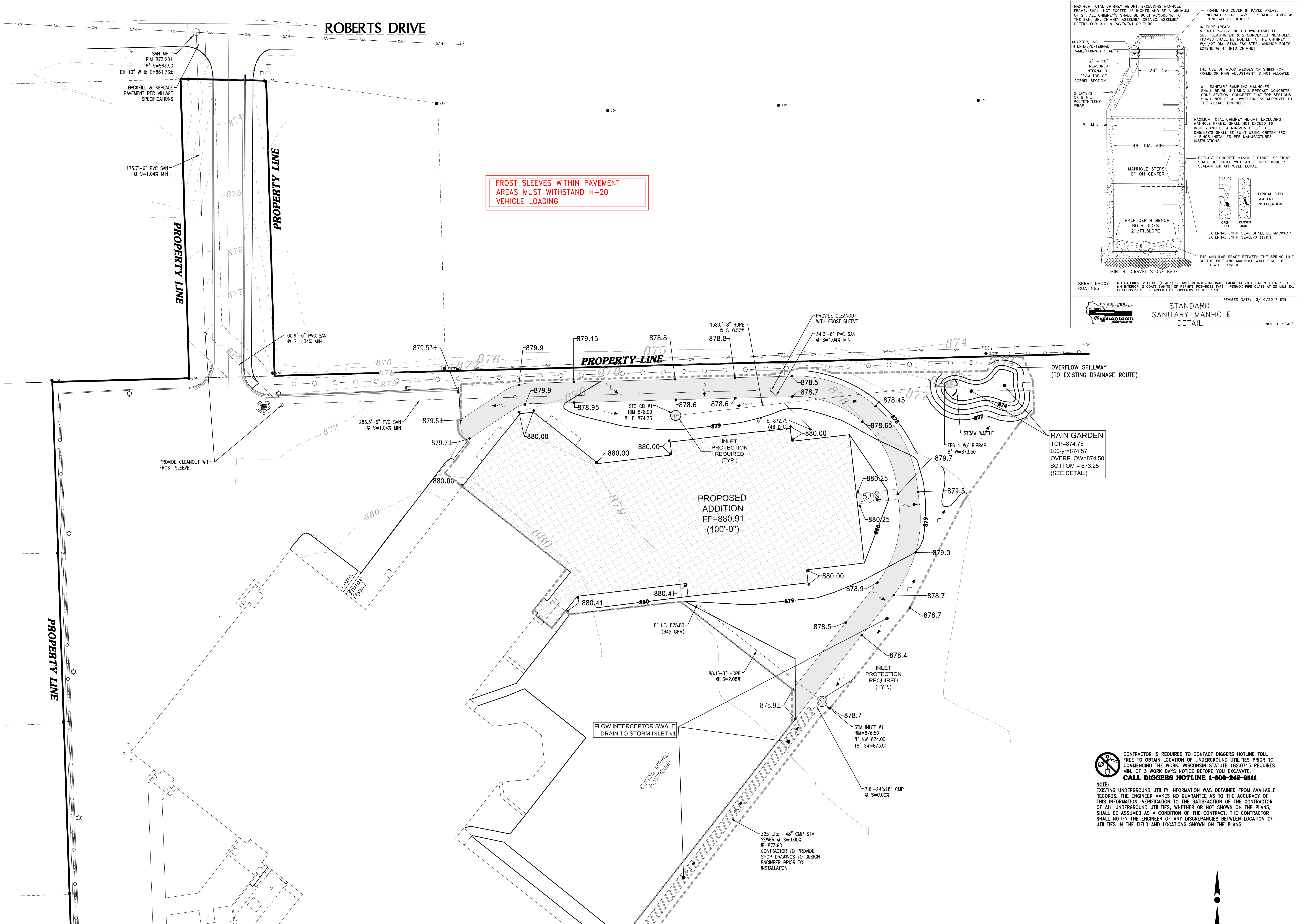
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CALL DIGGERS HOTLINE 1-800-242-8511
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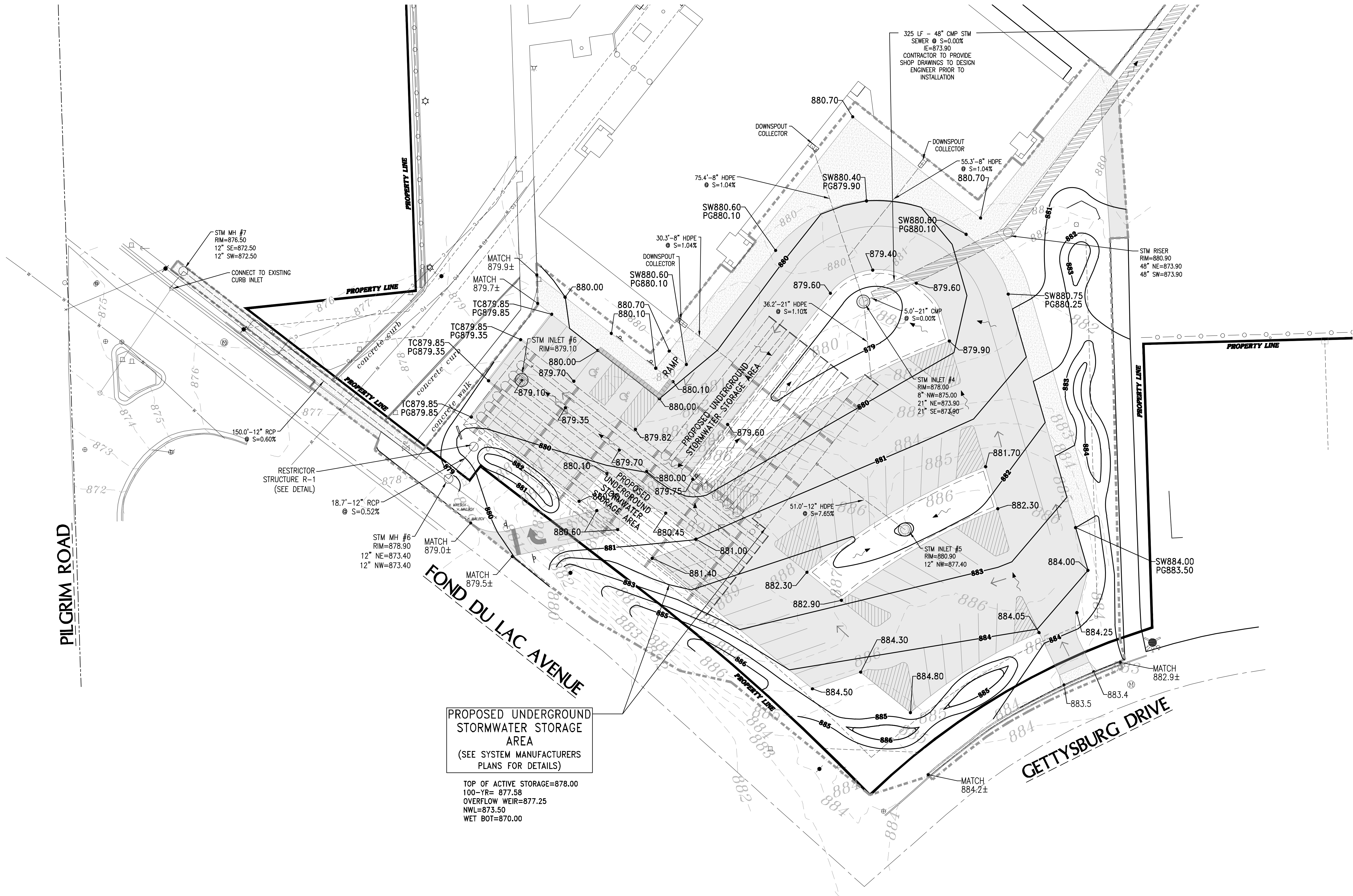
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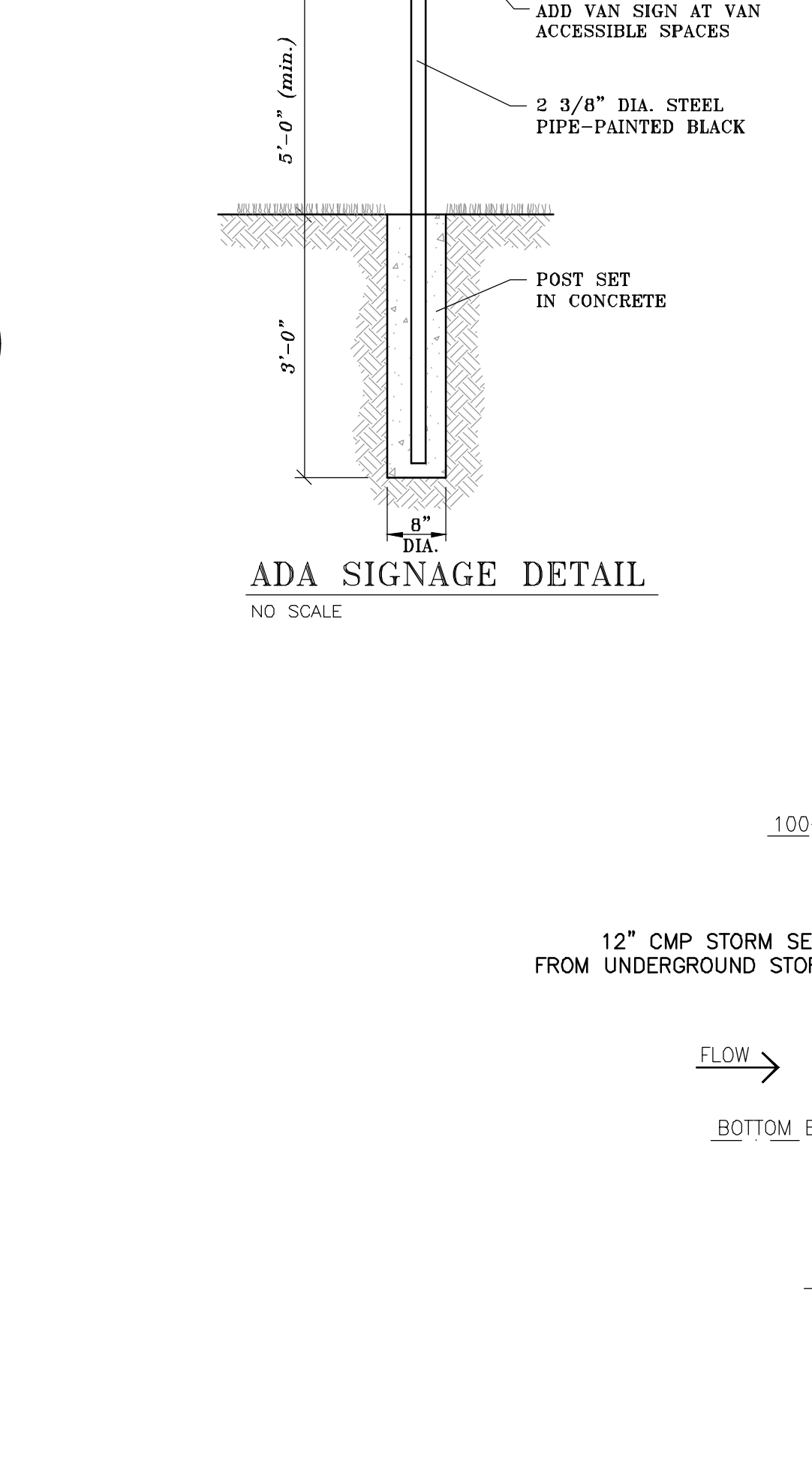
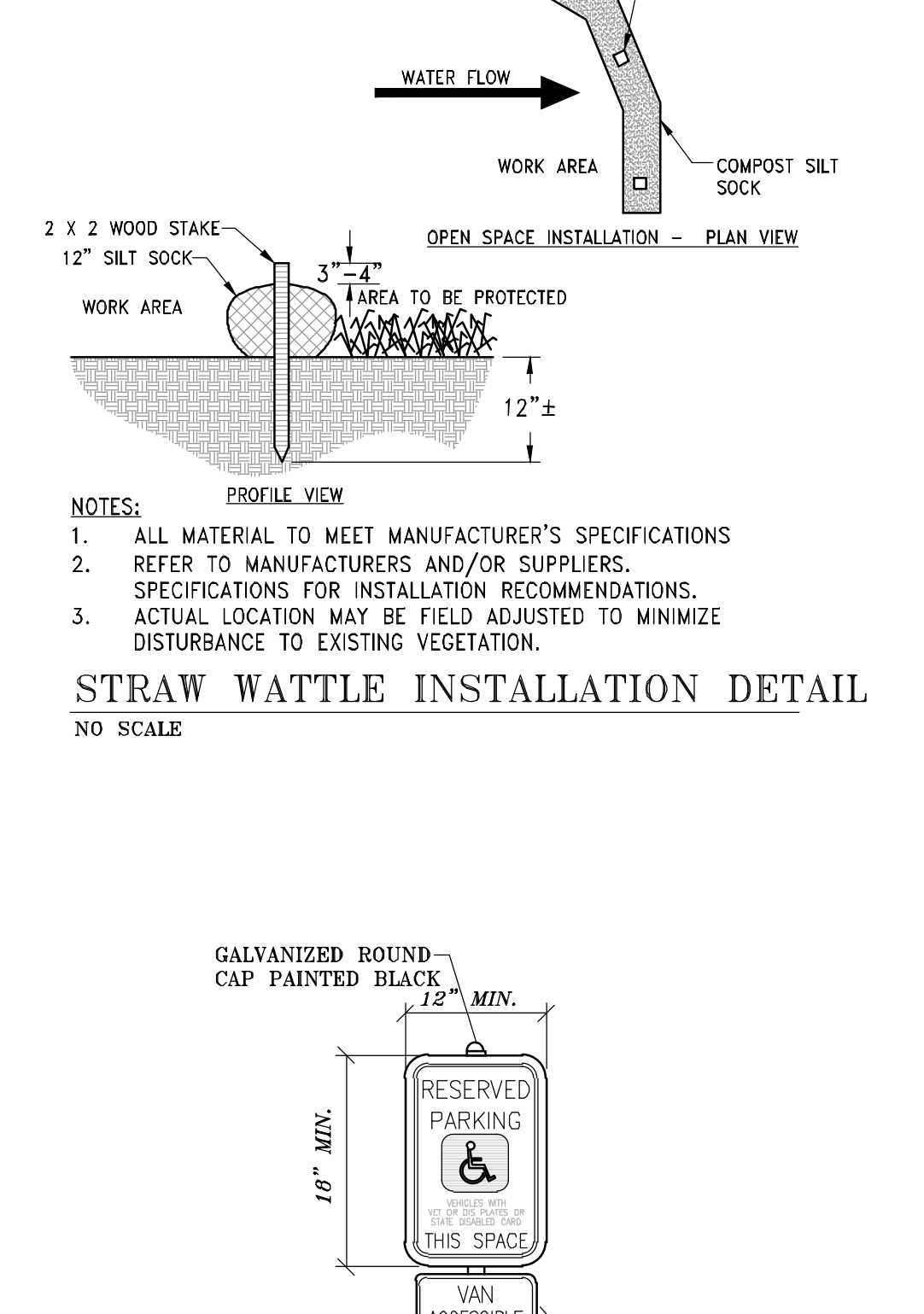
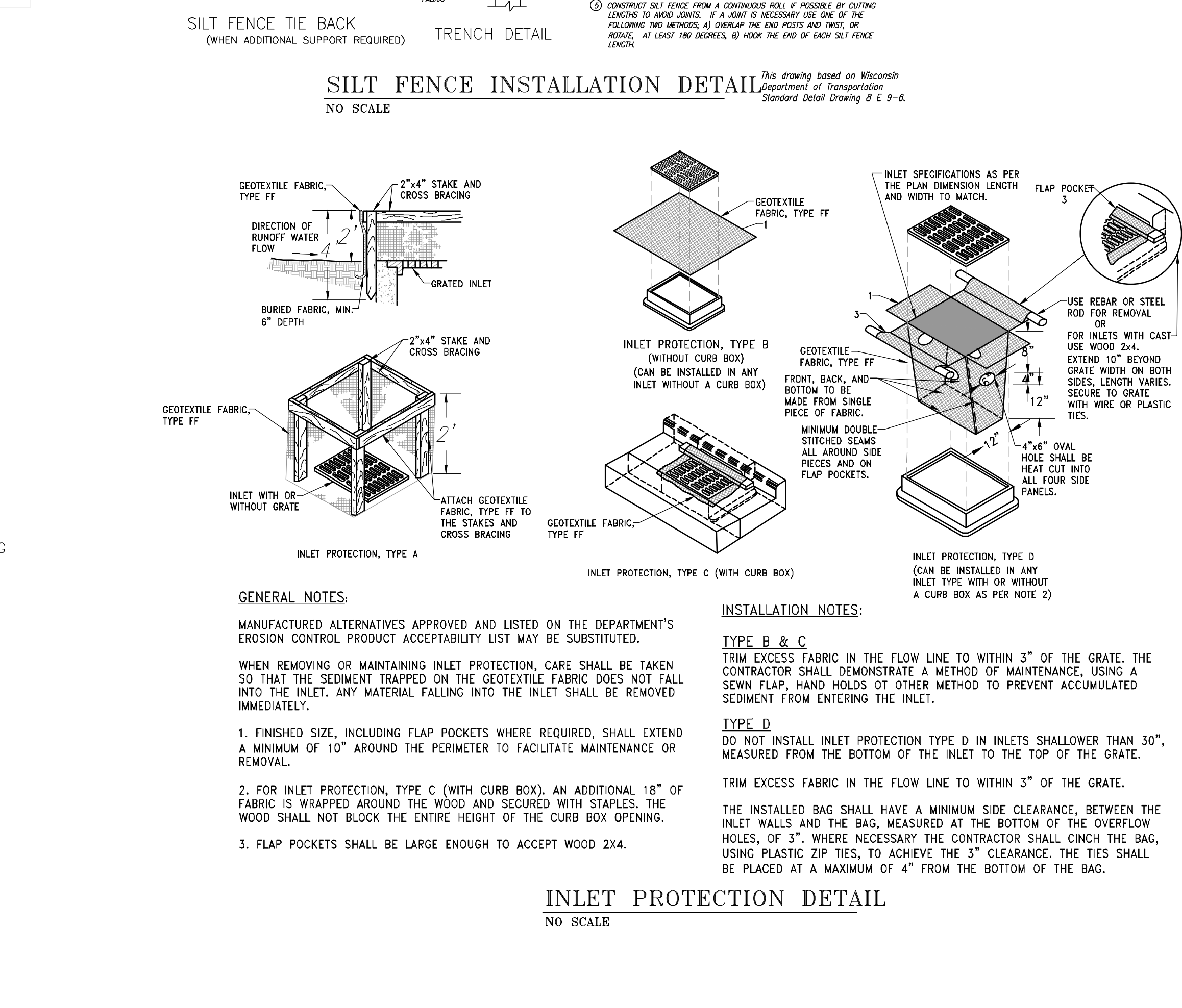
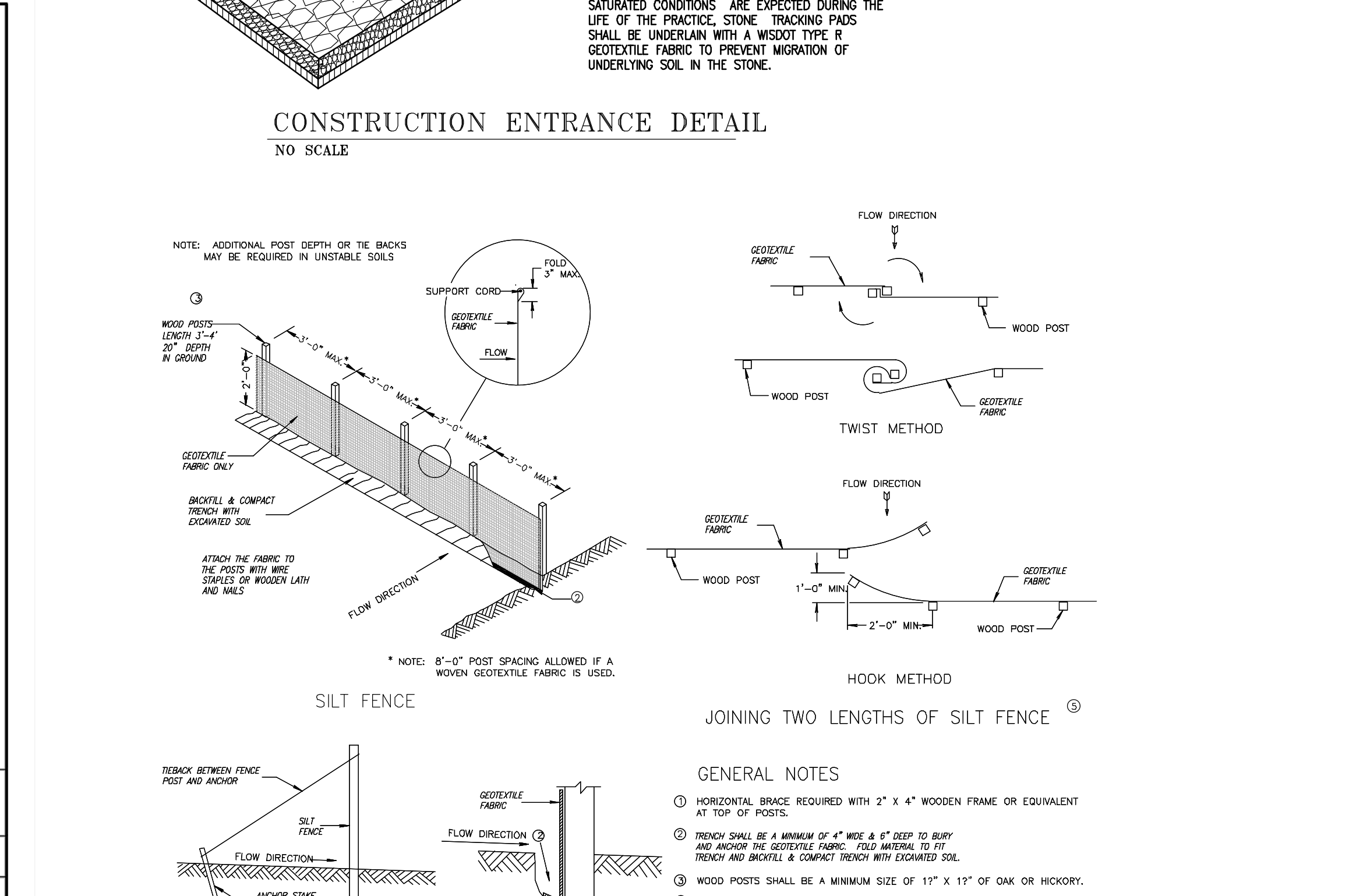
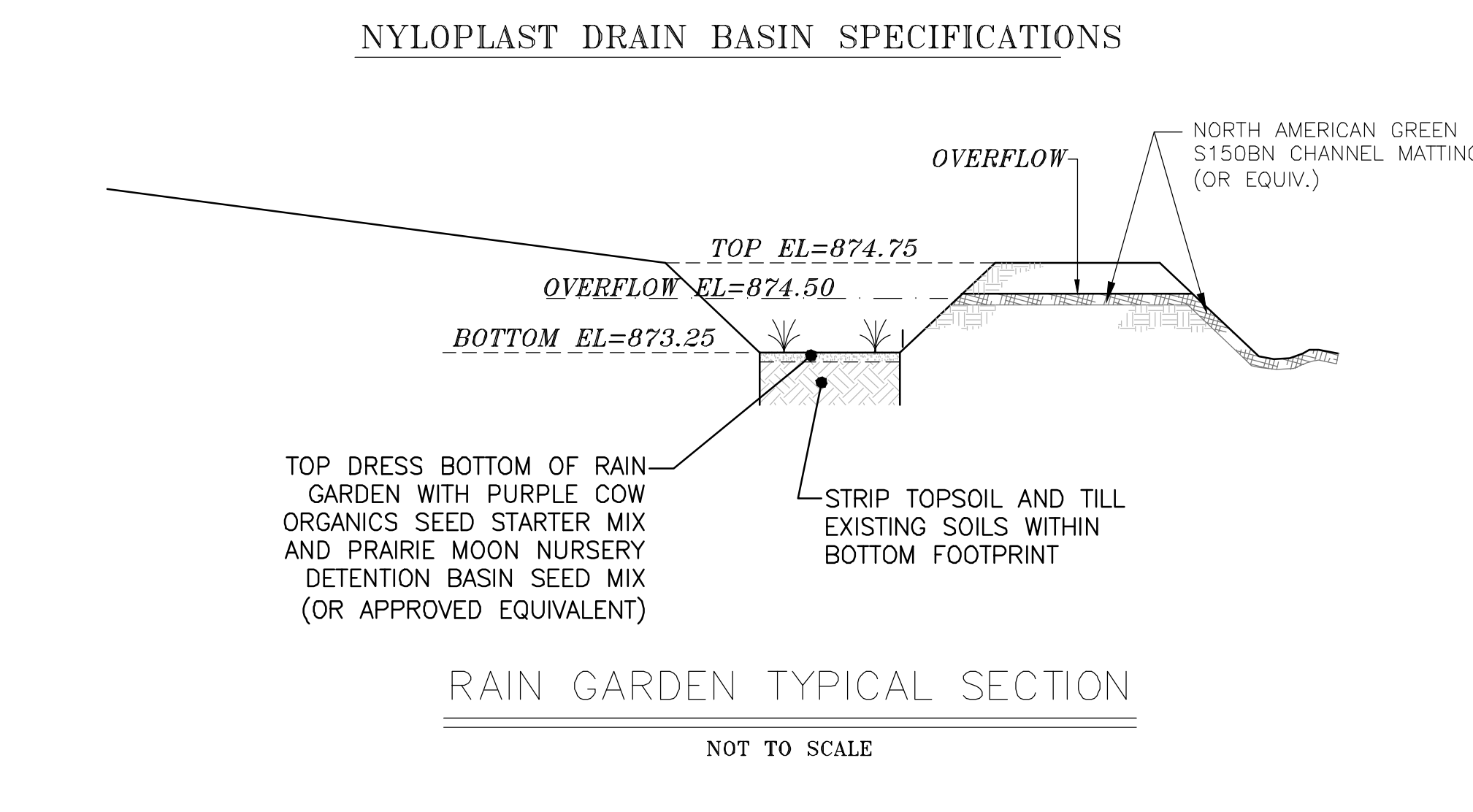
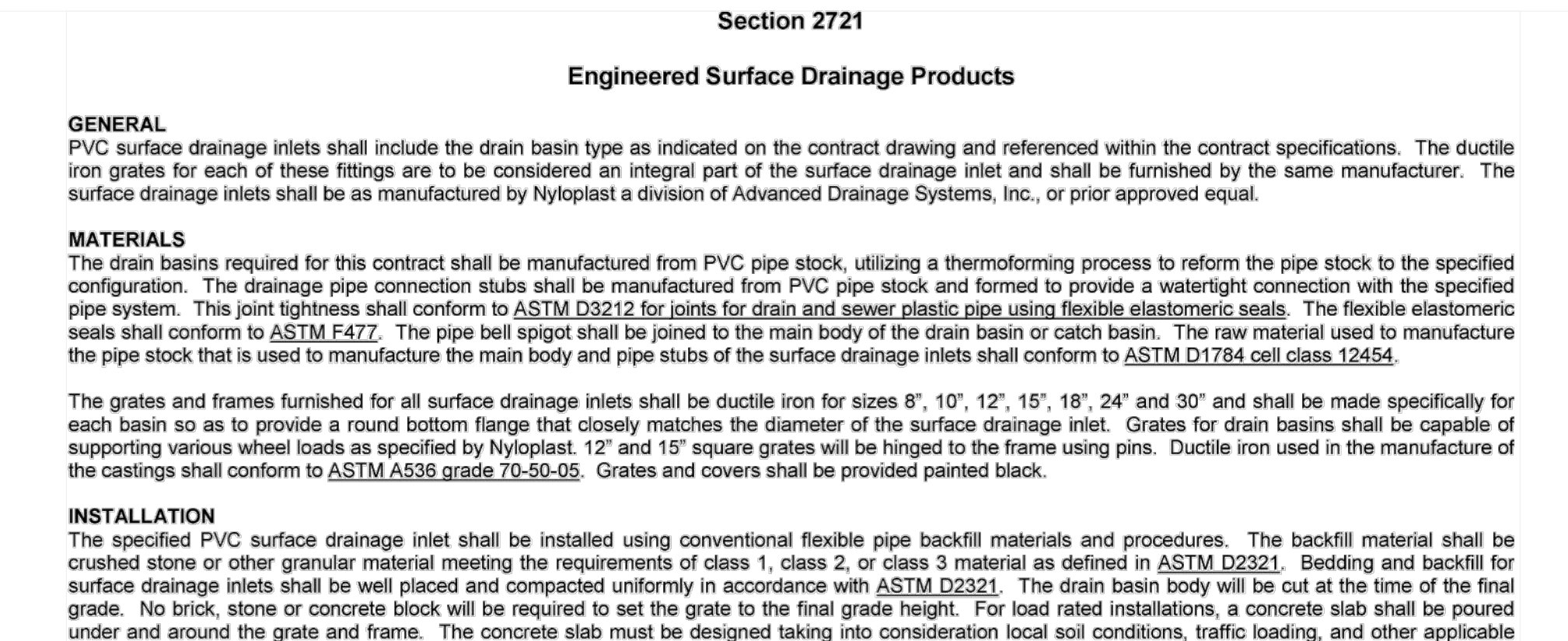
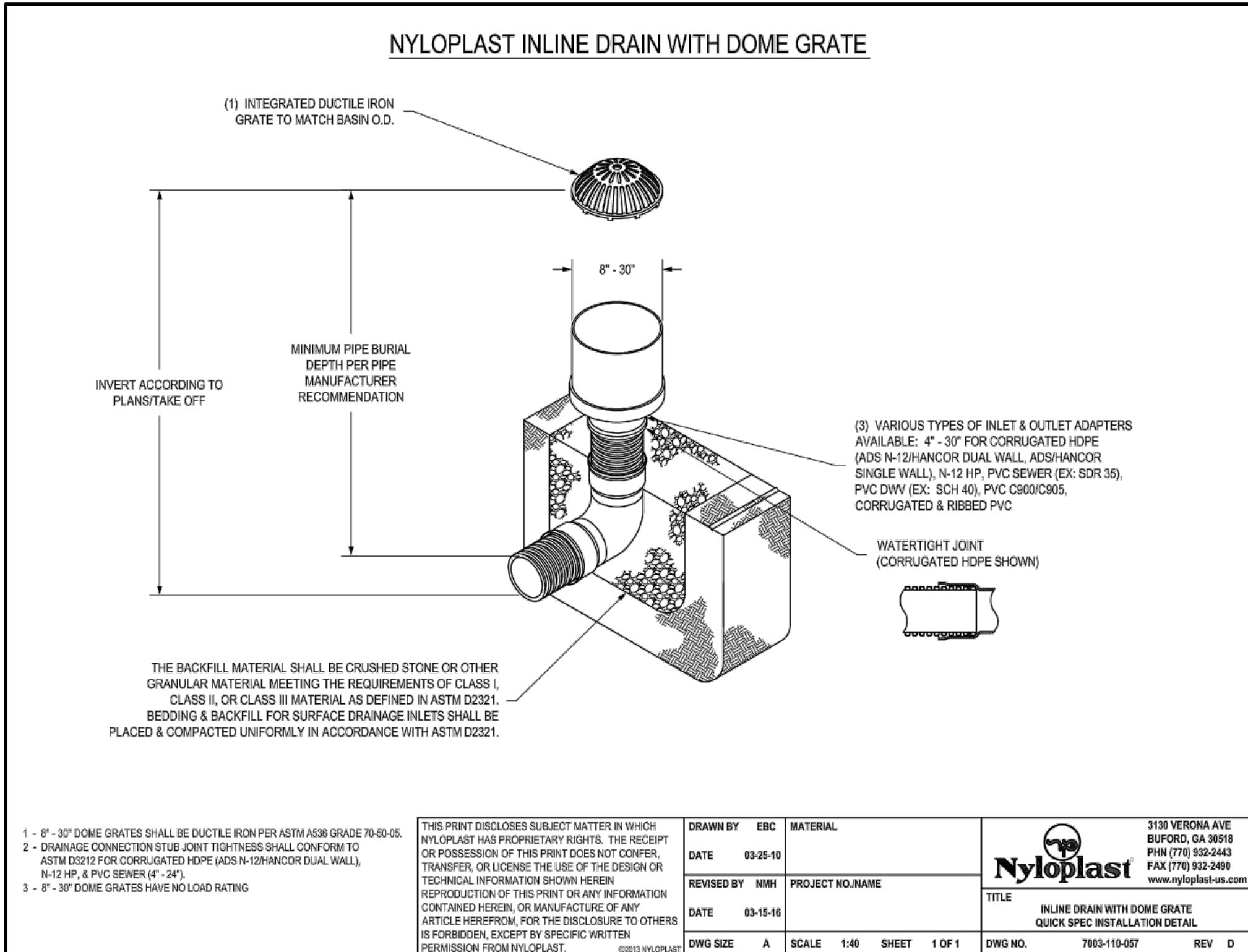
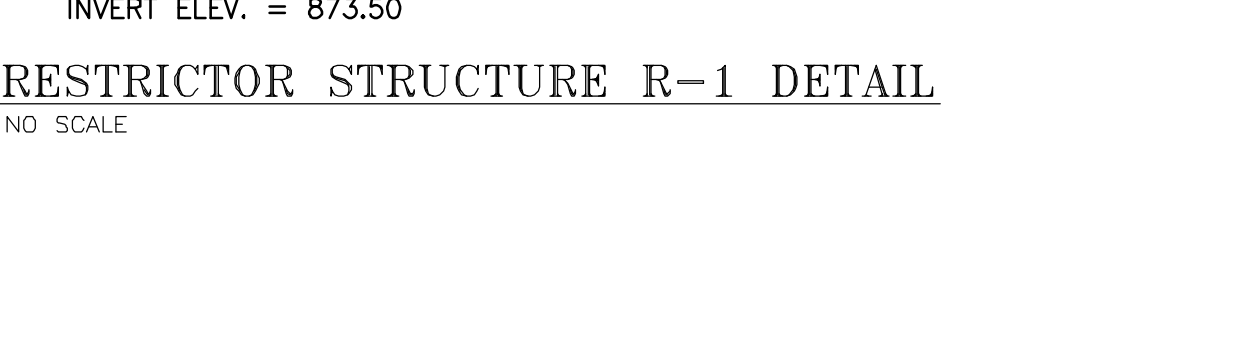
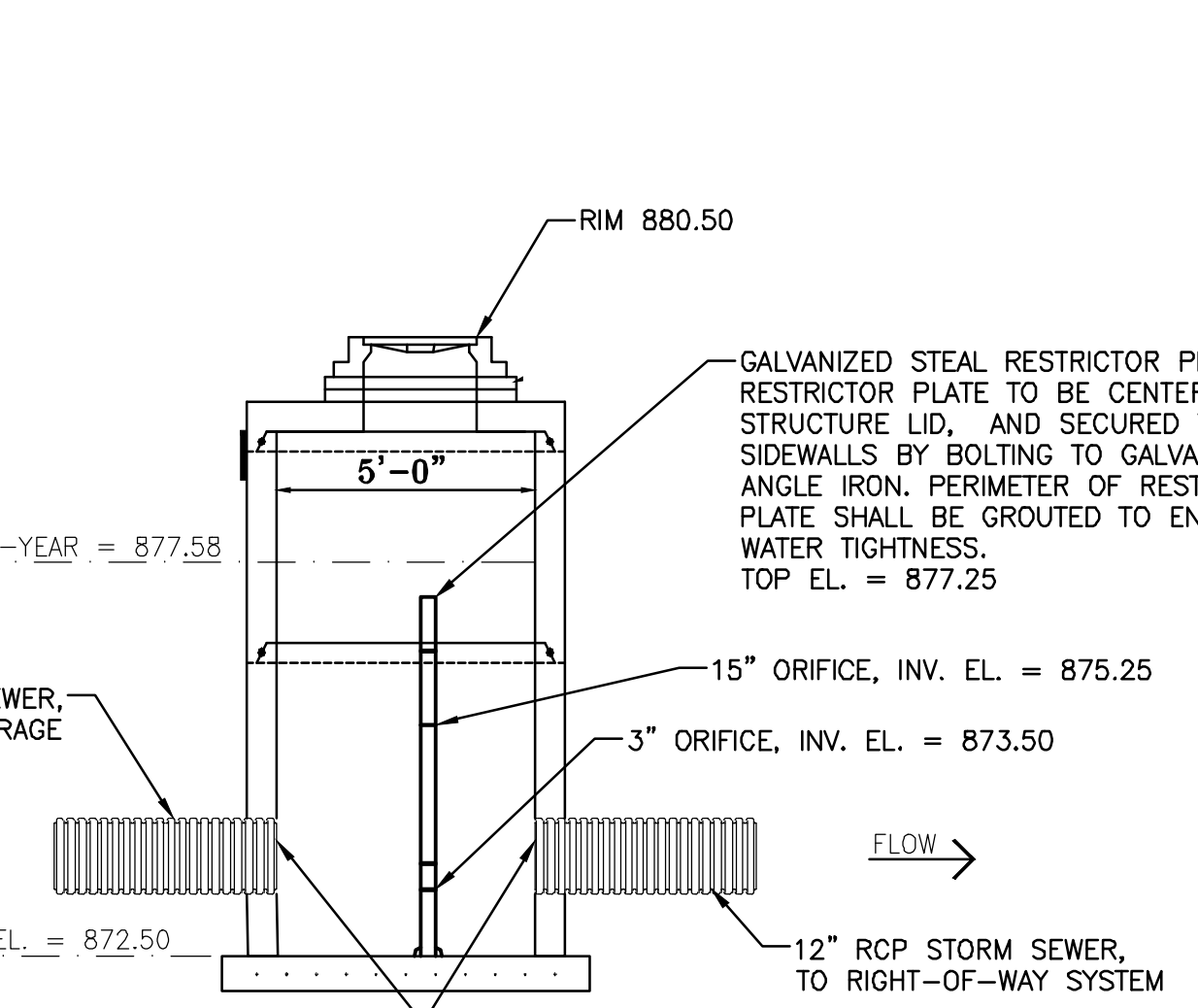
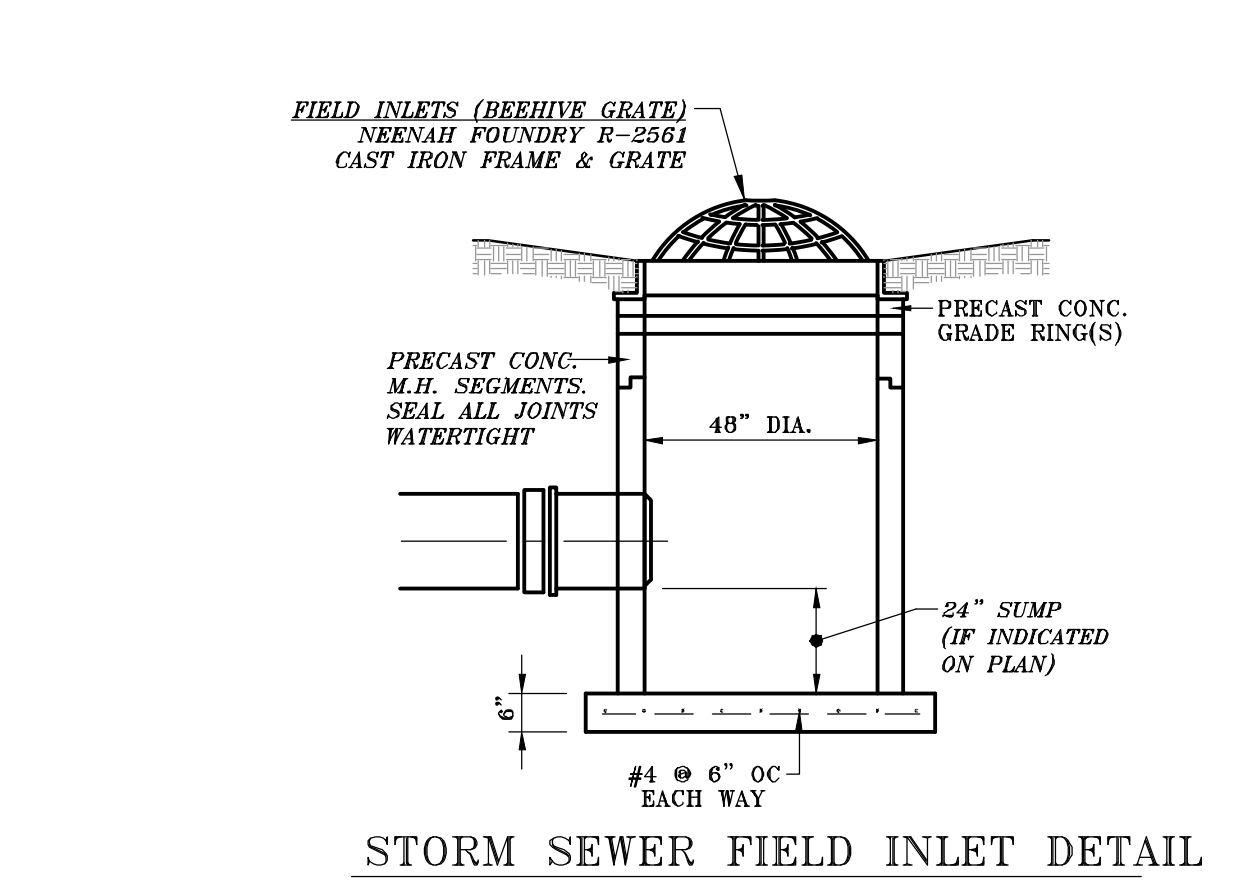
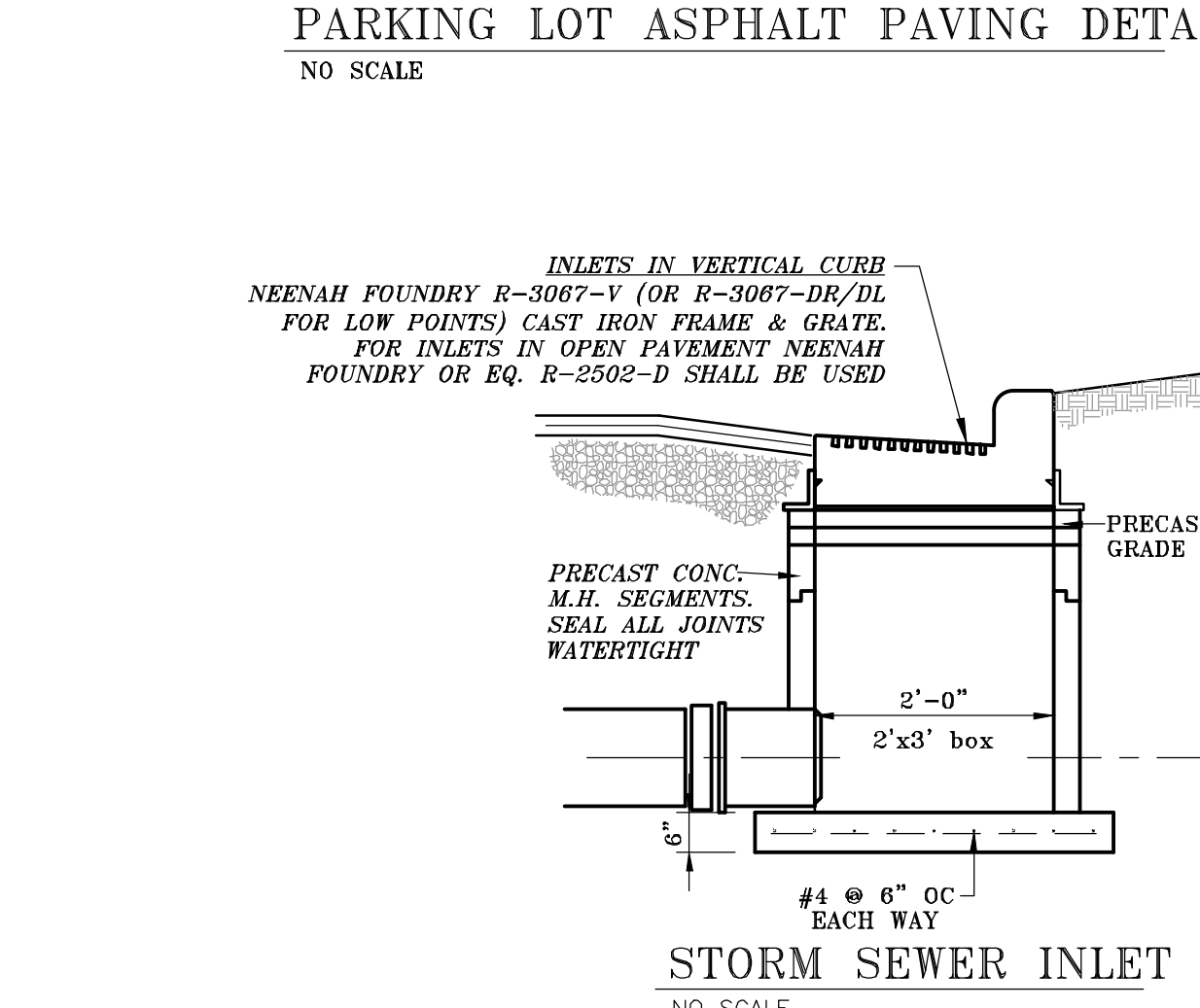
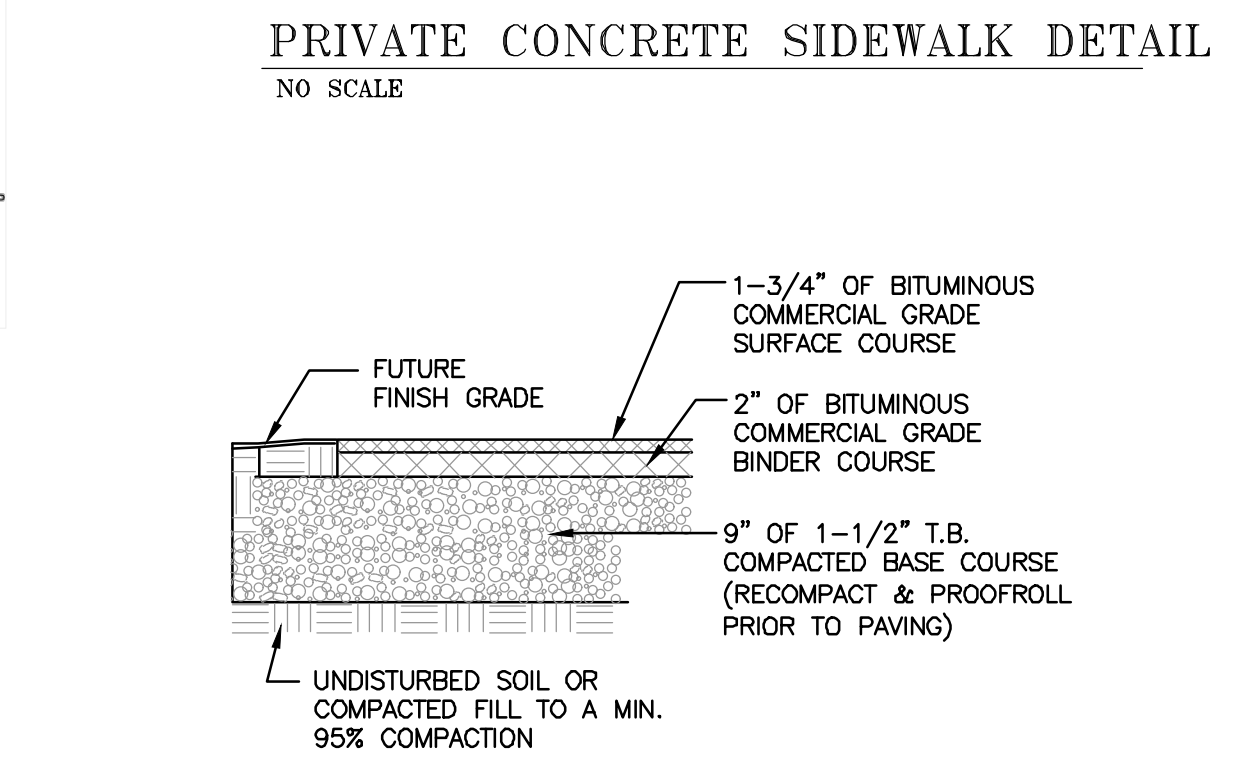
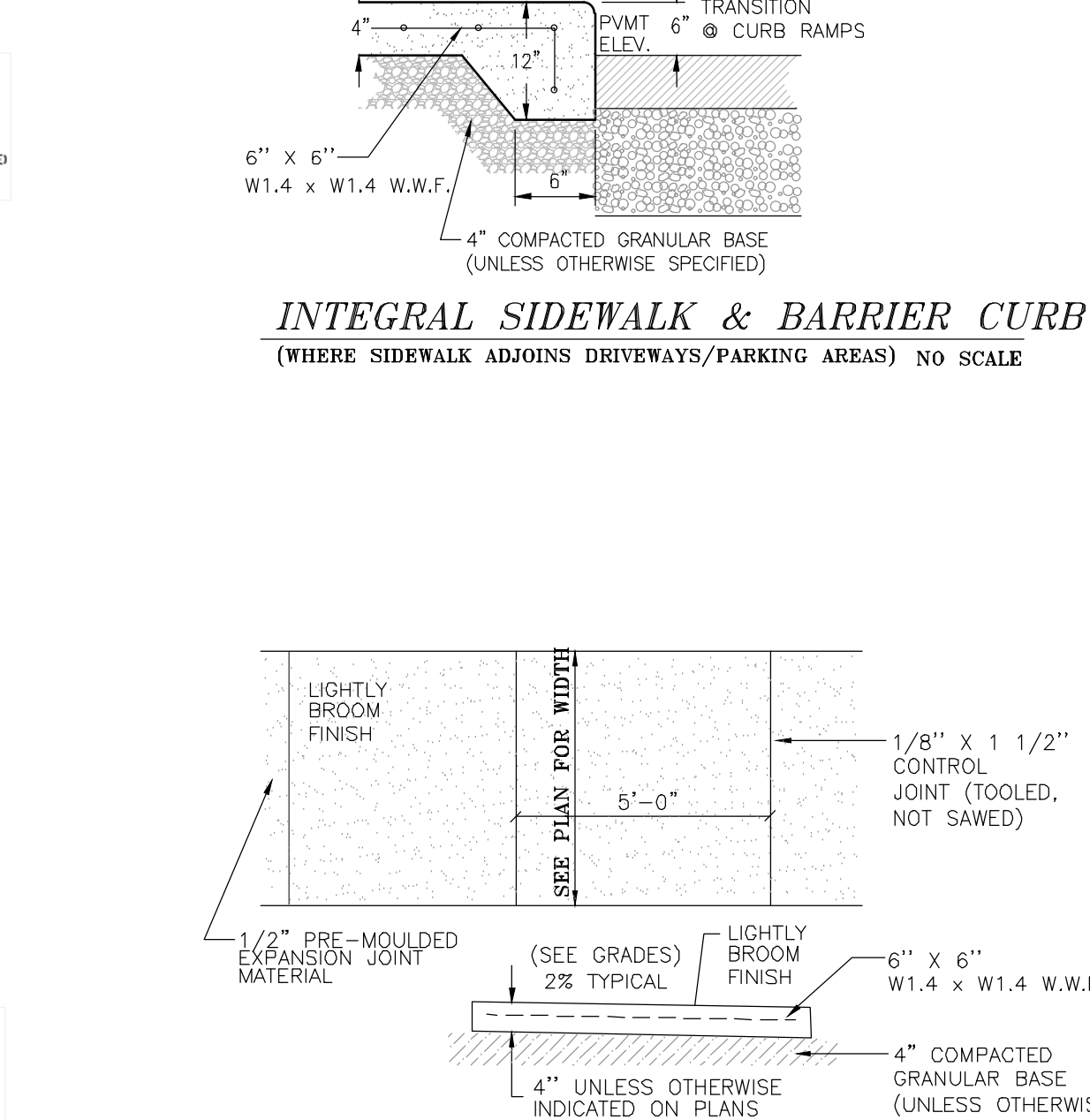
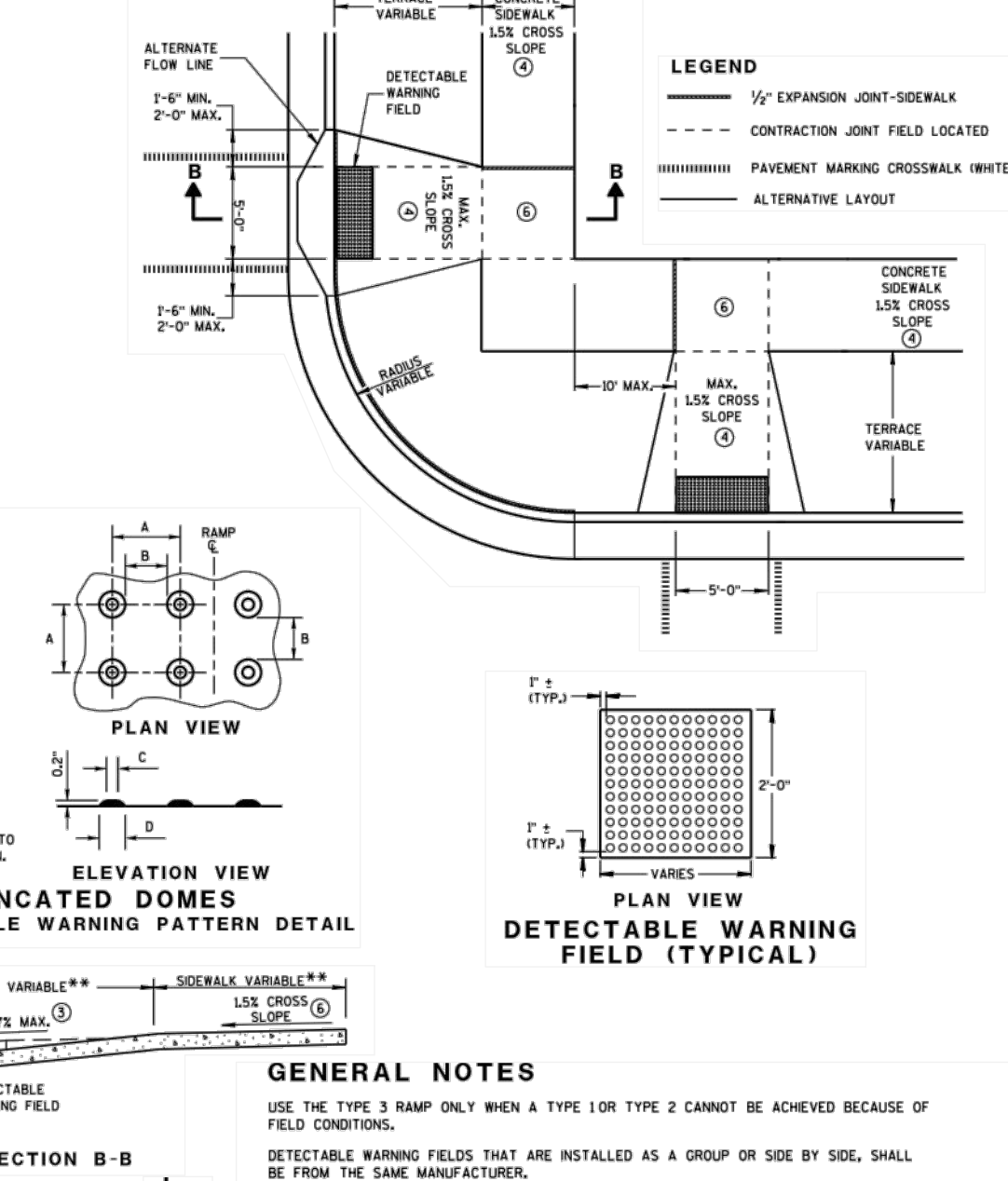
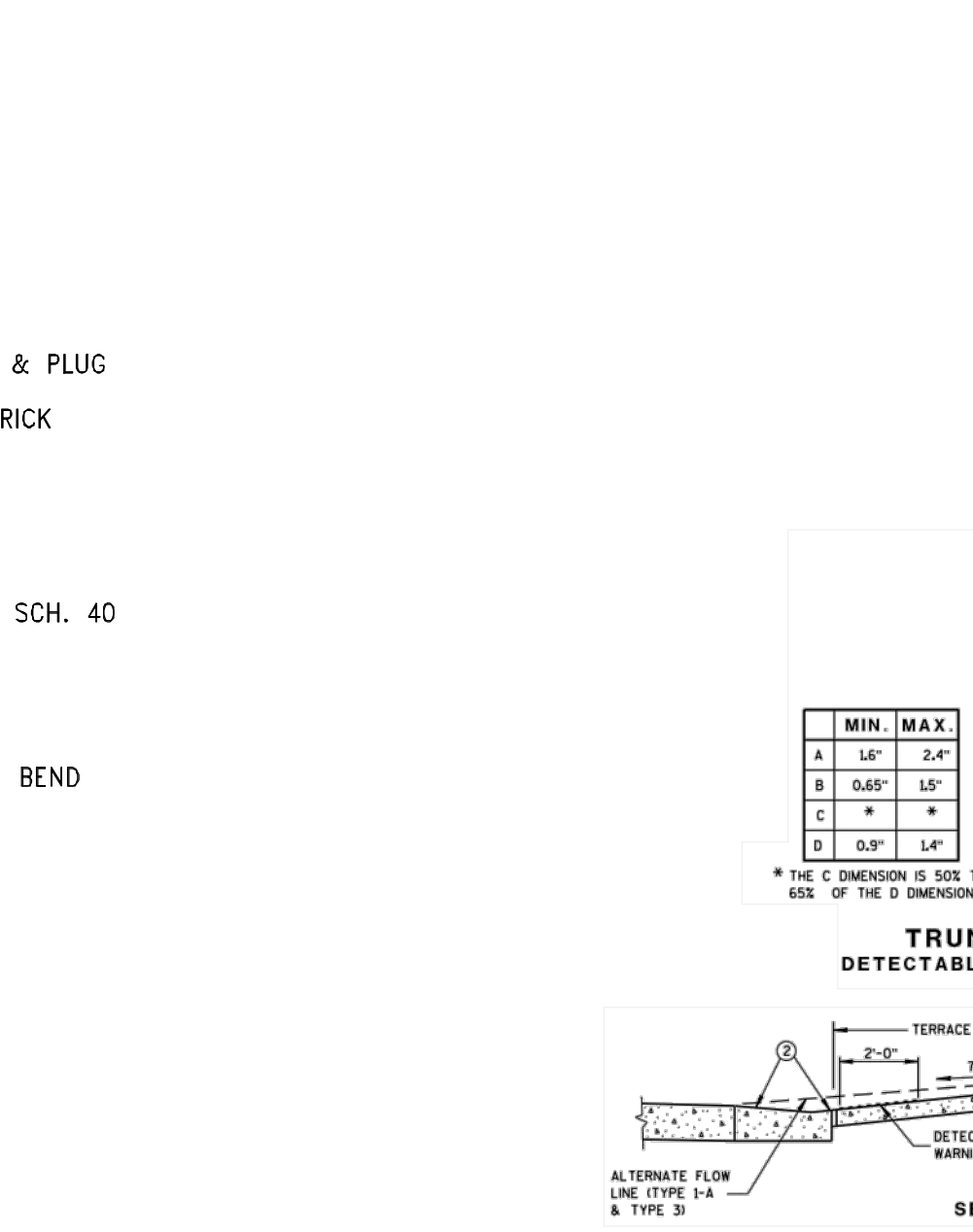
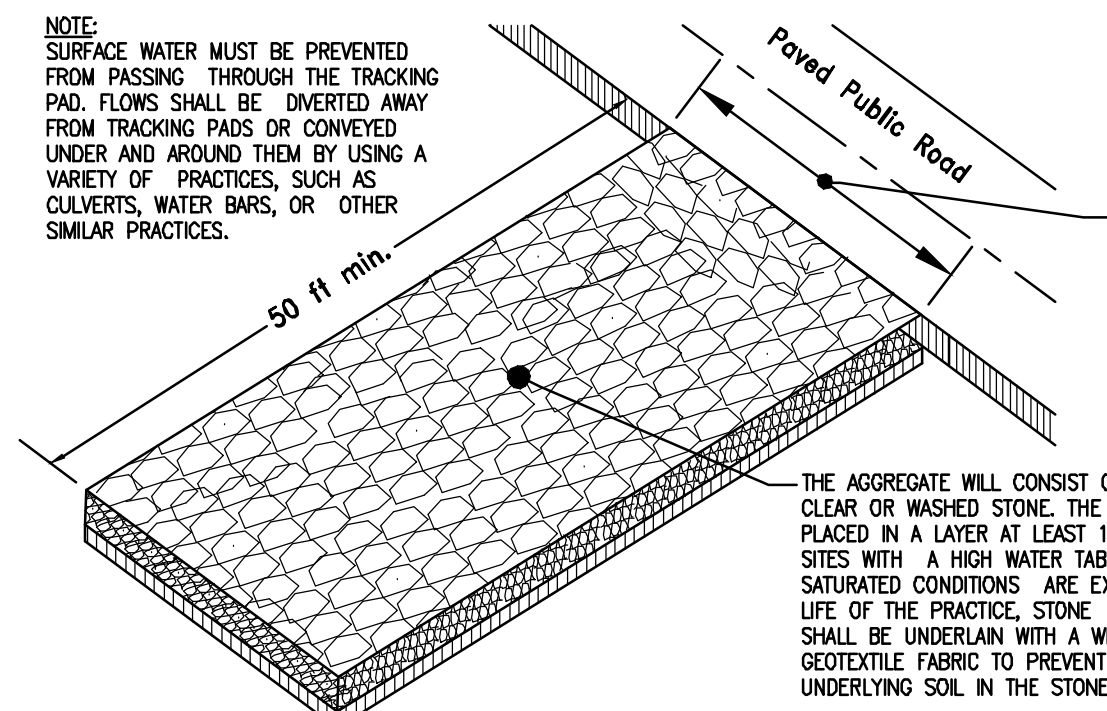
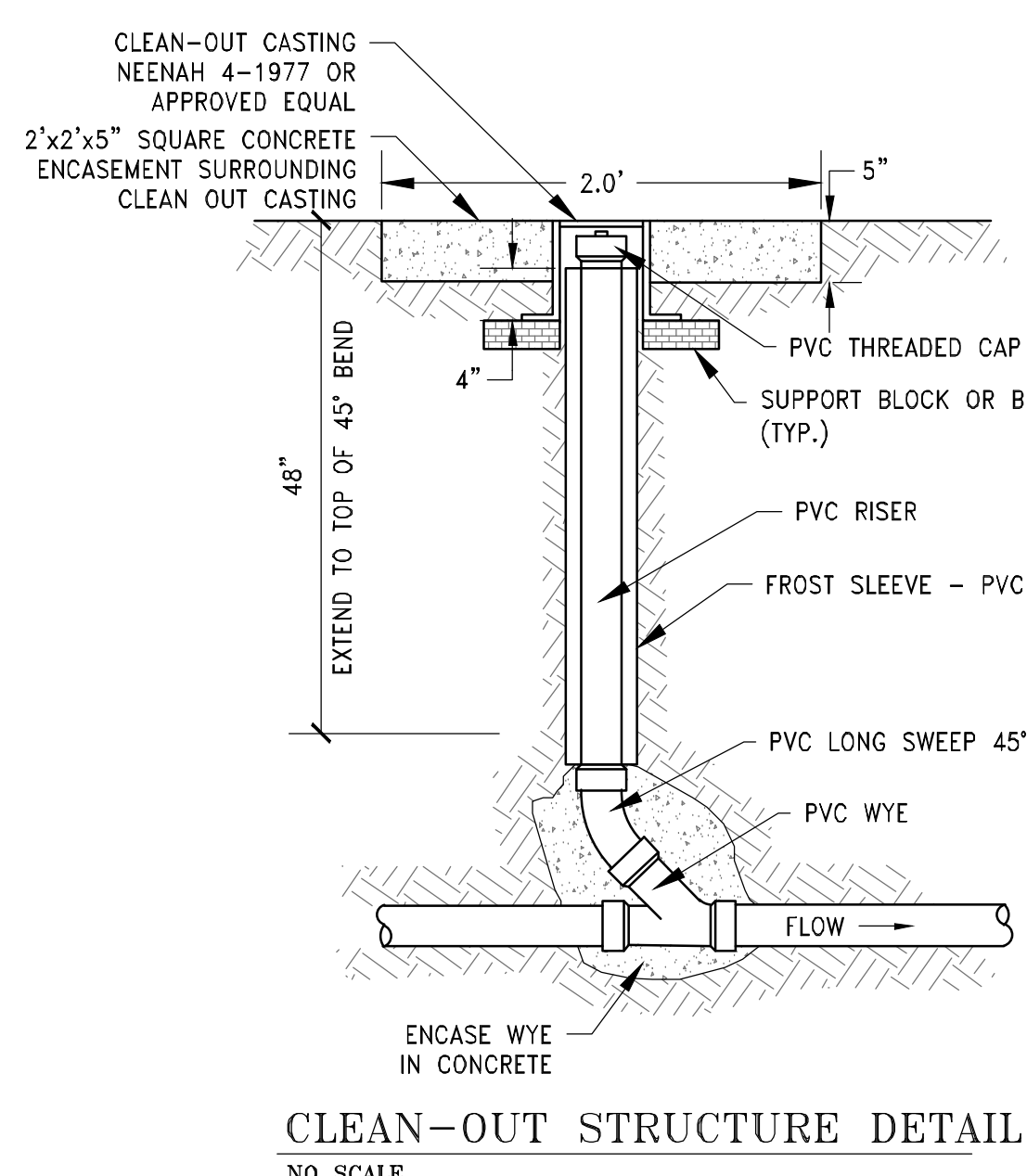
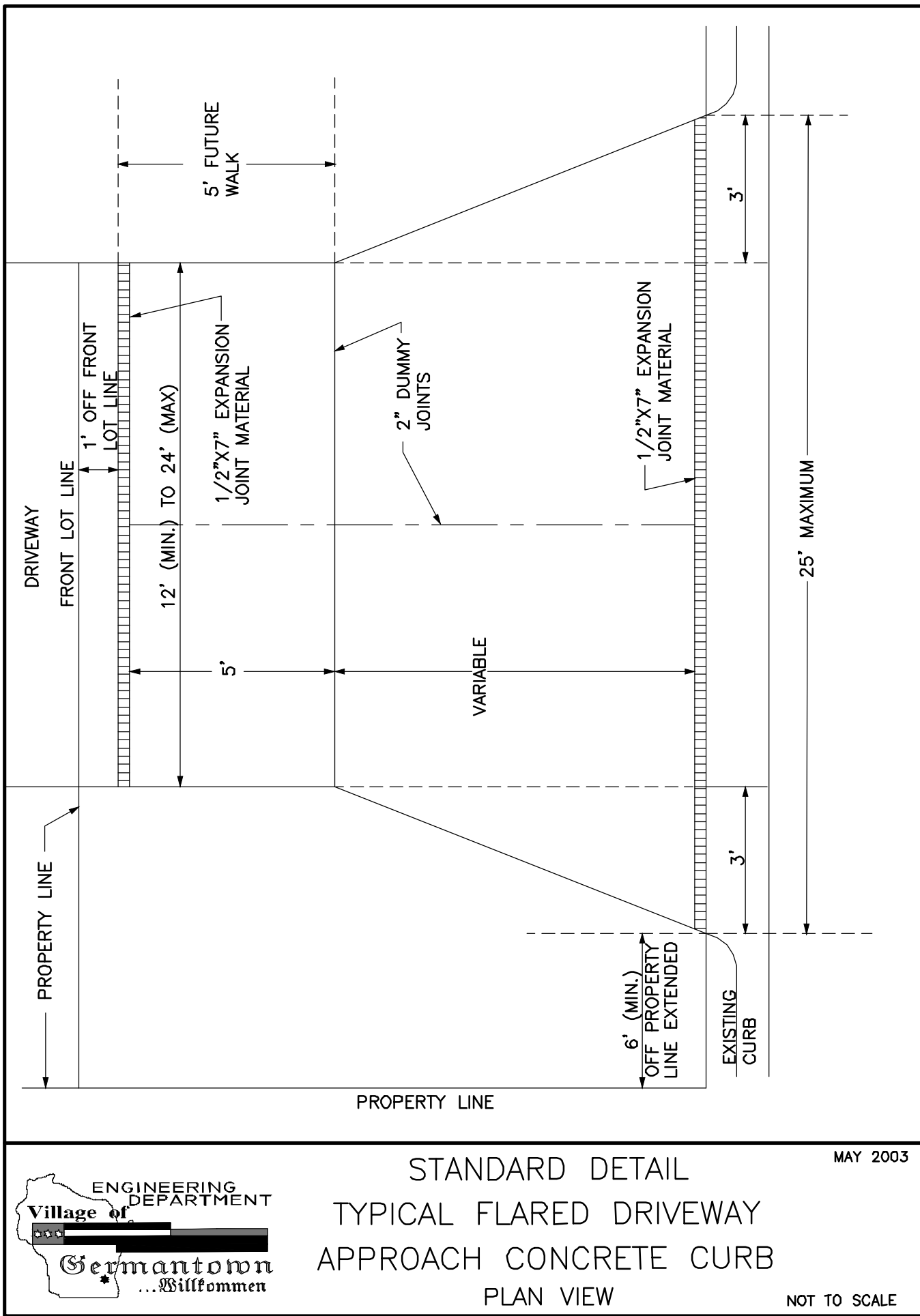
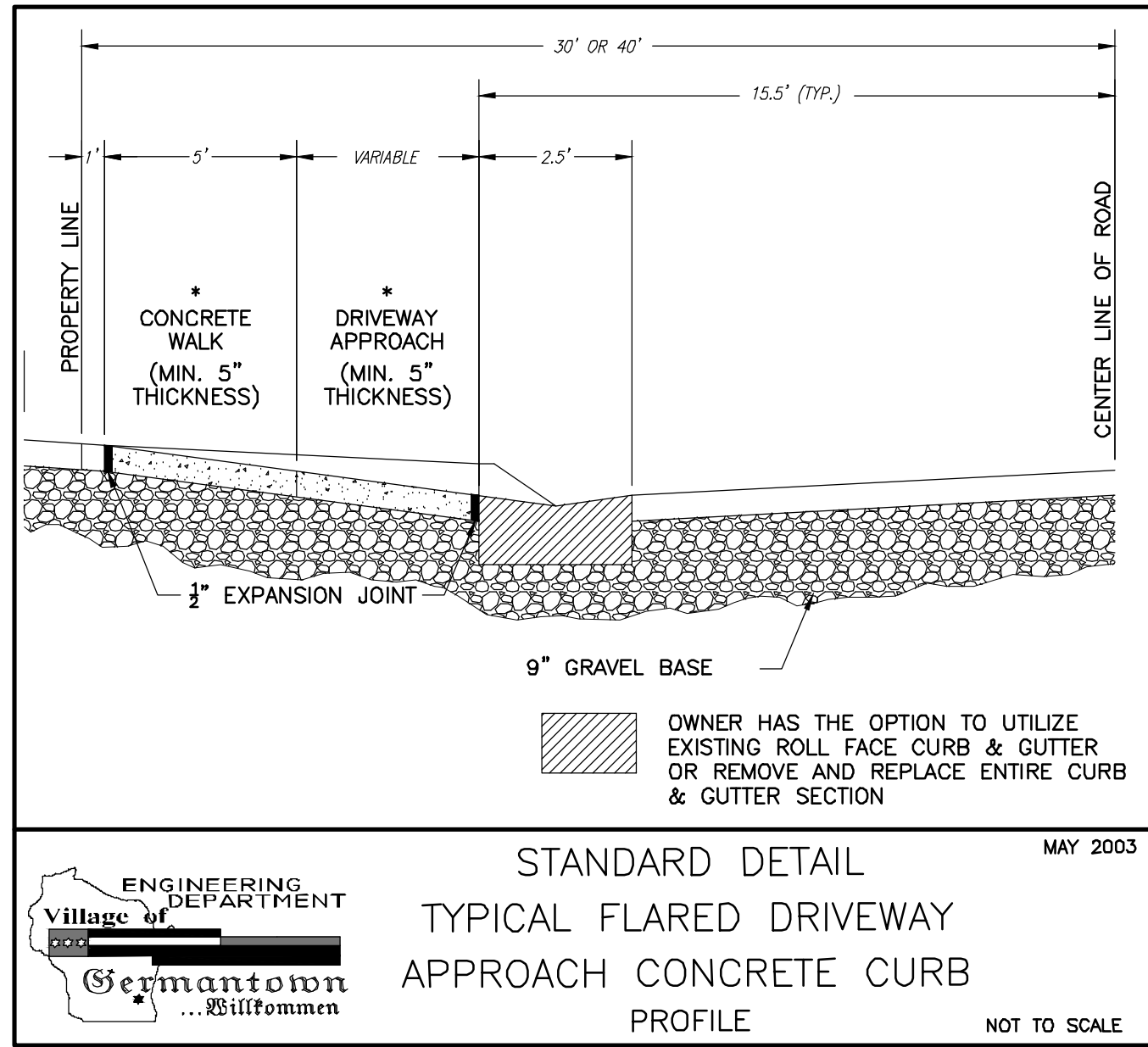
SITE GRADING AND
UTILITY PLAN
1" = 20'



1" = 20'

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GENERAL

- THE LATEST EDITIONS OF THE FOLLOWING DOCUMENTS AND ANY SUPPLEMENTS THERETO, SHALL GOVERN ALL CONSTRUCTION ITEMS ON THIS PLAN UNLESS OTHERWISE NOTED:
 - WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR) STORM WATER TECHNICAL STANDARDS
 - WISCONSIN EROSION CONTROL PRODUCT ACCEPTABILITY LIST
 - STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN (SSSWCW)
 - WISCONSIN ADMINISTRATIVE CODE, SECTIONS SPS 382-387
 - WISCONSIN DEPARTMENT OF TRANSPORTATION (WISDOT) STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION
 - FEDERAL HIGHWAY ADMINISTRATION MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)
 - VILLAGE OF GERMANTOWN DEVELOPMENT STANDARDS
- THE OWNER, ENGINEER AND MUNICIPALITY SHALL BE NOTIFIED AT LEAST 48 HOURS IN ADVANCE OF PERFORMING ANY CONSTRUCTION ACTIVITIES.
- THE CONTRACTOR IS RESPONSIBLE FOR EXAMINING ALL EXISTING SITE CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION AND SHALL COMPARE WITH THIS PLAN.
- EXISTING UTILITY INFORMATION IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY, BASED ON BEST AVAILABLE PUBLIC RECORDS, AS-BUILT DRAWINGS, AND FIELD OBSERVATIONS. NO RESPONSIBILITY IS ASSUMED BY THE OWNER OR ENGINEER FOR ACCURACY OR COMPLETENESS. THE CONTRACTOR IS RESPONSIBLE FOR MAKING THEIR OWN DETERMINATION AS TO THE TYPE AND NATURE OF EXISTING UTILITIES, AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.
- THE CONTRACTOR SHALL VERIFY ALL LOCATIONS, ELEVATIONS, AND SIZES OF EXISTING UTILITIES AND SHALL CHECK ALL PROPOSED UTILITY CONNECTIONS AND CROSSINGS PRIOR TO PROCEEDING WITH ANY WORK. ANY CONFLICTS OR DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER SO REDESIGN MAY OCCUR IF NEEDED. COST OF REPLACEMENT OR REPAIR OF EXISTING UTILITIES DAMAGED AS A RESULT OF THE CONTRACTOR'S OPERATIONS SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING SOIL CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION. A GEOTECHNICAL REPORT IS AVAILABLE FROM THE OWNER. THE CONTRACTOR SHALL ABIDE BY THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
- THE CONTRACTOR SHALL FIELD VERIFY ELEVATIONS OF THE BENCHMARKS AND HORIZONTAL CONTROL BY REFERENCING SHOWN COORDINATES TO KNOWN PROPERTY LINES, AND SHALL NOTIFY THE ENGINEER OF DISCREPANCIES IN EITHER VERTICAL OR HORIZONTAL CONTROL PRIOR TO PROCEEDING WITH ANY WORK.
- SURVEY BENCHMARKS AND CONTROL POINTS SHALL BE MAINTAINED AND PROTECTED FROM DISTURBANCE. (INCLUDING EMPLOYEES) AND PROPERTY. IT IS ALSO THE RESPONSIBILITY OF THE CONTRACTOR TO INITIATE, MAINTAIN, AND SUPERVISE ALL SAFETY REQUIREMENTS, PRECAUTIONS, AND PROGRAMS IN CONNECTION WITH THE WORK.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING COPIES OF ALL PERMITS AND FOR ABIDING BY ALL PERMIT REQUIREMENTS AND RESTRICTIONS.
- ALL ITEMS SHALL INCLUDE ALL NECESSARY MATERIALS AND LABOR TO COMPLETE THE ITEM IN PLACE.

PREPARATION

- WORK SHALL CONSIST OF DEMOLITION, ABANDONMENT, AND REMOVAL OF EXISTING FOUNDATIONS, WALLS, SLABS, FENCES, PIPING, PAVEMENTS, AND OTHER MANMADE ITEMS INTERFERING WITH NEW CONSTRUCTION. WORK SHALL ALSO CONSIST OF CLEARING AND GRUBBING OF TREES, SHRUBS, VEGETATION, ROOTS, STUMPS, RUBBISH, AND OTHER PERISHABLE MATTER INTERFERING WITH NEW CONSTRUCTION.
- CONTACT DIGGERS HOTLINE AT 800-242-8511 TO NOTIFY UTILITY PROVIDERS AND REQUEST FIELD LOCATION OF EXISTING UTILITIES WITHIN PROJECT LIMITS PRIOR TO ANY CONSTRUCTION RELATED ACTIVITIES.
- INSTALL PERIMETER FENCING AND TEMPORARY EROSION CONTROL PRACTICES AS INDICATED PRIOR TO COMMENCING ANY LAND DISTURBING CONSTRUCTION RELATED ACTIVITY.
- CLEARLY IDENTIFY ALL VEGETATION TO BE PRESERVED AND/OR RELOCATED PRIOR TO CLEARING AND GRUBBING.
- PROTECT EXISTING IMPROVEMENTS TO REMAIN DURING CONSTRUCTION. ANY DAMAGED IMPROVEMENTS SHALL BE RESTORED TO ORIGINAL CONDITION, OR AS OTHERWISE ACCEPTABLE TO THE OWNER.
- REMOVE EXISTING ABOVE-GRADE AND BELOW-GRADE IMPROVEMENTS AS INDICATED AND AS NECESSARY TO CONSTRUCT PROPOSED IMPROVEMENTS.
- SAWCUT ALL PAVEMENT TO BE REMOVED IN STRAIGHT LINES TO FULL DEPTH.
- DEMOLISH CONCRETE AND MASONRY IN SMALL SECTIONS. BREAK UP CONCRETE SLABS THAT ARE 2 FEET OR MORE BELOW PROPOSED SUBGRADE TO PERMIT DRAINAGE.
- DISCONNECT AND SEAL/CAP EXISTING UTILITIES TO BE REMOVED, RELOCATED, OR ABANDONED IN ACCORDANCE WITH REQUIREMENTS OF UTILITY PROVIDERS.
- DO NOT INTERRUPT UTILITY SERVICE TO EXISTING FACILITIES UNLESS PERMITTED BY THE OWNER.
- REMOVE AND LEGALLY DISPOSE OF DEMOLISHED MATERIALS, TRASH, AND DEBRIS FROM THE PROJECT SITE.

EROSION CONTROL

- WORK SHALL CONSIST OF INSTALLATION OF TEMPORARY AND PERMANENT PRACTICES FOR SEDIMENTATION CONTROL, EROSION CONTROL, SLOPE PROTECTION, AND REMOVAL OF PRACTICES UPON FINAL SITE STABILIZATION.
- INSTALLATION AND MAINTENANCE OF PRACTICES SHALL BE IN ACCORDANCE WITH THE APPLICABLE WDNR TECHNICAL STANDARD, OR THE WISCONSIN CONSTRUCTION SITE BEST MANAGEMENT PRACTICE HANDBOOK IF A TECHNICAL STANDARD IS NOT AVAILABLE.
- ALL PRACTICES SHALL BE INSTALLED PRIOR TO COMMENCING ANY LAND DISTURBING CONSTRUCTION RELATED ACTIVITY. EARTHWORK ASSOCIATED WITH INSTALLATION OF PRACTICES MAY OCCUR CONCURRENTLY.
- ALL PRACTICES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF THE PROJECT AND WARRANTY PERIOD IN CONFORMANCE WITH PERMIT REQUIREMENTS.
- ALL PRACTICES SHALL BE ROUTINELY INSPECTED EVERY 7 DAYS AND WITHIN 24 HOURS OF A RAINFALL GREATER THAN 0.5 INCHES. THE CONTRACTOR IS REQUIRED TO PERFORM INSPECTIONS, KEEP A LOG, AND CONDUCT REPAIRS AS NEEDED.
- ALL DISTURBED AREAS SHALL DRAIN TO A CONTROL PRACTICE AT ALL TIMES DURING CONSTRUCTION UNTIL FINAL STABILIZATION IS ACHIEVED. DEPENDING UPON HOW THE CONTRACTOR GRADES THE SITE, IT MAY BE NECESSARY TO INSTALL ADDITIONAL CONTROL PRACTICES IN VARIOUS LOCATIONS THROUGHOUT THE PROJECT SITE. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLATION OF ANY ADDITIONAL CONTROL PRACTICES NECESSARY TO PREVENT EROSION AND SEDIMENTATION.
- ALL DISTURBED GROUND LEFT INACTIVE FOR 7 DAYS SHALL BE STABILIZED WITH A TEMPORARY SEED MIXTURE AND MULCH. THE TEMPORARY SEED MIXTURE SHALL BE IN ACCORDANCE WITH SECTION 630 OF WISDOT STANDARD SPECIFICATIONS. WINTER WHEAT OR RYE SHALL BE USED FOR TEMPORARY SEED AFTER SEPTEMBER 1.
- DISTURBED AREAS THAT CAN NOT BE STABILIZED WITH A DENSE GROWTH OF VEGETATION DUE TO TEMPERATURE OR TIMING OF CONSTRUCTION SHALL BE STABILIZED BY APPLYING ANIONIC POLYACRYLAMIDE (PAM).
- ALL ACTIVITIES ON THE PROJECT SITE SHALL BE CONDUCTED IN A LOGICAL SEQUENCE TO MINIMIZE THE AREA OF BARE SOIL EXPOSED AT ANY ONE TIME.
- DUST GENERATED BY CONSTRUCTION RELATED ACTIVITIES SHALL BE MINIMIZED BY USE OF WATERING, CALCIUM CHLORIDE SURFACE TREATMENT, CONSTRUCTION SCHEDULING, OR OTHER APPROPRIATE MEASURES.
- THE CONTRACTOR SHALL BE PREPARED FOR DEWATERING CONDITIONS BY HAVING APPROPRIATE PUMPS AND FILTER BAGS ONSITE. ALL WATER FROM CONSTRUCTION DEWATERING SHALL BE TREATED PRIOR TO DISCHARGE FROM THE PROJECT SITE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE CLEANLINESS OF THE PROJECT SITE AND PUBLIC ROADS DURING CONSTRUCTION. PUBLIC ROADS SHALL BE KEPT FREE OF SEDIMENT TRACKED FROM AREAS UNDER CONSTRUCTION BY DAILY SWEEPING OR OTHER APPROPRIATE MEASURES.

EARTHWORK

- WORK SHALL CONSIST OF STRIPPING AND STORAGE OF TOPSOIL, EXCAVATION, EMBANKMENT, IMPORTING OR EXPORTING MATERIAL TO ACHIEVE LAND BALANCE, COMPACTION, FINISH GRADING, SUBGRADE PREPARATION, AND REPLACEMENT OF TOPSOIL.
- ALL EARTHWORK SHALL BE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER AND THESE REQUIREMENTS. THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER SHALL GOVERN.
- SATISFACTORY MATERIAL SHALL INCLUDE SOIL CLASSIFICATION GROUPS GW, GP, GM, SW, SP, AND SM AS ACCORDING TO ASTM D2487. IT SHALL BE FREE OF ROCK OR GRAVEL LARGER THAN 3 INCHES, FROZEN MATERIALS, VEGETATION, DEBRIS, AND ANY OTHER DELETERIOUS MATERIAL.
- UNSATISFACTORY MATERIAL SHALL INCLUDE SOIL CLASSIFICATION GROUPS GC, SC, CL, ML, OL, CH, MH, OH, AND PT AS ACCORDING TO ASTM D2487. IT SHALL ALSO INCLUDE FILL MATERIAL NOT MAINTAINED WITHIN 3 PERCENT OF OPTIMUM MOISTURE CONTENT AT TIME OF COMPACTION.
- ENGINEERED FILL MATERIAL SHALL INCLUDE A MIXTURE OF NATURAL OR CRUSHED STONE, GRAVEL, AND SAND AS ACCORDING TO ASTM D2940, WITH AT LEAST 90 PERCENT PASSING A 37.5-MM SIEVE AND NOT MORE THAN 12 PERCENT PASSING A NO. 200 SIEVE. IT SHALL BE FREE OF ORGANIC, FROZEN, OR OTHER DELETERIOUS MATERIAL AND HAVE A MAXIMUM PARTICLE SIZE OF 3 INCHES. CLAY CONTENT SHALL HAVE A LIQUID LIMIT OF LESS THAN 45

AND A PLASTICITY INDEX BETWEEN 11 AND 20.

- EXCAVATE TO SUBGRADE REGARDLESS OF THE CHARACTER OF SURFACE AND SUBSURFACE CONDITIONS ENCOUNTERED. EXCAVATED MATERIAL MAY INCLUDE ROCK AND UNCLASSIFIED OBSTRUCTIONS, WHICH IS CONSIDERED INCIDENTAL AND SHALL BE INCLUDED IN THE WORK.
- EXISTING FOUNDATIONS, BUILDING REMNANTS, AND UNSATISFACTORY MATERIAL SHALL BE COMPLETELY REMOVED FROM WITHIN AND A MINIMUM OF 10 FEET BEYOND BUILDING PAD AREAS. ANY RELATED EXCAVATION SHALL BE BACKFILLED WITH COMPACTED ENGINEERED FILL MATERIAL.
- EXISTING FOUNDATIONS, BUILDING REMNANTS, AND UNSATISFACTORY MATERIAL SHALL BE REMOVED TO A MINIMUM OF 2 FEET BELOW PROPOSED SUBGRADE WITHIN GREENSPACE AND PAVEMENT AREAS. ANY RELATED EXCAVATION SHALL BE BACKFILLED WITH COMPACTED ENGINEERED FILL MATERIAL.
- FILL MATERIAL SHALL BE WITHIN 3 PERCENT OF OPTIMUM MOISTURE CONTENT, PLACED IN MAXIMUM LIFTS OF 8 INCHES, AND COMPACTED TO A MINIMUM OF 95 PERCENT MAXIMUM DRY DENSITY AS DETERMINED BY THE MODIFIED PROCTOR TEST.
- AREAS SHALL BE GRADED TO WITHIN 1 INCH, MORE OR LESS, OF PROPOSED SUBGRADE. DEVIATIONS SHALL NOT BE CONSISTENT IN ONE DIRECTION.
- DISKING, HARROWING, AND AERATION TECHNIQUES SHALL BE USED TO DRY SUBGRADE PRIOR TO PROOF ROLLING.
- IN THE PRESENCE OF THE GEOTECHNICAL ENGINEER, PROOF ROLL SUBGRADE BELOW BUILDING PAD AND PAVEMENT AREAS DURING DRY WEATHER WITH A FULLY LOADED TANDEM AXLE DUMP TRUCK WHERE COHESIVE SOILS ARE PREDOMINANT, AND WITH A SMOOTH DRUMMED VIBRATORY ROLLER WHERE GRANULAR SOILS ARE PREDOMINANT. SUBGRADE WHICH IS OBSERVED TO RUT OR DEFLECT EXCESSIVELY SHALL BE UNDERCUT IN ACCORDANCE WITH RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER. DO NOT PROOF ROLL WET OR SATURATED SUBGRADE.
- THE CONTRACTOR SHALL MAINTAIN POSITIVE SITE DRAINAGE THROUGHOUT CONSTRUCTION. THIS MAY INCLUDE EXCAVATION OF TEMPORARY DITCHES OR PUMPING TO ALLEViate WATER PONDING, SURFACE WATER AND GROUNDWATER SHALL BE PREVENTED FROM ENTERING EXCAVATIONS, PONDING ON PREPARED SUBGRADES, AND FLOODING PROJECT SITE AND/OR SURROUNDING AREAS.
- THE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR ALL EARTHWORK COMPUTATIONS AND FOR ACTUAL LAND BALANCE, INCLUDING UTILITY TRENCH SPOIL. THE CONTRACTOR SHALL IMPORT OR EXPORT MATERIAL AS NECESSARY TO COMPLETE THE PROJECT.

SANITARY SEWERAGE

- WORK SHALL CONSIST OF INSTALLATION AND TESTING OF THE SANITARY SEWERAGE SYSTEM AND ALL APPURTENANCES.
- ALL PUBLIC SANITARY SEWERAGE WORK SHALL BE IN ACCORDANCE WITH SSSWCW AND VILLAGE OF GERMANTOWN DEVELOPMENT STANDARDS.
- ALL PRIVATE SANITARY SEWERAGE WORK SHALL BE IN ACCORDANCE WITH WISCONSIN ADMINISTRATIVE CODE AND VILLAGE OF GERMANTOWN DEVELOPMENT STANDARDS.
- POLYVINYL CHLORIDE (PVC) PIPE AND FITTINGS SHALL BE SDR 35 CONFORMING TO ASTM D3034 FOR DEPTHS LESS THAN 18 FEET, AND SHALL BE SDR 18 CONFORMING TO AWWA C900 FOR DEPTHS GREATER THAN 18 FEET, BOTH WITH PUSH-ON RUBBER GASKETED JOINTS IN ACCORDANCE WITH SECTIONS 8.10.6 AND 8.41.4 OF SSSWCW.
- MANHOLES SHALL BE PRECAST REINFORCED CONCRETE IN ACCORDANCE WITH SECTION 8.39.0 OF SSSWCW AND CONFORM TO ASTM C478. SIZES SHALL BE AS INDICATED AND VERIFIED BY THE CONTRACTOR PRIOR TO ORDERING.
- TRENCH SECTION SHALL BE CLASS B IN ACCORDANCE WITH SECTION 3.2.6 OF SSSWCW. MAXIMUM ALLOWABLE TRENCH WIDTH SHALL BE OUTSIDE DIAMETER OF PIPE PLUS 20 INCHES.
- PIPE BEDDING AND COVER MATERIAL SHALL BE IN ACCORDANCE WITH SECTION 8.43.0 OF SSSWCW. MINIMUM COVER OVER PIPE SHALL BE 12 INCHES.
- TRENCH BACKFILL MATERIAL SHALL BE GRANULAR BACKFILL IN ACCORDANCE WITH SECTION 8.43.4 OF SSSWCW BENEATH AND WITHIN 5 FEET OF PAVEMENT AREAS, AND SHALL BE SPOIL BACKFILL IN ACCORDANCE WITH SECTION 8.43.5 OF SSSWCW BENEATH GREENSPACE AREAS.
- ALL CONNECTIONS TO EXISTING SANITARY SEWER PIPES AND STRUCTURES SHALL BE CORED CONNECTIONS, UNLESS NOTED OTHERWISE. PREFABRICATED WYE CONNECTIONS ARE REQUIRED FOR ALL BUILDING SANITARY SERVICE PIPES, UNLESS NOTED OTHERWISE.
- CLEANOUTS AND RISER EXTENSIONS SHALL BE INSTALLED IN ACCORDANCE WITH SPS 382.35 FROM SEWER PIPES TO GROUND SURFACE. LIGHT DUTY LOADING CLASSIFICATION SHALL BE USED IN UNPAVED AREAS. MEDIUM DUTY LOADING CLASSIFICATION SHALL BE USED IN PAVED FOOT TRAFFIC AREAS. HEAVY DUTY LOADING CLASSIFICATION SHALL BE USED IN PAVED VEHICULAR TRAFFIC AREAS. FRAMES AND COVERS SHALL BE SET FLUSH WITH SURFACE.
- TRACER WIRE SHALL BE INSTALLED IN ACCORDANCE WITH SECTION 2.11.2 OF SSSWCW ON ALL BURIED NON-METALLIC PUBLIC SANITARY SEWER PIPE, PRIVATE SANITARY INTERCEPTOR PIPE, AND BUILDING SANITARY SERVICE PIPE. TRACER WIRE SHALL BE INSULATED, SINGLE-CONDUCTOR, 10 GAUGE SOLID COPPER OR COPPER COATED STEEL WIRE, SECURED AT LEAST EVERY 10 FEET AND AT ALL BENDS, WITH ACCESS POINTS AT LEAST EVERY 300 FEET.
- AFTER INSTALLATION OF SANITARY SEWERAGE SYSTEM, CLEAN ALL DEBRIS FROM SYSTEM AND INSPECT FOR DAMAGE. CONDUCT TESTING OF INSTALLED PIPE IN ACCORDANCE WITH SSSWCW. REPAIR ANY DAMAGE AND REPLACE ANY PIPE NOT PASSING TESTING.

WATER DISTRIBUTION

- WORK SHALL CONSIST OF INSTALLATION AND TESTING OF THE WATER DISTRIBUTION SYSTEM AND ALL APPURTENANCES.
- ALL PUBLIC WATER SUPPLY WORK SHALL BE IN ACCORDANCE WITH SSSWCW AND VILLAGE OF GERMANTOWN DEVELOPMENT STANDARDS.
- ALL PRIVATE WATER SUPPLY WORK SHALL BE IN ACCORDANCE WITH WISCONSIN ADMINISTRATIVE CODE AND VILLAGE OF GERMANTOWN DEVELOPMENT STANDARDS.
- POLYVINYL CHLORIDE (PVC) PIPE SHALL BE SDR 18, CLASS 150 CONFORMING TO AWWA C900 WITH INTEGRAL ELASTOMERIC BELL AND SPIGOT JOINTS IN ACCORDANCE WITH SECTION 8.20.0 OF SSSWCW.
- DUCTILE IRON PIPE (DIP) SHALL BE CLASS 150 CONFORMING TO AWWA C151 WITH RUBBER GASKETED JOINTS IN ACCORDANCE WITH SECTION 8.18.0 OF SSSWCW.
- POLYETHYLENE TUBING SHALL BE SDR 9 IN ACCORDANCE WITH SECTION 8.24.0 OF SSSWCW AND CONFORM TO AWWA C901.
- COPPER TUBING SHALL BE TYPE "K" IN ACCORDANCE WITH SECTION 8.24.0 OF SSSWCW AND CONFORM TO ASTM B88.
- GATE VALVES SHALL BE IN ACCORDANCE WITH SECTION 8.30.0 OF SSSWCW AND CONFORM TO AWWA C800 AND ASTM B62.
- GATE VALVES SHALL BE IN ACCORDANCE WITH SECTION 8.27.0 OF SSSWCW AND CONFORM TO AWWA C500.
- BUTTERFLY VALVES SHALL BE IN ACCORDANCE WITH SECTION 8.28.0 OF SSSWCW AND CONFORM TO AWWA C504.
- VALVE BOXES SHALL BE IN ACCORDANCE WITH SECTION 8.29.0 OF SSSWCW AND CONFORM TO ASTM A48. VALVE BOXES SHALL BE SIZE DD, SCREW TYPE, 3 PIECE ASSEMBLY, WITH COVERS MARKED "WATER". ALL VALVE BOXES SHALL BE SET TO PROPOSED GRADE, TRULY VERTICAL, AND SUPPORTED BY USE OF ADAPTOR.
- HYDRANTS SHALL BE IN ACCORDANCE WITH SECTION 8.26.0 OF SSSWCW AND CONFORM TO AWWA C502. PUMPER NOZZLE SHALL BE PERPENDICULAR TO AND ORIENTED TOWARDS THE PAVEMENT. HYDRANTS SHALL BE ATTACHED BY MEANS OF ANCHORING TEE AND HAVE A GROUND LINE TO CENTER DISTANCE OF 18 TO 21 INCHES.
- FITTINGS SHALL BE CLASS 150 IN ACCORDANCE WITH SECTION 8.22.0 OF SSSWCW, CONFORMING TO AWWA C110, AND PROVIDED WITH MECHANICAL JOINTS.
- MECHANICAL JOINTS SHALL BE MADE WITH "COR TEN" NUTS AND BOLTS, OR CORROSION-RESISTANT EQUIVALENTS CONFORMING TO AWWA C111.
- POLYETHYLENE WRAP SHALL BE IN ACCORDANCE WITH SECTION 8.21.0 OF SSSWCW AND PROVIDED FOR ALL METAL PIPES AND FITTINGS.
- THRUST RESTRAINT SHALL BE IN ACCORDANCE WITH SECTION 4.31.3 OF SSSWCW AND PROVIDED FOR ALL BENDS, CAPS, PLUGS, AND TEES.
- TRENCH SECTION SHALL BE IN ACCORDANCE WITH FILE NO. 36 OF SSSWCW. MAXIMUM ALLOWABLE TRENCH WIDTH SHALL BE OUTSIDE DIAMETER OF PIPE PLUS 20 INCHES.
- PIPE BEDDING AND COVER MATERIAL SHALL BE IN ACCORDANCE WITH SECTION 8.43.0 OF SSSWCW. MINIMUM COVER OVER PIPE SHALL BE 12 INCHES.
- TRENCH BACKFILL MATERIAL SHALL BE GRANULAR BACKFILL IN ACCORDANCE WITH SECTION 8.43.4 OF SSSWCW BENEATH AND WITHIN 5 FEET OF PAVEMENT AREAS, AND SHALL BE SPOIL BACKFILL IN ACCORDANCE WITH SECTION 8.43.5 OF SSSWCW BENEATH GREENSPACE AREAS.
- TRACER WIRE SHALL BE INSTALLED IN ACCORDANCE WITH SECTION 2.11.2 OF SSSWCW ON ALL BURIED NON-METALLIC PUBLIC WATER MAIN PIPE, PRIVATE WATER MAIN PIPE, AND BUILDING WATER SERVICE PIPE. TRACER WIRE SHALL BE INSULATED, SINGLE-CONDUCTOR, 12 GAUGE SOLID COPPER OR COPPER COATED STEEL WIRE, SECURED AT LEAST EVERY 10 FEET AND AT ALL BENDS, WITH ACCESS POINTS AT LEAST EVERY 300 FEET.
- THE CONTRACTOR IS RESPONSIBLE FOR PRESSURE TESTING AND SAFE WATER SAMPLING. HYDROSTATIC TESTING SHALL BE IN ACCORDANCE WITH SECTION 4.15.0 OF SSSWCW. DISINFECTION SHALL BE IN ACCORDANCE WITH SECTION 4.16.0 OF SSSWCW AND CONFORM TO AWWA C651. WATER MAINS SHALL BE FLUSHED AND TESTED IN THE PRESENCE OF THE WATER UTILITY OPERATOR.

STORM DRAINAGE

- WORK SHALL CONSIST OF INSTALLATION AND TESTING OF THE STORM DRAINAGE SYSTEM AND ALL APPURTENANCES.
- ALL PUBLIC STORM DRAINAGE WORK SHALL BE IN ACCORDANCE WITH SSSWCW AND VILLAGE OF GERMANTOWN DEVELOPMENT STANDARDS.
- ALL PRIVATE STORM DRAINAGE WORK SHALL BE IN ACCORDANCE WITH WISCONSIN ADMINISTRATIVE CODE AND VILLAGE OF GERMANTOWN DEVELOPMENT STANDARDS.
- REINFORCED CONCRETE PIPE (RCP) AND END SECTIONS SHALL BE IN ACCORDANCE WITH SECTION 8.6.0 OF SSSWCW AND CONFORM TO ASTM C76 WITH RUBBER GASKETED JOINTS CONFORMING TO ASTM C443, UNLESS NOTED OTHERWISE. 12-INCH DIAMETER PIPE SHALL BE CLASS V, 15-INCH DIAMETER PIPE SHALL BE CLASS IV, AND 18-INCH DIAMETER PIPE AND LARGER SHALL BE CLASS III.

- CORRUGATED METAL PIPE (CMP) AND END SECTIONS SHALL BE 16 GAUGE CONFORMING TO ASTM A760.
- HIGH-DENSITY POLYETHYLENE (HDPE) PIPE AND FITTINGS SHALL BE ADS N12 AS APPROVED BY THE WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES PLUMBING PRODUCTS REGISTER.
- POLYVINYL CHLORIDE (PVC) PIPE AND FITTINGS SHALL BE SDR 35 CONFORMING TO ASTM D3034 WITH PUSH-ON RUBBER GASKETED JOINTS CONFORMING TO ASTM D3212.
- MANHOLES SHALL BE PRECAST REINFORCED CONCRETE IN ACCORDANCE WITH SECTION 8.39.0 OF SSSWCW AND CONFORM TO ASTM C478. SIZES SHALL BE AS INDICATED AND VERIFIED BY THE CONTRACTOR PRIOR TO ORDERING.
- CATCH BASINS SHALL BE PRECAST REINFORCED CONCRETE IN ACCORDANCE WITH SECTION 3.6.0 OF SSSWCW AND CONFORM TO ASTM C478. SIZES SHALL BE AS INDICATED AND VERIFIED BY THE CONTRACTOR PRIOR TO ORDERING.
- INLETS SHALL BE PRECAST REINFORCED CONCRETE IN ACCORDANCE WITH SECTION 3.6.0 OF SSSWCW AND CONFORM TO ASTM C913. SIZES SHALL BE AS INDICATED AND VERIFIED BY THE CONTRACTOR PRIOR TO ORDERING.
- AREA DRAINS SHALL BE ADS NYLOPLAST AS APPROVED BY THE WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES PLUMBING PRODUCTS REGISTER.
- FRAMES AND GRATES SHALL BE AS INDICATED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING FRAMES AND GRATES ARE COMPATIBLE WITH PRECAST STRUCTURES PRIOR TO ORDERING.
- TRENCH SECTION SHALL BE CLASS B IN ACCORDANCE WITH SECTION 3.2.6 OF SSSWCW. MAXIMUM ALLOWABLE TRENCH WIDTH SHALL BE OUTSIDE DIAMETER OF PIPE PLUS 20 INCHES.
- PIPE BEDDING AND COVER MATERIAL SHALL BE IN ACCORDANCE WITH SECTION 8.43.0 OF SSSWCW. MINIMUM COVER OVER PIPE SHALL BE 12 INCHES.
- TRENCH BACKFILL MATERIAL SHALL BE GRANULAR BACKFILL IN ACCORDANCE WITH SECTION 8.43.4 OF SSSWCW BENEATH AND WITHIN 5 FEET OF PAVEMENT AREAS, AND SHALL BE SPOIL BACKFILL IN ACCORDANCE WITH SECTION 8.43.5 OF SSSWCW BENEATH GREENSPACE AREAS.
- ALL CONNECTIONS TO EXISTING STORM SEWER PIPES AND STRUCTURES SHALL BE CORED CONNECTIONS, UNLESS NOTED OTHERWISE.
- CLEANOUTS AND RISER EXTENSIONS SHALL BE INSTALLED IN ACCORDANCE WITH SPS 382.35 FROM SEWER PIPES TO GROUND SURFACE. LIGHT DUTY LOADING CLASSIFICATION SHALL BE USED IN UNPAVED AREAS. MEDIUM DUTY LOADING CLASSIFICATION SHALL BE USED IN PAVED FOOT TRAFFIC AREAS. HEAVY DUTY LOADING CLASSIFICATION SHALL BE USED IN PAVED VEHICULAR TRAFFIC AREAS. FRAMES AND COVERS SHALL BE SET FLUSH WITH SURFACE.
- TRACER WIRE SHALL BE INSTALLED IN ACCORDANCE WITH SECTION 2.11.1 OF SSSWCW ON ALL BURIED NON-METALLIC PUBLIC STORM SEWER PIPE, PRIVATE STORM INTERCEPTOR PIPE, AND BUILDING STORM SERVICE PIPE. TRACER WIRE SHALL BE INSULATED, SINGLE-CONDUCTOR, 12 GAUGE SOLID COPPER OR COPPER COATED STEEL WIRE, SECURED AT LEAST EVERY 10 FEET AND AT ALL BENDS, WITH ACCESS POINTS AT LEAST EVERY 300 FEET.
- AFTER INSTALLATION OF STORM DRAINAGE SYSTEM, CLEAN ALL DEBRIS FROM SYSTEM AND INSPECT FOR DAMAGE. CONDUCT TESTING OF INSTALLED PIPE IN ACCORDANCE WITH SSSWCW. REPAIR ANY DAMAGE AND REPLACE ANY PIPE NOT PASSING TESTING.

CONCRETE PAVING

- WORK SHALL CONSIST OF FINE GRADING SUBGRADE, EXCAVATION BELOW SUBGRADE (IF NECESSARY), PLACEMENT OF CRUSHED STONE BASE, INSTALLATION OF CONCRETE, AND CLEANUP.
- CRUSHED STONE BASE SHALL BE IN ACCORDANCE WITH SECTION 305 OF WISDOT STANDARD SPECIFICATIONS.
- CONCRETE SHALL BE GRADE A AIR-ENTRAINED IN ACCORDANCE WITH SECTION 501 OF WISDOT STANDARD SPECIFICATIONS, WITH A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 4,000 PSI.
- AGGREGATE SHALL BE IN ACCORDANCE WITH SECTION 501 OF WISDOT STANDARD SPECIFICATIONS.
- WATER SHALL BE IN ACCORDANCE WITH SECTION 501 OF WISDOT STANDARD SPECIFICATIONS AND ASTM C94 / C94M.
- AIR-ENTRAINING SHALL BE IN ACCORDANCE WITH SECTION 501 OF WISDOT STANDARD SPECIFICATIONS AND ASTM C260.
- LIQUID CURING COMPOUND SHALL BE IN ACCORDANCE WITH SECTION 415 OF WISDOT STANDARD SPECIFICATIONS AND ASHTO M 148.
- CURBING SHALL BE IN ACCORDANCE WITH SECTION 601 OF WISDOT STANDARD SPECIFICATIONS.
- SIDEWALK AND PATIO SHALL BE IN ACCORDANCE WITH SECTION 602 OF WISDOT STANDARD SPECIFICATIONS.
- CONCRETE SHALL BE INSTALLED AT LEAST 24 HOURS AFTER CONCRETE INSTALLATION AND SHALL BE CLEANED AFTER EACH USE. CONCRETE FORMS SHALL BE COATED WITH RELEASE AGENT TO ALLOW SEPARATION WITHOUT DAMAGE TO CONCRETE.
- CONSTRUCTION AND CONTRACTION JOINTS SHALL BE IN ACCORDANCE WITH SECTION 415 OF WISDOT STANDARD SPECIFICATIONS.
- ISOLATION JOINTS SHALL CONSIST OF PREFORMED JOINT FILLER STRIPS ABUTTING CURBING, INLETS, CATCH BASINS, MANHOLES, STRUCTURES, AND OTHER FIXED OBJECTS.
- EDGES OF CONCRETE PAVEMENT, SIDEWALK, PATIOS, AND JOINTS SHALL BE TOOLED IN CONCRETE AFTER INITIAL FLOATING WITH AN EDGING TOOL TO A 1/4-INCH RADIUS. REPEAT TOOLING AFTER APPLYING SURFACE FINISHES AND ELIMINATE TOOL MARKS ON SURFACES.
- FINISH, CURE, AND PROTECT CURBING IN ACCORDANCE WITH SECTION 601 OF WISDOT STANDARD SPECIFICATIONS.
- FINISH (LIGHT BROOM), CURE, AND PROTECT SIDEWALK AND PATIOS IN ACCORDANCE WITH SECTION 602 OF WISDOT STANDARD SPECIFICATIONS.
- FINISH (ARTIFICIAL TURF DRAG), CURE, AND PROTECT VEHICULAR PAVEMENT AND PADS IN ACCORDANCE WITH SECTION 415 OF WISDOT STANDARD SPECIFICATIONS.
- MAINTAIN CONCRETE FREE OF STAINS, DISCOLORATION, DIRT, AND OTHER FOREIGN MATERIAL. SWEEP CONCRETE PRIOR TO SUBSTANTIAL COMPLETION INSPECTION.
- REMOVE AND REPLACE CONCRETE THAT IS BROKEN, DAMAGED, DEFECTIVE, OR DOES NOT COMPLY WITH THE REQUIREMENTS LISTED ABOVE.

ASPHALT PAVING

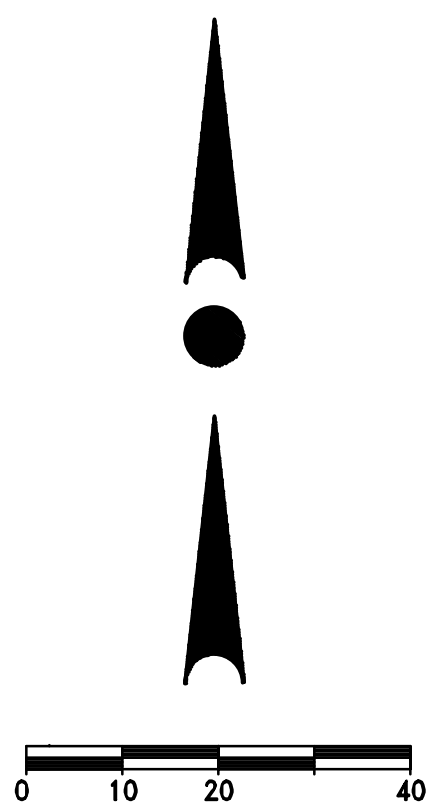
- WORK SHALL CONSIST OF FINE GRADING SUBGRADE, EXCAVATION BELOW SUBGRADE (IF NECESSARY), PLACEMENT OF CRUSHED STONE BASE, INSTALLATION OF HOT-MIX ASPHALT, PAVEMENT MARKING, SIGNAGE, AND CLEANUP.
- CRUSHED STONE BASE SHALL BE IN ACCORDANCE WITH SECTION 305 OF WISDOT STANDARD SPECIFICATIONS.
- ASPHALTIC MATERIALS SHALL BE IN ACCORDANCE WITH SECTION 455 OF WISDOT STANDARD SPECIFICATIONS.
- AGGREGATE SHALL BE IN ACCORDANCE WITH SECTION 460 OF WISDOT STANDARD SPECIFICATIONS.
- PAVEMENT MARKING PAINT SHALL BE IN ACCORDANCE WITH WISDOT APPROVED PRODUCTS LIST. COLOR SHALL BE WHITE UNLESS INDICATED OTHERWISE ON THIS PLAN.
- DO NOT CONDUCT ASPHALT PAVING IF ANY OF THE FOLLOWING CONDITIONS EXIST: CRUSHED STONE BASE IS WET OR EXCESSIVELY DAMP; TEMPERATURE IS BELOW 30 DEGREES FAHRENHEIT AT TIME OF BINDER COURSE INSTALLATION; TEMPERATURE HAS BEEN BELOW 35 DEGREES FAHRENHEIT WITHIN 12 HOURS PRIOR TO TACK COAT APPLICATION; TEMPERATURE IS BELOW 40 DEGREES FAHRENHEIT AT TIME OF SURFACE COURSE INSTALLATION.
- COMPACT ASPHALT IN ACCORDANCE WITH SECTION 450 OF WISDOT STANDARD SPECIFICATIONS. COMPACT ASPHALT TO PRODUCE THE THICKNESS INDICATED WITHIN PLUS/MINUS 1/4-INCH FOR BINDER COURSE, AND WITHIN PLUS 1/4-INCH FOR SURFACE COURSE. (NO MINUS).
- APPLY TACK COAT BETWEEN ASPHALT COURSES AT A MINIMUM RATE OF 0.25 GAL/SY.
- NO TRAFFIC SHALL BE ALLOWED ON ASPHALT AFTER FINAL ROLLING UNTIL IT HAS COOLED AND HARDENED.
- FINAL ASPHALT SURFACE SHALL BE WITHIN A 1/8-INCH TOLERANCE AS DETERMINED BY USING A 10-FOOT STRAIGHTEDGE APPLIED LONGITUDINALLY OR TRANSVERSELY. REMOVE AND REPLACE ALL RAISED AND DEPRESSED AREAS EXCEEDING TOLERANCE.
- APPLY PAVEMENT MARKINGS TO CLEAN AND DRY SURFACE, FREE FROM FROST, TO ENSURE PROPER BONDING. APPLY PAINT IN ACCORDANCE WITH MANUFACTURER SPECIFICATIONS TO PRODUCE MARKINGS AS INDICATED WITH UNIFORM, STRAIGHT EDGES.

RETAINING WALLS

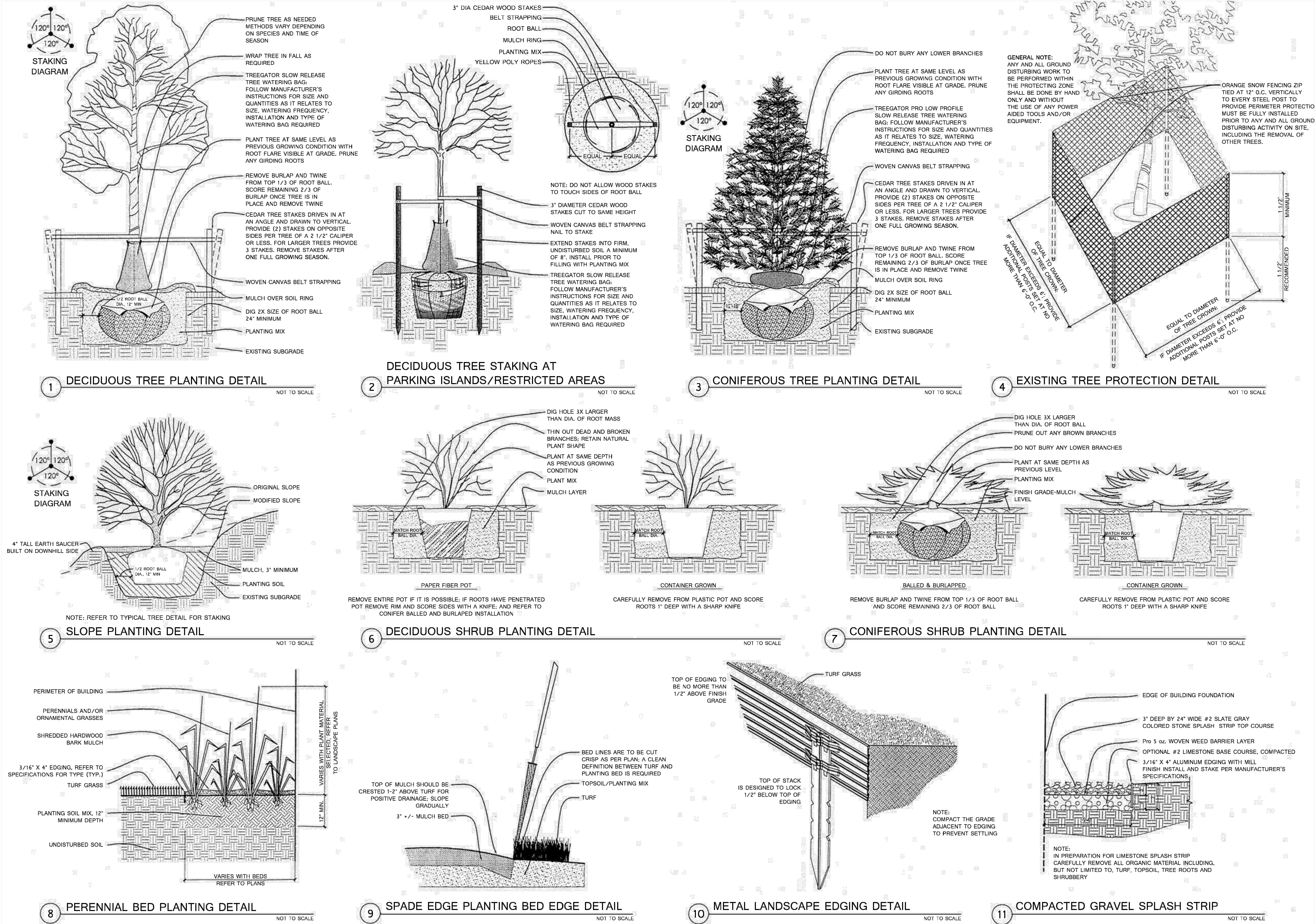
- WORK SHALL CONSIST OF FURNISHING DETAILED DESIGN, MATERIALS, LABOR, EQUIPMENT, SUPERVISION, AND DIRECTION TO CONSTRUCT RETAINING WALL SYSTEMS IN REASONABLY CLOSE CONFORMITY TO THE LINES, GRADES, AND DIMENSIONS SHOWN ON THIS PLAN. RETAINING WALLS SHOWN ON THIS PLAN ARE FOR GENERAL LOCATION AND MATERIAL REFERENCE ONLY.
- THE CONTRACTOR SHALL PROCURE DETAILED DESIGN CALCULATIONS AND DRAWINGS, PREPARED AND SEALED BY A PROFESSIONAL ENGINEER EXPERIENCED WITH RETAINING WALL DESIGN AND LICENSED IN THE STATE IN WHICH THE RETAINING WALLS ARE TO BE CONSTRUCTED.
- THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL SURROUNDING STRUCTURES AND UTILITIES ARE PROTECTED FROM THE EFFECTS OF EXCAVATION AND PROVIDING ANY NECESSARY EXCAVATION SUPPORT.
- THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT CONSTRUCTION ADJACENT TO THE RETAINING WALLS DOES NOT DISTURB OR PLACE TEMPORARY LOADS ON THE RETAINING WALLS THAT EXCEED DESIGN LOADS.



NOTE:
FOR ALL DISTURBED AREAS, RAKE OUT
CONSTRUCTION DEBRIS & DISPOSE OF
OFFSITE. CULTIVATE LAWN AREAS TO
ELIMINATE "HARD PAN" CONDITIONS. ADD
2-3" SCREENED TOPSOIL, GRADE OUT
BY HAND. DOUBLE SEED #4/1000 S.F.
AND APPLY STARTER FERTILIZER AT
RECOMMENDED RATIOS. LIGHTLY RAKE IN,
AND HYDOMULCH. (ALTER BID: SOD)



LANDSCAPE RESTORATION PLAN
1" = 20'



GENERAL LANDSCAPE NOTES

THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COORDINATION OF PLANTING OPERATION AS WELL AS OTHER CONTRACTED WORK, WITH THE OTHER CONTRACTORS ON THE JOB. REPAIR OF DAMAGE TO THE PLANTS, GRADE, LAWNS, ETC., DURING INSTALLATION SHALL NOT BE CONSIDERED AS AN EXTRA, AND NOT CHARGEABLE TO THE OWNER. DAMAGE CAUSED BY OTHER CONTRACTORS SHALL BE THE RESPONSIBILITY OF SAID CONTRACTOR.

THE CONTRACTOR SHALL, AT ALL TIMES, KEEP THE PREMISES FREE FROM ACCUMULATION OF WASTE MATERIAL, SOIL AND/OR RUBBISH CAUSED BY HIS EMPLOYEES OR WORK. CONTRACTOR SHALL CLEAN BEHIND HIS WORK IMMEDIATELY AND SHALL TAKE NECESSARY PRECAUTIONS TO KEEP CONCRETE, BRICK AND OTHER PAVING MATERIAL CLEAN OF SOIL.

MATERIALS PLANTED AND DAMAGED OR DESTROYED BY ANY PHENOMENA CONSIDERED AS AN ACT OF GOD, E.G., VANDALISM, WIND, FIRE, FLOOD, FREEZE, THEFT, RAIN, HAIL, ETC., SHALL BELONG TO THE OWNER AND SHALL BE HIS RESPONSIBILITY. MATERIALS STORED ON-SITE AS YET NOT PLANTED ARE NOT COVERED BY THIS CLAUSE AND ARE THE SOLE RESPONSIBILITY OF CONTRACTOR.

ALL PLANT MATERIALS FURNISEHD BY THE CONTRACTOR, UNLESS OTHERWISE SPECIFIED, SHALL BE NO. 1 GRADE OR BETTER IN ACCORDANCE WITH GRADES AND STANDARDS FOR NURSERY PLANTS AS DESCRIBED IN ANSI Z60.1 1996. LANDSCAPE ARCHITECT RESERVES ALL RIGHT TO DETERMINE ACCEPTABILITY OF PLANT MATERIAL SUBMITTED FOR PLANTING.

ALL PLANTS SHALL BE PLANTED IN PITS, CENTERED AND SET ON SIX-INCHES OF COMPACTED TOPSOIL TO SUCH A DEPTH THAT THE FINISH GRADE LEVEL, AT THE PLANT, AFTER SETTLEMENT WILL BE THE SAME AS THAT AT WHICH THE PLANT WAS GROWN. ALL PLANTING AREAS SHALL RECEIVE ADEQUATE FERTILIZATION WITH 'EASY GROW' 3 YR. (1 OZ.) FERTILIZER PACKETS OR EQUIVALENT. GRANULAR FERTILIZERS WILL BE ACCEPTED, BUT MUST BE APPROVED BY LANDSCAPE ARCHITECT. PLEASE SUBMIT SPECIFICATIONS.

APPLICATION RATES SHALL BE AS FOLLOWS:

- TREES:
- 1-1/2" TO 3" CAL.: 2 PACKETS, ONE EACH SIDE
 - GREATER THAN 3": ADD 1 PACKET PER 1" CAL. (I.E. 4"-4 PACKETS)

- SHRUBS:
- 1 PACKET FOR EVERY 12" HEIGHT OR SPREAD. (SPACE EVENLY IF 2 OR MORE PACKETS REQUIRED)

PERFORM ALL WORK NECESSARY FOR INSTALLING SOD AND/OR SEED AS SHOWN ON THE DRAWINGS OR INFERABLE THERE FROM AND/OR SPECIFIED, IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONTRACT DOCUMENTS.

IMMEDIATELY PRIOR TO SEEDING, THE GROUND SHALL BE SCARIFIED AND RAKED TO A FRIABLE FINE TEXTURE. LAWN AREAS SHALL BE SEEDDED WITH A MECHANICAL SPREADER AT THE RATE AS RECOMMENDED FOR LOCAL CONDITIONS. AFTER SEEDING, ALL AREAS SHALL BE RAKED TO SATISFACTORILY COVER SEED, AND THEN THOROUGHLY WATERED AND COVERED WITH TREATED SHREDDED PAPER MULCH OR STRAW MULCH. THE METHODS OF SEEDING MAY BE VARIED BY THE CONTRACTOR BY HIS OWN RESPONSIBILITY TO ESTABLISH A SMOOTH UNIFORM TURF. HYDRO MULCH EMBANKMENTS THAT EXCEED 1:4 SLOPES.

SEED SHALL BE TRUE TO SPECIE AS CALLED FOR ON THE SEEDING PLAN. ALL SEED SHALL BE DELIVERED TO THE JOB SITE IN SACKS PLAINLY MARKED AND CERTIFIED AS TO CONTENT.

SOD SHALL BE PLACED WHEN THE GROUND IS IN WORKABLE CONDITION AND TEMPERATURES ARE LESS THAN 90 DEGREES FAHRENHEIT.

LANDSCAPE CONTRACTOR SHALL WATER SOD IMMEDIATELY AFTER INSTALLATION TO PREVENT EXCESSIVE DRYING DURING PROGRESS OF THE WORK. AS SODDING IS COMPLETED IN ANY ONE SECTION, THE ENTIRE AREA SHALL BE ROLLED. IT SHALL THEN BE THOROUGHLY IRRIGATED TO A DEPTH SUFFICIENT THAT THE UNDERSIDE OF THE NEW SOD PAD AND SOIL IMMEDIATELY BELOW THE SOD ARE THOROUGHLY WET.

THE LANDSCAPE CONTRACTOR SHALL VERIFY GRADES ESTABLISHED DURING FINIAL SOIL PREPARATION AS BEING TRUE TO FINISH CONTOURS SHOWN, AND SHALL MAINTAIN SUCH AREAS UNTIL THE EFFECTIVE DATE TO BEGIN SODDING AND/OR SEEDING OPERATION. IN SUCH INSTANCES WHERE A SPLIT RESPONSIBILITY EXISTS BETWEEN GRADING AND GRASSING CONTRACTORS, IT SHALL BE THE RESPONSIBILITY OF THE GRASSING CONTRACTOR TO MAINTAIN A SUITABLE GRADE FOR GRASSING ONCE HE HAS ACCEPTED THE GRADE PROVIDED TO HIM. IN ALL CASES, THE GROUND SHALL BE HARD RAKED IMMEDIATELY PRIOR TO BEING SODDED TO REMOVE ANY IRREGULARITIES IN THE GRADE.

LANDSCAPE/SITE NOTES

FIELD VERIFY ALL ELEVATIONS -- IF THERE IS ANY MAJOR DISCREPANCY, PLEASE NOTIFY LANDSCAPE ARCHITECT IMMEDIATELY.

- ALL BEDS SHALL BE SPADE EDGE UNLESS OTHERWISE NOTED PLAN.
- ALL PERRENIAL GROUNDCOVER BEDS SHALL BE AMENDED PRIOR TO PLANTING.
 - * WE WILL AMEND WITH PERMA MATRIX FOLLOWING DIRECTIONS ON BAG AND ADD WORM CASTINGS OR COMPOST TO THE DEPTH OF 2"
 - * WE WILL CULTIVATE ALL MATERIAL TO A DEPTH OF 8-10"
 - * IF THERE IS A SUBSTITUTE MEDIUM BY CONTRACTOR THOSE SPECIFICATIONS NEED TO BE SUBMITTED TO LANDSCAPE ARCHITECT.
- ALL BEDS SHALL BE MULCHED WITH SHREDDED HARDWOOD MULCH (DOUBLE PREFERRED) UNLESS OTHERWISE NOTED ON PLAN.
 - * TREES AND SHRUBS WILL HAVE 2" DEPTH -- MEDIUM
 - * GROUNDCOVER AND PERRENIALS 1" DEPTH -- MAXIMUM (OR DUSTING)
- IN PLANTING OF TREES
 - * TREES WILL ONLY BE STAKED IF WIND BECOMES A STEADY ISSUE
- ALL TREES AND LAWN AREAS SHALL HAVE A 4' DIAMETER HARDWOOD MULCH RING.
- ALL AREAS ALONG HARDSCAPE I.E., SIDEWALKS, PARKING LOTS, PATIOS, ETC. SHALL BE DOUBLE SEEDED TO ENSURE A HEALTHY ESTABLISHMENT OF SEEDED LAEN ALONG THESE AREAS.
- WHERE GRADES EXCEED 4:1 EROSION CONTROL FABRIC SHALL BE INSTALLED AND SECURED WITH LANDSCAPE STAPLES.
 - * EROSION CONTROL FABRIC SHALL BE OVERLAPPED 3-4" WITH SEAM FACING DOWNHILL
- ALL SEEDED LAWNS SHALL BE:
 - * MULCHED WITH MATERIAL AS SPECIFIED IN PLAN
 - * SEEDED WITH REINDERS PREMIUM SO OR EQUIVALENT AT THE RATE OF 5# PER 1000SQFT
 - * MECHANICALLY SEEDED AND LIGHTLY RAKED IN BY HAND OR MACHINE
 - * STARTER FERTILIZER SHALL BE APPLIED AT THE RATE OF 10# PER 1000 SOFT
 - * PENN MULCH, STRAW OR HYDRO MULCH AREA AS SPECIFIED ON PLANS AND SPECIFICATIONS
- DURING THE PLANTING PROCESS ALL PLANFTS SHALL BE WATERED IN BY CONTRACTOR ONSITE AND THE PLANTS SHALL THEN BE THE RESPONSIBILITY OF THE CONTRACTOR ONLY DURING THE DURATION OF THE PLANTING.
 - * WATERING SHOULD OCCUR EVERY 3RD DAY TO ENSURE PROPER ESTABLISHMENT OF PLANTS
- ALL PLANTINGS SHALL BE DRENCHED WITH A ROOT STIMULANT OR EQUIVALENT UPON PLANTING TO ENSURE PROPER ESTABLISHMENT.
- WHEREVER THERE IS A DISCREPANCY BETWEEN QUANTITIES ON PLANT LIST AND QUANTITIES ON PLAN -- PLAN QUANTITIES WILL ALWAYS TAKE PRECEDENT.

GUARANTEE PERIOR FOR PLANT MATERIALS SHALL BE AS FOLLOWS:

LAWNS (SEED & SOD)*	3 MONTHS
GROUND COVER	3 MONTHS
SHRUBS	12 MONTHS
TREES	12 MONTHS
PERENNIALS, ROSES, JAPANESE MAPLES	90 DAYS FROM INSTALLATION

*(IF LAWN IS INSTALLED IN FALL AND NOT GIVEN FULL 90 DAYS OF GUARANTEE PERIODS, OR IF NOT CONSIDERED ACCEPTABLE AT THAT TIME, CONTINUE GUARANTEE THE FOLLOWING SPRING UNTIL ACCEPTABLE LAWN IS ESTABLISHED)

ALL SHRUB PLANTING BEDS TO BE LINED WITH A MINIMUM OF 2"-3" SHREDDED BARK MULCH (NO PLASTIC LINERS). PLACE MULCH AT BASE OF ALL TREES (MINIMUM 4' DIAMETER).

A 10/10/10 FERTILIZER MIXTURE SHALL BE APPLIED AT 20#/1000SF AND WORKED INTO THE LAWN BED BEFORE SEEDING OR SODDING.

RECOMMENDED SEED MIX:
PREMIUM 60 GRASS SEED MIX -- REINDER'S (262-786-3300) NO-MOW LOW GROW GRASS SEED MIX
20% AMERICAN KENTUCKY BLUE GRASS 45% SPARTAN HARD FESCUE
20% ALPINE KENTUCKY BLUE GRASS 40% AZAY SHEEP FESCUE
20% LANGARA KENTUCKY BLUE GRASS 15% TRANSIT ANNUAL RYE GRASS
20% VICTORY CHEWING FESCUE APPLY AT A RATE OF 175 POUNDS PER ACRE
10% FIESTA ILL PERENNIAL RYE GRASS REFER TO SUPPLIER SPECIFICATION AND INSTALLATION
APPLY AT A RATE OF 175 POUNDS PER ACRE CUT SHEETS FOR FURTHER INFORMATION.
REFER TO SUPPLIER SPECIFICATION AND INSTALLATION CUT SHEETS FOR FURTHER INFORMATION.

PROPOSED TREES TO BE STAKED AS REQUIRED. VERIFY WITH LANDSCAPE ARCHITECT IF EXPOSURE AND WIND CONDITIONS PREVALENT.

ANY SERIES OF TREES TO BE PLACED IN A PARTICULAR ARRANGEMENT WILL BE FIELD CHECKED FOR ACCURACY. TREES OF SAME SPECIES TO BE MATCHED IN GROWTH CHARACTER AND UNIFORMITY. ANY TREES MISPLACED WILL BE SUBJECT TO REJECTION.

UPON ACCEPTANCE OF THE LANDSCAPE INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL SUPPLY THE LANDSCAPE ARCHITECT WITH A COMPLETE AND ADEQUATE MAINTENANCE PROGRAM TO BE FOLLOWED DURING AND AFTER THE GUARANTEE PERIOD. THE LANDSCAPE CONTRACTOR SHALL MAKE PERIODIC INSPECTIONS OF THE JOB DURING THE GUARANTEE PERIOD TO DETERMINE IF PROPER MAINTENANCE IS BEING GIVEN.

IT SHALL BE UNDERSTOOD THAT IN ACCORDANCE WITH THE TERMS OF THE GUARANTEE THAT THE LANDSCAPE CONTRACTOR MUST PROMPTLY INFORM THE OWNER IF PROPER MAINTENANCE IS NOT BEING GIVEN TO THE INSTALLATION. SUCH NOTICE SHALL BE IN WRITING, OUTLINING CORRECTIVE MEASURES TO BE TAKE, WITH A COPY TO LANDSCAPE ARCHITECT. AT ANY TIME DURING THE GUARANTEE PERIOD, THE LANDSCAPE CONTRACTOR SHALL BE REQUIRED TO REPLACE ALL PLANTS THAT ARE DEAD OR IN UNSATISFACTORY CONDITION OF GROWTH. ALL REPLACEMENT PLANTS SHALL BE OF LIKE SIZE AND KIND OF THE PLANTS REMOVED. ANY SEED AREAS OVER ONE FOOT SQUARE ARE NOT COVERED BY TURF SHALL BE RESEEDD BY THE CONTRACTOR. ANY SEED AREAS OVER ONE FOOT SQUARE THAT ARE DEAD OR DYING SHALL BE REPLACEMENTS INCLUDED WITHIN THE GUARANTEE SHALL BE AT THE LANDSCAPE CONTRACTOR'S EXPENSE.

ANY ALTERATION TO THE LANDSCAPE PLAN WILL BE SUBMITTED TO THE PROJECT MANAGER FOR APPROVAL BY THE LANDSCAPE ARCHITECT.

LANDSCAPE CONTRACTORS ARE RESPONSIBLE FOR MAKING SURE ALL TREE BALLS ARE MOIST AT THE CORE, WHEN TREES ARE INSTALLED.

LAWN EDGES THAT ABUT PARKING LOTS WITH NO CURBING SHALL BE DOUBLE SEEDED TO A WIDTH OF 5'.

PRE-EMERGENT HERBICIDE (TREFLAN OR EQUIV.) TO BE APPLIED TO ALL PLANT BEDS PRIOR TO PLANTING FOR NOXIOUS WEED CONTROL.

THE QUANTITIES INDICATED ON THE MATERIAL SCHEDULE ARE PROVIDED FOR THE BENEFIT OF THE CONTRACTOR, BUT SHOULD NOT BE ASSUMED TO ALWAYS BE CORRECT. IN THE EVENT OF A DISCREPANCY, THE PLANTING PLAN WILL TAKE PRECEDENCE OVER THE MATERIAL SCHEDULE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN QUANTITY CALCULATION AND THE LIABILITY PERTAINING TO THOSE QUANTITIES AND ANY RELATED CONTRACT DOCUMENTS AND/OR PRICE QUOTATIONS.

****PLANT MATERIAL SHOWN ON LANDSCAPE PLAN IS DEPICTED AT MATURE GROWTH****
AT LEAST SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION, CONTRACTOR SHALL VERIFY UTILITY LOCATION AS GIVEN BY THE ELECTRIC, GAS, TELEPHONE, WATER, SEWER, AND CABLE TELEVISION COMPANIES, UTILITIES, OR ENTITIES. REVIEW WITH OWNER'S REPRESENTATIVE SITE MECHANICAL, SITE ELECTRICAL AND LIGHTING, SITE GRADING AND DRAINAGE, SITE IRRIGATION AND ALL OTHER DRAWINGS PERTAINING TO UNDERGROUND UTILITY LOCATIONS RECORD SET OF INFORMATION THE SAME AS IN POSSESSION OF OWNER'S REPRESENTATIVE. ALSO REVIEW OWNERS "MARK SETS" OF ALL OF THESE DRAWINGS IN POSSESSION OF THE CONTRACTOR OR OWNER. MARK ALL SUCH UTILITIES ON THE SITE PRIOR TO COMMENCING. COORDINATE WITH OWNER BEFORE AND DURING CONSTRUCTION. REPAIR ANY DAMAGE TO ANY SYSTEM THAT IS CAUSED BY LANDSCAPE CONTRACTOR AT NO COST TO OWNER.

DEVIATIONS FROM THESE PLANS SHALL BE NOTED ON THE RECORD DRAWING BY THE CONTRACTOR AND ONLY WITH PRIOR APPROVAL OF THE LANDSCAPE ARCHITECT AND OWNER'S REPRESENTATIVE. VERBAL AGREEMENTS OR REVISIONS WITHOUT A CHANGE ORDER WILL NOT BE RECOGNIZED BY THE LANDSCAPE ARCHITECT AND OWNER.

ALL PLANTS MUST BE BID AND SELECTED PER THE SPECIES SPECIFIED ON THE PLANS. THE SIZES OF THE PLANT MATERIAL LISTED HEREIN IS A MINIMUM ACCEPTABLE SIZE. ADDITIONALLY, IF EXCESSIVE PRUNING REDUCES THE CROWN, THE PLANT SHALL BE REPLACED.

PROTECT PUBLIC FROM CONSTRUCTION WITH BARRIER AND BARRICADES.

ALL AREAS THAT WERE DISTURBED DURING CONSTRUCTION AND ARES NOT COVERED WITH PAVEMENT, BUILDING, PLANTING BEDS, OR TREE PITS ARE TO BE TOP SOILED 4"-6" DEEP (MIN.) AND SHALL BE SODDED/SEEDED WITH SPECIFIED LAWN GRASS. LANDSCAPE CONTRACTOR SHALL INCLUDE COST PER SQUARE YARD FOR ADDITIONAL SEED OPERATION AS MAY BE POSSIBLY REQUIRED TO REESTABLISH ADJACENT TURF GRASS AREAS WHICH MAY BECOME DAMAGED DURING THE CONSTRUCTION PROCESS OR TO REPAIR DAMAGE DONE BY OTHERS.

CONTRACTOR IS RESPONSIBLE FOR FURNISHING ALL MATERIALS, TOOLS, EQUIPMENT, LABOR AND PLANTS NECESSARY FOR PROPER PLANTING AND INSTALLATION OF ALL LANDSCAPE MATERIAL.

CONTRACT IS RESPONSIBLE FOR ALL ESTIMATING AND BIDDING. ALL AREAS, QUANTITIES, AND MATERIALS SHOULD BE FIELD VERIFIED WITH SITE CONDITIONS.

WHERE DISCREPANCIES OCCUR BETWEEN THE LANDSCAPE PLANS AND/OR ARCHITECTURAL AND/OR THE CIVIL DRAWING (AND ANY OTHER SITE DRAWINGS) THE DISCREPANCIES MUST BE BROUGHT TO THE LANDSCAPE ARCHITECTS ATTENTION FOR COORDINATION AND RESOLUTION.

ALL DISEASED, NOXIOUS OR INAPPROPRIATE MATERIALS SHALL BE REMOVED FROM THE PROPOSED SITE PRIOR TO THE START OF CONSTRUCTION AND DURING THE MAINTENANCE PERIOD.

GENERAL CONTRACTOR SHALL LEAVE THE SITE FREE OF CONSTRUCTION DEBRIS.

ALL LAWN AND PLANTING AREAS SHALL SLOPE TO DRAIN A MINIMUM OF 2% UNLESS NOTED OTHERWISE AND REVIEWED WITH OWNER'S REPRESENTATIVE FOR FINAL APPROVAL.

FINISH GRADES FOR SHRUB AND GROUND COVER AREAS SHALL BE HELD 1" BELOW TOP OF ADJACENT PAVEMENTS AND CURBS. UNLESS NOTED OTHERWISE ON THE PLANS. REFER TO PANTING DETAILS FOR FURTHER INFORMATION.

ALL PERENNIAL, ANNUAL, AND GROUND COVER AREAS TO RECEIVE A BLEND OF ORGANIC SOIL AMENDMENTS PRIOR TO PLANTING. TILL THE FOLLOWING MATERIALS INTO EXISTING TOPSOIL TO A DEPTH OF APPROXIMATELY 8". A DEPTH OF 12" IN TREE PITS. PROPORTIONS AND QUANTITIES MAY REQUIRE ADJUSTMENT DEPENDING ON THE CONDITIONS OF EXISTING SOIL. REFER TO PLANTING DETAILS FOR FURTHER INFORMATION:
PER EVERY 100 SQUARE FEET ADD:
- ONE -- 2 CUBIC FOOT BALE OF PEAT MOSS
- 2 POUNDS OF 5-10-5 GARDEN FERTILIZER
- 1/4 CUBIC YARD OF COMPOSTED MANURE

- PLANT STARTER OR OTHER COMPOSTED ORGANIC MATERIAL
**PREMIXED SOILS WILL BE ACCEPTED, I.E. PURPLE COW, SOIL-LIFE, ETC. PLEASE NOTIFY LANDSCAPE ARCHITECT OF ALTERNATIVES USED.

ALL SHRUBS TO BE POCKET PLANTED WITH A 50/50 MIX OF PLANT STARTER AND EXISTING SOIL. INSTALL TOPSOIL INTO ALL BEDS AS NEEDED TO ACHIEVE PROPER GRADE. REMOVE ALL EXCESSIVE GRAVEL, CLAY AND STONES. REFER TO PLANTING DETAILS FOR FURTHER INFORMATION.

PLANT ALL TREES SLIGHTLY HIGHER THAN FINISHED GRADE AT ROOT FLARE. BACK FILL HOLE WITH 2/3 EXISTING TOPSOIL AND 1/3 PEAT MOSS. AVOID ANY AIR POCKETS. DISCARD ANY GRAVEL, CLAY OR STONES. REFER TO PLANTING DETAILS FOR FURTHER INFORMATION.

ALL TREES TO BE INSTALLED, STAKED, GUYED ACCORDING TO DETAILS. REFER TO PLANTING DETAILS FOR FURTHER INFORMATION.

ALL PLANTINGS TO BE WATERED AT THE TIME OF PLANTING THROUGHOUT CONSTRUCTION AND UPON COMPLETION OF PROJECT AS REQUIRED.

WHERE SPECIFIED, ALL PLANT BEDS, PITS AND TREE RINGS ARE TO RECEIVE A MINIMUM OF 2"-3" DRESSING OF SHREDDED HARDWOOD OAK BARK MULCH SHAVINGS (OR BROWN ENVIRO-MULCH) FREE OF GROWTH, WEEDS, FOREIGN MATTER DETRIMENTAL TO PLANT LIFE OF GERMINATION-INHIBITING INGREDIENTS. LANDSCAPE CONTRACTOR TO PROVIDE A SAMPLE TO OWNER FOR APPROVAL. CONTRACTOR TO TAKE CARE WITH INSTALLATION NOT TO DAMAGE OR COVER PLANTS. REFER TO PLANTING DETAILS FOR FURTHER INFORMATION.

DURING THE INITIAL 30 DAY MAINTENANCE PERIOD, THE LANDSCAPE CONTRACTOR IS REQUIRED TO PROVIDE AN ON-GOING PLEASANT VISUAL ENVIRONMENT WHEREAS ANY PLANT WHICH IS NOT RESPONDING TO TRANSPLANTING OR THRIVING SHALL IMMEDIATELY BE REPLACED. NEW LAWNS SHALL BE WATERED AND REPAIRED AND WEED MUSH CONSTANTLY BE REMOVED. NO EXCEPTIONS WILL BE GRANTED.

LANDSCAPE/SITE DEMOLITION CONTRACTOR TO VERIFY LOCATION OF EXISTING TREES AND SHRUBS TO BE SALVAGED AND CLEARLY TAG THEM WITH MARKING TAPE AND CONSTRUCTION FENCE.

LANDSCAPE/SITE DEMOLITION CONTRACTOR TO VERIFY LOCATIONS OF EXISTING TREES AND SHRUBS TO BE RELOCATED. ALL PLANT MATERIALS TO BE RELOCATED IS TO BE CLEARLY TAGGED WITH MARKING TAPE MOVED BEFORE AND SITE DEMOLITION IS TO BEGIN.

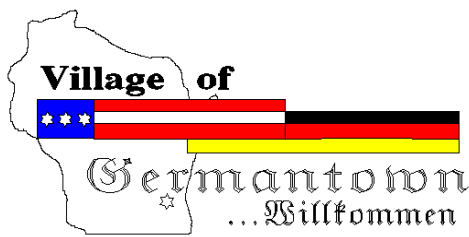
DESIGN IRRIGATION SYSTEM TO BE DESIGNED FOR A OVERLAPPING ZONED SPRINKLER HEAD SYSTEM IN ALL LAWN & ISLAND AREAS AND A DRIP SYSTEM FOR ALL FOUNDATION PLANTING AREAS.

CONTRACTOR NOTE:
BEFORE SITE GRADING AND DEMOLITION IS TO BEGIN FOR PROPOSED NEW PAVEMENT, THE AREA IS TO BE STAKED AND ALL TREE AND SHRUBS THAT ARE TO BE PRESERVED ARE TO BE TAGGED BY LANDSCAPE ARCHITECT AND RELOCATED BY LANDSCAPE CONTRACTOR. IF REQUIRED A TREE PRESERVATION PLAN WILL BE PRODUCED AND COORDINATED WITH CITY STAFF. DEMOLITION CONTRACTOR TO COORDINATE WITH LANDSCAPE ARCHITECT, OWNER AND LANDSCAPE CONTRACTOR.

MACARTHUR E.S. PLANT SCHEDULE

Qty	Botanical Name	Common Name	Size	Root Cnd	Comments
1	Acer rubrum 'October Glory'	October Glory Red Maple	2"	B&B	
3	Alnus glutinosa	Black alder	10'	B&B	Multi-trunk
1	Acer x freemanii 'Celebration'	Celebration Maple	2"	B&B	.
3	Acer miyabei 'Morton'	State Street Maple	2"	B&B	
3	Amelanchier x 'Autumn Brilliance'	Autumn Brilliance Serviceberry	8'	B&B	Multi-trunk
1	Celtis occidentalis	Hackberry	2"	B&B	
1	Corylus colurna	Turkish Filbert	2"	B&B	
3	Populus tremeloides	quaking Aspen	10'	Cont.	Multi-trunk
3	Quercus muehlenbergii	Chinkapin Oak	2"	B&B	
2	Syringa reticulata	Japanese Tree Lilac	8'	B&B	Multi-trunk
1	Taxodium distichum	Bald Cypress	2"	B&B	
3	Picea abies	Norway Spruce	6'	B&B	
4	Pinus sylvestris 'Waterii'	Waterii Scot Pine	6'	B&B	
2	Picea glauca densata	Black Hills Spruce	6'	B&B	
6	Aronia arbutifolia	Brilliant Red Chokeberry	3'	Cont.	'Brilliantissima'

NOTES & PLANT SCHEDULE



Engineering Department Memorandum

To: Jeff Retzlaff Village Planner

CC:

From: Bob Beilfuss, PLS, Village Surveyor

Date: March 16, 2018

Re: MacArthur School Land Division

Jeff,

Here are my review comments for the CSM received 2-19-2018.

Certified Survey Map-Rezoning-PDD

Applicant or Owner Germantown School District

Land Surveyor/Firm: Deborah L. Fenney, PLS, Trio Engineering, LLC

1. The exterior boundary of this property is still in question. The school has a curbed and paved driveway from the school property to Roberts Drive over a parcel of land that is a 50' gap in the deeds between Outlot 1 and Outlot 2 of the Assessor's Plat of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 23, Township 9 North, Range 20 East.

At this point, the Washington County GIS department is not showing this "gap" property on their parcel mapping. The County Real Property Lister indicated this area has a number of unresolved boundary issues on different properties. The school property is one of those parcels.

Trio Engineering is still investigating ownership of this parcel thru a title company retained by the school's counsel. The ownership of this parcel could be an unknown third party at this point.

2. Building setback lines for current zoning are missing and need to be mapped, dimensioned and date stamped.
3. A certificate of mortgagee is required unless the owner can provide written proof that a lender is not involved with this property.
4. This CSM should not be approved until the exterior boundary issue has been resolved.

No further review comments.

Document Submittals and Data Conversion

March 16, 2018

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

Prior to Recording the Certified Survey Map, the professional land surveyor is responsible for submitting a copy of the AutoCad drawing file (.dwg) of the document in version 2016 on compact disk (CD) or via email to the Village Surveyor.

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

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

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



Village of
Germantown
Willkommen

Fee must accompany application

☐ \$2,900 with public improvements

☒ \$1,960 no public improvements

Paid Date 2-19-18

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

TRIO ENGINEERING
12660 W. NORTH AVENUE
BROOKFIELD, WI 53005
Phone (262) 790-1480
Fax (262) 790-1481
E-Mail CHITCH@TRIOENG.COM

PROPERTY OWNER

GERMANTOWN SCHOOL DISTRICT
1104 W13840 DONGES BAY ROAD
GERMANTOWN, WI 53022
Phone (262) 253-3900
Fax (262) 251-6999

2

PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

W154 N11492 FOND DU LAC AVENUE

233983; 233982; 233975

3

PURPOSE OF LAND SPLIT

COMBINATION OF THREE PARCELS FOR
PROPOSED PARKING LOT ADDITION.

Will the land split require rezoning?

YES

From
I AND RS-G

To
PDD

4

READ AND INITIAL THE FOLLOWING:

CH 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.

CH 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.

CH 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.

CH 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!

[Signature] 2-14-2018
Applicant Date

[Signature] 2/15/18
Owner Date

CERTIFIED SURVEY MAP NO.

BEING A CONSOLIDATION OF ALL OF OUTLOT 5 AND PART OF OUTLOT 6 IN "ASSESSOR'S PLAT VILLAGE OF GERMANTOWN NW 1/4 SW 1/4" AND ALL OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 2934, BEING LOCATED IN A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

OVERALL DETAIL SHEET

PREPARED BY:

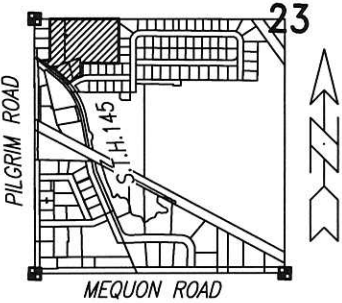
TRIO ENGINEERING, LLC
12660 W. NORTH AVE., BLDG. "D"
BROOKFIELD, WI 53005
PHONE: 262-790-1480
FAX: 262-790-1481

OWNER:

GERMANTOWN SCHOOL DISTRICT
N104 W13840 DONGES BAY ROAD
GERMANTOWN, WI 53022

NOTES:

- ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD-27), IN WHICH THE WEST LINE OF THE S.W. 1/4 OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST, BEARS S01°55'21"E.

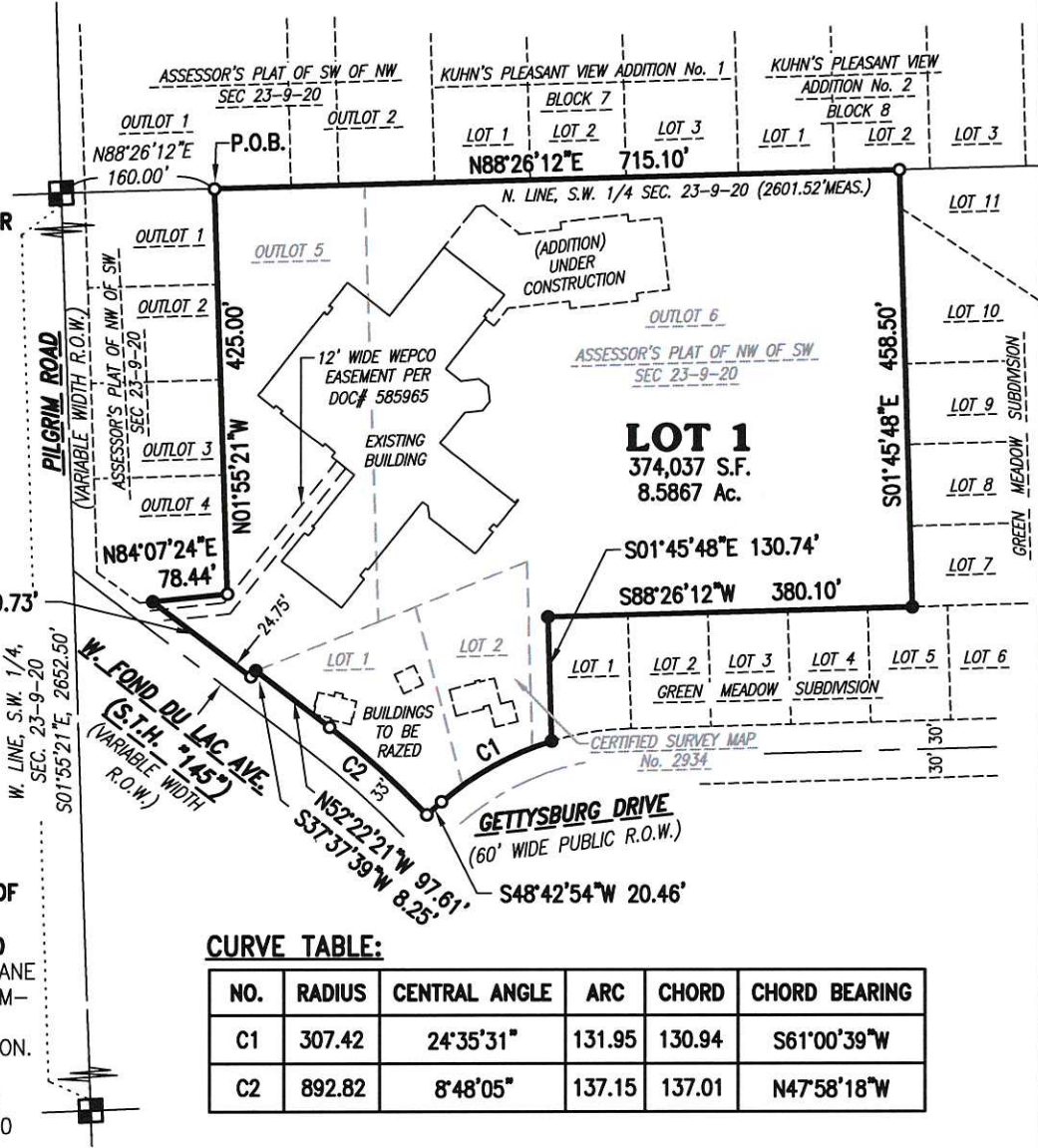


LOCALITY MAP:

S.W. 1/4 SEC. 23,
T. 9 N., R. 20 E.
SCALE: 1"=2000'

P.O.C., NW. CORNER
OF THE SW 1/4
SEC. 23-9-20
WIS. STATE PLANE
COORD. SYSTEM-
SOUTH ZONE
FND. CONC. MON.
w/BRASS CAP
N-453,400.41
E-2,505,500.73

SW. CORNER OF
THE SW 1/4
SEC. 23-9-20
WIS. STATE PLANE
COORD. SYSTEM-
SOUTH ZONE
FND. CONC. MON.
w/BRASS CAP
N-450,749.68
E-2,505,589.70



CURVE TABLE:

NO.	RADIUS	CENTRAL ANGLE	ARC	CHORD	CHORD BEARING
C1	307.42	24°35'31"	131.95	130.94	S61°00'39"W
C2	892.82	8°48'05"	137.15	137.01	N47°58'18"W

LEGEND:

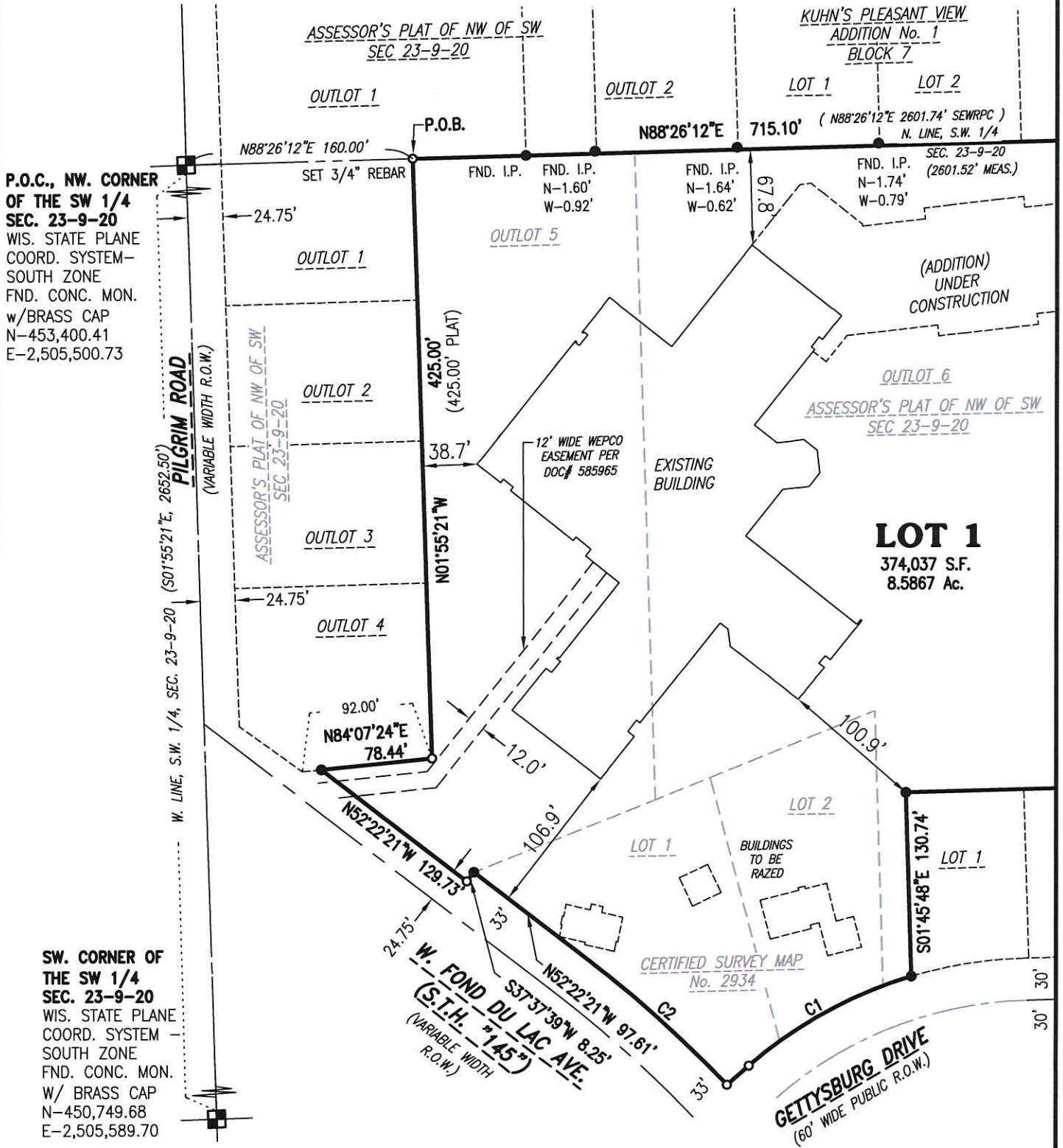
- INDICATES Section Corner (See Plan for Details)
- INDICATES "Set" 0.750" O.D. X 18" long reinforcing bar weighing 1.502 lbs. per lineal foot.
- INDICATES "Found" 1" iron pipe, unless noted otherwise.

SCALE: 1"=200'

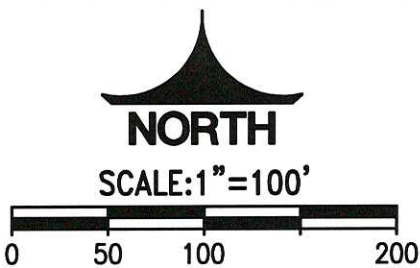


CERTIFIED SURVEY MAP NO.

BEING A CONSOLIDATION OF ALL OF OUTLOT 5 AND PART OF OUTLOT 6 IN "ASSESSOR'S PLAT VILLAGE OF GERMANTOWN NW 1/4 SW 1/4" AND ALL OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 2934, BEING LOCATED IN A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



- - INDICATES "Set" 0.750" O.D. X 18" long reinforcing bar weighing 1.502 lbs. per lineal foot.
- - INDICATES "Found" 1" iron pipe, unless noted otherwise.

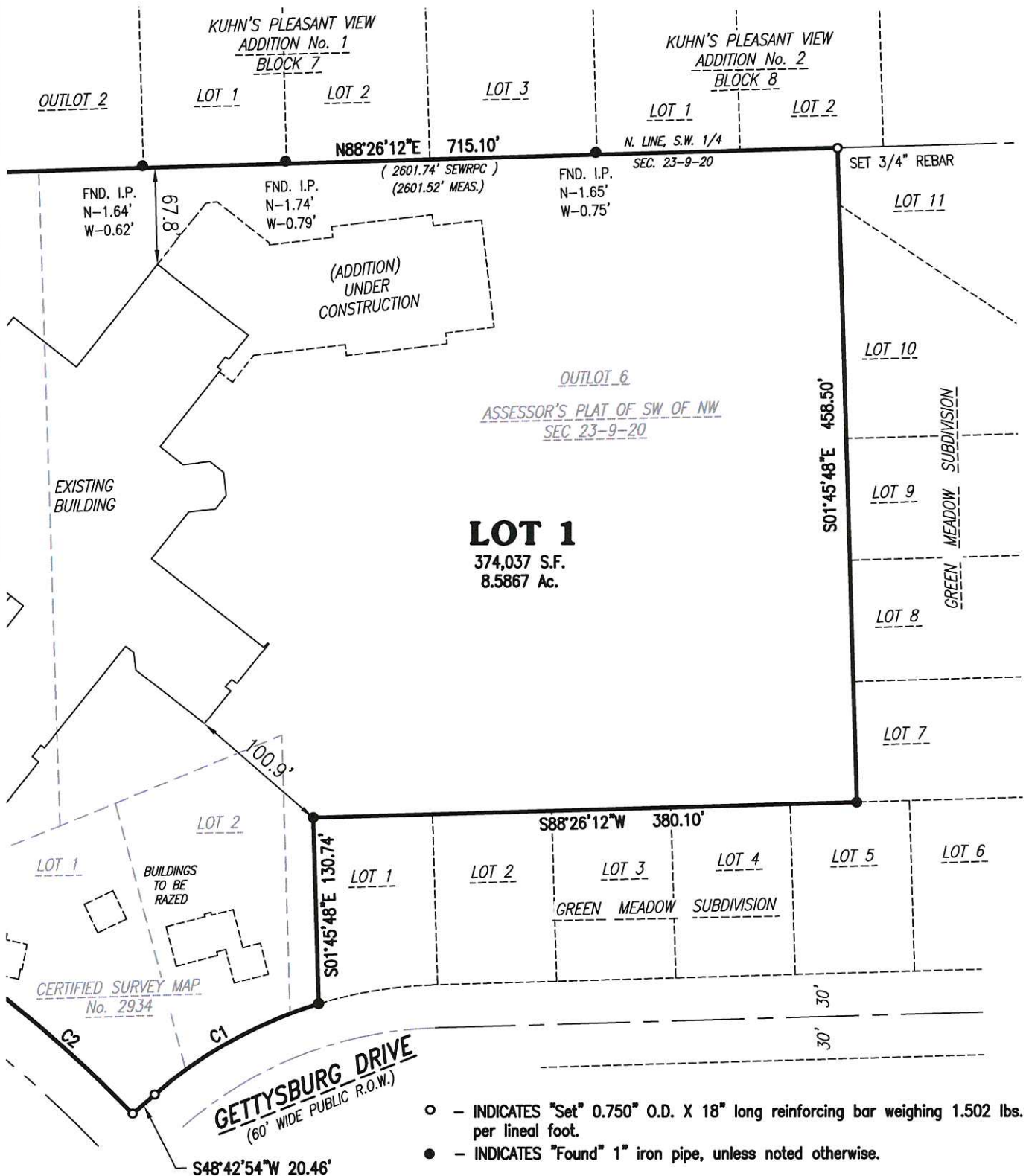


DRAFTED THIS 9TH DAY OF FEBRUARY, 2018
THIS INSTRUMENT WAS DRAFTED BY DEBORAH L. FENNEY, S-2132

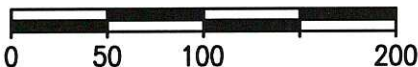
JOB NO. 17-009-495-01
SHEET 2 OF 5

CERTIFIED SURVEY MAP NO. _____

BEING A CONSOLIDATION OF ALL OF OUTLOT 5 AND PART OF OUTLOT 6 IN "ASSESSOR'S PLAT VILLAGE OF GERMANTOWN NW 1/4 SW 1/4" AND ALL OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 2934, ALL LOCATED IN PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



SCALE: 1" = 100'



DRAFTED THIS 9TH DAY OF FEBRUARY, 2018
THIS INSTRUMENT WAS DRAFTED BY DEBORAH L. FENNEY, S-2132

JOB NO. 17-009-495-01
SHEET 3 OF 6

CERTIFIED SURVEY MAP NO.

BEING A CONSOLIDATION OF ALL OF OUTLOT 5 AND PART OF OUTLOT 6 IN "ASSESSOR'S PLAT VILLAGE OF GERMANTOWN NW 1/4 SW 1/4" AND ALL OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 2934, BEING LOCATED IN A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

[illegible]

I, Deborah L. Fenney, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a consolidation of all of Outlot 5 and part of Outlot 6 in "Assessor's Plat Village of Germantown NW 1/4 SW 1/4" and all of Lot 1 and Lot 2 of Certified Survey Map No. 2934, recorded in the Office of the Register of Deeds for Washington County on July 8, 1986, in Volume 16 of Certified Survey Maps, at Pages 235 through 236 inclusive, as Document No. 494567, being located in a part of the Northwest 1/4 of the Southwest 1/4 of Section 23, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northwest corner of said Southwest 1/4 of said Section 23; Thence North 88°26'12" East and along the North line of the said Southwest 1/4 Section, 160.00 feet to the Northwest corner of said Outlot 5 in "Assessor's Plat Village of Germantown NW 1/4 SW 1/4" and the point of beginning of lands hereinafter described;

Continuing Thence North 88°26'12" East and along the said North line of the said Southwest 1/4 Section, 715.10 feet to a point on the West line of said "Green Meadow Subdivision"; Thence South 01°45'48" East along said West line, 458.50 feet to a point on the North line of said "Green Meadow Subdivision"; Thence South 88°26'12" West and along said North line, 380.10 feet to the Northwest corner of Lot 1, "Green Meadow Subdivision"; Thence South 01°45'48" East and along the West line of said Lot 1, 130.74 feet to a point on the North Right-of-Way line of "Gettysburg Drive"; Thence Southwesterly 131.95 feet along said North Right-of-Way line and the arc of a curve, whose center lies to the Southeast, whose radius is 307.42 feet, and whose chord bears South 61°00'39" West, 130.94 feet to a point; Thence South 48°42'54" West along said North Right-of-Way line, 20.46 feet to the North Right-of-Way line of "West Fond du Lac Avenue" (S.T.H. "145"); Thence Northwesterly 137.15 feet along said North Right-of-Way line and the arc of a curve whose center lies to the Southwest, whose radius is 892.82 feet, and whose chord bears North 47°58'18" West, 137.01 feet to a point; Thence continuing along said North Right-of-Way line, North 52°22'21" West, 97.61 feet to a point; Thence continuing along said North Right-of-Way line, South 37°37'39" West, 8.25 feet to a point; Thence continuing along said North Right-of-Way line, North 52°22'21" West, 129.73 feet to the South line of Outlot 4 "Assessor's Plat Village of Germantown NW 1/4 SW 1/4"; Thence along said South line, North 84°07'24" East, 78.44 feet to a point on the West line of said Outlot 5 "Assessor's Plat Village of Germantown NW 1/4 SW 1/4"; Thence North 01°55'21" West, 425.00 feet to the point of beginning of this description. Said Parcel contains 374,037 Square Feet (or 8.5867 Acres) of land, more or less.

That I have made such survey, land consolidation and map by the direction of **GERMANTOWN SCHOOL DISTRICT**, owner of said lands.

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

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Village of Germantown in surveying, dividing and mapping the same.

Dated this _____ day of _____, 20_____.

Deborah L. Fenney, P.L.S.
Professional Land Surveyor, S-2132
TRIO ENGINEERING, LLC
17700 West Capitol Drive
Brookfield, WI 53045

Drafted this 9th Day of FEBRUARY, 2018

THIS INSTRUMENT WAS DRAFTED BY DEBORAH L. FENNEY, S-2132

Job. No. 17-009-495-01

SHEET 4 OF 6

CERTIFIED SURVEY MAP NO.

BEING A CONSOLIDATION OF ALL OF OUTLOT 5 AND PART OF OUTLOT 6 IN "ASSESSOR'S PLAT VILLAGE OF GERMANTOWN NW 1/4 SW 1/4" AND ALL OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 2934, BEING LOCATED IN A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

Phone: (262)790-1480 Fax: (262)790-1481

OWNER'S CERTIFICATE:

GERMANTOWN SCHOOL DISTRICT, a Quasi-Municipal Corporation, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said Corporation caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and the ordinances of the Village of Germantown, this _____ day of _____, 20 ____.

Bob Soderberg, School Board President

STATE OF WISCONSIN)
COUNTY OF WASHINGTON) ss

Personally came before me this _____ day of _____, 20____, Bob Soderberg, School Board President of the above named Corporation, to me known to be the person who executed the foregoing instrument, and to me known to be the School Board President of said Corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said Corporation, by its authority.

Print Name: _____
 Notary Public, _____ County, WI
 My commission expires: _____

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:

Lori Johnson, Secretary

Date:

CERTIFIED SURVEY MAP NO. _____

BEING A CONSOLIDATION OF ALL OF OUTLOT 5 AND PART OF OUTLOT 6 IN “ASSESSOR’S PLAT VILLAGE OF GERMANTOWN NW 1/4 SW 1/4” AND ALL OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 2934, BEING LOCATED IN A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

VILLAGE BOARD APPROVAL:

This Certified Survey Map, being a part of the Northwest 1/4 of the Southwest 1/4 of Section 23, Town 9 North, Range 20 East, in the 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:

Deanna Boldrey, Village Clerk

Date:



Village of

Germantown
Willkommen

FEES MUST BE PAID AT TIME OF APPLICATION

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

Date Paid: \$

Received by: 2-19-18

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

TRIO ENGINEERING
12660 W. NORTH AVENUE
BROOKFIELD, WI 53005
Phone (262) 790-1480
Fax (262) 790-1481
E-Mail CHITCH@TRIOENG.COM

PROPERTY OWNER

GERMANTOWN SCHOOL DISTRICT
1104 W13840 DONGES BAY ROAD
GERMANTOWN, WI 53022
Phone (262) 253-3900
Fax (262) 251-6999

2 PROPERTY ADDRESS OR GENERAL LOCATION

W154 N11492 FOND DU LAC AVENUE

TAX KEY NUMBER

233983; 233982;
233975

3 REZONING REQUEST

FROM

I AND RS-6

TO

PDD

4 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

PLEASE SEE ATTACHMENT.

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.

PLEASE SEE ATTACHMENT.

6 SUPPORTING DOCUMENTATION:

- ☒ Plat of Survey (1:100)
- ☒ Site Plan and elevations for new construction (can be conceptual)
- ☒ GRADING & DRAINAGE PLANS
- ☒ LANDSCAPE PLANS

7 READ AND INITIAL THE FOLLOWING:

CH 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.

CH 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.

CH 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!

 2.14.2018
Applicant Date

Owner Date

REZONING EXHIBIT "A"

BEING A CONSOLIDATION OF ALL OF OUTLOT 5 AND PART OF OUTLOT 6 IN "ASSESSOR'S PLAT VILLAGE OF GERMANTOWN NW 1/4 SW 1/4" AND ALL OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 2934, BEING LOCATED IN A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

P.O.C., NW. CORNER
OF THE SW 1/4
SEC. 23-9-20
WIS. STATE PLANE
COORD. SYSTEM-
SOUTH ZONE
FND. CONC. MON.
w/BRASS CAP
N-453,400.41
E-2,505,500.73



EXHIBIT "A"

REZONING

LEGAL DESCRIPTION:

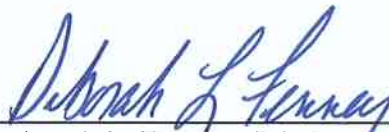
Being a consolidation of all of Outlot 5 and part of Outlot 6 in "Assessor's Plat Village of Germantown NW 1/4 SW 1/4" and all of Lot 1 and Lot 2 of Certified Survey Map No. 2934, recorded in the Office of the Register of Deeds for Washington County on July 8, 1986, in Volume 16 of Certified Survey Maps, at Pages 235 through 236 inclusive, as Document No. 494567, being located in a part of the Northwest 1/4 of the Southwest 1/4 of Section 23, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northwest corner of said Southwest 1/4 of said Section 23; Thence North 88°26'12" East and along the North line of the said Southwest 1/4 Section, 160.00 feet to the Northwest corner of said Outlot 5 in "Assessor's Plat Village of Germantown NW 1/4 SW 1/4" and the point of beginning of lands hereinafter described;

Continuing Thence North 88°26'12" East and along the said North line of the said Southwest 1/4 Section, 715.10 feet to a point on the West line of said "Green Meadow Subdivision"; Thence South 01°45'48" East along said West line, 458.50 feet to a point on the North line of said "Green Meadow Subdivision"; Thence South 88°26'12" West and along said North line, 380.10 feet to the Northwest corner of Lot 1, "Green Meadow Subdivision"; Thence South 01°45'48" East and along the West line of said Lot 1, 130.74 feet to a point on the North Right-of-Way line of "Gettysburg Drive"; Thence Southwesterly 131.95 feet along said North Right-of-Way line and the arc of a curve, whose center lies to the Southeast, whose radius is 307.42 feet, and whose chord bears South 61°00'39" West, 130.94 feet to a point; Thence South 48°42'54" West along said North Right-of-Way line, 20.46 feet to the North Right-of-Way line of "West Fond du Lac Avenue" (S.T.H. "145"); Thence Northwesterly 137.15 feet along said North Right-of-Way line and the arc of a curve whose center lies to the Southwest, whose radius is 892.82 feet, and whose chord bears North 47°58'18" West, 137.01 feet to a point; Thence continuing along said North Right-of-Way line, North 52°22'21" West, 97.61 feet to a point; Thence continuing along said North Right-of-Way line, South 37°37'39" West, 8.25 feet to a point; Thence continuing along said North Right-of-Way line, North 52°22'21" West, 129.73 feet to the South line of Outlot 4 "Assessor's Plat Village of Germantown NW 1/4 SW 1/4"; Thence along said South line, North 84°07'24" East, 78.44 feet to a point on the West line of said Outlot 5 "Assessor's Plat Village of Germantown NW 1/4 SW 1/4"; Thence North 01°55'21" West, 425.00 feet to the point of beginning of this description.

Said Parcel contains 374,037 Square Feet (or 8.5867 Acres) of land, more or less.

Date: 2/10/2018



Deborah L. Fenney, P.L.S.
Professional Land Surveyor, S-2826
TRIO ENGINEERING, LLC
12660 W. North Avenue, Building "D"
Brookfield, WI 53005
Phone: (262)790-1480 Fax: (262)790-1481

February 14, 2018

Village of Germantown
N112 W17001 Mequon Road
Germantown, WI 53204

Attn: Jeffrey Retzlaff, AICP
Village Planner & Zoning Administrator

Re: MacArthur Elementary School
Rezoning Application



Dear Mr. Retzlaff:

On behalf of Germantown School District, we hereby present to you a rezoning application for the MacArthur Elementary School property located at W154 N11492 Fond du Lac Avenue. In the past year Germantown School District has purchased two abutting single-family residential parcels located at the intersection of Fond du Lac Avenue and Gettysburg Drive. These parcels are zoned RS-6 and are proposed to be combined with the existing school property via Certified Survey Map to provide additional land for construction of a new parking lot. The new parking lot is proposed to be used for student drop-off/pick-up to alleviate growing congestion between school bus and passenger vehicle traffic during peak hours. The new parking lot is proposed to be constructed on the land currently zoned RS-6 to provide a distinct location for passenger vehicle traffic on the east side of the school; removed from bus traffic that will continue to utilize the existing driveways and parking lot on the west side of the school. Combining the three parcels into one parcel will require the two residential parcels to be rezoned.

The proposed rezoning application seeks Planned Development (PD) District zoning for all three parcels proposed to be combined by Certified Survey Map. This PD zoning application seeks to align with Institutional (I) District zoning requirements, with the following specific standards for this property:

- Front building setback no less than 30.0 feet.
- Rear building setback no less than 25.0 feet.
- Side building setback no less than 15.0 feet.
- Front parking setback no less than 12.5 feet.
- Rear parking setback to match existing conditions of no less than 5.5 feet.
- West side parking setback to match existing conditions of no less than 1.5 feet.
- East side parking setback no less than 25.0 feet.
- Parking stall width no less than 9.0 feet.
- Parking stall area no less than 160 square feet.
- Interior landscaping at landowner's discretion.
- Street trees per Village Plan Commission requirements.

We appreciate your consideration of this rezoning application. Please feel free to contact me with any questions, comments or to discuss any of the submittal materials.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CH', with a long horizontal line extending to the right.

Chris Hitch, Vice President

Cc: Scott Kramer, Plunkett Raysich Architects LLP
Jeff Holmes, Germantown School District

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BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: May 7, 2018

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

ITEM TITLE: Ordinance Amending Sections 17.42 17.42 (Conditional Use Permits); 17.51 (Changes and Amendments); and 17.53 (Public Hearings) affecting the conduct of public hearings for Conditional Use Permits and Zoning Code amendments.

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

SUMMARY EXPLANATION:

The public hearing of certain zoning-related applications, e.g. Zoning Code text and map amendments (“rezonings”) and conditional use permits (CUP’s), is required under Wisconsin Statutes (Chapter 62.23). However, the governmental body before which public hearings are to be conducted is not specified. For example, in the case of Zoning Code amendments, the Village Board has the option of requiring a public hearing held before the Village Board or the Plan Commission. In the case of CUP’s, the statutes simply require that a public hearing of a CUP application be held before a final decision is made.

Unlike many other communities in southeastern Wisconsin, the Village of Germantown has historically required all public hearings for these zoning-related applications to be held before the Village Board vs. the Plan Commission (as specified in the Village’s Zoning Code). The usual argument in favor of holding public hearings before the Village Board and not the Plan Commission is that the Village Trustees are the elected officials and, as such, need to be both accessible and accountable to the public regarding such matters. Further, because the statutes and/or Village Zoning Code are written to require final approval of zoning-related applications by the Village Board, the Village Board is the logical body to which the public should be able to go to with their concerns and comments before an approval or denial of such matters is rendered.

Conversely, many would argue that it is more important to allow or require the Plan Commission to hold a public hearing of zoning-related applications at the beginning of the review/approval process so that those members of the public who are likely to be impacted and/or those who may be most knowledgeable of a particular property or situation can share their comments, concerns, observations, experiences and recommendations with the Plan Commission before the Plan Commission renders a decision or recommendation to the Village Board. In so doing, the Plan Commission will likely have a better understanding of the situation at hand, and, be in a better position to ask more specific questions, require more or different information about a particular aspect of an application, property or development proposal.

The proposed amendment changes the public hearing requirement from the Village Board to the Plan Commission for rezonings and conditional use permits. The proposed amendment is intended to initiate debate about the merits of altering the “timing” of and body for holding public hearings and is not intended to necessarily be the final solution. It may very well be determined that public hearings need to be conducted by both the Plan Commission AND the Village Board (vs. one or the other) for some zoning-related applications.

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Finally, one of the most recent state legislative acts signed into law by the Governor is 2017 Act 243. Act 243 contains a provision that repeals in its entirety the zoning amendment “protest petition” process found under Wis. Stat. 62.23(7)(2). Over the last few years, the protest petition process has been used a couple of times in the Village by property owners and other members of the public to clearly express their concern with and objection to various development projects, including the Saxony Village apartment development and the J.W. Speaker industrial expansion development. Because repealing the protest petition provision in the Wis. Stats. affects municipal zoning regulations, the Village Attorney has recommended that the protest petition provisions found in the Village Zoning Code under Section 17.51(7) also be repealed in the same manner (effective January 1, 2019) as enacted by the Wisconsin Legislature and signed by the Governor by Act 243.

Please note that the effective date for both the public hearing and protest petition amendments is January 1, 2019.

ATTACHMENTS:

- ◆ 4/19/18 Plan Commission Meeting Minutes
- ◆ 4/19/18 Staff Report
- ◆ Draft Ordinance

PLAN COMMISSION RECOMMENDATION:

APPROVE the code amendments as proposed.

[NOTE: See Staff Report for a more detailed explanation and justification for the proposed code amendment]

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, May 7, 2018
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: 17.42 (Conditional Use Permits); 17.51 (Changes and Amendments); and 17.53 (Public Hearings) affecting the conduct of public hearings for certain zoning-related matters including conditional use permits and Zoning Code amendments.

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 9th day of April 2018

Deanna Boldrey, Village Clerk

To Be Published On: April 18th and April 25th, 2018

MOTION to Amend Baum second Gray to add Condition #7 that the walkway on the east side of the drop off lane be connected to the pathway on the east side of the property and remove the rest of it.

Discussion followed. Mr. Hitch said they'd move the path toward the public street, so it connects at the same place where the path connects at the street today. The neighbors wishes will be met by removing the asphalt to the north.

MOTION to Amend carried unanimously.

Commissioner Gray said she was opposed to the proposed smaller parking spaces saying its tricky to park in them. Planner Retzlaff explained the current code requires a parking stall size of 180 square feet but does not specify a minimum width. He said what is being proposed isn't really any dramatically inconsistent with what the code currently provides for, but he understands the concern. He said we have made changes to parking space sizes on other projects in the past.

MOTION to Approve as Amended carried unanimously.

Community Development Department – Proposed code Amendments (Zoning Code Public Hearing and Protest Petition Requirement. Planner Retzlaff explained he and the Village Attorney have gotten together to propose a couple changes to the zoning code specifically concerning public hearings and protest provisions in the Zoning Code. He said the existing Zoning Code requires public hearings for certain zoning related matters including, zoning map amendments, zoning code text amendments, conditional use permits, comprehensive plan map and text amendments and tax increment establishment. Wisconsin Statutes require public hearings for such zoning related matters but with regard to the first three does not prescribe any particular body of local government that should hold such meetings that are required. The Village Code does prescribe public hearings to be held before the Village Board for rezonings, text amendments and conditional use permits. The proposed amendment changes the public hearing requirement from the Village Board to the Plan Commission for those 3 items. It will allow the public to share information, opinions and identify issues at the beginning of the review process and allow the Plan Commission to make more informed recommendations to the Village Board. He said its typical of other communities to hold a public hearing before the Plan Commission and not necessarily before public officials. However, we could require a process to require both. Discussion followed.

Chairman Wolter said most communities hold their public hearings before Plan Commission. He mentioned a public hearing for a rezoning for Grace Lutheran church. He explained people lined up at a podium and were put on a 3-minute clock. He said it was handled very well and in an orderly fashion and everyone said what they needed to say. Planner Retzlaff said those procedural details will still need to be worked out. Commissioner Laszewski said people do come to speak during public input when there are certain hot topic issues but thinks a public hearing in front of elected officials is still important, so their concerns are heard. Trustee Baum said the Plan Commission needs to hear the feedback to make a recommendation to the Village Board based on what's been heard. The notification process says there is a vehicle to voice a grievance and we want them to come before Plan Commission, so we can make a recommendation or make changes based on what's been heard.

Chairman Wolter said it's important that Plan Commission hear that input, so it can be used to make a decision or to make changes that are helpful or necessary after hearing their concerns. He said most people that come to a meeting do so because its impacting them directly. He said this board could recommend a second public hearing, but board members are welcome to come to the public hearing as well. It's important for this body to hear it first as its being proposed to use in the decision process.

MOTION Baum second Gray to Approve the amendment as presented to Sections 17.51 and 17.53 of the Germantown Municipal Code relating to Public Hearings and Protest Provisions.

Discussion continued. Commissioner Gray said public comments can be heard at any meeting. Trustee Baum explained surrounding properties within 300 feet would only receive a mailing notice before a public hearing is scheduled. He said the Plan Commission reviews an application and then sends it on to the Village Board where a public hearing is scheduled. Commissioner Laszewski said he liked the 3-minute time limit for public comment.

Planner Retzlaff explained one of the most recent Acts signed into law is Act 243 which contains a provision that repeals the protest petition process. Because this provision affects municipal zoning regulations, the Village Attorney is recommending that the same protest petition provisions found in the zoning code under Section 17.51(7) be repealed in the same manner, effective January 1, 2019, as enacted by the Wisconsin Legislature and signed by the Governor. The proposed Ordinance includes this amendment as well. He explained there is still an opportunity for someone to protest a zoning change at the public hearing but the protest petition provision requiring a super majority vote would be eliminated. Chairman Wolter said a group could still propose a petition during a public hearing for or against a zoning change to show there is a force of people that are in favor or against a certain item, but it wouldn't have the teeth in it that forces a certain vote. Trustee Baum asked if the Village Board could still decide whether to accept a super majority vote if all the neighbors signed a petition and brought it to the Village Board. Planner Retzlaff said he would need to check on that question. He said this is the first of many code amendments that ultimately need to be changed as a result of Acts in the past.

MOTION carried unanimously.

ANNOUNCEMENTS: Planner Retzlaff said there will be a meeting on April 23rd and asked Plan Commission members to start thinking about setting aside the 4th Monday on a regular basis. He said we will begin to embark on our Comprehensive Planning update project and will start things off on the 23rd with some discussion about statute requirements we need to comply with, public participation requirements, and our own preferences how we want to approach the project. He said to think about the key issues we want to address including preserving the rural character of the Village, the highway 41 corridor, the north part of the village and the Holy Hill Road interchange. Trustee Baum said he cannot attend the meeting on the 23rd. Commissioner Shadid is not available on the 4th Monday of the month. Chairman Wolter said he attended the Ace Hardware ribbon cutting this past weekend and said it was nice to see a neighborhood hardware store. Commissioner Gray said she volunteered and sat in at the election.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:39 p.m.

ZONING CODE AMENDMENTS

4/9/18 Plan Commission Meeting

Germantown Community Development Department

Village Planner Report

Germantown, Wisconsin

Summary

The Community Development Department and Village Attorney are proposing amendments to the public hearing and protest provisions in the General Zoning Code (Chapter 17) of the Germantown Municipal Code.

Proposal

The public hearing of certain zoning-related applications, e.g. Zoning Code text amendments, Zoning Code map amendments (a.k.a. “rezonings”), 2020 Comprehensive Plan or “master plan” text and map amendments, and conditional use permits (CUP’s), is required under Wisconsin Statutes (Chapter 62.23). However, the governmental body before which public hearings are to be conducted is not clearly specified. For example, in the case of Zoning Code amendments, the Village Board has the option of requiring a public hearing held before the Village Board or the Plan Commission. In the case of CUP’s, the statutes simply require that a public hearing of a CUP application be held before a final decision is made.

Unlike many other communities in southeastern Wisconsin, the Village of Germantown has historically required all public hearings for zoning-related matters to be held before the Village Board vs. the Plan Commission (as set forth in the Village’s Zoning Code). The usual argument in favor of holding public hearings before the Village Board is/has been that the Village Trustees are the elected officials (vs. Plan Commission members who are appointed) and, as such, need to be both accessible and accountable to the public regarding such matters. Further, because the statutes and/or Village Zoning Code are written to require final approval of zoning-related applications by the Village Board, the Board is the logical body to which the public can/should be able to go to with their concerns and comments before an approval or denial of such matters is rendered.

So why do most other communities hold public hearings before their Plan Commissions? (vs. their Village or Town Boards or City Councils). The usual argument in favor of holding public hearings before the Plan Commission is that most, if not all, zoning-related matters and applications are first presented to the Plan Commission for review and consideration. Notwithstanding the fact that Village Staff is also responsible for conducting an initial review of all applications, the Staff review is usually limited to: determining completeness and compliance with the basic application and procedural requirements (# of copies and contact information); determining compliance with the minimum “prescriptive” or general requirements of the Zoning Code (e.g. parking stall requirements); and finally, determining compliance with any specific requirements of a particular zoning district (e.g. permitted uses, maximum height and building setbacks). While the Staff review also includes recommendations regarding various subjective aspects of a particular application or proposed development plan (e.g. building architecture and materials), the Plan Commission is ultimately responsible for either approving an application or plan (as in the case of a site plan for example), or, making a

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recommendation to the Village Board who, in turn, renders a final decision (as in the case of a rezoning or CUP for example). In either case, most everyone would agree that the Plan Commission should have at their disposal the best information available to render the most informed decision or recommendation possible.

To that end, many would argue that is not possible for the Plan Commission to make the most informed decision or recommendation if the Plan Commission is not given the opportunity to hear from the public as early in the application review process as possible. In most instances, those members of the public who attend and speak at public hearings are usually property owners and other residents who are not only most affected by whatever decision or recommendation is ultimately made, but who are also possibly the most knowledgeable about a particular property or situation given where they live, how long they've lived there, what observations they've made over the years, their relationships with other property owners, etc. Many would argue that it is probably more important to allow (require?) the Plan Commission to hold a public hearing of all zoning-related applications at the beginning of the review process so that members of the public who are likely to be impacted and/or those most knowledgeable of a particular property or situation can share their comments, concerns, observations, experiences and recommendations with the Plan Commission before the Plan Commission renders a decision or recommendation to the Village Board. In so doing, the Plan Commission will likely have a better understanding of the situation at hand, and, be in a better position to ask more specific questions, require more or different information about a particular aspect of an application, property or development proposal.

To be fair, this issue is not new. Over the years Village Staff has brought the public hearing issue forward to previous administrators and trustees to discuss the advantages of holding public hearings of zoning-related matters before the Plan Commission, the Village Board or both. Over the years there have been numerous and sometimes very contentious development proposals and zoning-related decisions that might have been received more positively (or at least deemed to have been made more fairly) by the public if the public hearing process had been more thorough in terms of when and in front of which body the public hearings were conducted. Under the current administration, attempts have been made to enhance public participation beyond the hearing process by conducting additional public meetings, workshops and open houses; all in an effort to solicit public input earlier in the review process than what is called for under the Zoning Code. As a further extension of that effort, the Village President has directed staff and the Village attorney to draft an amendment to the public hearing provisions in the Zoning Code that, at a minimum, require the Plan Commission to conduct public hearings of zoning-related matters (vs. the Village Board). The draft amendment (copy attached) is intended to initiate debate about the merits of doing so and is not intended to necessarily be the final proposal for consideration. It may very well be determined that public hearings of all or only some zoning-related matters need to be conducted by both the Plan Commission AND the Village Board (vs. one or the other).

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Finally, it's important to note that over the last year or so, particularly in the last few weeks, the Wisconsin Legislature has passed several Acts revising existing and creating new laws and regulations that will significantly impact municipal government regulations and decision making.

One of the most recent Acts signed into law is 2017 Act 243. Act 243 contains a provision that, effective on January 1, 2019, repeals in its entirety the zoning amendment "protest petition" process found under Wis. Stat. 62.23(7)(2). Over the last few years, the protest petition process has been used a couple of times in the Village by property owners and other members of the public to clearly express their concern with and objection to various development projects, including the Saxony Village apartment development and the J.W. Speaker industrial expansion development.

Because the elimination of the protest petition provision in the Wis. Stats. affects municipal zoning regulations, the Village Attorney is recommending that the same protest petition provisions found in the Village Zoning Code under Section 17.51(7) be repealed in the same manner (effective January 1, 2019) as enacted by the Wisconsin Legislature and signed by the Governor by Act 243.

NOTE: The Village Attorney and Staff are reviewing all the various Acts passed by the Legislature and will likely be presenting a lengthy list of Village Code amendments in the near future.

ORDINANCE NO. 10-2018

AN ORDINANCE TO AMEND SECTIONS 17.42, 17.51 AND 17.53 OF THE
GERMANTOWN MUNICIPAL CODE RELATING TO PUBLIC HEARINGS
ON AND PROTESTS TO CONDITIONAL USE PERMITS AND
AMENDMENTS TO THE ZONING CODE

WHEREAS, the Village Board previously adopted Chapter 17 of the Municipal Code which adopts certain regulations related to the zoning and land use of lands within the Village; and

WHEREAS, Wis. Stat. § 62.23(7) provides for process relating to zoning of lands; and

WHEREAS, Wis. Stat. § 62.23(7) authorizes the Village Board to designate the plan commission as the body that holds public hearings on amendments to the zoning code; and

WHEREAS, following the consideration recent developments it is clear that the plan commission will benefit from being the body that holds the public hearing on changes and amendments to the zoning code; and

WHEREAS, 2017 Wis. Act 243, eliminates the protest provisions within § 62.23(7) effective January 1, 2019;

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

SECTION I

Section 17.42 of the Germantown Municipal Code is hereby amended to read as follows (NOTE: additions are underlined, deleted text is ~~struck through~~):

17.42 - CONDITIONAL USES.

- (1) PERMITS. The Village Board may authorize the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and related structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.
- (2) APPLICATION. Applications for conditional use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator or designated employees and shall include the following:

- (a) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record within 300 feet.
 - (b) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.
 - (c) Plat of survey prepared by a registered land surveyor showing all of the information required under section 17.07(5) of this chapter for a building permit as well as the following: mean and historic high water lines and floodlands on or within 40 feet of the subject premises and existing and proposed landscaping.
 - (d) Additional information as may be required by the Plan Commission, Village Engineer, Zoning Administrator or Building Inspector.
- (3) HEARINGS AND REVIEW. The Plan Commission shall hold a public hearing on a conditional use permit application and shall give notice as specified in section 17.53 of this chapter. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or park requirements may be recommended by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- (4) VILLAGE BOARD ACTION. After ~~holding a public hearing, as provided in section 17.53 of this chapter, and after~~ careful consideration of the recommendation of the Plan Commission, the Village Board may grant the conditional use permit as applied for, grant the conditional use permit with conditions deemed appropriate by the Board, or deny the permit. Compliance with all other provisions of this chapter such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses. Variances shall only be granted as provided in section 17.52 of this chapter.
- (5) RECORDATION. When a conditional use is approved, an appropriate record shall be made of the land use and building permits and such conditional use shall be applicable solely to the structures, use and property so described.
- (6) PERMIT LAPSES.
- (a) Except under the following conditions, if substantial construction or other activities necessary to implement a use authorized by a conditional use permit and/or the use has not commenced within 12 months from the date approval is granted by the Village Board, and, continue toward completion

in accordance with the proposed/approved timeframe, or, if said construction or use has commenced but subsequently is stopped or abandoned for a period of 12 consecutive or cumulative months, the conditional use permit shall be deemed to have lapsed and all other Village permits and/or approvals granted subsequent to such conditional use permit approval shall expire and be null and void.

1. An extension has been granted pursuant to section 17.42(8); or
 2. Different project-specific commencement and/or completion deadlines and timeframes have been established as a condition of approval in the conditional use permit.
- (b) If a conditional use permit has lapsed and the applicant/property owner submits an application to renew a conditional use permit for the same use, the Village Board may approve the permit as was originally approved, or, may require revisions to and/or additional conditions of approval as deemed necessary.
- (7) **TERMINATION.** In the event that a permitted conditional use subsequently does not conform to the conditions of the original permit granted, the conditional use permit shall be terminated by action of the Village Board after a public hearing and may be considered by the Board as a violation of this chapter.
- (8) **EXTENSION OF DEADLINE FOR COMMENCEMENT OR COMPLETION.** At its discretion, for good cause and following consideration of a written request by the applicant/property owner, the Village Board may grant one or more extensions of the deadline to commence, complete or continue the use for which a conditional use permit was granted. The duration of each extension shall be determined by the Village Board but shall not exceed 12 months.
- (9) **EXPERIENCE-BASED MODIFICATIONS.** Where an approved conditional use falls out of conformity with the conditions of the original approval, 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 ameliorate or eliminate harmful effects associated with the conditional 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 modified by the Village Board by the amendment or additions of conditions after public hearing thereon.

SECTION II

Section 17.51 of the Germantown Municipal Code is hereby amended to read as follows
(NOTE: additions are underlined, deleted text is ~~struck through~~):

17.51 - CHANGES AND AMENDMENTS.

- (1) **AUTHORITY.** Whenever the public necessity, convenience or general welfare or good zoning practice require, the Village Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be submitted to the Plan Commission for review and recommendation.
- (2) **INITIATION.** A change or amendment may be initiated by the Village Board or the Plan Commission or by a petition of one or more of the owners of property within the area proposed to be changed.
- (3) **PETITIONS.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Planner, describe the premises to be rezoned by a metes and bounds description or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:
 - (a) Plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
 - (b) Owners' names and addresses of all properties lying within 300 feet of the area proposed to be rezoned.
 - (c) Additional information required by the Plan Commission or the Village Board.
- (4) **HEARINGS AND RECOMMENDATIONS.** The Plan Commission shall hold a public hearing on the proposed changes and amendments and shall give notice as specified in section 17.53 of this chapter. The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall provide the Village Board with a recommendation and report as to whether recommend that the petition be granted as requested, modified or denied. The recommendation and report shall be made in writing to the Village Board. The Plan Commission shall make its recommendation within 30 days of the referral unless such time is extended by the Village Board. If the Village Board does not receive recommendations and a report from the Plan Commission within 60 days of submitting the proposed amendments, the Village Board may hold hearings without first receiving the recommendations and report.
- (5) ~~HEARINGS. The Village Board shall hold a public hearing upon each recommendation and shall give notice, as specified in section 17.53 of this chapter. [DELETED]~~
- (6) **VILLAGE BOARD ACTION.** Following such hearing and after careful consideration of the Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.
- (7) **PROTEST.** In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged either by the owners of 20% or more of the areas of the

land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent to the land included in the proposed change, or by the owners of 20% or more of land extending 100 feet from the street frontage of such opposite land, such a change or amendment shall not become effective except by the favorable vote of $\frac{3}{4}$ of the full Village Board.

SECTION III

Section 17.51(7) of the Municipal Code is hereby repealed in its entirety.

SECTION IV

Section 17.53 of the Germantown Municipal Code is hereby amended to read as follows (NOTE: additions are underlined, deleted text is ~~struck through~~):

17.53 - PUBLIC HEARINGS.

Notice of any public hearing which the Village Board, the Plan Commission or the Board of Zoning Appeals is required to hold under the terms of this chapter shall specify the date, time and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be published in a newspaper of general circulation at least once each week for 2 consecutive weeks and the hearing shall not be held until at least 7 days following the last publication. The Village Clerk shall also give at least 10 days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed action. In the case of a proposed amendment to the zoning code which will have the effect of changing the allowable use of any property within the Village, the notice shall include either a map showing the property affected by the amendments or a description of the property affected by the amendments and a statement that a map may be obtained at Village Hall.

SECTION V

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 VI

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

SECTION VII

This ordinance shall take effect and be in full force on upon its passage and the day after publication except that Sections I, II and III shall first become effective on January 1, 2019.

Introduced by Trustee:

Adopted:

Vote: Ayes:

Nays:

Absent:

Dean Wolter, Village President

ATTEST:

Approved as to form:

Brian C. Sajdak, Village Attorney

ORDINANCE NO. 11 -2018

AN ORDINANCE TO AMEND SECTIONS 9.041, 9.042, AND 9.043
OF THE GERMANTOWN MUNICIPAL CODE RELATING TO THE
USE, POSSESSION AND SALE OF NICOTINE AND VAPOR PRODUCTS

WHEREAS, the Village Board previously adopted Chapter 9 of the Municipal Code which includes certain regulations related to the use of cigarettes and tobacco products within the Village; and

WHEREAS, there has been a proliferation of alternative nicotine and vapor products that possess the same health concerns as cigarettes and other tobacco products, but which do not meet the definitions of those terms; and

WHEREAS, the Village Board wishes to regulate the use, possession and sale of nicotine and vapor products within the Village; and

WHEREAS, the regulation of use, possession and sale of nicotine and vapor products 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 9.041 of the Germantown Municipal Code is hereby amended to read as follows (NOTE: additions are underlined, deleted text is ~~struck through~~):

9.041 USE OF CIGARETTES, AND TOBACCO, NICOTINE AND VAPOR
PRODUCTS.

(1) **DEFINITIONS.** The terms used herein shall be defined as follows:

- (a) Cigarette. The meaning given in §139.30(1), Wis. Stats.
- (b) Law Enforcement Officer. The meaning given in §30.50(4s), Wis. Stats.
- (c) Tobacco Products. The meaning given in §139.75(12), Wis. Stats.
- (d) Smoking. The meaning given in §101.123(1)(h), Wis. Stats.
- (e) Nicotine Products. The meaning given in §134.66(1)(f), Wis. Stats.
- (f) Vapor Products. Shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or

size, that can be used to produce a vapor in a solution or other form including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor products" shall include any vapor cartridge, solution, or other container, that may or may not contain nicotine, that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

- (2) **PROHIBITED.** Except as provided in subsection (3) below, no person under 18 years of age may do any of the following:
- (a) Buy or attempt to buy any cigarette, Tobacco, Nicotine or Vapor Products ~~or tobacco product~~.
 - (b) Falsely represent his or her age for the purpose of receiving any cigarette, Tobacco, Nicotine or Vapor Products ~~or tobacco products~~.
 - (c) Possess any cigarette, Tobacco, Nicotine or Vapor Products ~~or tobacco product~~.
- (3) **EXCEPTIONS.** A person under 18 years of age may purchase cigarettes, Tobacco, Nicotine or Vapor Products ~~or tobacco products~~ for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under §134.65(1), Wis. Stats.
- (4) **ENFORCEMENT.** A law enforcement officer shall seize any cigarette, Tobacco, Nicotine or Vapor Products ~~or tobacco product~~ involved in any violation of subsection (2) above committed in his presence.
- (5) **AUTHORITY.** This section is adopted pursuant to § 254.92(4) ~~938.983~~, Wis. Stats.

SECTION II

Section 9.042 of the Germantown Municipal Code is hereby amended to read as follows (NOTE: additions are underlined, deleted text is ~~struck through~~):

9.042 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES, ~~OR~~ TOBACCO, NICOTINE OR VAPOR PRODUCTS

- (1) **DEFINITIONS.** The definitions set forth in §134.66(1), Wis. Stats., and Sec. 9.041(1) are hereby adopted by reference and made a part hereof.
- (2) **RESTRICTIONS.**
- (a) ~~{Age Restriction; Liability.}~~ No retailer may sell or give cigarettes, Tobacco, Nicotine or Vapor Products ~~or tobacco products~~ to any person under the age of 18, except as provided in § ~~938.983(3)~~ 254.92(2)(a),

Wis. Stats. A vending machine operator is not liable under this paragraph for the purchase of cigarettes, Tobacco, Nicotine or Vapor Products ~~or tobacco products~~ from his vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

(b) ~~Posting of Signs and Notices.~~

1. A retailer shall post a sign in areas within his premises where cigarettes, Tobacco, Nicotine or Vapor Products ~~or tobacco products~~ are sold to consumers stating that the sale of any cigarette, Tobacco, Nicotine or Vapor Products ~~or tobacco product~~ to a person under the age of 18 is unlawful under this section and ~~§938.983~~§254.92, Wis. Stats.
2. A vending machine operator shall attach a notice in a conspicuous place on the front of his vending machines stating that the purchase of any cigarette, Tobacco, Nicotine or Vapor Products ~~or tobacco product~~ by a person under the age of 18 is unlawful under this section and §938.983§254.92, Wis. Stats., ~~and that the purchaser is subject to a forfeiture not to exceed \$25.00.~~

(c) ~~Location and Control of Vending Machines.~~

1. Except as provided in paragraph (d) below, no retailer may keep a vending machine in any public place that is open to persons under the age of 18 unless all of the following apply:
 - a. The vending machine is in a place where it is ordinarily in the immediate vicinity, plain view and control of an employee.
 - b. The vending machine is in a place where it is inaccessible to the public when the premises are closed.
2. The person who ultimately controls, governs or directs the activities within the premises where the vending machine is located shall ensure that an employee of the retailer remains in the immediate vicinity, plain view and control of the vending machine whenever the premises are open.

(d) ~~Location of Vending Machines to Proximity of Schools.~~

1. No person may place a vending machine within 500 feet of a school.
2. Except as provided in subparagraph 3., below, a vending machine operator shall remove all of his vending machines which are located within 500 feet of a school by September 1, 1989.
3. Notwithstanding subparagraph 2., above, if a written agreement binding on a vending machine operator governs the location of his vending machine which is located within 500 feet of a school, the vending machine owner shall remove the vending machine on the

date that the written agreement expires or would be extended or renewed.

- (e) ~~{Providing to Persons Under 18. }~~ No manufacturer, distributor, jobber, sub-jobber or retailer, or their employees or agents, may provide cigarettes, Tobacco, Nicotine or Vapor Products ~~or tobacco products~~ for nominal or no consideration to any person under the age of 18.
- (f) ~~{Stamp Required. }~~ No retailer may sell cigarettes in a form other than as a package or container on which a stamp is affixed under §139.32(1), Wis. Stats.

(3) **DEFENSE OF RETAILER.** Proof of all of the following facts by a retailer who sells cigarettes, Tobacco, Nicotine or Vapor Products ~~or tobacco products~~ to a person under the age of 18 is a defense to any prosecution for a violation of subsection (2) above:

- (a) That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card.
- (b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.
- (c) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

(4) **PENALTIES.**

- (a) 1. In this subsection, "violation" means a violation of subsection (2)(a), (c), (d), (e), or (f) above.
- 2. A person who commits a violation is subject to a forfeiture of:
 - a. Not more than \$500.00 if the person has not committed a previous violation within 12 months of the violation; or
 - b. Not less than \$200.00 nor more than \$500.00 if the person has committed a previous violation within 12 months of the violation.
- 3. A court shall suspend any license or permit issued under §134.65, 139.34 or 139.79, Wis. Stats., to a person for:
 - a. Not more than 3 days if the court finds that the person committed a violation within 12 months after committing one previous violation; or
 - b. Not less than 3 days nor more than 10 days if the court finds that the person committed a violation within 12 months after committing 2 other violations; or

- c. Not less than 15 days nor more than 30 days if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.
- 4. The court shall promptly mail notice of a suspension under subparagraph 3., above, to the Department of Revenue and to the clerk of each municipality which has issued a license or permit to the person.
- (b) Whoever violates subsection (2)(b) above, shall forfeit not more than \$25.00.
- (5) **AUTHORITY.** This section is adopted pursuant to §134.66, Wis. Stats.

SECTION III

Section 9.043 of the Germantown Municipal Code is hereby amended to read as follows (NOTE: additions are underlined, deleted text is ~~struck through~~):

9.043 USE OF TOBACCO, NICOTINE OR VAPOR PRODUCTS ON SCHOOL PREMISES.

- (1) **PROHIBITED.** Pursuant to §120.12(20), Wis. Stats., no person shall use any Tobacco, Nicotine or Vapor Products ~~tobacco product~~ on any property of the Germantown School District.
- (2) **DEFINITIONS.** For the purpose of this section, the following definitions shall be used:
 - (a) Use Any Tobacco Product Tobacco, Nicotine or Vapor Products. Smoke or possess a lighted cigar, cigarette or pipe, or place any Tobacco, Nicotine or Vapor Products ~~tobacco product~~ in one's mouth.
 - (b) Property of the Germantown School District . All buildings and grounds and school buses within the Village owned, leased or rented by the Germantown School District, including any vehicle located on School District grounds.
 - (c) The definitions set forth in Sec. 9.041(1) are hereby adopted by reference and made a part hereof.
- (3) **PENALTY.** Any person who shall violate subsection (1) above shall be subject to a penalty as provided in section 25.04 of this Code.

SECTION IV

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 V:

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

SECTION VI:

This ordinance shall take effect and be in full force on upon its passage and the day after publication except that Section II shall first become effective on January 1, 2019.

Introduced by Trustee:

Adopted:

Vote: Ayes:

Nays:

Absent:

Dean Wolter, Village President

ATTEST:

Deanna Boldrey

Approved as to form:

Brian C. Sajdak, Village Attorney