

MEETING: REGULAR MEETING OF THE PLAN COMMISSION
DATE & TIME: Monday, July 8, 2024 at 6:30 PM
LOCATION: Germantown Village Hall Board Room
N112 W17001 Mequon Road

Any member of the body and/or citizen also attend the meeting virtually through the WebEx platform, Meeting #: **2553 216 2843** Password: **qRNIkJrY345** which can be accessed by phone at **408-418-9388** or by logging on at <https://villageofgermantown.my.webex.com/villageofgermantown.my/j.php?MTID=m3e60c9657945a5ad89155bdbfd3c356f>

Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to comments@germantownwi.gov by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration.

Previously recorded Village Board Meeting Videos can be viewed at https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ.

AGENDA

- 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. **APPROVAL OF MINUTES:**
 - A. PC Minutes 6-10-24
- IV. **NEW BUSINESS:**
 - A. Pinno Construction, Agent for Stephen and Daniel Grunewald, Property Owners W124N13423 Wasaukee Road. Conditional Use Permit (CUP) for a Mother-In-Law Suite. (PUBLIC HEARING & ACTION)
 - B. Monches Engineering, Agent for Store Master Funding XIII LLC, Property Owner and Systems LLC - W194N11481 McCormick Drive. Site Plan Review for a 24-Stall Parking Lot Expansion. (ACTION)
 - C. Joey and Angela Carini, Property Owners W143N9638 Amber Drive. Zoning Permit for Fence in a Village Storm Sewer Easement. (ACTION)
 - D. Neal Pisarski, Property Owner W156N10864 Deacons Court. Zoning Permit for Fence in a Village Storm Sewer Easement. (ACTION)
 - E. Kwik Trip (KT Real Estate Holdings), Agent for Ben Venue Properties-Germantown LLC, Property Owner, W188 N11762 Maple Road (former PNC Bank). Site Plan Consultation for the Proposed Kwik Trip Convenience Store Re-location from W188 N10963 Maple Road (DISCUSSION)
- V. **CITIZEN INPUT/PUBLIC APPEARANCE:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.)*
- VI. **ANNOUNCEMENTS:**
- VII. **ADJOURNMENT:**

PLAN COMMISSION AGENDA

July 8, 2024

Page 2

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)250-4745 at least 2 days prior to the meeting. Notice is given that a majority of the Village Board may attend this meeting to gather information about an item over which they have decision-making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v Greendale Village Board, even though the Village Board will not take formal action at this meeting.

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, June 10, 2024 6:30 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

- 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.*
Chairman Wolter called the meeting to order at 6:30pm.

- II. **ROLL CALL:**
Chairman Wolter, Trustee Baum and Commissioners Tarantino, Williams and Henk were all present. Commissioner Shadid was absent/excused and Frank Lord was absent. Also present were Community Development Director Retzlaff and Associate Planner Yanke.

- III. **APPROVAL OF MINUTES:**

A. May 13, 2024

Motion: Approve as presented

Motioned By: David Baum

Seconded By: Josh Tarantino

Motion: Amend Minutes to correct Commissioner Henk's name

Yes: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, Bridget Henk

No: None

Abstain: None

Motion Passed

- IV. **NEW BUSINESS:**

- A. Mark Brooks, Agent for Das Barrel Room Tavern & Grill, and Doctors LLC, Property Owner of W201 N10466 Appleton Avenue. Site Plan Review of a 14-stall, off-site parking lot expansion (ACTION; TABLED from October 9, 2023 & March 11th, 2024)

Director Retzlaff stated that there are 2 parcels owned by Doctors LLC and operated by Mark Brooks for Das Barrel Room. He reviewed the history regarding CUP Amendments to expand the parking for the business to the adjacent parcel with multiple options. And stated that we are here to review a finely tuned Option 1 Site Plan from those previous submissions, that includes the paved parking area of 14 stalls, the vegetation buffer around the perimeter as well as a post & rope fence as a barrier to contain the parking area. Staff recommendation is to approve the Site Plan (Revised Option 1) with 4 conditions.

Motion: Approve as presented with discussion and 4 conditions

Motioned By: David Baum

Seconded By: Bridget Henk

Discussion Followed. Director Retzlaff stated that if this area is approved and roped off as instructed, it still will not meet the demand for parking for music events at the locale. The CUP would probably need to be amended again to include parking in the BP parking lot across the street, and we would have to evaluate issues such as safety with the crossing of Hwy 175 by patrons. Committee Member Henk stated that with 50 total parking stalls there has to be 2 ADA parking stalls. Mr. Brooks verbally agreed to add (1) one more ADA parking stall on the west side of the building.

APPROVE the Site Plan for a 4,948 sqft expansion of the existing off-site parking area located on the 2.1-acre parcel adjacent to the Das Barrel Room bar/restaurant located at W201N10466 Appleton Avenue pursuant to the conditions of approval in Conditional Use Permit #13-2019 subject to the following amendments to the adopted conditions:

1. This approval is for the plan sheet(s) noted below and is subject to compliance with all the conditions and requirements set forth herein and other conditions subsequently adopted and/or revisions required by the Plan Commission:
 - a. Civil Engineering sheet #1 dated 5/2/2024
2. In cooperation with Village Staff, the operator/owner of the Das Barrel Room property shall appear before the Plan Commission after the outdoor event season in 2024 but not later than March 1, 2025, to discuss adequacy of the new off-site parking area, the post and rope fence in terms of deterring/prohibiting parking beyond the paved parking areas, and the overall parking situation for the Das Barrel Room operation.
3. The post and rope fence shall be installed as proposed except that the maximum spacing between posts shall be six (6) feet and extended to include the north side of the (12) parking stalls in the existing paved parking area and along the east side of the driveway connecting the two parking areas.
4. The operator/owner shall obtain an erosion control permit from the Village prior to commencing construction and/or restoration activities associated with the new 14-stall off-site parking area.

Yes: Dean Wolter, David Baum, Josh Tarantino, Bridget Henk

No: Robert Williams

Abstain: None

Motion (Yes 4, No 1, Abstained 0)

- B. Crew Carwash, Property Owner - N96 W17500 County Line Road. Sign Review for a new Crew Carwash facility. (ACTION)

Director Retzlaff reviewed the sign package for the new Crew Carwash. Staff indicates this package is code compliant and recommend:

APPROVAL of the proposed monument, wall, directional and face replacement signs for the new 4,512 sqft carwash facility located at N96 W17500 County Line Road subject to the following conditions:

1. An electrical permit is required for all electrical installations or modifications prior to installation of all signs requiring electrical service. Contact Inspection Services staff (SAFEBuilt) for code and permit application requirements.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: Josh Tarantino

Yes: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, Bridget Henk

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

- C. Innovative Signs, Inc. Agent for TDC Willow Creek LLC, Property Owner - N102W19200 Willow Creek Way. Sign Review for Diamond Vogel (ACTION)

Associate Planner Yanke stated that Diamond Vogel is a new tenant in the Willow Creek Business Park and is requesting approval of 1 new wall sign as proposed by the application photos presented. The sign faces SW and is roughly 81.5 sqft. It complies with code and will be illuminated at night. Staff recommends:

APPROVAL of the proposed wall sign for Diamond Vogel located at N102W19200 Willow Creek Way, subject to the following conditions:

1. Applicant/owner shall obtain an electrical permit from building inspection services for the sign installation.
2. Prior to permit issuance and the sign installation, applicant/owner shall obtain written approval from the Willow Creek Business Park Review Board for the sign, as specified in the Declaration of Protective Covenants Section 5.11 applicable to the subject property (Recorded Document No. 1439286).

Motion: Approve with 2 conditions as presented

Motioned By: David Baum

Seconded By: Josh Tarantino

Yes: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, Bridget Henk

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

- D. Briohn Building Corp. Agent for Green Bay Packaging, Inc. Property Owner - NE Quadrant Holy Hill Road / Highway 41. Certified Survey Map (CSM) application to combine (3) parcels into one for construction of a new 270,000 sqft light manufacturing/office facility. (ACTION)

Associate Planner Yanke stated that this site was rezoned to M1 and this CSM would combine 3 parcels into 1 for construction of the new facility for Green Bay Packaging. The land use plan change and rezone was approved for this site in 2023 to support the new facility and the site plan was approved in 2024.

APPROVAL of the proposed 1-lot Certified Survey Map (CSM) for the Green Bay Packaging property located at N128W21600 Holy Hill Road in the Holy Hill Gateway District, subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor (see May 17, 2024, memo from Burt Naumann, GRAEF) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. All technical issues and corrections identified by the Village Surveyor (see May 20, 2024, memo from Bob Beilfuss, Point Land Surveying and Mapping) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.

Motion: Approve with 2 conditions as presented

Motioned By: David Baum

Seconded By: Josh Tarantino

Yes: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, Bridget Henk

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

- E. Briohn Building Corp. Agent for Goldendale Road IV, LLC Property Owner - N206W12880 Gateway Court. Certified Survey Map (CSM) for a property line adjustment to accommodate expansion of the Golden Pet Manufacturing facility. (ACTION)

Associate Planner Yanke stated that this proposal is to adjust the property line 10' north to accommodate the expansion of the Golden Pet Manufacturing facility. The movement of the property to 10' north would accommodate the expansion to meet an International Building Code (IBC) setback requirement.

APPROVAL of the proposed 2-lot Certified Survey Map (CSM) for the Golden Pet Manufacturing and Kapco Metal Stamping properties located at W206N12880 Gatewood Court and W204N13035 Goldendale Road subject to the following condition:

1. All technical issues and corrections identified by the Village Surveyor (see April 26, 2024, memo from Burt Naumann, GRAEF) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.

Motion: Approve CSM as presented with 1 condition as presented

Motioned By: David Baum

Seconded By: Robert Williams

Yes: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, Bridget Henk

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

- F. Keller Inc., Agent for Orange Blossom LLC, Property Owner of David J. Frank Landscaping - N120 W21350 Freistadt Road. Site Plan Review applications for a 5,200 sqft corporate office building addition, a 1,552 sqft Landscape Maintenance Division (LMD) office building, and Sign Permit application for wall and monument signs. (ACTION)

Director Retzlaff stated that David J Frank Landscaping is in the midst of expanding and making improvements to their property. He went over the background of the project and stated that an office addition, maintenance building, wall and monument

signs and a green roof are all proposed in the detailed plans. The buildings will have stone veneer. The green roof is an interesting addition with Hwy 41 nearby to see activity on the roof. The sign is double-sided and visible from the highway, as well as a new monument sign at Freistadt Road. Staff review included encroachment of the parking lot onto Hwy 41 right-of-way, so it would need approval from the DOT. He believes the DOT will reissue an irrevocable occupancy agreement that will have to be resolved before the sign can be constructed. We are waiting for confirmation from the Village Engineer that the Stormwater pond maintenance agreement is in place and that the ponds are suitable to handle the minimum water containment for the site. The areas that are proposed to be paved are already compacted gravel, so there shouldn't be a significant increase in runoff. Staff recommendation is:

APPROVAL of the site development and building plans for the proposed 5,250 sqft office building addition and new 1,550 sqft landscape maintenance division (LMD) office building for the DJ Frank landscape contracting services operation located at N120W21350 Freistadt Road subject to the following conditions:

This approval is for the proposed corporate office building addition and landscape maintenance division (LMD) building and site areas immediately adjacent to said buildings as shown on the following plans. Approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless superseded by subsequent plan sheets approved by the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission:

1. Corporate Office Building Addition
 1. Architectural plan set w/ revised date March 11, 2024
 2. Civil Engineering plan set w/ revised date March 11, 2024
 3. Exterior lighting plan set dated March 11, 2024
 4. Landscape plan set dated March 11, 2024
2. Landscape Maintenance Division (LMD) Building
 1. Architectural plan set w/ revised date March 7, 2024
 2. Civil Engineering plan set w/ revised date March 11, 2024
 3. Exterior lighting plan set dated March 11, 2024
 4. Landscape plan set dated March 11, 2024
3. All landscaping, grading, paving, storm water management, utility and other improvements shown on the approved plans shall be installed as approved prior to issuance of an occupancy permit for the building addition unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.
4. The Property Owner shall provide verification from Washington County that the existing on-site sanitary system (i.e. holding tanks) is adequate to handle the potential increase in loading expected because of the office addition and LMD office construction. Said verification shall be provided to the Community Development Department prior to issuing building permits for the corporate office building addition and LMD building.
5. No improvement to the existing gravel parking area located south of the corporate office building that encroaches onto the US41 right-of-way shall

- commence until the Property Owner has provided documentation to the Community Development Department from the WisDOT authorizing the use of and improvements to said parking area located on US41 right-of-way (e.g. encroachment agreement, revocable occupancy agreement, etc.).
6. The Property Owner and engineer shall coordinate with the Village Engineer to provide all storm water management plan and/or analysis documentation necessary to verify that the existing storm water facilities on the DJ Frank property meet the current Village of Germantown, MMSD and other applicable standards and are sufficient to accommodate the amount of additional storm water run-off associated with the proposed corporate office building addition, landscape maintenance division (LMD) building construction, and associated pavement improvements on the property. Said verification shall be reviewed and approved by the Village Engineer prior to issuing building permits for the corporate office building addition and LMD building.
 7. The landscaping plan shall be revised to meet the Village's code requirements as set forth below:
 1. Page L1.0. Per municipal code 17.43(c). Interior parking lot landscaping shall include (one) 2" caliper tree for every ten parking spaces.
 2. Page L1.0. Per municipal code 17.43(c). Parking lot landscaping of perimeter with plantings around the parking lot for screening from adjacent properties.

Said plan revisions shall be submitted to the Community Development Department and Village Forester for review and approval prior to issuing occupancy for the corporate office building addition.

Motion: Approve as presented with 6 conditions. We are not approving floor plans at this time.

Motioned By: David Baum

Seconded By: Josh Tarantino

Yes: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, Bridget Henk

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

APPROVAL of the proposed wall, building entrance and monument signs for the DJ Frank landscape contracting services operation located at N120W21350 Freistadt Road subject to the following conditions:

1. This approval is for the proposed wall and monument signage as shown on the following plans. Approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless superseded by subsequent plan sheets approved by the Village Planner or Engineer pursuant to revisions required herein and/or by the Plan Commission:
 1. Conceptual Design Sign package by Appleton Sign dated November 28, 2023
2. The monument sign base is required to be constructed of a masonry material that matches or is complimentary to the exterior wall material of the primary building on the property and not aluminum as proposed. A revised sign plan

sheet indicating a code compliant material will be used shall be submitted for review and approval to the Community Development Department prior to issuance of any building or electrical permit for the monument sign.

3. The monument sign proposed to be installed on US41 right-of-way at the driveway entrance on Freistadt Road shall not be installed and no building or electrical permits issued until the Property Owner has provided documentation to the Community Development Department from the WisDOT authorizing installation of the monument sign on the US41 right-of-way (e.g. encroachment agreement, revocable occupancy agreement, etc.).

Motion: Approve Signs with 3 conditions as presented

Motioned By: David Baum

Seconded By: Josh Tarantino

Yes: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, Bridget Henk

No: None

Abstain: None

Motion Passed

- G. Sunstarr Real Estate Ventures LLC, Agent for Christian Life Center, Inc., Property Owner - Site Plan consultation for a 68-unit multi-family residential development (CONSULTATION)

Discussion only. Director Retzlaff stated that this consultation was to present the intentions of Sunstarr for the property owned by Christian Life Inc. at Fond du Lac Avenue & Crimson Road. He gave some background, described surrounding properties and stated that the zoning is currently institutional. Sunstarr is proposing a development with a total of 68 multifamily units, each with a private entry and 1 car attached garage. The density would be just under 10 units per acre. This is a corridor that does allow multifamily development with that density. There would be perimeter landscaping and an onsite stormwater pond, as well as an open/activity space in the center. They do not propose extending Crimson Road and would vacate the right-of-way on the south side of the property. A rezoning would be required to change the property to RM-3 and site & building plans would be required. Staff does not support not extending Crimson Road, but residents were against that happening in the past. Trustee Baum liked the plan compared to others in the past and agrees with the vacating of Crimson Road, but was concerned with the design that funnels all traffic on a circuitous route going through the center, which was described as more for esthetics than activities, i.e. a pergola. Commissioner Henk also disliked the circulation of the site. Trustee Baum stated concern about families with children living there that could possibly overload the school system. Commissioner Williams asked about the price point for the units: \$1700-\$2200 with full rentals, no ownership. Chairman Wolters expressed concern about only having (1) one access via Fond du Lac Avenue into the facility with roughly 140 resident vehicles. Trustee Baum also suggested a potential temporary gravel access route be added in case of the need for multiple rescue vehicles being dispatched to the area. Commissioner Tarantino brought up the potential that residents will park alongside the parking lot and in front of the garages which they will use for storage instead of parking vehicles, which would cause further congestion. He feels this plan is way too constrictive with both ends shut off and with the potential for snowpiles in winter making it even worse.

Director Retzlaff stated that the need for the extension of Crimson Road would be to provide enhanced circulation for traffic in the area. But if the development of Crimson

Road is important to the Village, we will need to decide if it's important enough to pay for the road ourselves. Because developers will continue to pull out if they are also required to construct Crimson Road. He also recommended moving the building corners closest to the west property line further into the site with more landscaping along the property line to buffer the adjacent single-family subdivision.

V. CITIZEN INPUT/PUBLIC APPEARANCE: *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.)*

Melanie Smythe, who lives on Cedar Lane, spoke regarding the history of the 2050 plan and feels it is incomplete.

Jason Giguere who lives on Appleton Avenue spoke negatively about the Das Barrel Room parking issue.

Scott Hefle who lives on Old Farm Road spoke negatively regarding the Crimson Road Consultation and discussion about the property to the south.

Jan Miller who lives on Windsong Cir. W spoke negatively about cookie cutter developments and would like a lot more citizen input.

Joey Carini, who lives on Amber Drive spoke negatively about the Crimson Road multifamily development.

VI. ANNOUNCEMENTS:

Chairman Wolter announced the upcoming 4th of July festivities. The parade starts at 4pm with food, drink, kids' activities, a band and fireworks at 9pm, which will close the day's festivities. Please consider volunteering.

VII. ADJOURNMENT:

Chairman Wolter adjourned the meeting at 8:20pm.

CONDITIONAL USE PERMIT

07/08/24 Plan Commission Meeting

Pinno Construction / Steve & Dan Grunewald

Village Staff Report

Germantown, Wisconsin

Summary

Pinno Construction, agent for Steve & Dan Grunewald, property owners of a 13-acre parcel, is requesting a Conditional Use Permit in order to construct a “mother-in-law suite” accessory dwelling unit as part of a planned addition to an existing single-family dwelling located at W124 N13423 Wasaukee Road.

Property Location: W124 N13423 Wasaukee Road

**Property Owner/
Applicant:**

Rich Zimpel
Pinno Construction
N5877 Palmer Road
Rosendale, WI 54974

Steve & Dan Grunewald
W124 N13423 Wasaukee Road
Germantown, WI 53022

Existing Zoning: A-2: Agricultural

Adjacent Land Uses		Zoning
North	Agricultural/Residential	A-2/Rs-3
South	Agricultural	A-1
East	Residential (Mequon)	N/A
West	Agricultural	A-2



Proposal

Pinno Construction, agent for Steve and Dan Grunewald, property owners of a 13-acre parcel, is requesting a Conditional Use Permit in order to construct a "mother-in-law suite" (hereafter "MILS") accessory dwelling unit as part of a planned addition to an existing single-family dwelling located at W124 N13423 Wasaukee Road.

The existing dwelling is a one-story building with approximately 1,875 square feet of living space prior to construction. Steve and Dan Grunewald are proposing to construct a 1,255 square foot (living space) addition and basement of 563 square feet onto the northern side of the dwelling. The resulting square footage of the dwelling will be 3,693 (3,130 living, 563 basement) with the MILS being 1,255 of the total. The MILS will be connected internally and externally to the principal dwelling, and the entrance to both the primary dwelling and MILS will continue to be the main entry into the dwelling.

According to the application, the MILS will include two bedrooms, kitchenette, and ADA shower. The MILS is intended for occupancy by Steve and Dan's parents.

Staff Analysis

As provided in the Zoning Code, a single-family dwelling may include a "mother-in-law suite" as a separate and accessory dwelling unit provided it meets the minimum requirements established under Section 17.08(51a) therein:

DWELLING, SINGLE-FAMILY. (Am. Ord. #12-08) A detached building designed, arranged, used for and occupied by one family. A single-family dwelling may include a "mother-in-law suite" as provided for and defined herein subject to the granting of a conditional use permit by the Village Board.

MOTHER-IN-LAW SUITE. (Cr. Ord. #12-08) One or more rooms within the principal dwelling that are designed, arranged, and occupied by one or more members of the same family occupying the principal dwelling provided that such rooms do not constitute a separate dwelling unit. Further, for purposes of this provision, and unless otherwise provided for as a condition of approval in a conditional use permit, a "mother-in-law suite" shall meet the following minimum requirements and limitations:

- a. The "mother-in-law suite" cannot have a separate entry arranged so as to be used as the principal and exclusive means of access to the "mother-in-law" suite;*
- b. The "mother-in-law suite" must share the main entry that provides the principal means of access to the principal dwelling;*
- c. The "mother-in-law suite" can have separate rooms within the single-family dwelling such as a living room, bedroom, bathroom, kitchen and laundry room but shall also have one or more rooms or areas that are shared in common with the principal dwelling;*
- d. The "mother-in-law suite" cannot be used or occupied by a non-family member or for rental purposes;*
- e. The "mother-in-law suite" cannot be served by a separate electric, water or other utility connection or meter;*
- f. The "mother-in-law suite" cannot have a separate mailing address;*
- g. The owner of the single-family dwelling must live in the principal dwelling;*
- h. The "mother-in-law suite" cannot occupy more than 50% of the total dwelling unit*

floor area;

- i. The principal dwelling cannot be constructed or modified such that the scale or appearance is different than a typical and customary dwelling or the single-family dwellings on surrounding properties;*
- j. Additional restrictions and/or limitations may be adopted as part of a conditional use permit granted by the Village Board.*

All the minimum requirements listed above appear to be met by the proposed mother-in-law suite.

In addition to the requirement for ongoing compliance with the “mother-in-law” suite limitations and requirements, the owners should be required to notify the Village if/when use of the accessory dwelling changes or ceases to be used as a “mother-in-law” suite.

VILLAGE STAFF RECOMMENDATION

APPROVE a conditional use permit for Steve and Dan Grunewald to allow a “mother-in-law suite” accessory dwelling as part of the single-family dwelling located at W124 N13423 Wasaukee Road, subject to the following conditions:

1. The MILS shall be constructed consistent with the building plans dated April 17, 2024, as presented to the Village Plan Commission and Village Board.
2. The MILS shall comply with the MILS requirements as defined in Section 17.08(51a) of the Zoning Code of an ongoing basis.
3. The property owner shall notify the Village Zoning Administrator if/when use of the lower level of the dwelling changes or ceases to be used as a “mother-in-law” suite.
4. The conditional use permit shall not be transferable to a subsequent owner unless said owner is a member of the Grunewald family.



Village of
★★★
Germantown
Willkommen

Fee must accompany application

☐ \$1460 Paid _____ Date _____

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

Steve Grunewald - owner
Pinna Construction - Rich
N 5877 Palmer Rd
Rosendale, WI 54974
Phone (920) 922-7010
Fax ()
E-Mail richz@capinna.com

PROPERTY OWNER

Stephen Lloyd Grunewald
Daniel Kurt Grunewald
W124 N13423 Wasaukee Rd
Germantown, WI 53022
Phone (262) 313-8898
262 312-4180

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

Grunewald, Stephen L & Daniel K

3 PROPERTY ADDRESS

TAX KEY NUMBER

W124 N13423 Wasaukee Rd 121993

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.

Single-Family home, 2 brothers Dan & Steve currently reside in house

5 DESCRIPTION OF PROPOSED OPERATION

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

(sla) MOTHER-IN-LAW-SUITE (Cr. Ord. #17-08)

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

Dan & Steve are planning to house & care for their elderly parents in the home. The current residence is ready for expansion to meet their health and accessibility with this addition. Steve works from home and Dan, a teacher, is off in summers to help. Adding 2 bedrooms, kitchenette, ADA shower.

6

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

7

SUPPORTING DOCUMENTATION:

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

8

READ AND INITIAL THE FOLLOWING:

- SL6 DF 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.
- SL6 DF I will notify the Village if any aspects of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.
- SL6 DF 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.
- SL6 DF I understand that Village Staff is required to post one or more signs along the street frontage of and/or on the property subject of this application that indicate to nearby property owners and the general public that a public hearing of my application will be held before the Village Plan Commission and/or Village Board prior to action being taken on this application; I hereby grant Village Staff permission to enter onto the property for the expressed purpose of installing said sign(s) provided Village Staff is responsible for installing, maintaining and removing said signs in a reasonable manner and timeframe.

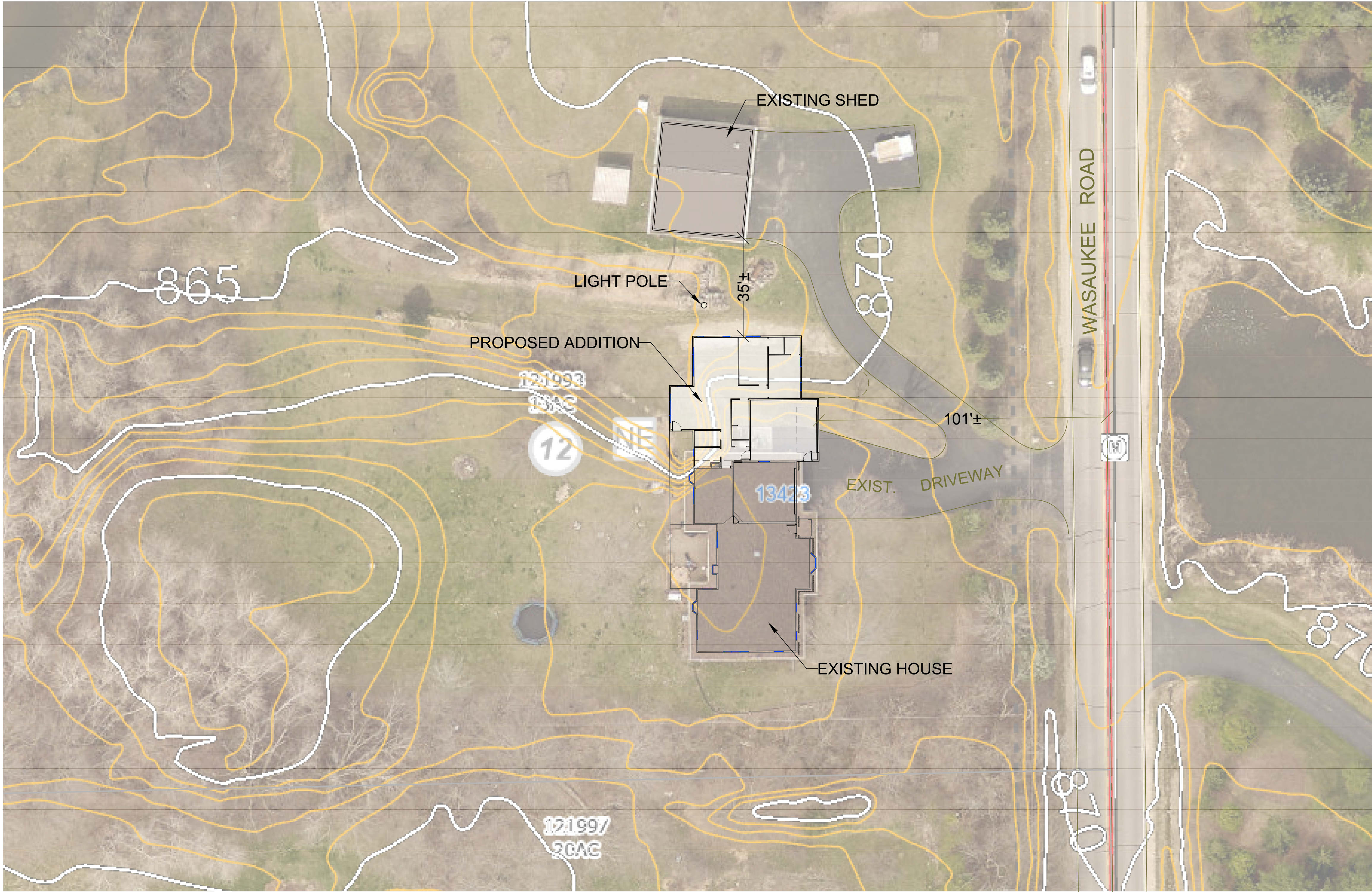
9

SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

[Signature] 5/7/2024
 Applicant Date

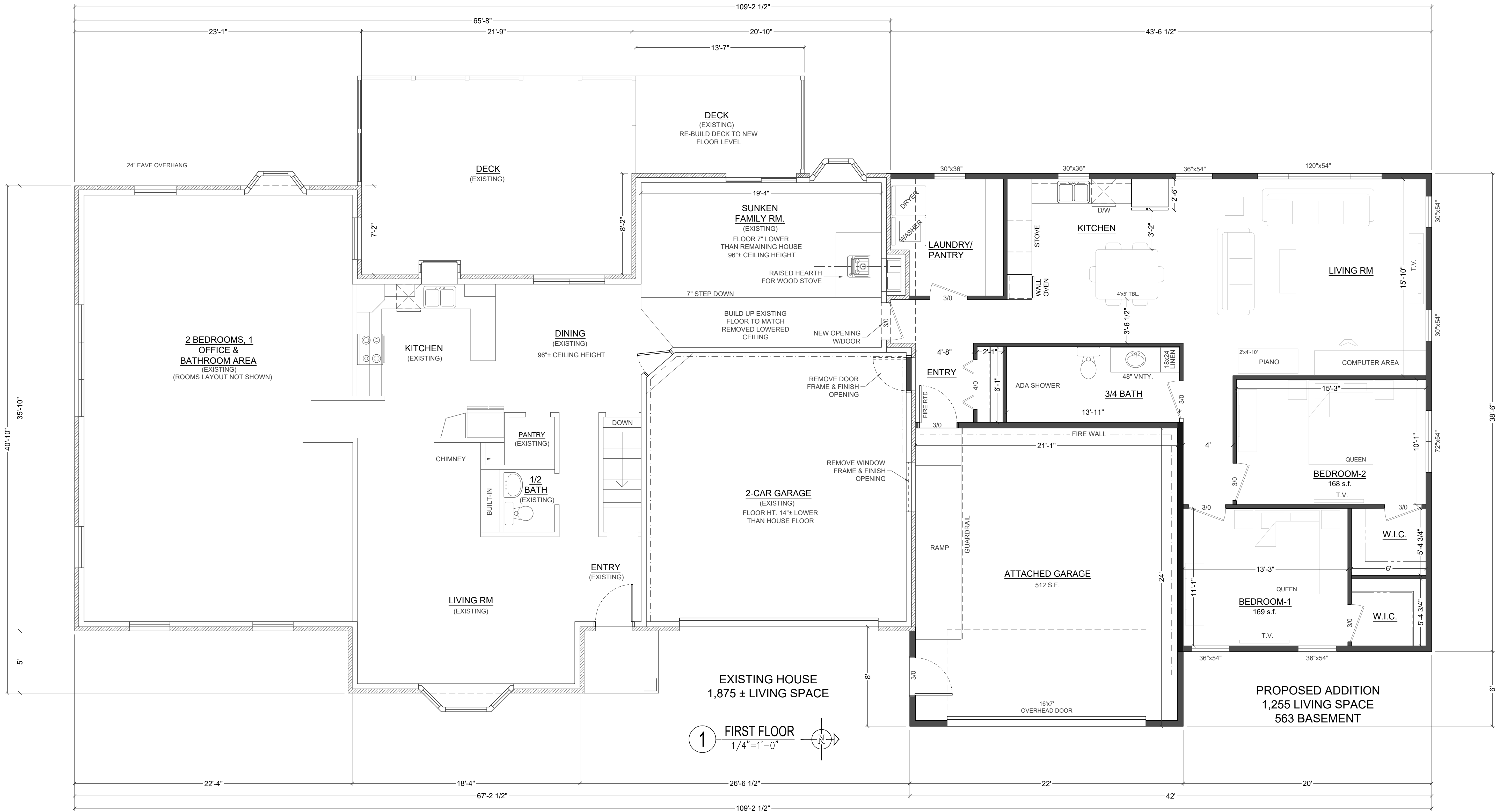
[Signature] 5/7/24

[Signature] 5/7/2024
 Owner Date

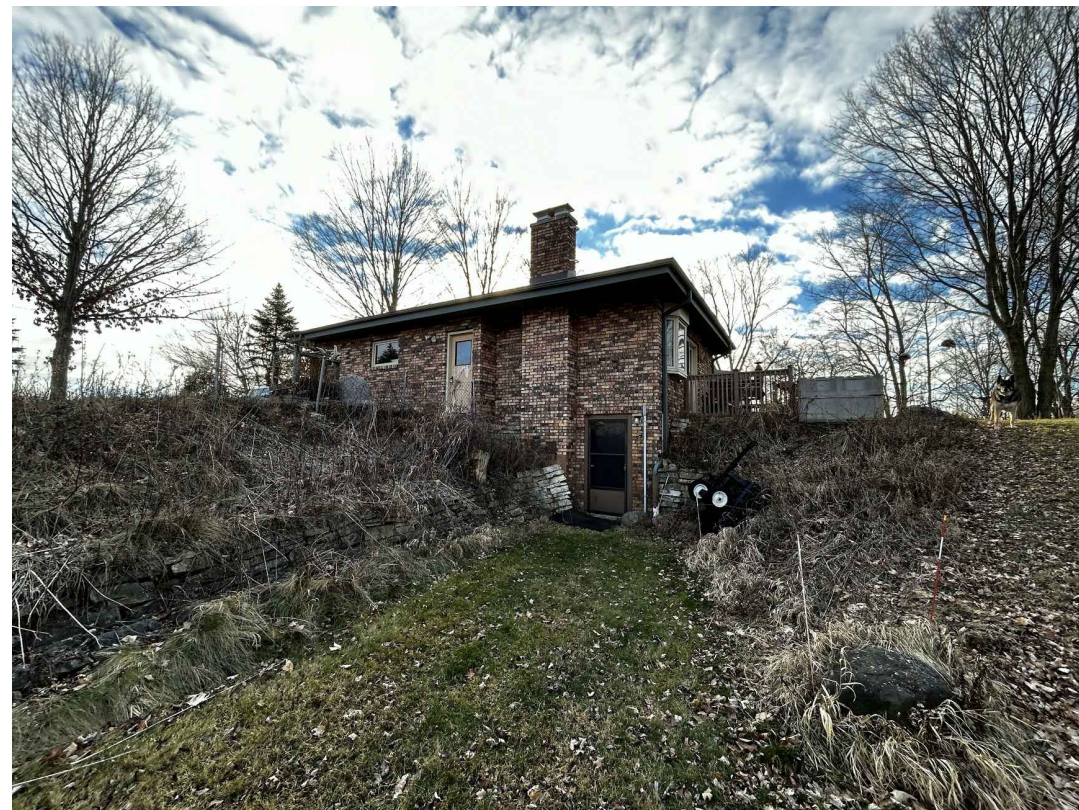


1 SITE LAYOUT
1"=20'

PRELIMINARY DRAWING



2 EAST-EXISTING
1/4"=1'-0"



3 NORTH-EXISTING
1/4"=1'-0"



4 NORTH-EXISTING
1/4"=1'-0"

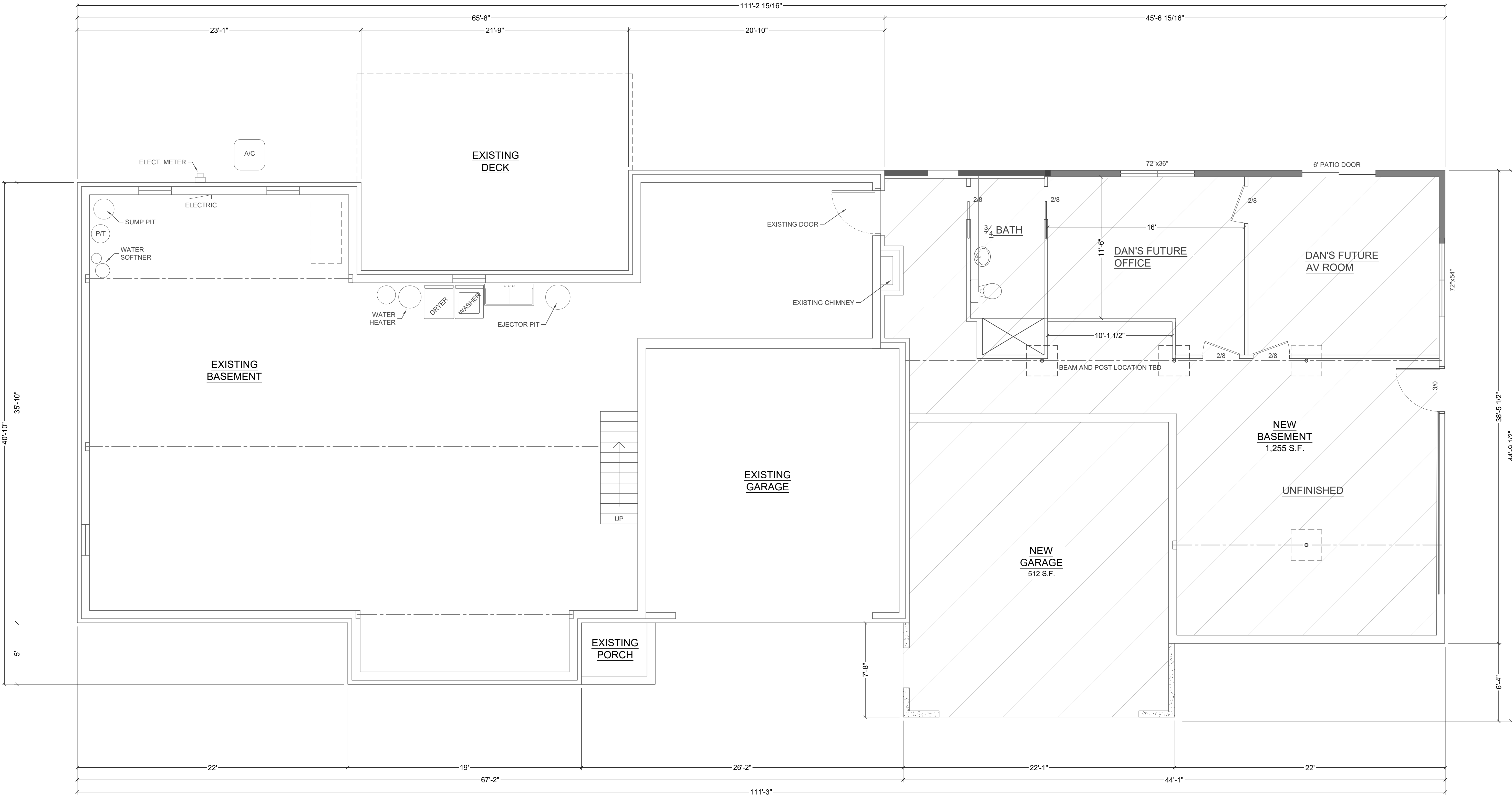


5 WEST-EXISTING
1/4"=1'-0"

PRELIMINARY DRAWING

SPECIAL NOTE:
THE PROPERTY OWNER(S) ACKNOWLEDGE THAT IN THE
COURSE OF CONSTRUCTION. BECAUSE OF JOB CONDITIONS
AND DIFFERENT METHODS OF EXISTING CONSTRUCTION:
DEVIATIONS MAY OCCUR FROM THE PRINT.
THEREFORE THE BUILDER RESERVES THE RIGHT TO MAKE
SLIGHT MODIFICATIONS TO ROOM SIZES, PLACEMENT OF
MECHANICAL FIXTURES, AND EXTERIOR ELEVATIONS.

CONTRACT SPECIFICATIONS WILL TAKE PRECEDENCE OVER
BUILDING PLANS.

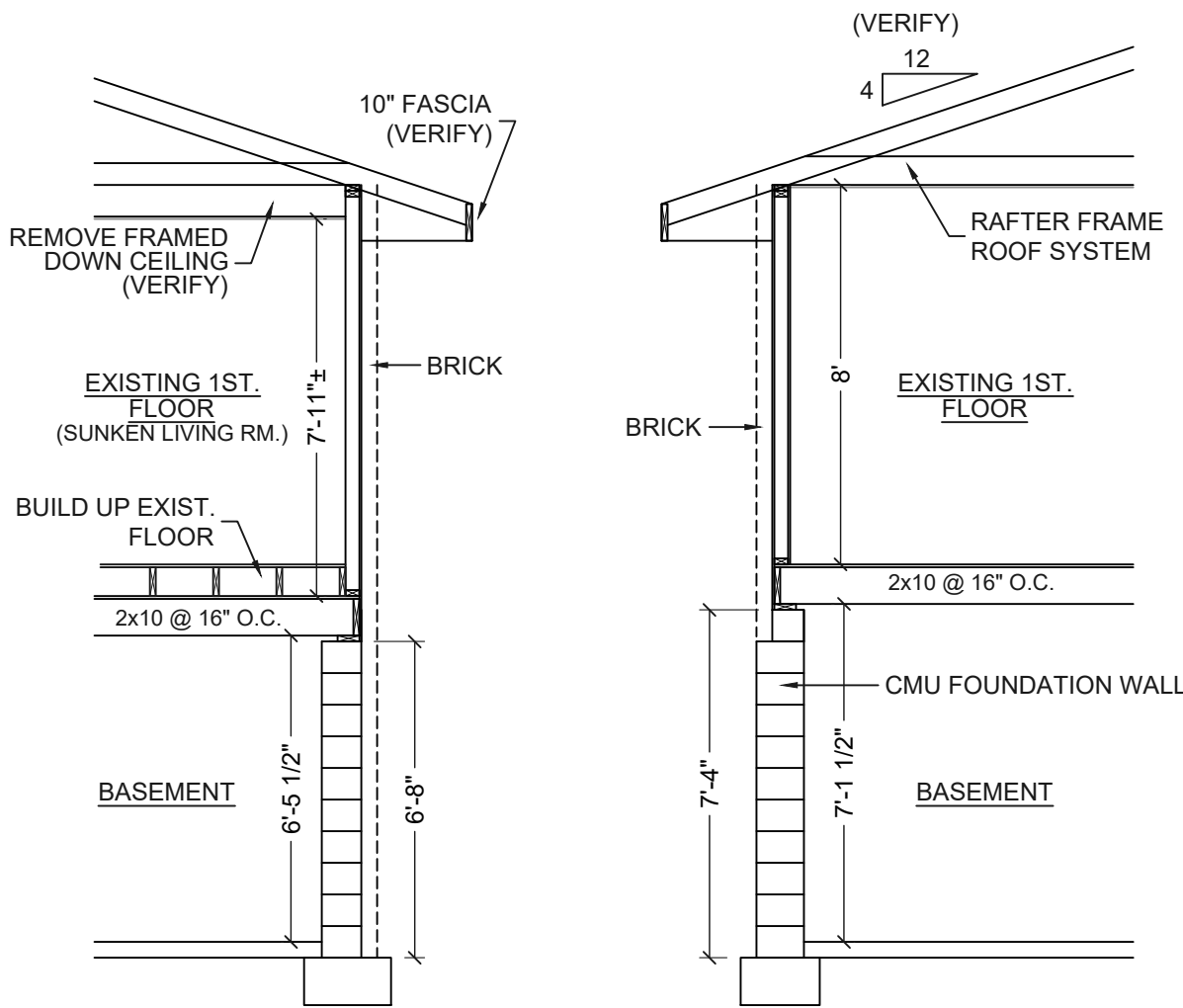


1 FOUNDATION PLAN
1/4"=1'-0"

PRELIMINARY DRAWING

SPECIAL NOTE:
THE PROPERTY OWNER(S) ACKNOWLEDGE THAT IN THE COURSE OF CONSTRUCTION, BECAUSE OF JOB CONDITIONS AND DIFFERENT METHODS OF EXISTING CONSTRUCTION, DEVIATIONS MAY OCCUR FROM THE PRINT. THEREFORE THE BUILDER RESERVES THE RIGHT TO MAKE SLIGHT MODIFICATIONS TO ROOM SIZES, PLACEMENT OF MECHANICAL FIXTURES, AND EXTERIOR ELEVATIONS.

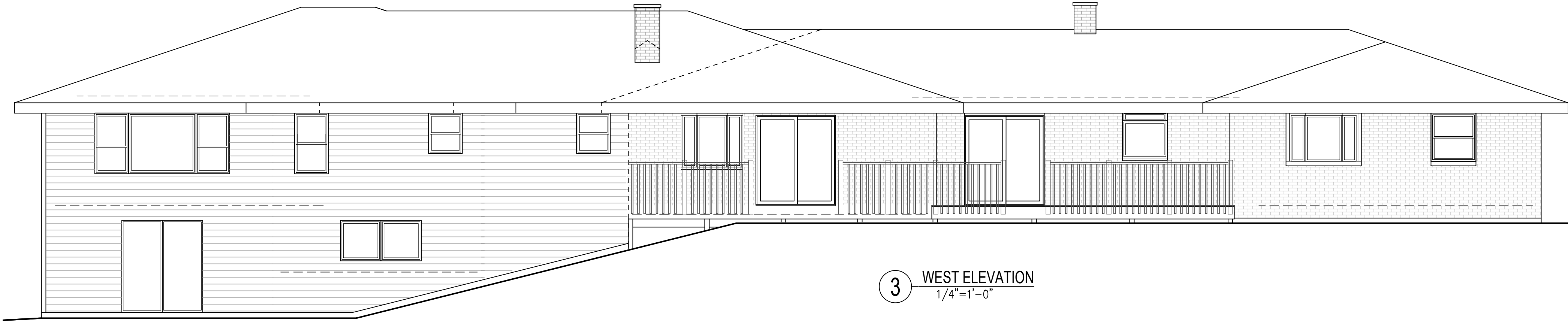
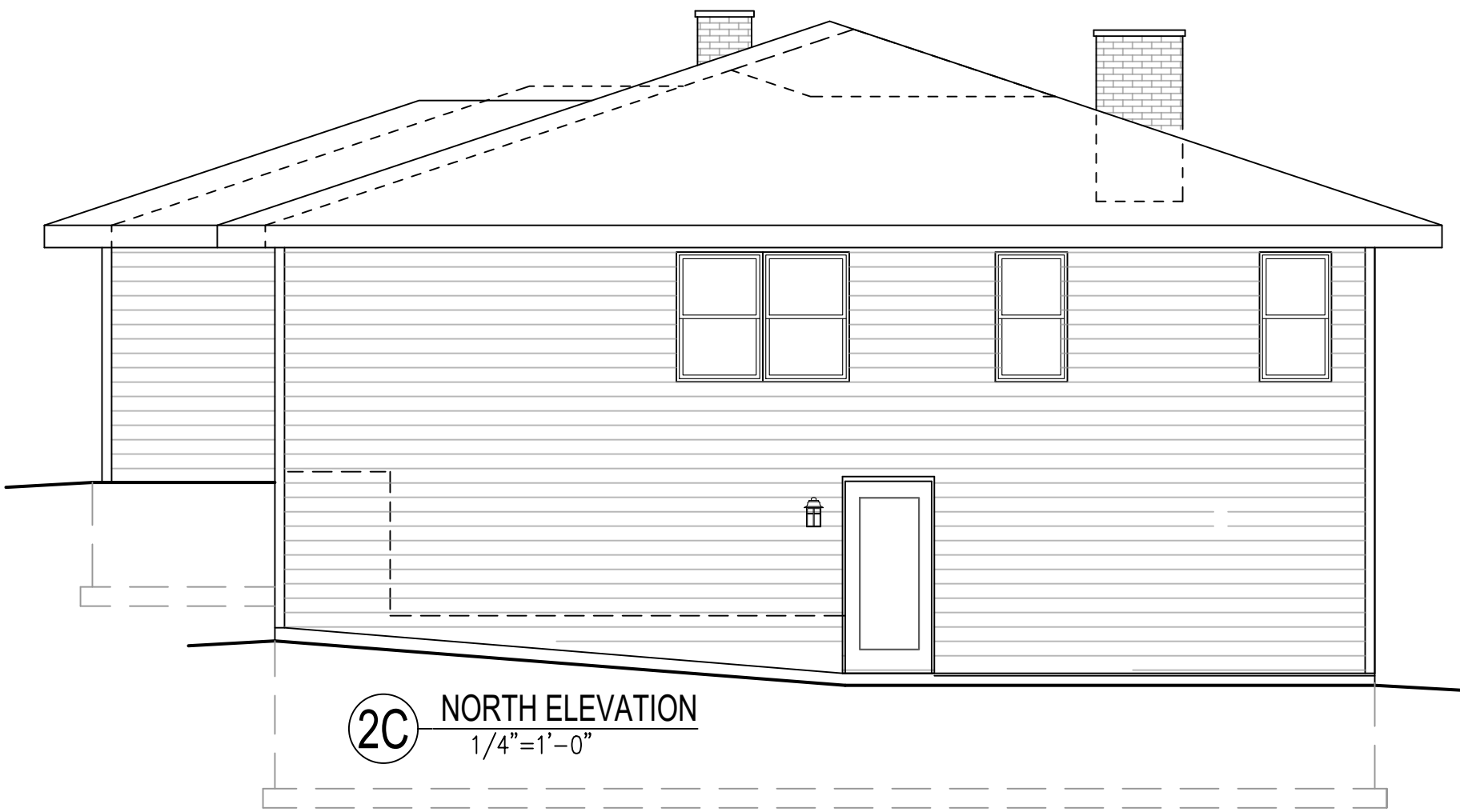
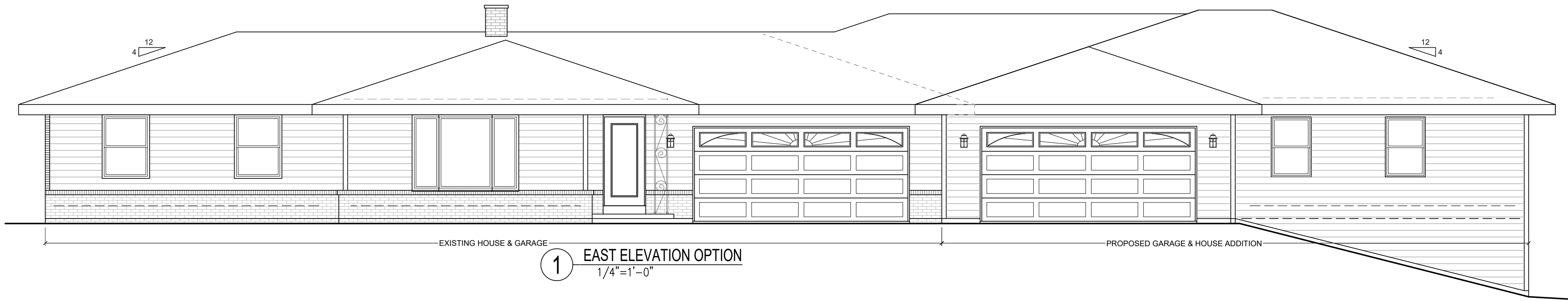
CONTRACT SPECIFICATIONS WILL TAKE PRECEDENCE OVER BUILDING PLANS.



PRELIMINARY
DRAWING

SPECIAL NOTE:
THE PROPERTY OWNER(S) ACKNOWLEDGE THAT IN THE
COURSE OF CONSTRUCTION, BECAUSE OF JOB CONDITIONS
AND DIFFERENT METHODS OF EXISTING CONSTRUCTION:
DEVIATIONS MAY OCCUR FROM THE PRINT.
THEREFORE THE BUILDER RESERVES THE RIGHT TO MAKE
SLIGHT MODIFICATIONS TO ROOM SIZES, PLACEMENT OF
MECHANICAL FIXTURES, AND EXTERIOR ELEVATIONS.

CONTRACT SPECIFICATIONS WILL TAKE PRECEDENCE OVER
BUILDING PLANS.



NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

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

DATE: Monday, July 8, 2024
TIME: 6:30 pm or later

The purpose of said hearing is to hear all parties, their attorneys or agents, for or against a Conditional Use Permit application for a "Mother-In-Law Suite" from the property described below pursuant to Section 17.08 (5a) of the Village Zoning Code.

Applicant: Stephen & Daniel Grunewald, Property Owners
Property Address: W124N13423 Wasaukee Road (GTNV_121993)

Property Description:

That part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 12, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, described as follows, viz:

Commencing 26 rods, 11 feet North from the Southeast corner stake of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence West, 80 rods; thence South, 26 rods 11 feet to the Southwest corner stake of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence East, 80 rods; thence North, 26 rods and 11 feet to the place of beginning.

A copy of the application and a map showing the property described above are on file at the Community Development Department-Planning & Zoning Services office in the Germantown Village Hall and can be viewed on the Village's Zoning Hub and website by following either of these links:

ZoningHub: <https://villageofgermantown.zoninghub.com/administration/PendingApplicationsArcGIS.aspx>
Website: <https://www.germantownwi.gov/589/Proposed-Development-Projects>

Citizens wishing to submit any public comments should do so by sending them by email to: comments@germantownwi.gov no later than 4:00 pm on the meeting date listed above.

Donna Ott, Village Clerk
Dated this 12th day of June 2024

To Be Published On: June 19th and June 26th 2024

SITE PLAN REVIEW

07/08/24 Plan Commission Meeting

Systems LLC / Monches Engineering

Village Staff Report

Germantown, Wisconsin

Summary

Monches Engineering, agent for Store Master Funding XIII LLC, property owner and Systems LLC, is seeking approval of a site development plan for the construction of twenty-four (24) additional parking spaces and new paved/asphalt area to the west of the existing manufacturing facility. The site is located at W194 N11481 McCormick Drive in the Germantown Industrial Park.

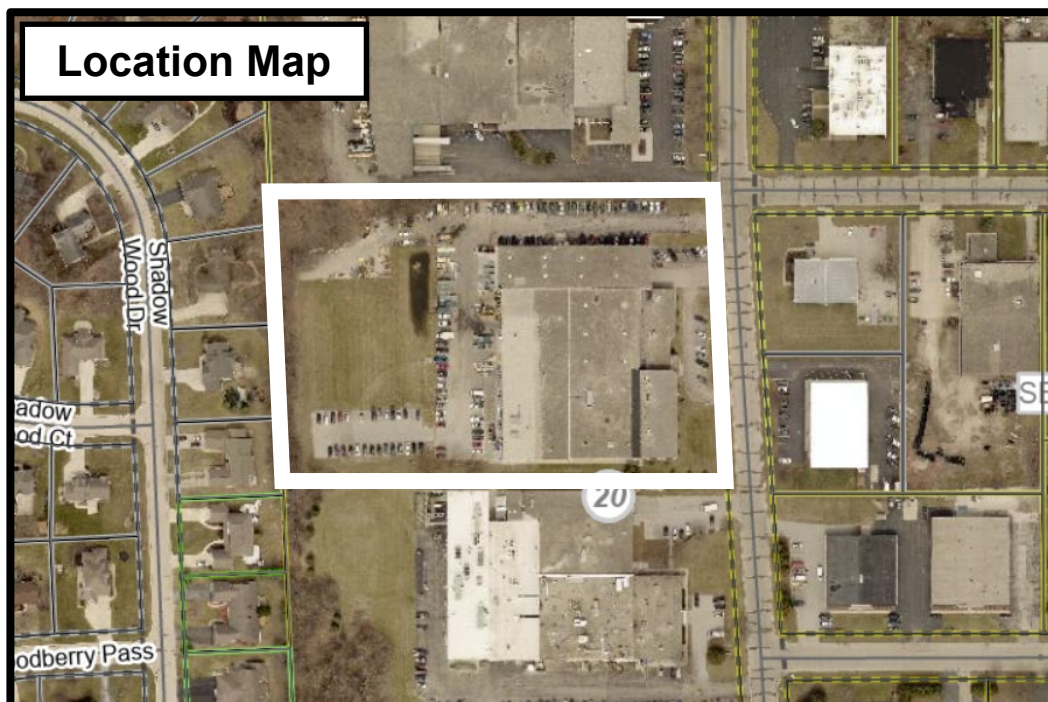
Location: W194 N11481 McCormick Drive

Applicant/

Owner:	Monches Engineering W296 N9405 Riverview Ln Colgate, WI 53017	Store Master Funding XIII LLC W194 N11481 McCormick Dr Germantown, WI 53022
---------------	---	---

Current Zoning: M-1: Limited Industrial

Adjacent Land Uses		Zoning
North	Industrial	M-1
South	Industrial	M-1
East	Industrial	M-1
West	Residential	Rs-4/Rd-2



Proposal

Monches Engineering, agent for Store Master Funding XIII LLC, property owner and Systems LLC, is seeking approval of a site development plan for the construction of twenty-four (24) additional parking spaces and new paved/asphalt area to the west of the existing manufacturing facility. The site is located at W194 N11481 McCormick Drive in the Germantown Industrial Park.

Systems LLC is a leader in the design and manufacturing of loading dock equipment. The Systems LLC facility in Germantown has been the corporate headquarters since 1979 with another manufacturing facility in Malvern, Arkansas. Hours of operation are 6:00 am to 4:00 pm for production and 8:00 am to 5:00 pm for business operations. Most recent information the Village has shows 95 employees at Systems LLC operating a single shift.

The Systems LLC site is 6.0 acres in area with an existing 72,467 square foot manufacturing facility and offices, in addition to off-street parking areas around the building's north, east, and west sides. As presented on the site plan, the proposed construction includes the following features:

- Twenty-four (24) additional parking stalls.
- Paved/asphalt area for outdoor storage of materials.

Staff Comments

The Plan Commission approved a site plan for an 8,763 square foot building addition to the existing facility in April of 2020. Approval was also granted for a parking lot expansion in 2019 through a zoning permit application. Based on review of the current application, the building addition was constructed and completed along with the parking lot expansion. However, according to aerial imaging there has been unauthorized expansions to the site in the form of a gravel parking lot expansion and gravel area for outdoor storage of items. These two items are the subject of the current site plan application intended to bring the property into code compliance.

Access to the facility will not change. The twenty-four (24) additional parking spaces and outdoor storage area are proposed to be added to the west of the existing manufacturing facility. Landscaping associated with the improvements will be required to meet the standards in Chapter 17.43(5) Site Plan Approval Requirements. The paved area for outdoor storage of materials requires an enclosure/screening, which is included as a condition of approval.

The zoning for this parcel in the Industrial Park is M-1: Limited Industrial. Subject to the staff recommended conditions herein, the proposed development plans comply with the M-1: Limited Industrial zoning district regulations.

The proposed improvements are located within a gas pipeline easement owned by the ANR Pipeline Company. While the property owner obtained approval from ANR Pipeline Company to implement the proposed improvements within the easement, the approval specified "gravel" parking lot instead of asphalt parking lot and paved areas. Prior to commencing construction, the property owner shall obtain a revised approval from ANR Pipeline Company for the subject improvements (24 parking spaces and new outdoor

storage area) specifying that they are asphalt. This has been included as a condition of approval and the condition also incorporates the aforementioned enclosure/screening required by Village code.

Public Works/Village Engineer/Utilities

The Village Engineer has identified several minor technical requirements and plan corrections that will need to be resolved in revised plans and/or supplemental documents prior to commencing construction activities in the July 3, 2024 review memo (copy attached).

VILLAGE STAFF RECOMMENDATION

APPROVE the site development plan for the new construction of twenty-four (24) additional parking spaces and new paved/asphalt area to the west of the existing manufacturing facility located at W194 N11481 McCormick Drive in the Germantown Industrial Park, subject to the following conditions:

1. Approval is for the site development plan dated July 1 and July 2, 2024 and landscaping plan dated July 2, 2024 (unless either is otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein or by the Plan Commission).
2. All issues, both minor technical/plan corrections and other storm water management issues identified in the July 3, 2024 review memo from the Village Engineer shall be resolved and reflected in additional information and/or revised plans submitted to staff for further review, comment, and approval prior to commencing construction or issuance of any permits.
3. The landscaping plan, meeting the requirements of Chapter 17.43(5) Site Plan Approval Requirements, shall be subject to final acceptance by the Village Forester and Community Development staff prior to commencement of construction.
4. The new paved/asphalt for outdoor storage of materials shall be enclosed/screened in accordance with Chapter 17.33(2)(a).
5. The property owner shall obtain a revised approval for the parking expansion (24 stalls), new paved/asphalt area, and enclosure/screening to be constructed within the existing easement owned by ANR Pipeline Company prior to commencing construction.



Fee must accompany application

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

PAID

DATE

SITE PLAN REVIEW APPLICATION

Pursuant to Section 17.43 of the Municipal Code

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

1 APPLICANT OR AGENT

MONCHES ENGINEERING, LLC
PAUL SEUL
W1296 N9405 RIVERVIEW LANE
COLGATE, WI 53017

Phone (414) 254-1861

E-Mail paul@monchesconstruction.com

PROPERTY OWNER

SYSTEMS, LLC
MICHELLE DELLEMAN
W194 N11481 MCCORMICK DR.
GERMANTOWN, WI

Phone (262) 257-7334

E-Mail Michelle.Dellemann@
LoadingDockSystems.com

2 PROPERTY ADDRESS

W194 N11481 MCCORMICK DRIVE

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

North	South	East	West
<u>HAMPEL CORP</u>	<u>DSM ROOF SPECIALITIES</u>	<u>NELCO ELECTRIC PRO WOODCARE</u>	<u>RESIDENTIAL</u>

4 READ AND INITIAL THE FOLLOWING:

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

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

PS 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!

Paul Seul 3.11.24

Applicant

Date

Michelle Delle 3/15/24

Owner

Date

MONCHES ENGINEERING, LLC

W296N9405 RIVERVIEW LANE

COLGATE, WI 53017

414-254-1861

April 8, 2024

The Village of Germantown
Planning a& Zoning Services
Jeff Retzlaff, Village Planner
N112 W17001 Mequon Road
Germantown, WI 53022-0337

Regarding: Systems, LLC

Dear Mr. Retzlaff,

Systems, LLC, W194 N11481 McCormick Drive, is asking that the Germantown Plan Commission consider their request to add additional parking (34 stalls) on the west side of their facility. The parking area will be constructed of compacted stone/gravel and will be striped for car parking.

Sincerely,
Monches Engineering

A handwritten signature in black ink, appearing to read "Paul Seul", with a large, stylized initial "P" and a long, sweeping underline.

Paul Seul, P.E.

LEGEND

- SECTION CORNER MONUMENT
FOUND 1" IRON PIPE OR AS NOTED
POST
UTILITY POLE
GUY POLE
GUY WIRE
CULVERT
UTILITY PEDESTAL
ELECTRIC PEDESTAL
TV MANHOLE
YARD LIGHT
INLET
SOIL TEST LOCATION
FENCE
RECORD DIMENSION
STORM SEWER
OVERHEAD POWER/UTILITY
UNDERGROUND GAS
UNDERGROUND ELECTRIC
UNDERGROUND CABLE
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED SPOT ELEVATION
PROPOSED CONTOUR
PROPOSED DRAINAGE DIRECTION
PROPOSED FIRST FLOOR GRADE

GENERAL CONSTRUCTION NOTES:

- All work shall be in accordance with the Standard Specifications for Highway and Structure Construction, State of Wisconsin, Latest Edition; the State of Wisconsin Plumbing Code AND the Village of Germantown Ordinances, unless otherwise called for on the plans, specifications or special provisions.
- Contractor shall obtain all permits prior to commencing any construction on the site. Any Work within the right of way will require additional permits from the State, County or City. Contractor is required to contact all agencies for applicable permits.
- All erosion control measures specified on this plan shall meet the design criteria, standards and specifications as set forth in the Department of Natural Resources Wisconsin Technical Standards.
- All erosion control devices (i.e., gravel access, silt fence, etc.), shall be installed prior to commencing any site work on the property.
- All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
- The owner will provide all surveying and construction staking for this contract. The contractor shall exercise care and diligence in plotting the same.
- The contractor shall notify Diggers Hotline, all utilities City Departments, and government units whose property may be affected by the contractor's operations at least three (3) days before breaking ground. Diggers Hotline number is 811.
- Public roads shall not be closed to traffic at any time. All ingress and egress traffic to the project shall be limited to the TRACKING PAD entrance to the property.
- Contractor shall be responsible for maintaining the Streets. The Streets shall be kept free of silt or dirt tracked from areas under construction by sweeping within 24hrs.
- Upon completion of the work as specified, respread four (4") inches of salvaged topsoil over all disturbed areas and provide seed, fertilizer and erosion control fabric per the WNR Technical Standards.
- Stabilization of all disturbed areas must follow NR151 erosion control prescriptive standards which require immediate temporary stabilization of disturbed areas which remain inactive longer than 14 working days and within 7 days of final stabilization. Highway mix #40 shall be used for permanent seeding with an application rate of 4.0 lbs/1000 sq ft.
- All erosion control devices shall be routinely inspected every seven days or within 24 hours of a rainfall greater than 0.5 inches. INSPECTION BY GENERAL CONTRACTOR.
- IF PERMANENT SEEDING (W607#40) IS NOT COMPLETED BY SEPTEMBER 15, APPLY TEMPORARY SEEDING (SEE BELOW). IF TEMPORARY SEEDING IS NOT COMPLETED BY OCTOBER 15, DORMANT SEED WITH EROSION CONTROL MATTING OR HYDRALMULCH SHALL BE APPLIED TO INACTIVE DISTURBED SOILS DURING OCTOBER 15TH AND MAY 1ST AS A TEMPORARY SOIL STABILIZATION MEASURE DURING THE NON-GROWING SEASON.

CONSTRUCTION PHASING SEQUENCING:

- THE GRADING AND UNDERGROUND CONTRACTORS MUST FOLLOW THIS CONSTRUCTION SEQUENCE AS REQUIRED BY THE WNR AND THE VILLAGE:
- INSTALL SILT FENCE.
 - STRIP ASPHALT AND TOPSOIL FROM THE PROPOSED BUILDING AND PARKING LOT AREA AND OBTAIN VILLAGE APPROVAL TO HAUL OFFSITE.
 - CONSTRUCT BUILDING, STORM TO POND AND PARKING LOT AREA.
 - INCREASE POND VOLUME PER PLAN TO MEET MMSD GREEN INFRASTRUCTURE REQUIREMENTS & RESTORE ALL DISTURBED AREAS WITH TOPSOIL, SEED AND EROSION CONTROL MATTING.
 - FOLLOWING COMPLETE SITE STABILIZATION AND AS-BUILT APPROVAL BY THE CITY REMOVE ALL TEMPORARY BMPs.

PLAT OF SURVEY

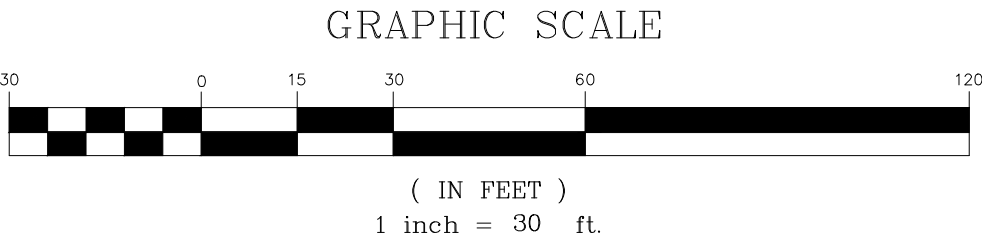
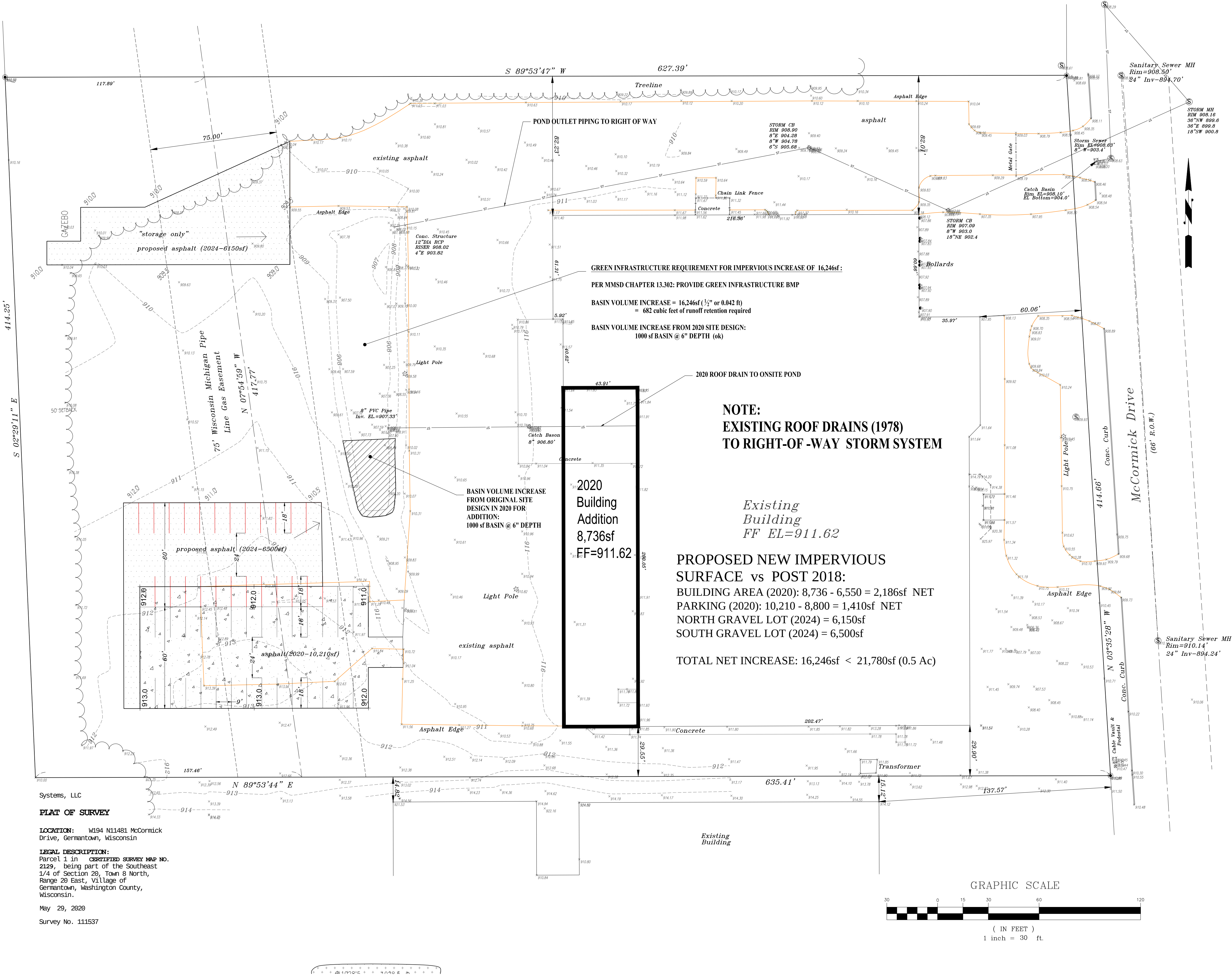
LOCATION: W194 N11481 McCormick Drive, Germantown, Wisconsin

LEGAL DESCRIPTION: Parcel 1 in CERTIFIED SURVEY MAP NO. 2129, being part of the Southeast 1/4 of Section 28, Town 8 North, Range 28 East, Village of Germantown, Washington County, Wisconsin.

May 29, 2020

Survey No. 111537

THE BOUNDARY & TOPOGRAPHIC SURVEY WAS PROVIDED BY METROPOLITAN SURVEYING. UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS BASED, IN PART, UPON INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR CERTIFIED TO.



DESCRIPTION

DATE

EEC

ELLENA ENGINEERING CONSULTANTS, LLC
SITE CIVIL ENGINEERING & STORMWATER MANAGEMENT
700 Pilgrim Parkway - Suite 100 Elm Grove, WI 53122
Phone: 262-719-6183 Fax: 866-457-2584 Email: mellen@eeceng.com

SYSTEMS, INC.

W194 N11481 MCCORMICK DRIVE, GERMANTOWN, WI

GRADING & DRAINAGE PLAN
WITH EROSION CONTROL

WISCONSIN
MARK R. ELLENA
E-24090 WALES, WI
PROFESSIONAL ENGINEER
Mark R. Ellena
DATE: 07-02-2024
BY: MARK R. ELLENA, PE
SCALE: 1"= 30'

SHEET NUMBER

C100



NELSON
LANDSCAPE INC.

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

Sheet Title:

PARKING ADDITION-PHASE TWO

Project:

SYSTEMS LLC
W194 N11481 MC CORMICK DRIVE
GERMANTOWN, WI

Client:

MONCHES
Construction Co.

MONCHES CONSTRUCTION COMPANY
N60 W14361 KAUL AVENUE
MENOMONEE FALLS, WI 53051

Plan Notes:

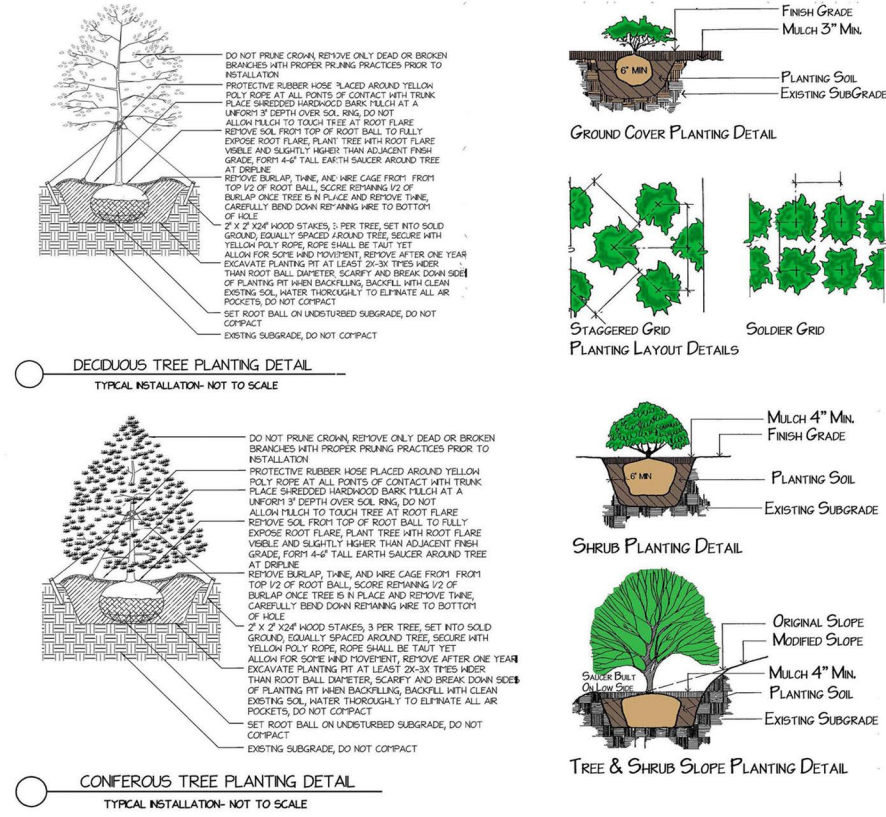
Designed By: C. J. N.
Drawn By: C. J. N.
Date: 4-05-24
Revisions: 7-02-24

Notice:

Copyright © 2024.
Nelson Landscape Incorporated

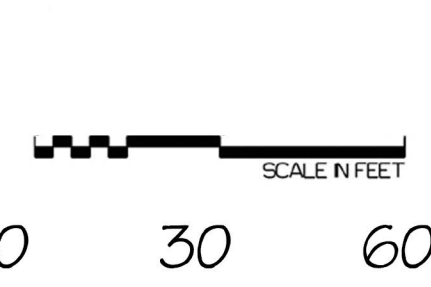
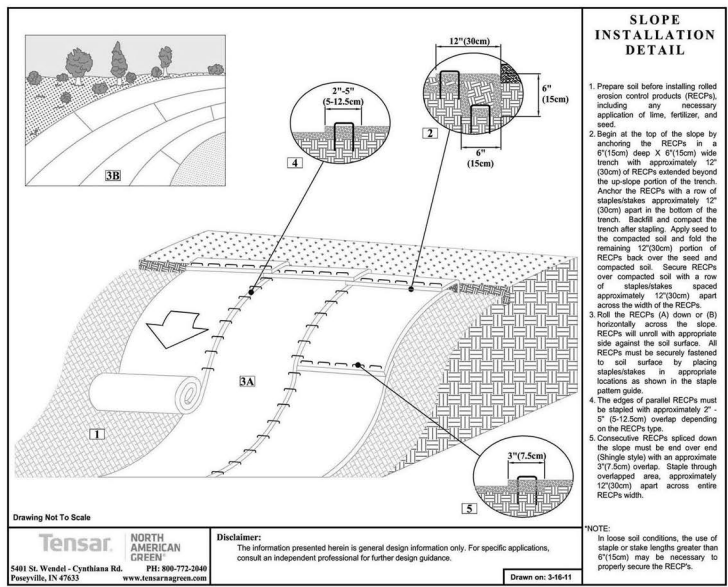
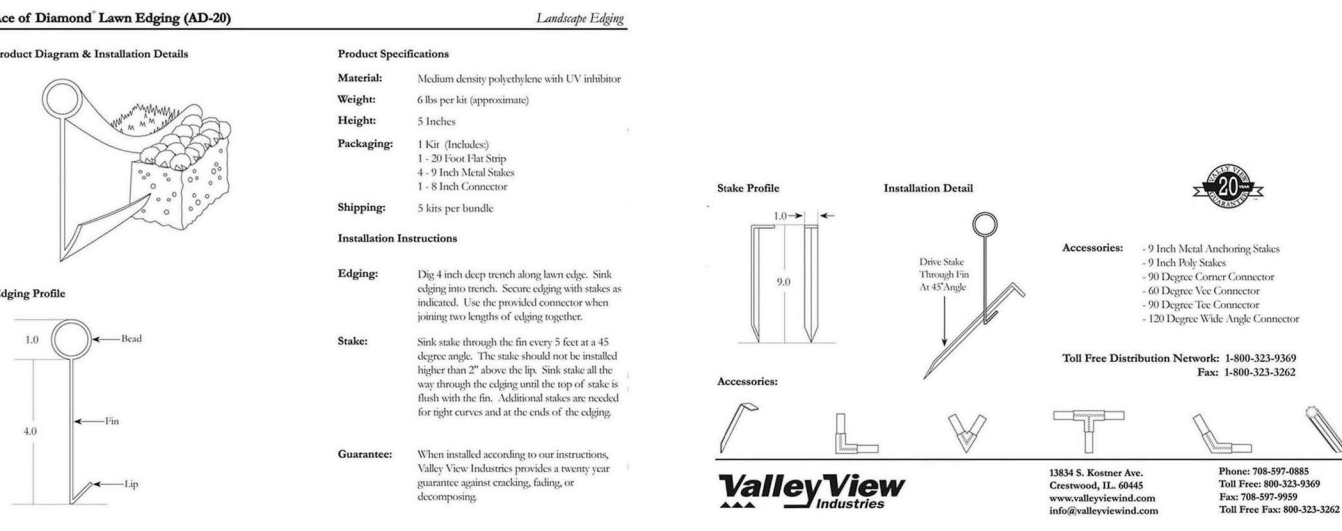
This landscape design plan is the sole property of Nelson Landscape Incorporated and may not be reproduced, altered, or copied in any manner or form without the permission of Nelson Landscape Incorporated. This plan may not be used for bidding purposes without prior consent by Nelson Landscape Incorporated.

This plan is subject to final on-site conditions and may be modified to account for unforeseen obstacles, other changes, or site modifications that were not made known at the time of preparation dated on this plan.



PLANTING NOTES:
1. CONTRACTOR SHALL VERIFY LOCATION OF ALL ON-SITE UTILITIES PRIOR TO COMMENCING ANY WORK ON-SITE.
2. WISCONSIN STATUTE § 92.0175 REQUIRES THREE WORK DAYS NOTICE BEFORE YOU EXCAVATE. CALL Digger's Hotline at 1-800-242-6011.
3. SUPPLY AND INSTALL ALL WISCONSIN GROWN NURSERY STOCK. GUARANTEE ALL STOCK FOR A PERIOD OF ONE YEAR. ALL PLANTING MATERIAL IS TO MEET AMERICAN STANDARDS FOR NURSERY STOCK ANSI Z603.1-2004. ALL PLANT MATERIAL IS TO BE PLANTED IMMEDIATELY AFTER ARRIVAL AND UNLOADING ON SITE. PLANT TYPES, SIZES, AND QUANTITIES ARE ACCORDING TO THE PROPOSED PLANS. IF ANY DISCREPANCIES ARE PRESENT BETWEEN PLANT LEGEND AND GRAPHIC DEPICTION, GRAPHICALLY DEPICTED QUANTITIES SHALL HOLD PRECEDENCE.
4. PLANTING LOCATIONS OF PLANT MATERIAL ARE SUBJECT TO FINAL SITE LAYOUT AND CONDITIONS AND MAY BE ADJUSTED ACCORDINGLY.
5. 40% AND STATE ALL LARGE TREES AND DISBURSING.
6. ALL PLANTS ARE TO BE BACKFILLED WITH A 50/50 MIX OF PLANT STARTER AND TOPSOIL BLEND AND IS TO BE FREE OF ROOTS, ROCKS LARGER THAN 1" IN DIAMETER, GROUND DEBRIS, AND WEEDS.
7. OPEN AND REMOVE THE TOP BUNKER AND TWINE OR STRING FROM ALL BALLED AND BURLAPPED PLANTS AND SET ALL PLANTS AT FINISHED GRADE.
8. SUPPLY AND INSTALL 3'-4" OF SHREDED HARDWOOD BARK MULCH IN ALL PLANTING BEDS, AND 1'-1 1/2" IN ALL PERENNIAL BEDS. TREAT ALL AREAS WITH A PRE-EMERGENT HERBICIDE (GRANULAR FORM) PRIOR TO PLANTING. APPROVED EQUAL FOLLOWING ALL MANUFACTURER'S WRITTEN INSTALLATION INSTRUCTIONS PRIOR TO PLANTING MULCH.
9. SUPPLY AND INSTALL 3'-4" OF SHREDED HARDWOOD MULCH 1" PAST THE DRIP LINE OF ALL INDIVIDUAL TREES. DO NOT PLACE MULCH AGAINST TRUNK OF TREES.
10. SUPPLY AND INSTALL BLACK VINYL EDGING "AZEL OF DIAMOND" MANUFACTURED BY VALLEYVIEW INDUSTRIES OR APPROVED EQUAL IN ALL PLANTING BEDS THAT ADJOIN TURF AREAS ACCORDING TO THE MANUFACTURER'S WRITTEN INSTALLATION INSTRUCTIONS.
11. ALL TURF AREAS ARE TO BE PRE-GRADED. ALL TURF AREAS ARE TO BE SEEDLESS AREAS ARE TO BE SOWN AT THE MANUFACTURER'S RECOMMENDED RATES AND COVERED WITH A CLEAN OAT STRAW. TURF AREAS ARE TO BE SOWN WITH NELSON LANDSCAPE'S CUSTOM BLENDED SEED FOR LAWNS AND IS TO BE APPLIED AT THE RECOMMENDED RATE, A STARTER FERTILIZER APPLIED, AND COVERED WITH A CLEAN OAT STRAW. ANY AREAS WHERE POTENTIAL DROPPED DEBRIS DUE TO WIND OR WATER OR OTHER MEANS INCLUDING ALL SLOPES OF 3:1 OR GREATER SHALL BE COVERED WITH STRAW EROSION CONTROL BLANKETS "DS-75" MANUFACTURED BY NORTH AMERICAN GREEN, INSTALLED TO MANUFACTURER'S WRITTEN INSTALLATION INSTRUCTIONS.

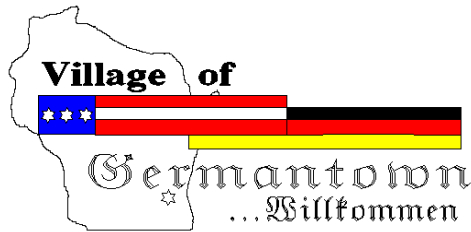
Qty	Botanical Name	Common Name	Size/Condition
Trees			
3	<i>Picea abies</i>	NORWAY SPRUCE	5/6 b.
3	<i>Picea glauca</i> var. <i>densata</i>	BLACK HILLS SPRUCE	5/6 b.
Shrubs			
6	<i>Aronia melanocarpa</i>	BLACK BERRED ARONIA	3/6 b.
4	<i>Viburnum dentatum</i> Ralph Senior	AUTUMN JAZZ ARROWWOOD VIBURNUM	3/6 b.



Landscape Architects & Contractors Celebrating Over Sixty-Five Years of Outstanding Results

• Residential • Commercial • Design/Build

SHEET L200 2 OF 1



Engineering Department Memorandum

To: Jeff W. Retzlaff, AICP, Community Development Director

From: Kevin R. Driscoll, PE, Village Engineer

Date: July 3, 2024

Re: Site Plan Review – System LLC (W194 N11481 McCormick Drive)

Items Reviewed:

1. Site Plan Review Application Dated: 4-8-2024 - Parking Addition Phase 2
2. Revised Site Plan Dated: 6-25-2024

General Comments:

1. Please respond to each item below. **A written response addressing each item shall be included in your submittal.**
2. The submitted plans have been reviewed for general conformance with State and Village design guidelines. Additional comments could arise as a result of the plan completion and modifications. 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.
3. This project requires an erosion control permit prior to final approval.
4. As-builts prepared to Village standards shall be prepared and provided to the Village post-construction (for all applicable items).
5. A professional engineer's original seal is to be affixed, signed and dated on the final set of construction plans.
6. 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.

Storm Water Management

1. Proposed New Gravel parking lot for 25 stalls encroaches on the pond. Provide calculations to verify adequate capacity (682 CF) of the pond with proposed work.
2. Total impervious area identified is 31,696 SF. Impervious areas that exceed 21,780 SF require a storm water management plan. Clarify your basis for deducting 6,550SF and 8,800 SF from that impervious area.
3. Complete the Pond Compliance Report for the pond. The Pond Compliance report is found on the Germantown website at <https://www.germantownwi.gov/181/Development-Requirements>
4. The plan shows a contour of 907-909 near the pond with a riser elevation of 908.02, and a 4" IE of 903.82. Clarify the basis for IE of 903 with respect to contours shown at 907.

July 3, 2024

5. Complete a Maintenance Agreement for the storm water pond and return it to Village Hall Engineering Department. This is Maintenance Agreement template is accessible online at <https://www.germantownwi.gov/181/Development-Requirements>

ZONING PERMIT REVIEW
7/8/24 Plan Commission Meeting

Joey & Angela Carini

Planning & Zoning Report

Germantown, Wisconsin

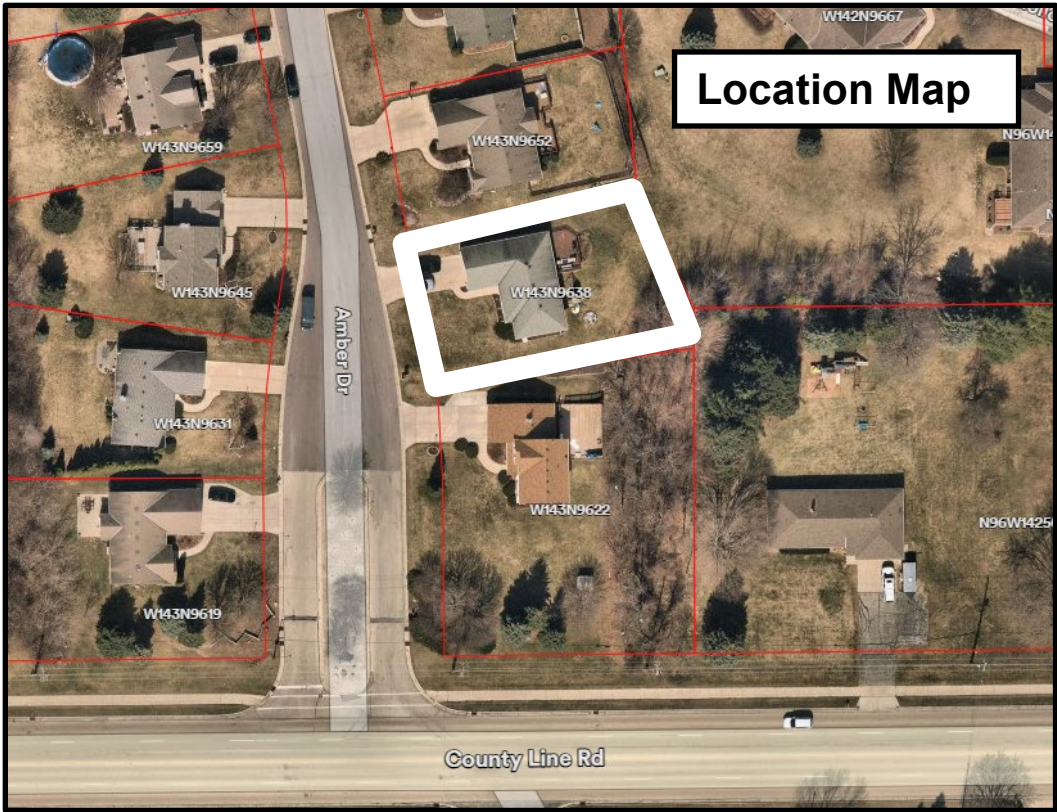
Summary

Joey & Angela Carini, property owners, are seeking approval to install a 4' aluminum fence within an existing storm sewer and sanitary sewer easement on the residential lot located at W143 N9638 Amber Drive in the Autumn Ridge subdivision.

Location: W143 N9638 Amber Drive
Agent/
Property Owners: Joey & Angela Carini
W143 N9638 Amber Drive
Germantown, WI 53022

Zoning: Rd-2 One & Two-Family Residential

Adjacent Land Uses		Zoning
North	One & Two-Family	Rd-2
South	One & Two-Family	Rd-2
East	Single-family Residential	Rs-2
West	Single-family Residential	Rs-3



Background/Proposal

Joey & Angela Carini, property owners, are seeking approval to install a 4' aluminum fence within an existing storm sewer and sanitary sewer easement on the residential lot located at W143 N9638 Amber Drive in the Autumn Ridge subdivision.

As indicated in the supporting information, the applicant would like to install a 4' high aluminum fence around portions of the side and rear yards. The fence would encroach into a 10' storm sewer easement along the north property line (approximately 56' feet of fence parallel to the property line) and a corner of the proposed fence enclosure would encroach into a small area of the rather large 30' wide sanitary sewer easement that extends from the rear yard into and along the south property line (see attached survey sketch).

According to the Village Engineer, there is a 12" storm sewer installed underground within the 10' easement along the north property line and a 12" sanitary sewer installed underground in the 30' sanitary sewer easement.

As indicated below, Section 17.50(2)(f)6. of the Zoning Code prohibits fences from being installed in any easement, except a drainage easement when approved by the Plan Commission:

(f) Fences in Residential Districts.

1. *All fences shall be subject to review and approval of the Building Inspector prior to the issuance of a building permit.*
2. *Fences in rear or side yards may be up to 6 feet in height.*
3. *Fences in front yards may not exceed 4 feet in height, except a maximum height of 6 feet on approval of the Plan Commission after consideration of visibility, privacy and access concerns.*
4. *No fence shall be closer than 2 feet to a public right-of-way.*
5. *Fences that contain a finished side and an unfinished side, shall be installed in a manner in which the finished side faces the adjacent property. In case of a discrepancy, the Village Building Inspector shall determine which side of the fence is the finished side.*
6. *Fences and easements.*
 - (i) *Fences shall not be located within any type of easement, provided however, the Planning Commission may authorize the encroachment by a fence into a drainage easement where the owner of the land encumbered by the easement shows to the satisfaction of the Planning Commission that, considering the proposed location, design and materials of the proposed fence, the encroachment of the fence into the easement will not materially interfere with drainage flow within the easement, and, in the case of a subdivision, the homeowners association consents in writing to the encroachment, or if not in a subdivision, the adjacent landowners consent in writing.*
 - (ii) *If the Planning Commission deems it necessary in order to make its decision to authorize an encroachment into a drainage easement by a fence, it may require that the applicant provide a report by a professional engineer providing an opinion that the encroachment will not impair drainage flow within the easement.*
 - (iii) *If the applicant whose property abuts the drainage way shall be aggrieved by the decision of the Planning Commission, such aggrieved person may appeal the decision to the Village Board by filing a request for appeal review of the record below within 14 days of the date of the Planning Commission's decision.*
7. *It is the property owner's responsibility for any lawn maintenance of lands that lie between a fence and the property line.*
8. *Should it be necessary that the Village or its agent, remove the fence, the material costs (materials and labor) would be borne by the owner of the fence.*

Staff Analysis

As indicated above, the Planning Commission may authorize the encroachment of a fence into a drainage easement (in this case the storm sewer easement) where the owner of the property encumbered by the easement shows to the satisfaction of the Planning Commission that:

1. considering the proposed location, design and materials of the proposed fence, the fence will not materially interfere with drainage flow within the easement; and
2. in the case of a subdivision, homeowners association consent to the encroachment or, if not a subdivision, the adjacent landowner(s) written consent.

Regarding Item #1, drainage flow interference, the easement is for the purpose of the underground storm sewer and not the flow of storm water across the ground surface. Consequently, the fence would not interfere with overland storm water flow. Besides, the fence has an open design with space between the aluminum pickets (vs. a privacy fence).

Regarding Item #2, the property owner has not provided information regarding an active homeowner's association (HOA) for the Autumn Ridge subdivision nor from the adjacent property owners.

As a matter of practice, the Village Engineer recommends that the fence not be installed in the storm sewer easement (along the north property). However, if the Plan Commission approves the fence in the storm sewer easement, the Engineer recommends the following requirement:

1. the property owner/fence contractor shall locate the centerline of the storm sewer and install the fence a minimum of 5 feet offset from the centerline; and
2. In the event the fence in the storm sewer easement needs to be removed due to the operation and maintenance of the storm sewer, the property owner is responsible for the repair of any damage to and/or replacement of the fence that results from said operation and maintenance activity in the storm sewer easement.

As indicated in Section 17.50(2)(f)6. (see above), The Plan Commission does not have the authority to approve a fence in the sanitary sewer easement. Therefore, the fence will need to be relocated out of the sanitary sewer easement.

VILLAGE STAFF RECOMMENDATION

APPROVE the zoning permit application to install a 4' aluminum fence within the storm sewer easement along the north property line located at W143 N9638 Amber Drive subject to the following conditions:

1. It shall be the responsibility of the homeowner to maintain a free flow of water within the storm sewer easement at all times.
2. A fence permit is required from the Building Inspection Department. Contact SafeBuilt for more information.
3. If the fence in the storm sewer easement needs to be removed due to the operation and/or maintenance of the storm sewer, the property owner shall be

responsible for any and all costs associated with any damage, removal, re-installation or replacement of said fence that results from said operation and maintenance activities in the storm sewer easement.

4. The property owner shall enter into an encroachment agreement with the Village for purposes of attaching the requirements of Condition #4 above to ensure that the property owner and any successors in interest are aware of these requirements.
5. The property owner and/or fence installer shall be responsible for locating and visually marking the centerline of the 12" storm sewer located within the easement at least three (3) business days prior to installation and contacting the Village Engineer once marked. The fence shall be installed a minimum of 5 feet offset from the storm sewer centerline.
6. The property owner and/or fence installer shall be liable for any and all damage to the storm sewer and all site restoration within the storm sewer easement.



ZONING COMPLIANCE/ OCCUPANCY PERMIT

Date of Application: 5/29/24

Fee Received By: DR ✓

Please read and print legibly. List name of actual contact person (NOT just business name).

APPLICANT OR AGENT:

Name: JAY CARINI/ANGELA
Address: W143 N 9638 AMBER DR
City/State/Zip: GERMANTOWN WI 53022
Phone: 414.467.5431
E-Mail: jcarini@kw.com

PROPERTY or Business OWNER:

Name: JAY AND ANGELA CARINI
Address: W143 N 9638 AMBER DR
City/State/Zip: GERMANTOWN WI 53022
Phone: 414.467.5431
E-Mail: jcarini@kw.com

PROPERTY ADDRESS OR Tax Parcel ID#:

W143 N 9638 AMBER DR

DESCRIPTION OF PROPOSED USE (Describe improvements, structures, uses and activities conducted, services provided, products made or sold, # of employees, hours of operation, etc. that will enable Zoning Administrator to determine if the proposed use or operation complies with the applicable zoning district and/or other use restrictions that may apply to the subject property. Use back side or additional sheets as needed):

4' ALUMINUM FENCE, 2 GATES

READ AND INITIAL THE FOLLOWING:

- ☒ I understand that Village Staff may request additional information to properly evaluate this request and failure to provide such information may in itself be sufficient cause to deny the petition.
- ☒ I understand that Village Staff can impose conditions or other requirements necessary in order to meet and/or remain in compliance with the Village's Zoning Codes and/or other Village requirements that may apply to the subject property.

INCLUDE THE FOLLOWING WITH YOUR APPLICATION:

- ☒ A scaled site plan showing location of proposed use on the property (not required if within building).
- ☒ \$175 Application Fee
- ☒ Other Information required by Zoning Administrator

SIGNATURES: ALL APPLICATIONS MUST BE SIGNED

Applicant

Property Owner

5/22/24
Date
5/22/24
Date

VILLAGE USE ONLY

SCALE 1" = 40'

C.

711 W MORELAND BLVD • WAUKESHA, WISCONSIN 53188

TELEPHONE (414) 542-9707 FAX (414) 542-7000

RE: ALL

Bench Mark 807.06 (USGS) North sanitary sewer invert in manhole as shown.

Suggested Residence Grade: First Floor ~~9:4.0"~~

Top of Foundation ~~312.9~~

Proposed Yard North Side ~~0-7-25~~

Grade per Grading Plan South Side ~~809.75~~

*suggested grade only

- Iron pipes found

NOTE: No pipes set as part of survey.

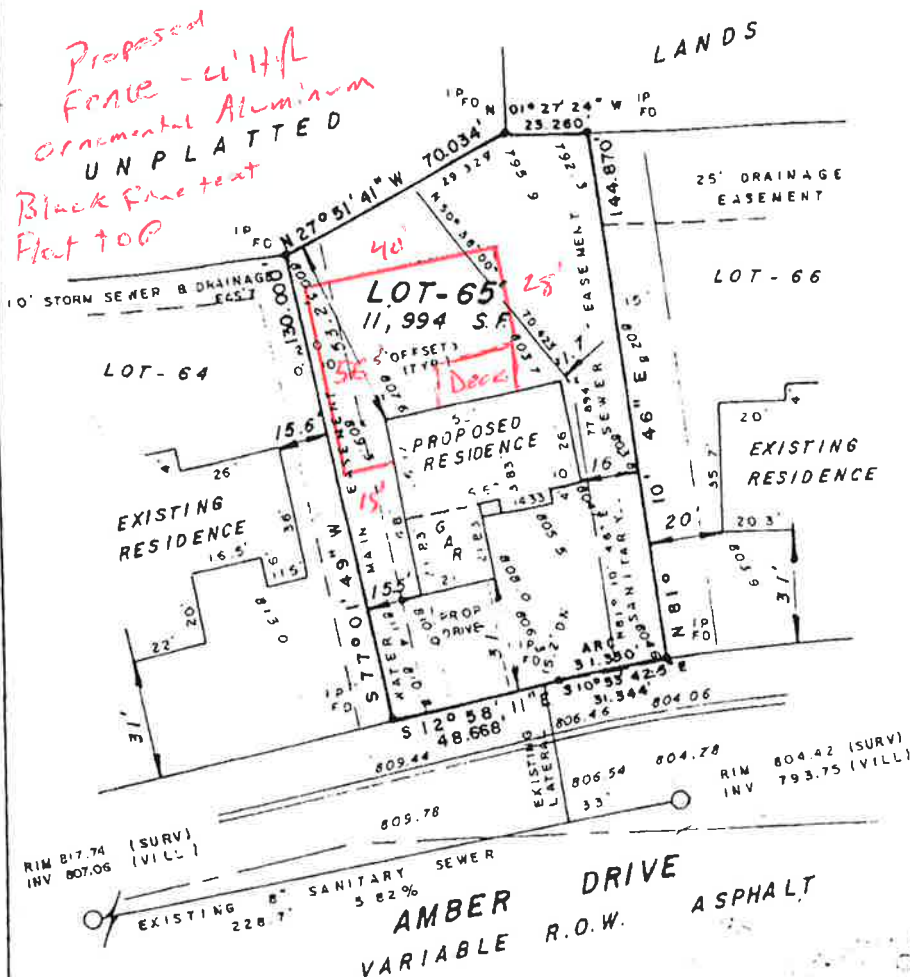
NOTE: Expose sanitary sewer lateral before construction to verify gravity flow from the basement.

REFERENCE BEARING: The south line of the SE 1/4 of Section 35 was used as the reference bearing and has a bearing of S88°02'36"W based on the Wisconsin State Plane Coordinate System, South Grid.

F.Y.G.

809.5

805.5



STATE OF WISCONSIN }
COUNTY OF WAUKESHA } SS

WE, JAHNKE & JAHNKE ASSOCIATES INC., DO HEREBY CERTIFY THAT WE HAVE MADE THIS SURVEY AND THAT THE INFORMATION AS SHOWN ON THE ABOVE PLAT OF SURVEY IS TRUE AND CORRECT REPRESENTATION THEREOF

Revised 5/25/00 (Stakeout)

DATED THIS 14th DAY OF September 19 99

PLAT No. P.S. Washington 778 BOOK Wash 75 PAGE 36

JOHN W JAHNKE - Wis. Reg. No. S-917

Village of



Village of Germantown
Clerk Treasurer
N112W17001 MEQUON ROAD
Germantown, WI 53022
(262)250-4700
Welcome

05/29/2024 01:02PM Mary S.
000601-0004
Payment Effective Date 05/29/2024

MISCELLANEOUS

ZONING FEES (GENZON)

2024 Item: GENZON

1 @ \$175.0000

ZONING FEES (GENZON) \$175.00

\$175.00

Subtotal \$175.00

Total \$175.00

CHECK \$175.00

Check Number 9291

Change due \$0.00

Thank you for your payment

CUSTOMER COPY

Privacy Fences



Rustic Stockade



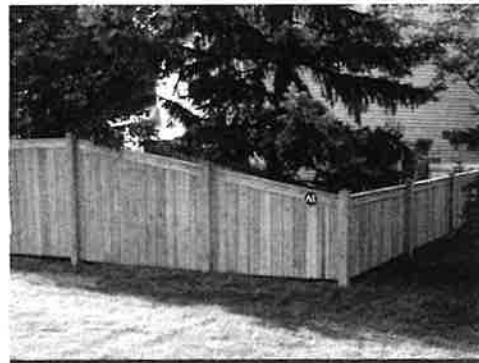
Square Lattice



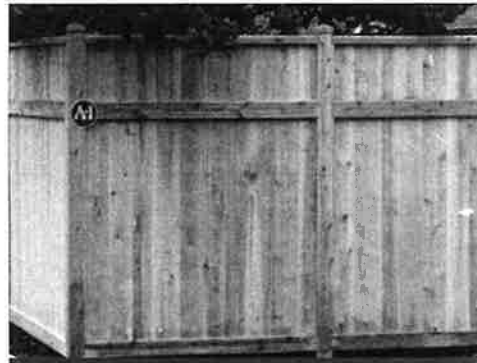
Lattice Top



2 x 2 Top

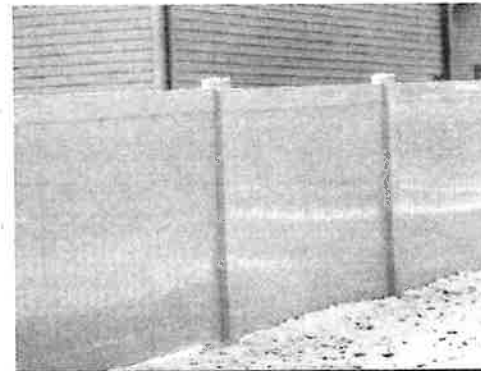


Sloped Estate Plank



Lock Board w/ Cap

Poly Vinyl Fences



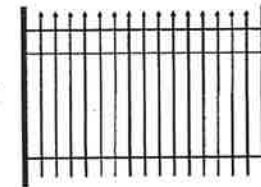
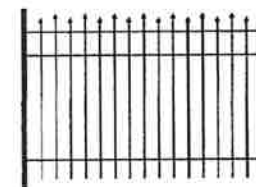
Tan



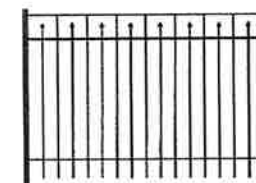
White

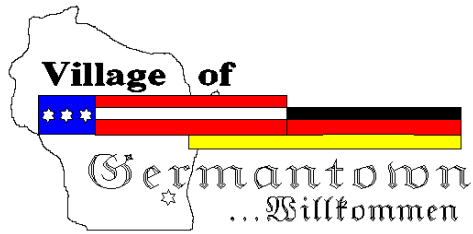
Aluminum Ornamental Fences

AVAILABLE IN: **Black Fine Texture, Bronze Fine Texture, Evergreen, Gloss Beige, Gloss White and Gloss Gold.**



This one





Engineering Department Memorandum

To: Jeff W. Retzlaff, AICP, Community Development Director

From: Kevin R. Driscoll, PE, Village Engineer

Date: July 2, 2024

Re: Fence in Easement - W143 N9638 Amber Drive

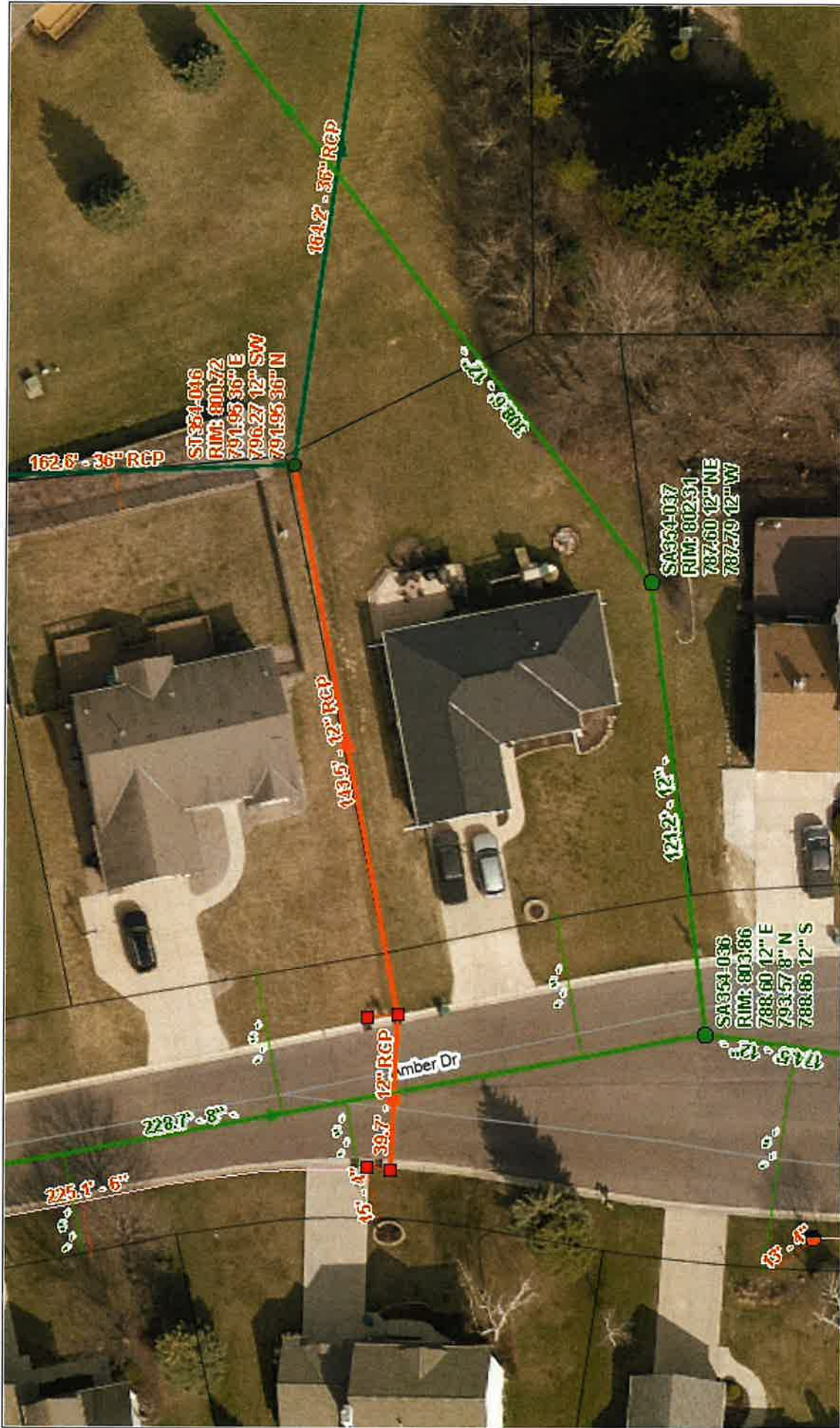
Items Reviewed:

1. Zoning Compliance / Occupancy Permit Application dated: 5/29/2024

In the event an obstruction in an easement needs to be removed due to the operation and maintenance of the Village's interest to the existing sanitary sewer and/or storm sewer in the easement, the property owner is responsible for repair and/or replacement of any damage to the fence that occurred from any necessary Village operation and maintenance activities in the platted easement.

The application dated 5/29/2024 includes an exhibit from Janke and Janke (dated 9/14/1999) shows a *water main* easement. However, the Village Plat #P0151 signed by John Yanke (dated 6/10/1996) shows a 20ft storm sewer easement on the north side, where 10ft exists on the north side of the subject parcel, GTNV_354065. In addition, the sanitary sewer was built in 1997 on the south side of the parcel as shown in the attached exhibit.

Engineering staff recommends the fence alignment be established outside of the easement to avoid a potential conflict existing storm sewer and sanitary sewer. However, surveyor may establish storm sewer alignment and offset proposed fence alignment 4~5ft from centerline of 12-inch dia. RCP storm sewer.



Village of Germantown GIS
 GTNV_354065, W143 N9638 Amber Drive, Sanitary and Storm
 Sewer Easements

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

DISCLAIMER:

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

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



SCALE: 1 = 50'

Print Date: 6/18/2024

ZONING PERMIT REVIEW

07/08/24 Plan Commission Meeting

Neal Pisarski

Village Staff Report

Germantown, Wisconsin

Summary

Neal Pisarski, property owner, is seeking approval to install a 6' cedar privacy fence within an existing storm sewer easement on the residential lot located at W156 N10864 Deacons Court in the Legend Acres Subdivision.

Location: W156 N10864 Deacons Court

Agent/

Property Owners: Neal Pisarski
W156 N10864 Deacons Court
Germantown, WI 53022

Zoning: Rs-7 Single-Family Residential

Adjacent Land Uses		Zoning
North	One & Two-Family Residential	Rd-2
South	Single-Family Residential	Rs-7
East	Single-Family Residential	Rs-5
West	Single-Family Residential	Rs-7



Background/Proposal

Neal Pisarski, property owner, is seeking approval to install a 6' cedar privacy fence within an existing storm sewer easement on the residential lot located at W156 N10864 Deacons Court in the Legend Acres Subdivision.

As indicated in the supporting documentation, the applicant would like to install a 6' high cedar fence around the rear yard to enhance safety and privacy. While there is an existing fence along the southern property line, the proposed fence would extend along the eastern and northern property lines, enclosing the rear yard but encroaching into a 10' storm sewer easement located along the north property line (see attached site plan and survey). The fence would encroach into the storm sewer easement approximately 7' to 8' on the north side of the property. Although Public Works crews did not locate a storm pipe within the easement on the subject property, a 12" storm pipe was located in the neighboring property to the north. The pipe was measured approximately 3' to 4' away from the subject property's northern lot line.

As indicated below, Section 17.50(2)(f)6. of the Zoning Code prohibits fences from being installed in easements, except a drainage easement when approved by the Plan Commission:

(f) Fences in Residential Districts.

1. *All fences shall be subject to review and approval of the Building Inspector prior to the issuance of a building permit.*
2. *Fences in rear or side yards may be up to 6 feet in height.*
3. *Fences in front yards may not exceed 4 feet in height, except a maximum height of 6 feet on approval of the Plan Commission after consideration of visibility, privacy and access concerns.*
4. *No fence shall be closer than 2 feet to a public right-of-way.*
5. *Fences that contain a finished side and an unfinished side, shall be installed in a manner in which the finished side faces the adjacent property. In case of a discrepancy, the Village Building Inspector shall determine which side of the fence is the finished side.*
6. *Fences and easements.*
 - (i) *Fences shall not be located within any type of easement, provided however, the Planning Commission may authorize the encroachment by a fence into a drainage easement where the owner of the land encumbered by the easement shows to the satisfaction of the Planning Commission that, considering the proposed location, design and materials of the proposed fence, the encroachment of the fence into the easement will not materially interfere with drainage flow within the easement, and, in the case of a subdivision, the homeowners association consents in writing to the encroachment, or if not in a subdivision, the adjacent landowners consent in writing.*
 - (ii) *If the Planning Commission deems it necessary in order to make its decision to authorize an encroachment into a drainage easement by a fence, it may require that the applicant provide a report by a professional engineer providing an opinion that the encroachment will not impair drainage flow within the easement.*
 - (iii) *If the applicant whose property abuts the drainage way shall be aggrieved by the decision of the Planning Commission, such aggrieved person may appeal the decision to the Village Board by filing a request for appeal review of the record below within 14 days of the date of the Planning Commission's decision.*
7. *It is the property owner's responsibility for any lawn maintenance of lands that lie between a fence and the property line.*
8. *Should it be necessary that the Village or its agent, remove the fence, the material costs*

(materials and labor) would be borne by the owner of the fence.

Staff Analysis

The Planning Commission may authorize the encroachment of a fence into a drainage easement where the owner of the property encumbered by the easement shows to the satisfaction of the Planning Commission that:

1. Considering the proposed location, design and materials of the proposed fence, the fence will not materially interfere with drainage flow within the easement; and
2. In the case of a subdivision, homeowners association consent to the encroachment or, if not a subdivision, the adjacent landowner(s) written consent.

Regarding Item #1, drainage flow interference, the easement is for the purpose of the underground storm sewer and not the flow of storm water across the ground surface. Consequently, the fence would not interfere with overland storm water flow.

Regarding Item #2, there is no active homeowner's association (HOA) for the Legend Acres Subdivision.

The Director of Highways recommends that extreme caution be taken when installing the fence because the exact location and depth of the nearby 12" storm sewer is not known. The Director is recommending that the Village be held harmless in the event the fence needs to be removed for any reason and not be made responsible for any costs associated with removal and/or replacement.

The subject parcel is a "double frontage lot" with direct frontage on Deacons Court (to which the dwelling faces and accesses) and along Pilgrim Road. By definition, double and three-sided lots in residential districts are deemed to have one front yard on the street to which the dwelling faces and one rear yard. Any other yard that is not a front or rear yard shall be deemed to be a side yard for purposes of determining the type, height, location and setback requirements for accessory buildings and fences to be installed on any double frontage lot. For this property, the Pilgrim Road yard is a rear yard within which the privacy fence can be up to 6' high.

VILLAGE STAFF RECOMMENDATION

APPROVE the zoning permit application to install a 6' cedar privacy fence within the storm sewer easement along the northern lot line of the Pisarski property located at W156 N10864 Deacons Court, subject to the following conditions:

1. The fence shall be installed a minimum setback of 2' from the Pilgrim Road right-of-way/property line and the bottom of the boards a minimum of 2 inches above the finished grade.
2. It shall be the responsibility of the homeowner to maintain a free flow of water within the private easement at all times.
3. A fence permit is required from the Building Inspection Department. Owner is required to contact SafeBuilt for more information.

-
4. If the fence needs to be removed to make improvements and/or conduct maintenance within the easement, the property owner shall be responsible for all costs associated with removing the fence to the extent necessary within seven (7) days of being notified by the Village (or another mutually agreeable deadline). The property owner shall be responsible for any and all costs associated with any damage, removal, or re-installation of said fence.
 5. The property owner shall enter into an encroachment agreement with the Village for purposes of attaching the requirements of Condition #4 above to ensure that the property owner and any successors in interest are aware of these requirements.
 6. The property owner and/or fence installer shall be liable for any and all damage to the nearby 12" storm sewer and all site restoration within the easement.



Village of

Germantown
...Willkommen

ZONING COMPLIANCE/ OCCUPANCY PERMIT

Date of Application: 6/13/24
Fee Received By: R

Please read and print legibly. List name of actual contact person (NOT just business name).

APPLICANT OR AGENT:

Name: NEAL PISARSKI
Address: W156 N10864 DEACONS CT.
City/State/Zip: GERMANTOWN WI 53022
Phone: 414-588-5034
E-Mail: neal.pisarski@sbcglobal.net

PROPERTY or Business OWNER:

Name: _____
Address: _____
City/State/Zip: SAME
Phone: _____
E-Mail: _____

PROPERTY ADDRESS OR Tax Parcel ID#:

W156 N10864 DEACONS CT.
TAX# GTNV 271025

DESCRIPTION OF PROPOSED USE (Describe improvements, structures, uses and activities conducted, services provided, products made or sold, # of employees, hours of operation, etc. that will enable Zoning Administrator to determine if the proposed use or operation complies with the applicable zoning district and/or other use restrictions that may apply to the subject property. Use back side or additional sheets as needed):

FENCE TO BE INSTALLED IN UNUSED AREA OF EASEMENTS. WILL NOT BE INSTALLED OVER OR NEAR EXISTING UTILITIES. CLEARANCE OF 3' TO 4'.

READ AND INITIAL THE FOLLOWING:

NSP
NSP

I understand that Village Staff may request additional information to properly evaluate this request and failure to provide such information may in itself be sufficient cause to deny the petition.

I understand that Village Staff can impose conditions or other requirements necessary in order to meet and/or remain in compliance with the Village's Zoning Codes and/or other Village requirements that may apply to the subject property.

INCLUDE THE FOLLOWING WITH YOUR APPLICATION:

- ☐ A scaled site plan showing location of proposed use on the property (not required if within building).
- ☒ \$175 Application Fee
- ☐ Other Information required by Zoning Administrator

SIGNATURES: ALL APPLICATIONS MUST BE SIGNED

Neal S. Pisk
Applicant
SAME
Property Owner

6-13-24
Date
Date

VILLAGE USE ONLY

THE EXISTING SEWER LINE
THAT IS IN THE EASEMENT AREA
NEAR MY NORTH LOT LINE WAS
LOCATED AND MARKED BY GERMANTOWN
STREET & SEWER DIVISION. IT WAS
MARKED 3' TO 4' NORTH OF MY LOT
IN LOT 24, MY NEIGHBOR TO THE
NORTH. THIS WOULD PUT MY
PROPOSED FENCE 5' TO 7' SOUTH
OF THE SEWER LINE.

NEAL PISARSKI
W156 N10804 DEACONS CT.
GERMANTOWN WI 53022

BLOCK 1 LOT 25

TAX# GTN 271025

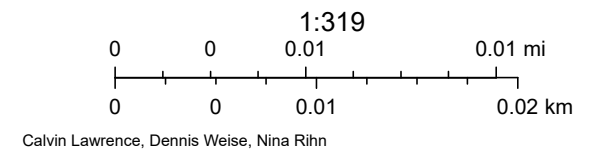
CONTACT INFO:

414-588-5034

nealpisarski@spcglobal
.net



- | | | |
|---------------------|---|-------------------|
| Current Parcel | PLSS Section | Right-of-Way |
| Address Point | PLSS Quarter | Municipality |
| Urbanized Area 2010 | Lot | Local Road Labels |
| PLSS Boundary | Plat | Local Road |
| | Assessor Plat; Cemetery Plat; Subdivision | |



PLAT OF SURVEY

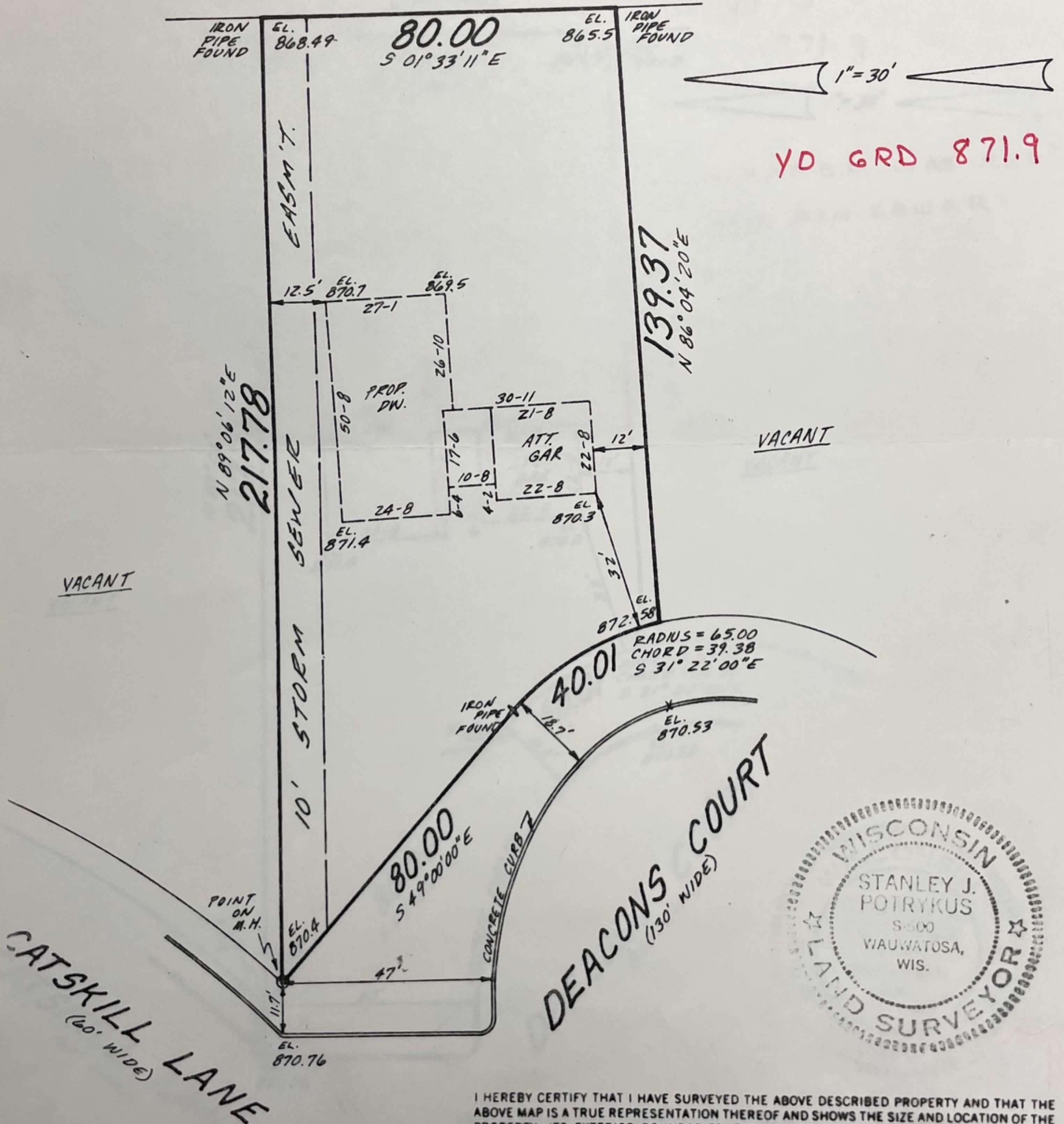
LOCATION: DEACONS COURT, GERMANTOWN, WISCONSIN

LEGAL DESCRIPTION: LOT 25 IN BLOCK 1 IN LEGEND ACRES, BEING A SUBDIVISION OF A PART OF THE NE 1/4 OF SECTION 27, T 9 N, R 20 E, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

APRIL 11, 1977
EASEMENT ADDED 5/19/77

SURVEY NO. 51275

PILGRIM ROAD
(120' WIDE)



I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

METROPOLITAN SURVEY SERVICE, INC.
REGISTERED LAND SURVEYORS
611 N. MAYFAIR RD. WAUWATOSA, WIS. 53226
453-9151

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

SIGNED

[Signature]

STANLEY J. POTRYKUS
REGISTERED LAND SURVEYOR - S-500

A-1 FENCE CO., INC.

740 N. Dekora Woods Boulevard, Saukville WI 53080
262-251-6766 • FAX 262-268-8024 • www.a1-fence.com

Proposal No. _____

Date: 5-8-24

We propose to provide all necessary materials and labor to construct a fence according to the sketch, specifications and guarantee presented below, on the purchaser's property located at:

Address: 156 N 10864 Deers

Name: Neal Piskorski

City: Greenfield

Telephone: 414-588-5034

Fence Height <u>6</u>	Gate Style A) Arch up B) Arch Down C) <u>Straight</u>	Post Style Diamond Dado Arrowhead
Post Size <u>4x4</u>	Gate Post Size <u>4x4</u>	 

RESPONSIBILITY OF THE CUSTOMER

1. Obtain pennits.
2. Provide a survey of the property.
3. Provide a place for the dirt from post holes dug.
4. If there is an existing fence to be taken down, the CUSTOMER must make arrangements for its disposal.
5. 10% deposit with signature. Non refundable after 3 days.
6. Full payment is due upon completion of work.

CUSTOMER'S RIGHT TO CANCEL

You may cancel this agreement in person or in writing, by notifying the seller by 5 PM of the third business day after you signed this proposal. And, if you wish, you may write "I hereby cancel" across the face of this page as written notice.

GUARANTEE

Seller agrees to correct any defect in workmanship or materials at no cost to the buyer for the following period of time:

Installed Fencing: _____

Installed Gate: _____

UNDERGROUND CABLES:

Telephone _____ Electric _____

A-1 Fence Co. assumes no responsibility for damage to any buried electric or plumbing service not installed by a public utility.

Salesman: [Signature]

"The sting of poor quality outlives the joy of low price."

A-1 Fence Co is not liable for disturbance or necessary changes of landscaping, nor are they liable for damage to existing surfaces such as concrete, brick, etc. due to installation or work performed. Checking of post are not warrented as that is the nature of the wood. Painting any part of the fence will void warranty.

PURCHASER AGREES TO PAY BALANCE DUE UPON COMPLETION OF WORK

Style of Fence <u>1 1/2" x 6" Estate post</u>
--

Accepted by: _____

Date signed: _____

Total footage: _____

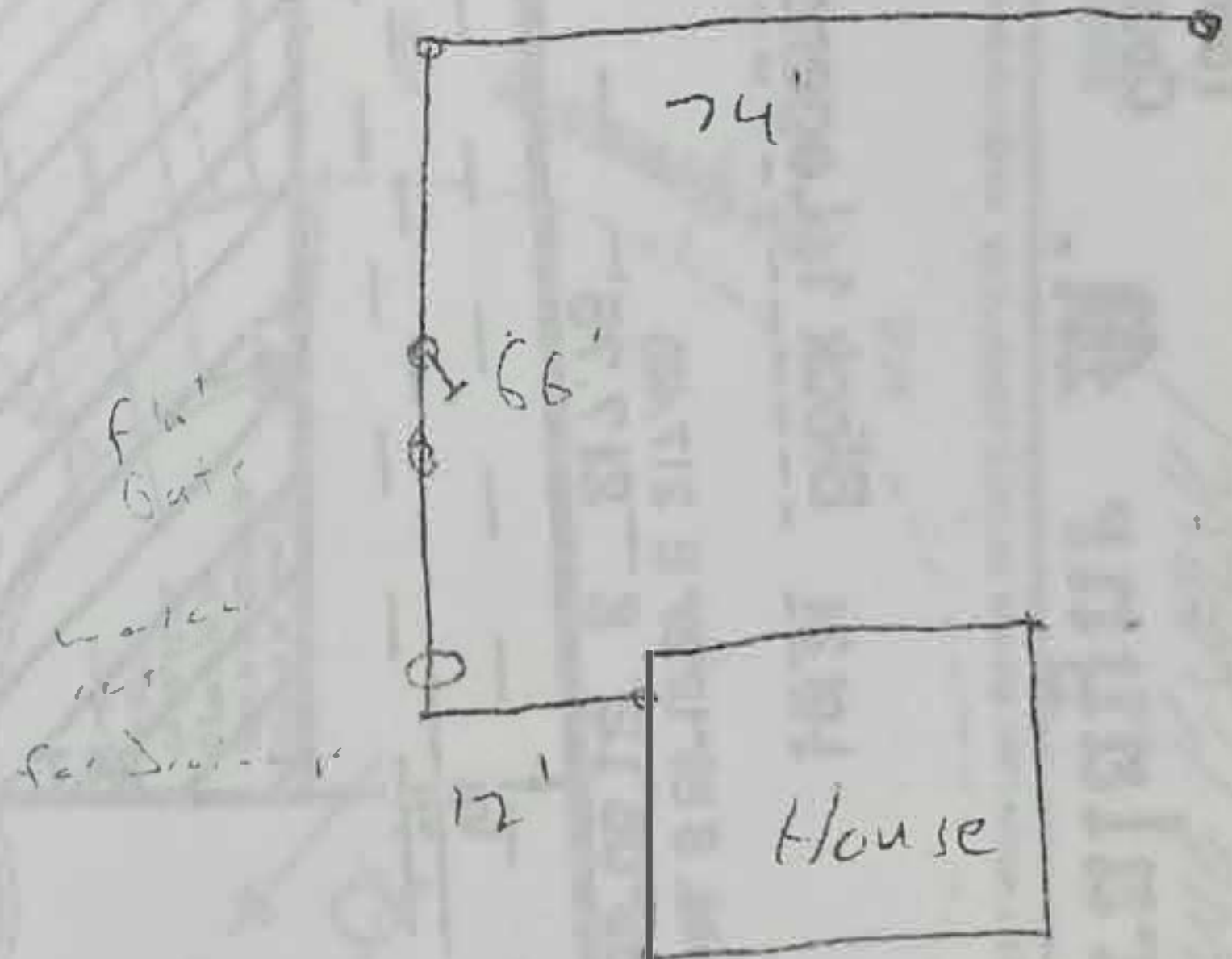
TOTAL PRICE: _____

Credit Card Payment will be subject to a 5.0% surcharge.

SKETCH

152' = 12,464.00

new fence looks up
so fence got damaged



Installation Notes

X 30" install post line

Talk to Neal about fence



SITE PLAN CONSULTATION

7/8/24 Plan Commission Meeting

KT Real Estate Holdings (Kwik Trip)

Staff Report & Recommendation

Germantown, Wisconsin

Summary

Kwik Trip (KT Real Estate Holdings), agent for Ben Venue Properties-Germantown LLC, property owners, are seeking feedback on a proposed relocation of the existing Kwik Trip convenience store and fueling station from the existing location at W188 N10963 Maple Road across Lannon Road to the former PNC Bank property located at W188 N11762 Maple Road in the Lannon-Mequon Road Corridor.

Property Location: W188 N11762 Maple Road (former PNC Bank)

Agent/

Property Owner: Troy Mleziva
Kwik Trip
1813 Kramer Street
LaCrosse, WI

Ben Venue Properties
Sussex, WI

Current Zoning: B-3: General Business

Adjacent Land Uses		Zoning
North	Industrial	M-1
South	Highway Business	B-5
East	General Business	B-3
West	Highway Business	B-5

Location Map



Background

Kwik Trip (KT Real Estate Holdings), agent for Ben Venue Properties-Germantown LLC, property owners, are seeking feedback on a proposed relocation of the existing Kwik Trip convenience store and fueling station from the existing location at W188 N10963 Maple Road across Lannon Road to the former PNC Bank property located at W188 N11762 Maple Road in the Lannon-Mequon Road Corridor.

Troy Mleziva, Director of Real Estate, has indicated that Kwik Trip is interested in relocating the existing convenience store and fueling station to the former PNC Bank property across Lannon Road. The new site at N11762 Maple Road (4.4 acres) is larger than the existing site at N10963 Maple Road (2.5 acres) and provides an opportunity to develop a new state-of-the-art facility approximately 12,000 sqft in area with better/bigger bathrooms, more store space with higher ceilings, more gasoline fueling positions, a two-bay drive-through carwash, a separate diesel fueling area and canopy, and more parking.

The existing office building would be removed and replaced with a new convenience store. Access to the site would remain the same with driveway access to/from both Maple Road on the west and Mequon Road on the north side of the property. The existing convenience store would be decommissioned and put up for sale (subject to a deed restriction that prohibits future use as a convenience store & fueling station).

A site plan showing the proposed layout and architectural renderings are provided for discussion and feedback.

Staff Comment

This property is in the “Lannon-Mequon Road Corridor” under the Village’s 2050 Comprehensive Plan and the current zoning is B-3: General Business. Rezoning into the B-5: Highway Business District will be required for the proposed convenience store, gasoline and diesel fueling stations, and self-serve car wash uses.

The proposed site across Lannon Road (and the existing site) is located within one of the Village’s Wellhead Protection Zones. Under section 17.40 of the Zoning Code (Wellhead Protection), “motor vehicular filling stations” are a prohibited use. However, since the current site was being used as a filling station prior to adoption of the wellhead protection regulations, it has a vested right to continue operating. With that said, there are provisions in 17.40 that allow non-conforming prohibited uses to be enlarged or expanded provided that the expanded operation or use employs new technology and/or equipment that diminishes the potential for wellhead contamination. In this case, Kwik Trip will be using up-to-date equipment with the latest tank and pump technology, spill contamination and prevention measures for the new facility and retiring/removing the old tanks and equipment at the old site. The Village Attorney has advised that portions of Section 17.40 may need to be amended to more clearly address/provide for a situation like this where a legal non-conforming use and existing facility may be enlarged, expanded or replaced either at the current or a new site where the result is a potentially less hazardous operation.

To that end, the Village Attorney will advise staff if a code amendment is necessary and what code amendment language should be presented to the Plan Commission for further consideration.

In the meantime, Kwik Trip is seeking feedback on the other aspects of their proposed new facility to guide the preparation of detailed site development and building plans for future review and consideration.

Discussion Points

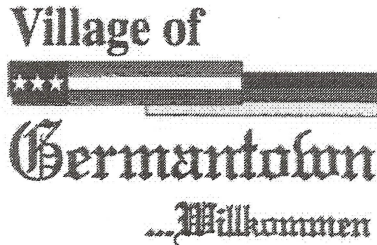
1. Site Development
 - a. Building location & orientation
 - b. Site access, circulation & parking (particularly for semi-trucks)
 - c. Traffic Impact Analysis (TIA) Requirement
 - d. Signage
2. Building Details
 - a. Architecture & material standards ("Germanic Theme")
 - b. Landscaping & Lighting

Next Steps

If the Plan Commission is receptive to the overall concept of the proposal, the following permits/approvals will eventually be required from the Village:

1. Rezoning into the B-5: Highway Business District
2. Conditional Use Permit (self-serve carwash use)
3. Site Development & Building Plan approval
4. Sign Permit Approval
5. Site Grading & erosion control plans & permit
6. Storm water management plan approval
7. Building permits

While no formal action is required at this time, Kwik Trip and Staff are looking for feedback on any/all aspects of the proposed development, particularly architecture and materials for the building and fueling station canopies.



Fee must accompany application

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

PAID _____ DATE _____

SITE PLAN REVIEW APPLICATION

Pursuant to Section 17.43 of the Municipal Code

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

1 APPLICANT OR AGENT

Jeff Osgood

Kwik Trip, Inc.

Phone (608) 793-5547

E-Mail josgood@kwiktrip.com

PROPERTY OWNER

Steven Schellin

Ben Venue Properties - Germantown

Phone (262) 391-8490

E-Mail saschellin@gmail.com

2 PROPERTY ADDRESS

Southeast corner of Maple Road and Mequon Road

N112W18741 Mequon Road
Germantown, WI 53022

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

North GKN Sinter Metals - Industrial Fire station	South STH 167	East B-3 Zoned	West GSC, Valley Cabinet, Northwestern Mutual, Milwaukee Laser & Body, Mequon Vein - Business
---	------------------	-------------------	--

4 READ AND INITIAL THE FOLLOWING:

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

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

☒ 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!

Jeff W. Osgood

07/02/2024

Applicant

Date

Steven A. Schellin July 2, 2024

Owner

Date



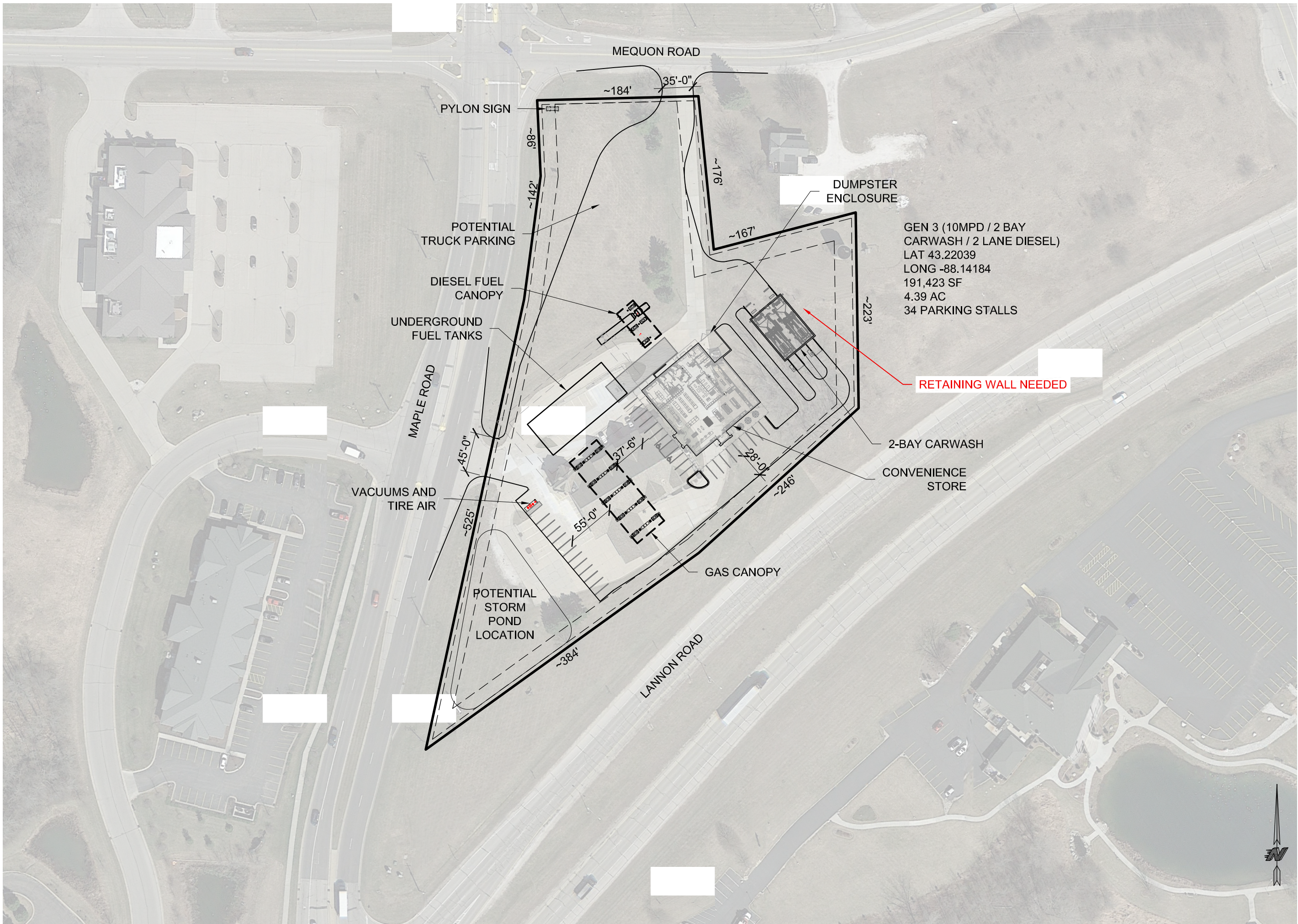
--

--

CONVENIENCE STORE #631
WITH 2 BAY CARWASH AND
2 LANE SIDE DIESEL
MAPLE ROAD
GEMANTOWN, WI

#	DATE	DESCRIPTION
DRAWN BY	ERR	
SCALE	1" = 100'-0"	
PROJ. NO.	0001	
DATE	2024-07-03	
SHEET	SP8	

SP8







**Kwik
Trip**

**Kwik
Star**

KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960

10 MPD



**Kwik
Trip**

**Kwik
Star**

KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8960

DIESEL

VILLAGE OF GERMANTOWN

ORDINANCE NO. _____

CREATING SECTION 17.40 OF THE GERMANTOWN CODE OF ORDINANCES
REGULATING WELLHEAD PROTECTION

THE VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY,
STATE OF WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION I:

Section 17.40 of the Germantown Code of Ordinances is hereby created in the form annexed hereto and incorporated herein, having been placed on file and open to public inspection in the office of the Clerk of the Village of Germantown at the Germantown Village Hall, N112 W17001 Mequon Road, Germantown, Wisconsin, since March 3, 2010, in accordance with the procedures provided in §66.0103, Wis. Stats., and is hereby adopted as such Section 17.40 of the Code of Ordinances in and for the Village of Germantown, Washington County, Wisconsin.

SECTION II:

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

SECTION III:

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

Introduced by Trustee: _____

Adopted: _____

Vote: Ayes: _____ Nays: _____

Dean Wolter, Village President

Approved as to legality:

ATTEST:

John L. DeStefanis Village Attorney

Elizabeth Knaack, Village Clerk

Published: _____, 20____.

SECTION 17.40, GERMANTOWN CODE

WELLHEAD PROTECTION ORDINANCE

17.40.01 PURPOSE AND AUTHORITY.

(1) **PURPOSE.** The residents of the Village of Germantown depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions protecting the municipal water supply of the Village of Germantown and promote the public health, safety and general welfare of the residents.

(2) **AUTHORITY.** Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in ss. 62.23(7)(a) and (c), Wis. Stats. Under these statutes, the Village has the authority to enact this ordinance to encourage the protection of groundwater resources.

17.40.02 APPLICATION OF REGULATIONS. The regulations specified in this Wellhead Protection Ordinance shall apply to those areas of the Village of Germantown that lie within the recharge areas for municipal water supply wells as defined in section 17.40.05, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this ordinance and the zoning ordinance, the more restrictive provision shall apply.

17.40.03 DEFINITIONS.

- (1) **AQUIFER.** A saturated, permeable geologic formation that contains and will yield significant quantities of water.
- (2) **CONE OF DEPRESSION.** The area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.
- (3) **FACILITIES.** A general term referring to land uses, business operations, activities, developed property, or material stored.
- (4) **FIVE-YEAR TIME OF TRAVEL.** The recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take five years to reach a pumping well.
- (5) **MUNICIPAL WATER SUPPLY.** The municipal water supply of the Village of Germantown.
- (6) **PERSON.** An individual, partnership, association, corporation, municipality or state agency, or other legal entity.
- (7) **RECHARGE AREA.** The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.
- (8) **THIRTY-DAY TIME OF TRAVEL.** The recharge area upgradient of a well, or its cone of depression, the outer boundary of which it is determined or estimated that groundwater will take thirty days to reach a pumping well.
- (9) **WELL FIELD.** A piece of land used primarily for the purpose of locating wells to supply a municipal water system.
- (10) **WELL.** A boring into the earth for the purpose of extracting groundwater for supply to the municipal water supply.
- (11) **ZONE OF SATURATION.** The area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

17.40.04 GROUNDWATER TECHNICAL REVIEW COMMITTEE.

- (1) The Germantown Groundwater Technical Review Committee shall consist of all of the following:

 - (a) The Village Planner/Zoning Administrator.
 - (b) The Village Public Works Director.
 - (c) The Village Engineer
 - (d) The Fire Chief.
 - (e) The Superintendent of the Water Utility
- (2) The purpose of the Germantown Groundwater Technical Review Committee is to provide objective and scientific technical review of requests for conditional use permits and make recommendations to the Plan Commission and ultimately to the Village Board to grant or deny conditional use permits based upon the facts discovered in that review, to make recommendations on any and all conditions placed on a conditional use permit, and to give advice on matters concerning groundwater.
- (3) Professional services. The Village may retain the services of professional consultants (including engineer, environmental specialist, hydrologist, and other experts) to assist the Village in the Village's review of a proposal or submittal coming before the Germantown Water Technical Review Committee. The submittal of a proposal by a petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Village may apply the charges for these services to the petitioner along with an administrative fee. Review fees which are applied to the petitioner, but which are not paid, may be assigned by the Village as a special assessment to the subject property.

17.40.05 GROUNDWATER PROTECTION OVERLAY DISTRICT. A Groundwater Protection Overlay District may be created to institute land use regulations and restrictions within a defined area which contributes water directly to a municipal water supply and thus promotes public health, safety, and welfare. The district is intended to protect the groundwater recharge area for the existing or future municipal water supply from contamination.

17.40.06 SUPREMACY OF THIS DISTRICT. The regulations of an overlay district will apply in addition to all other regulations which occupy the same geographic area. The provisions of any zoning districts that underlay this overlay district will apply except when provisions of the Groundwater Protection Overlay District are more stringent.

17.40.07 GROUNDWATER PROTECTION OVERLAY DISTRICTS BOUNDARIES.

The boundaries of the Groundwater Protection Overlay Districts are referenced as being part of the Germantown zoning map being an overlay district to the zoning map. The locations and boundaries of the zoning districts established by this ordinance are set forth on the Village of Germantown Municipal Wellhead Protection Areas Map which is incorporated herein and hereby made a part of this ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

17.40.08 PERMITTED USES.

- (1) Subject to the conditions for existing uses listed in section 17.40.12 the following are the only permitted uses within the groundwater protection overlay district.
- (a) Public and private parks, and playgrounds provided there are no on-site wastewater disposal systems or holding tanks.
 - (b) Wildlife and natural and woodland areas.
 - (c) Biking, hiking, skiing, nature, equestrian and fitness trails.
 - (d) Residential which is municipally sewered and free of flammable and combustible liquid underground storage tanks.
 - (e) Agricultural uses in accordance with the county soil conservation department's best management practices guidelines.
 - (f) Single-family residences on a minimum lot of 20,000 square feet with a private on-site sewage treatment system receiving less than 8,000 gallons per day, which meets the County and State health standards for the effluent, and Free of flammable or combustible liquid underground storage tanks.
 - (g) Commercial, Institutional, Industrial or Office establishments which are municipally sewered Subject to the prohibited and conditional uses listed in 17.40.10 and 17.40.11.



17.40.09 SEPARATION DISTANCE REQUIREMENTS.

- (1) The following separation distances as specified in s. NR 811.16, Wis. Adm. Code, shall be maintained. Measurements shall be from the well head to the specified structure, facility, edge of land fill or storage area as described in items (a) through (f) below.
- (a) Fifty feet between a public water supply well and a stormwater sewer main or any sanitary sewer main constructed of water main materials and joints which is pressure tested in place to meet current AWWA 600 specifications. NOTE: Current AWWA 600 specifications are available for inspection at the office of the Wisconsin Department of Natural Resources, the Secretary of State's office and the office of the Revisor of Statutes.
 - (b) Two hundred feet between a public water supply well and any sanitary sewer main not meeting the above specifications, any sanitary sewer lift station or single-family residential fuel oil tank.
 - (c) Four hundred feet between a public water supply well and a septic system receiving less than 8,000 gallons per day, or a stormwater detention, retention, infiltration or drainage basin.
 - (d) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under Comm 10.10, Wis. Adm. Code.

- (e) One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.
- (f) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

17.40.10 PROHIBITED USES.

(1) The following uses are prohibited:

- (a) Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40CFR Part 370.)
- (b) Radioactive waste facilities.
- (c) Coal storage.
- (d) Industrial lagoons, pits or natural or man made containment structures, primarily of earthen materials used for storage or treatment of wastewater, fermentation leachates or sludge.
- (e) Landfills and any other solid waste facility, except post-consumer recycling.
- (f) Manure and animal waste storage except animal waste storage facilities regulated by the County.
- (g) Pesticide and fertilizer dealer.
- (h) Railroad yards and maintenance stations.
- (i) Rendering plants and slaughterhouses.
- (k) Salt or deicing material storage for the purpose of distribution
- (l) Septage or sludge  ading
- (m) Septage, wastewater, or sewage lagoons.
- (n) Motor vehicular filling stations.
- (o) Wood preserving operations.

17.40.11 CONDITIONAL USES.

(1) Any person may request a conditional use permit for certain uses, activities and structures within the Groundwater Protection Overlay District not prohibited in section 17.40.10.

(2) The uses, activities, and structures that may be conditionally allowed are:

- (a) Jewelry plating and metal plating.
- (b) Machine or metal working shops as the principal business.
- (c) Commercial, Institutional, or Office establishments utilizing a private on-site wastewater treatment system .
- (d) Cemeteries.
- (e) Chemical manufacturers (Standard Industrial Classification Major Group 28).
- (f) Dry cleaners.
- (g) Nonmetallic earthen materials extraction or sand and gravel pits.
- (h) Salvage or junk yards.
- (i) Stockyards and feedlots.

- (j) Research labs, universities and hospitals.
 - (k) Exposed hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.) This shall not apply to residential LP gas tanks which are permitted under section 17.40.08(1)(i).
 - (l) Storage or processing of extremely hazardous substances, radioactive materials or substances listed in Table 1, ch. NR 140, Wis. Adm. Code (Extremely hazardous substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.)
 - (m) Septage or sludge storage or treatment
 - (n) Motor vehicular service stations, repair, renovation and body working.
- (3) All requests for a conditional use permit shall be submitted in writing to the Germantown Village Planning and Zoning Department, and shall include all of the following:
- (a) A site plan map with all building and structure footprints, driveways, sidewalks, parking lots, stormwater management structures, groundwater monitoring wells, and 2-foot ground elevation contours.
 - (b) A business plan and/or other documentation which describes in detail the use, activities, and structures proposed.
 - (c) An environmental assessment report prepared by a licensed environmental engineer which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.
 - (d) An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring.
 - (e) A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.
- (4) All applicants submitting a request for a conditional use permit shall reimburse the Village for all consultant fees and expenses and technical review committee expenses associated with this review, plus administrative costs and processing fees.
- (5) All conditional use permits granted shall be subject to conditions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply. These conditions shall include all of the following:
- (a) Provide current copies of all federal, state and local facility operation approval or certificates and on-going environmental monitoring results to the Village.
 - (b) Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring.
 - (c) Replace equipment or expand in a manner that improves the environmental and safety technologies in existence.
 - (d) Prepare, file and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to the Village.
- (6) The Germantown Village Board shall decide upon a request for a conditional use permit only after full consideration of the recommendations made by the Germantown Groundwater Technical Review Committee. Any conditions above and beyond those specified in Conditional Uses, subsections (5) herein that are recommended by the Germantown Groundwater Technical Review Committee may be applied to the granting of the conditional use permit.



17.40.12 REQUIREMENTS FOR EXISTING FACILITIES REQUIRING A CONDITIONAL USE OR LISTED AS A PROHIBITED USE

Existing facilities within the Groundwater Protection Overlay District at the time of enactment of such district which require a conditional use or are listed as a prohibited use in section 17.40.11 or section 17.40.10 all of which are incorporated herein as if fully set forth.

- (a) The owners or operators of such facilities as above which exist within the district at the time of enactment shall, within 45 days of enactment, provide copies of all current, and within 30 days of receipt, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plan and on-going environmental monitoring results to the Village.
- (b) The owners or operators of such facilities as above which exist within the district at the time of enactment of a district shall have the responsibility of devising, filing and maintaining, with the Village, a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county and state officials.
- (c) In the event of casualty loss causing damage or destruction to building improvements exceeding 50 percent of the assessed valuation thereof, or the desire to expand or enlarge building improvements, the cost of which will reasonably be anticipated to exceed 50 percent of the assessed valuation thereof, the owners or operators of such facilities shall be granted a conditional use permit, in accordance with this Code, and Section 17.40.11 above, to repair, rebuild, or expand such facilities, provided that the conditions imposed shall generally require that:
 - (1) To the extent feasible, based upon scientific, engineering and economic factors, the building improvements shall be repaired, restored or rebuilt employing designs and technologies which are state of the art, such that they diminish the potential for wellhead contamination, and
 - (2) To the extent feasible, based upon scientific, engineering, and economic factors, the replacement or augmentation of equipment and machinery and the installation thereof, which diminishes potential for wellhead contamination. This section does not apply to normal maintenance or minor repairs.

17.40.13 CHANGING TECHNOLOGY.

- (1) The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered to be of a high risk for pollution to the groundwater resource. As the technology of other uses change to low or non-risk materials or methods, upon petition from such use, after conferring with the Groundwater Technical Review Committee or other expert opinion, and after appropriate public notice and hearing, the Village through appropriate procedures and actions to change these provisions of the Germantown Municipal Code may remove from the designated prohibited uses such uses as are demonstrated convincingly that they no longer pose a groundwater pollution hazard.

- (2) In dealing with uses which attempt to become permissible, under the terms of this district, by continuing to utilize pollutant materials but altering their processing, storage and handling, it is not the intention to accept alternate or reduced hazards as the basis for making a use permissible. It is the intention to continue a prohibition on such uses until the technology of the use removes reliance upon the pollutant materials or processes deemed to be a groundwater hazard.

17.40.14 ENFORCEMENT AND PENALTY.

- (1) **PENALTY.** Any person who violates, neglects or refuses to comply with any of the provisions of this ordinance shall be subject to a penalty as provided in Chapter 17.40 of this Municipal Code.
- (2) **INJUNCTION.** The Village of Germantown may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provisions herein, the cost of which shall be charged to the defendant in such action.
- (3) **CLEANUP COSTS.** As a substitute for, and in addition to any other action, the Village of Germantown may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a Groundwater Protection Overlay District shall immediately cease such discharge and immediately initiate clean up satisfactory to the Village of Germantown and the other state and federal regulatory agencies.

The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review and documentation, including the Village employees, equipment, and mileage.

17.40.15 CONFLICT, INTERPRETATION AND SEVERABILITY.

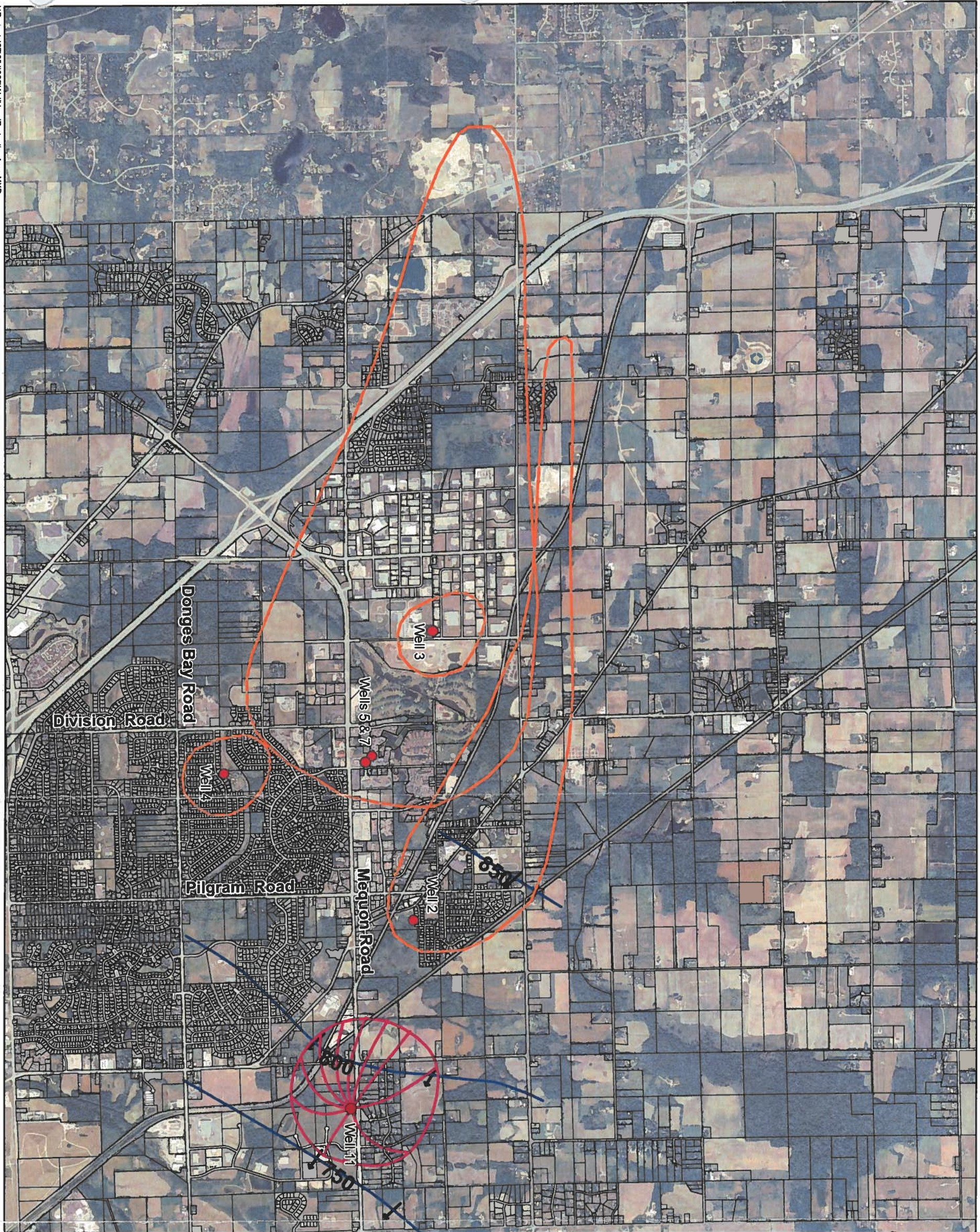
- (1) **CONFLICT AND INTERPRETATION OF PROVISIONS.** If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum and are not deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the most restrictive requirements or interpretations shall apply.
- (2) **SEVERABILITY OF CODE PROVISIONS.** If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Village Council hereby declares that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

Figure 1

**Wellhead Protection Areas for
Germantown Well No. 11***

**Village of Germantown
Washington County, Wisconsin**

*WHPA for Well 11 delineated by
Ruekert-Mielke, 2010 in Amendment
No. 1 to Wellhead Protection Plan for
Municipal Well Nos. 2, 3, 3, 5, & 7
delineated by Graef, 2008



Legend

- Village Well Sites
- Direction of Groundwater Flow
- 800 Potentiometric Surface Elevation of Sandstone Aquifer (Static Condition)
- Wellhead Protection Area
- Well 11 (Based on 5-Year TOT)
- Graef Wellhead Protection Areas
- Wells 2-5 & 7 (Based on 5-Year TOT)

