

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, JULY 7, 2014 7:00 p.m.

LOCATION: Germantown Village Hall Board Room

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **PRESIDENT'S REPORT**
- V. **PRESENTATION TO OUTGOING TRUSTEE JEFF WERDERMAN**
- VI. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS:**
The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney and Village Clerk.
- VII. **CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:**
Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes)
- VIII. **CONSENT AGENDA:**
- A. Minutes – June 16, 2014
- B. Accounts payable/payroll
- | | | | |
|----|---------------|------------------|---------------|
| 1. | June 13, 2014 | Payroll (salary) | \$ 79,249.63 |
| 2. | June 17, 2014 | Payroll (hourly) | \$ 221,657.07 |
| 3. | June 25, 2014 | Accounts Payable | \$ 814,501.00 |
| 4. | June 30, 2014 | Payroll (salary) | \$ 78,804.60 |
| 5. | June 2014 | Accounts Payable | \$ 26,046.20 |
| 6. | July 1, 2014 | Payroll (hourly) | \$ 224,664.42 |
- C. **Operator Licenses: July 8, 2014 - June 30, 2015:**
Renewals: Barbara Awwe, Jane Boudreau, Anthony Buck, Boro Buzdum, Samantha Cloyd-James, Christopher Cummings, Carol Feit,

VIII. **CONSENT AGENDA continued:**

Cassandra Feuerstahler, Christine Feuerstahler, Amber Fitzwilliams, Alyssa Gagnon, Julie Gagnon, Jewelia Gorzynski, Dawn Hardy-Reith, Jason Larsen, Vickie Matt, Yadira Ortiz, Mishal Panchal, Tammi Perkins, Jill Peters, Melissa Sue Recore, Dona Schneidervin, Cheree Spychalla, Richard Tomczek.

New: Wayne Andler, Shonnette Garner, Cindy Greenblatt, Ethan Jahns, Megan Matheus, Austin Mitzel, Annette Robenhorst, Gary Vilar. [Recommended Approval]

IX. **UNFINISHED BUSINESS:**

A. Resolution for Budget Amendment TIF No. 4 Signalization Mequon & Eisenhower

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

- A. MLG Germantown Investment LLC, Agent for Donald & Gloria Neu and NMMR & Associates, Property Owners and applicant to rezone 121.68-acre area from the A-1: Agricultural and I: Institutional Zoning Districts to the M-1: Limited Industrial Zoning District pursuant to Sections 17.33 of the Village Zoning Code, and a Comprehensive Plan Map Amendment to the 2020 Land Use Plan Map classification for portions of the 121.68-acre area from “Commercial” and “Mixed Use” to the “Industrial/Office” classification, on the property of Tax Key Nos. 321-981, 321-984, 321-985, 321-991 & 321-999 (Land located south of Lannon Road, north/east of Appleton Ave. and west of Maple Road. ** Original date of this combined hearing was June 16, 2014**
- B. Keller Inc., Owner/Operator and Agent for Gary Mayworm & Allied Utility Equipment Inc., Property Owner and applicant for a Conditional Use Permit for the operation of a Construction Services/Contractor Shop business pursuant to Section 17.30(3)(j) of the Village Zoning Code, from the property located at W204 N11509 Goldendale Road (Parcel ID # GTNV 194-987)
- C. Ryan Rahl, Agent for Project Design management, Property Owners and applicant for a Conditional Use Permit to allow development within a 25’ wetland setback pursuant to Section 24.04(3) of the Village Shoreland-Wetland Zoning Code on a portion of the property located at N111 W18611 Mequon Road, (Parcel ID #GTNV 282-992)

XI. **NEW BUSINESS:**

- A. MLG Germantown Investment LLC, Agent for Donald & Gloria Neu, and NMMR & Associates, Property Owners, 2020 Land Use Plan Map Amendment & Rezoning Applications:
1. Ordinance No. __-14 – An Ordinance to Amend the Land Use Plan Map of the Village of Germantown 2020 “Smart Growth” Comprehensive Plan, Donald & Gloria Neu Property (Sections 29 & 32)
 2. Ordinance No. __-14 – An Ordinance to Amend the Official Zoning Map of the Village of Germantown Zoning Code (Donald & Gloria Neu, Property Owners)

XI. NEW BUSINESS continued:

3. Ordinance No. __-14 – An Ordinance to Amend the Land Use Plan Map of the Village of Germantown 2020 “Smart Growth” Comprehensive Plan, NMMR & Associates Property (Section 32)
4. Ordinance No. __-14 – An Ordinance To Amend The Official Zoning Map of the Village of Germantown Zoning Code (NMMR & Associates, Property Owners)
- B. Ryan Rahl, Agent for Project Design Management, Property Owners, N111 W18611 Mequon Road, Conditional Use Permit (CUP) No. __-14 for 25’ Wetland Setback Development Encroachment
- C. Keller Inc., Agent for Gary Mayworm & Allied Utility Equipment Inc., Property Owner, W204 N11509 Goldendale Road, Conditional Use Permit (CUP) No. __-14 for the operation of a Construction Services/Contractor Shop
- D. Update on SEWRPC STP-M Funding Decision for Donges Bay Road Reconditioning Project and Possible Board Action Based on The Same
- E. Application for Public Grant Program, Germantown Historical Society, Bier Garden and Oktoberfest
- F. Application for Amendment of “Class B” Fermented Malt Beverage & Intoxicating Liquor License Outside Premises Extension, Gamroth’s Kuhburg Junction, W140 N10385 Fond Du Lac Ave., Germantown WI, 20’ x 30’ tent, back yard area, southwest of building, August 9, August 16 & September 20, 2014, 2:00 p.m. – 10:00 p.m.
- G. Application for Amendment of “Class B” Fermented Malt Beverage & Intoxicating Liquor License Outside Premises Extension, KJ’s Bar & Grill, N112 W21209 Mequon Road, Germantown WI, 20’ x 30’ tent, west of building adjacent to parking lot, July 19, 2014, 4:00 p.m. – 10:00 p.m. and August 23, 2014, 2:00 p.m. – 10:00 p.m.
- H. Selection of Process to Address Trustee Vacancy
- I. Cancellation Of Village Board Meeting Of September 1, 2014 Due To Labor Day Holiday and Village Board Meeting of November 3, 2014 Due to Clerk’s Office Election Duty Requirements
- J. Appointments:
Commissions/Boards/Committees
Utility Advisory Committee

Financial/Accounting Member	Patrick Broesch	07/08/2014–04/30/2015
(completing vacant term)		
Alternate Member	Julie Reichert	07/08/2014-04/30/2016
(completing vacant term)		
Trustee Representative	(one year term)	07/08/2014-04/30/2015
Appointment of Chair		07/08/2014-04/30/2015
- K. Memorandum Of Understanding Between The Village And Rafrad, LLC For The Development Of Lot 44 And Purchase Of Lot 45 In The Germantown Business Park (TIF 4). The Village Board May Enter Into Closed Session Per Wis. Stats. §19.85(1)(e) For The Purpose Of Deliberating Or Negotiating The Purchase Of Public Properties, The Investing Of Public Funds, Or Conducting Other Specified

XI. NEW BUSINESS continued:

Public Business, When Competitive Or Bargaining Reasons Require A Closed Session And Then May Re-Enter Open Session To Take Such Action As It Deems Appropriate.

- L. The Germantown Professional Police Association Local 306 Negotiations. The Village Board May Enter Into Closed Session Per Wis. Stats. §19.85(1)(e) For The Purpose Of Deliberating Or Negotiating The Purchase Of Public Properties, The Investing Of Public Funds, Or Conducting Other Specified Public Business, When Competitive Or Bargaining Reasons Require A Closed Session And Then May Re-Enter Open Session To Take Such Action As It Deems Appropriate

XII. ADJOURNMENT

The next Village Board meeting will be on July 21, 2014 at 7:00 p.m.

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

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

MEETING DATE: July 7, 2014

AGENDA ITEM: UNFINISHED BUSINESS

ITEM TITLE: Budget Amendment – Mequon Road/Eisenhower Drive Traffic Signals

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Reason for Project:

Wisconsin DOT Memorandum-of-Understanding required Construction by Year 2014, Sep., 2009

Reason for Budget Amendment:

A	\$156,000	Original budget expectant of using Village equipment and installation standards
B	\$80,000	Additional cost for Wisconsin DOT equipment and installation standards
C	\$189,900	Pieper Electric bid
D	\$269,900	Total (B+C)
E	\$113,900	Additional budget needed (D-A)

ATTACHMENTS:

- Resolution for *Budget Amendment TIF No. 4, Signalization Mequon & Eisenhower*
- Wisconsin DOT *Engineering Services Agreement*

RECOMMENDATION:

Approve the Budget Amendment and execute the Resolution.

COMMITTEE ACTION:

During its June 3, 2014 meeting, the Public Works & Highway Committee recommended by majority vote that Village Board approve the Budget Amendment and execute the Resolution.

During its June 16th meeting, the Village Board motioned to approved but the motion failed by a tie vote. Village Board then postponed this agenda item until its July 7th meeting.

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

**BUDGET AMENDMENT TIF NO.4
SIGNALIZATION MEQUON & EISENHOWER**

WHEREAS, the Village Board of the Village of Germantown approved the appropriation of funds for operations for the year 2014 which includes TIF No. 4, and,

WHEREAS, the project to install signalization at the intersection of Mequon & Eisenhower was budgeted at \$156,000 in account #44-574-530-4500, and,

WHEREAS, the actual cost is now projected to be \$269,900, an increase of \$113,900, due to additional requirements dictated by the Department of Transportation, and,

NOW THEREFORE BE IT RESOLVED, by the Village Board of the Village of Germantown that the 2014 TIF No. 4 Budget be amended to \$269,900 for account #44-574-530-4500, and,

BE IT FURTHER RESOLVED that the Village Clerk is hereby authorized and directed to publish a copy of this Resolution as a Class I Notice in accordance with Section 65.90 (a) Wisconsin Statutes.

Introduced by: _____

Adopted: _____

Vote: Ayes: _____ Nays: _____

Dean M. Wolter, President

ATTEST:

Barbara K.D. Goeckner, MMC/WCPC
Village Clerk

ENGINEERING SERVICES REQUEST

DT2195 2005 (Replaces ED419)

Wisconsin Department of Transportation

Project ID 0663-22-54	Date 2/20/14
Highway WIS 167	Connecting Street ☐ Yes ☒ No
Limits WIS 167 & Eisenhower Drive	
City/County Village of Germantown/Washington County	Cost Estimate \$80,000*
Local Municipality / Company Name Village of Germantown	
Billing Address N112W17001 Mequon Rd, Germantown, WI 53022	
Contact Person Dan Ludwig	

Check all types of services required.

We request engineering services from the Wisconsin Department of Transportation as follows:

- | | |
|---|--|
| ☐ Aerial Photography | ☐ Process Documents and Plans |
| ☐ Appraisal and Acquisition Assistance | ☐ Railroad Negotiations |
| ☒ Electrical Field Inspection | ☐ Relocation |
| ☐ Environmental Reports | ☐ Soils Report |
| ☐ Pavement Design | ☐ Survey |
| ☐ Preliminary and Final Plans | ☐ Traffic Projections |
| ☐ Preliminary and Final Structure Plans | ☐ Traffic Signal Design |
| ☐ Prepare P.S. & E. | ☒ Traffic Signal Equipment - State Furnished Materials |

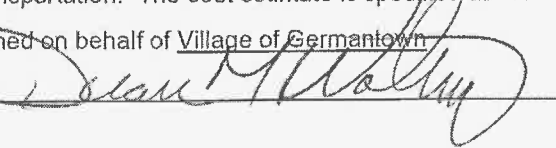
Others - Describe

A new traffic signal will be constructed at WIS 167 & Eisenhower Drive. This agreement covers costs associated with traffic signal equipment (monotubes and cabinet) furnished by WisDOT and field inspection by WisDOT electricians.

* This estimate is subject to change.

All necessary costs, or, that part of such costs, which are not eligible for Federal or other funding, accumulated for such services, will be paid by the county / city / village upon presentation of an invoice by the Wisconsin Department of Transportation. The cost estimate is specified above.

Signed on behalf of Village of Germantown

X		X
X		X
X		X

For Wisconsin Department of Transportation Use Only

☒ Approved
☐ Not Approved

X 
(Region Authorization)

3-24-14
(Date)

STH 167 & Eisenhower State supplied equipment and inspection

Equipment

Item	Cost	
monotube mastarm (assume average 45 ft)	\$5,600	4
monotube pole (type 12)	\$5,900	4
base	\$270	4
anchor rods (6)	\$918	4

*Department is currently only supplying monotubes, cabinets/controllers & video

Controller & Cabinet	\$10,000	1
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Video detection camera	\$5,000	
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Labor/Fleet

Item	Cost	
1 electrician, 1 hour	\$35	72
1 bucket truck, 1 hour	\$35	72
1 bucket truck, 1 mile	\$1.15	360
1 auger truck (for type 2,3,5 pole install), 1 hour	\$75	
1 auger truck (for type 2,3,5 pole install), 1 mile	\$1.25	

*each electrician typically has own truck

For full reconstruct:
 * Typical inspection = 3 electricians * 3 days * 8 hours = 72
 * Typical inspection = 3 trucks * 3 days * 8 hours = 72
 * Typical inspection = 3 trucks * 3 days * round trip miles

New Signal design	\$2,500	\$0
Existing Signal revision design	\$1,000	\$0
Underground inspection/mapping (1 intersection)	\$2,500	\$0

Sign bridge inspection	\$1,500	\$0
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Estimate Subtotal

89% Labor (fringe benefits)
 15% contingency

Total Estimate

\$66,206
 \$2,243
 \$10,267
 \$78,715

X A

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

MEETING DATE: June 16, 2014

AGENDA ITEM: Public Hearing & New Business (ORDINANCES)

ITEM TITLE: MLG Germantown Investment LLC, Agent for Donald & Gloria Neu, and, NMMR & Associates; Property Owners; 2020 Land Use Plan (LUP) Map Amendment & Rezoning Applications

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



SUMMARY EXPLANATION:

As a result of the Village Board creating TID#6 and the requirement that development therein is for "mixed use" industrial and commercial land uses only, a 2020 LUP map amendment is necessary for both the Neu & NMMR properties. Although one might think the term "mixed use" would have the same meaning in the context of the Village's 2020 LUP and the State's Tax Incremental District statute...is does not. The "Mixed Use" classification and description in the Village's 2020 LUP includes both commercial and residential land uses. Since TID#6 is required to only include industrial and commercial land uses in a "mixed use" district created under the statute, changing the classifications for these properties is required. The area classified as "Environmental Corridor" will not change.

With regard to rezoning, the Neu property is zoned for agriculture (with wetland and floodplain overlay zoning also applicable) and the NMMR property for institutional uses. With both properties comprising the first phase of development in TID#6, rezoning into the M-1: Limited Industrial District is appropriate.

ATTACHMENTS:

- ◆ 6/23/14 Staff Report
- ◆ 6/23/14 Plan Commission Meeting Minutes
- ◆ Draft Rezoning Ordinances (1 each for the Neu & NMMR Properties)
- ◆ Draft 2020 LUP Amendment Ordinances (1 each for the Neu & NMMR Properties)

PLAN COMMISSION RECOMMENDATIONS:

Donald & Gloria Neu Property

APPROVE the proposed 2020 Land Use Plan map amendment to change the classification from "Commercial" and "Mixed Use" to "Industrial/Office".

APPROVE rezoning the Neu property from the A-1: Agricultural District to the M-1: Limited Industrial District.

NMMR & Associates Property

APPROVE the proposed 2020 Land Use Plan map amendment to change the classification from "Mixed Use" to "Industrial/Office".

APPROVE rezoning the NMMR property from the I: Institutional District to the M-1: Limited Industrial District.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF GERMANTOWN ZONING CODE
(NMMR & Associates, Property Owners)**

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

SECTION 1. That the zoning map of the Village of Germantown is amended by rezoning from the I: Institutional District to the M-1: Limited Industrial District the following described property:

That part of the Northeast 1/4 of Section 32, Township 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin, described as follows:
Commence at the North 1/4 corner of said Section 32; run thence South 01 degree, 06 minutes, 26 seconds East, 480.04 feet along the North-South 1/4 line of said Section 32; thence North 89 degrees, 35 minutes, 06 seconds East, 201.13 feet parallel with the North line of the Northeast 1/4 of the Northeast 1/4 of said Section 32 to the point of beginning; thence North 89 degrees, 35 minutes, 06 seconds East, 550.07 feet parallel with the North line of said Section 32 to the West line of the East 35 acres of the West 1/2 of the Northeast 1/4 of Section 32; thence South 01 degree, 18 minutes, 10 seconds East, 1,535.95 feet along said West line to the Northerly line of STH 175; thence North 46 degrees, 45 minutes, 19 seconds West, 293.78 feet along said Northerly line of STH 175; thence North 47 degrees, 52 minutes, 55 seconds West, 468.99 feet along said Northerly line of STH 175 to a point on a line 550 feet Westerly of, as measured normal to, and being parallel with the West line of the East 35 acres of the West 1/2 of the Northeast 1/4 of said Section 32; thence North 01 degree, 18 minutes, 10 seconds West, 1,016.03 feet parallel with the said West line to a point on a line 480 feet Southerly of, as measured normal to, and being parallel with the North line of said Section 32 and the point of beginning.

Tax Key No. GTNV 321-981

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

Introduced by Trustee: _____
Adopted: _____, 2014

Vote: Ayes: _____
 Nays: _____

Dean Wolter, Village President

ATTEST:

Barbara K. D. Goeckner, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

Published:

ORDINANCE NO. _____

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

(Donald & Gloria Neu, Property Owners)

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

SECTION 1. That the zoning map of the Village of Germantown is amended by rezoning from the A-1: Agricultural District to the M-1: Limited Industrial District the following described property:

LAND AREA "A":

The East Half of the Southeast Quarter of the Southeast Quarter of Section 29, Township 9 North, of Range 20 East, Village of Germantown, County of Washington, State of Wisconsin.

EXCEPTING the following four (4) described parcels:

1. That portion conveyed to Washington County as recorded in Volume 179 of Deeds on Page 575, Document No. 210004.
2. That part of the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 29, Town 9 North, Range 20 East, described as follows: Commencing at the Southeast corner of said Section 29; thence North 00° 38' East along the East line of said Section 29, 745.32 feet; thence North 89° 22' West, 130 feet, to the right-of-way line, and the place of beginning of this description; thence North 89° 22' West 511.10 feet; thence North 00° 04' West, 569.50 feet; thence South 88° 54' East, 11.77 feet; thence South 41° East, 762.07 feet to the place of beginning.
3. That part of the East Half of the Southeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 20 East, described as follows: Commencing at the Southeast corner, Section 29; thence North 00° 38' East on the East line of Section, 957.10 feet; thence North 89° 22' West 130.00 feet to right-of-way line of U.S. Hwy 41; thence North 41 ° West on right-of-way line of Highway, 476.65 feet to one-sixteenth line; thence North 88° 54' West 189.63 feet; thence South 41° East and parallel to Highway 41, 762.07 feet to West right-of-way line of Town Road; thence North 00° 38' East on right-of-way line, 211.78 feet to the place of beginning.
4. That part of the Southeast 1/4 of the Southeast 1/4 of Section 29, Town 9 North, Range 20 East, described as follows: Commencing at the Southeast corner of Section 29; thence North 00° 38' East 745.32 feet; thence North 89° 22' West 130.00 feet to the place of beginning of this description; thence South 00° 38' West 135.00 feet; thence North 89° 22' West 509.45 feet; thence North 00° 04' West, 135.00 feet; thence South 89° 22' East , 511.10 feet to the place of beginning.

Tax Key No.: GTNV 294-998

LAND AREA "B":

The East Half of the Northeast Quarter; also the East 35 acres of the West Half of the Northeast Quarter of Section 32, Township 9 North, Range 20 East, Village of Germantown, County of Washington, State of Wisconsin.

EXCEPTING the following eleven (11) described parcels:

1. That part of the North Half of the Northeast Quarter of said Section 32 which is bounded by a line described as follows: Commencing at a point in the North line of said Section, which point is situated 5 rods East of the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section, and running thence South 20 rods; thence West 40 rods; thence North 20 rods to the North line of said Section; thence East on said Section line 40 rods to the place of beginning.
2. That part of the South Half of the Northeast Quarter of Section 32 which is bounded by a line described as follows: Commencing at a point of intersection of the south line of the South Half of the Northeast Quarter with the center line of Federal Trunk Highway #41, now known as S.T.H. Hwy 175, and running thence West on said South line, 614.50 feet to a point in the West line of the East 35 acres of the West Half of the Northeast Quarter of said Section; thence North on said West line 588 feet to a point in the center of said F.T.H. #41, now known as S.T.H. #41; thence Southeasterly along said center line, 858.70 feet to the place of beginning.
3. The East 50 feet of the North 336.03 feet of the Northeast One-quarter of the Northeast One-quarter of Section 32, Township 9 North, Range 20 East.
4. A parcel of land in the Northeast Quarter of Section 32, Township 9 North, Range 20 East in Washington County, Wisconsin more fully described as follows: From the East Quarter corner of Section 32, Township 9 North, Range 20 East in Washington County, Wisconsin. Measure North 89° 28' West along the East and West Quarter Section line for 1079.8 feet to a point which is the point of beginning of the tract hereinafter described and conveyed; thence continue North 89° 28' West for 223.3 feet to a point in the center of U.S. Highway #41; thence measure North 47° 30' West along the center line of Highway #41 for 100.0 feet to a point; thence measure North 42° 30' East for 150.0 feet to a point; thence measure South 47° 30' East for 260.85 feet to the point of beginning.
5. A parcel of land situated in the Northeast 1/4 of Section 32, Township 9 North, Range 20 East, Washington County, Wisconsin, and being more particularly described as follows: Beginning at a point on the E-W 1/4 line of Section 32, Township 9 North, Range 20 East, Washington County, Wisconsin, said point being the Southeast corner of the existing Menomonee Falls Meter Station Site recorded in Volume 189, Page 201 of Records and located North 89° 28' West 1079.80 feet from the East 1/4 corner of Section 32; thence proceed North 47° 30' West, 260.85 feet along the Northeasterly property line of said existing Meter Station Site; thence South 42° 30' West, 150.00 feet along the Northeasterly property line of said existing Meter Station Site to the centerline of U.S. Highway 41; thence North 47° 30' West 25.00 feet along said Highway centerline; thence North 42° 30' East, 225.00 feet; thence South 47° 30' East 369.24 feet to the E-W 1/4 line of said Section 32; thence North 89° 28' West 112.16 feet along said E-W 1/4 line to the point of beginning.

6. That part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 20 East, described as follows: Commencing at the East Quarter of said Section 32; thence North 00° 33' West along the East line of said Northeast 1/4, 599.10 feet to the place of beginning of this description; thence South 89° 27' West, 363.50 feet; thence North 00° 33' West, 180.00 feet; thence North 89° 27' East, 363.50 feet to a point on the East line of said Northeast 1/4; thence South 00° 33' East along the said East line, 180.00 feet to the place of beginning.

7. A parcel in the Southeast One-quarter of the Northeast One-quarter of Section 32, Township 9 North, Range 20 East, Village of Germantown, County of Washington, State of Wisconsin, and described as follows: Commencing at the East 1/4 corner, Section 32, Township 9 North, Range 20 East; thence North 00° 33' West on the East line of the Northeast 1/4 of said Section, 419.10 feet to a point of beginning of this description; thence South 89° 27' West 363.50 feet; thence North 00° 33' West 180.00 feet; thence North 89° 27' East 363.50 feet to said East line; thence South 00° 33' East on said East line 180.00 feet to point of beginning.

8. A parcel in the Southeast One-quarter of the Northeast One-quarter of Section 32, Township 9 North, Range 20 East, Village of Germantown, County of Washington, State of Wisconsin, and described as follows: Commencing at the East 1/4 corner, Section 32, Town 9 North, Range 20 East; thence North 00° 33' West on the East line of the Northeast One-quarter of said Section 179.43 feet to the point of beginning of this description; thence South 89° 27' West, 363.50 feet; thence North 00° 33' West 239.67 feet; thence North 89° 27' East 363.50 feet to the said East line of said Section; thence South 00° 33' East 239.67 feet to the point of beginning.

9. That part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 20 East, described as follows: Commencing at the East Quarter corner of said Section 32; thence North 00° 33' West along the East line of said Section 32, 779.10 feet to the place of beginning of this description; thence South 89° 27' West, 363.50 feet; thence North 00° 33' West, 180.00 feet; thence North 89° 27' East, 363.50 feet to a point on the East line of said Section 32; thence South 00° 33' East, 180.00 feet to the place of beginning.

10. That part of the Northeast 1/4 of Section 32, Township 9 North, Range 20 East. Village of Germantown, County of Washington, State of Wisconsin, bounded and described as follows:

Commencing at the center of Section 32, Town 9 North, Range 20 East; thence South 89° 56' 25" East on the East 1/4 line of said Section, 1362.60 feet; thence North 46° 49' 10" West on the C/L of S.T.H. 175, 480.00 feet to the point of beginning of this description; thence continuing North 46° 49' 10" West on said C/L 380.00 feet; thence North 01° 13' 48" West, 330.00 feet; thence North 88° 46' 12" East, 227.59 feet; thence South 46° 49' 10" East 448.35 feet; thence South 43° 10' 50" West, 395.00 feet to the point of beginning.

11. Those portions of the within described parcels lying within the boundaries of S.T.H. 175 and Maple Road.

Tax Key Nos: 321-999, 321-984, 321-991, 321-985

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

Introduced by Trustee: _____
Adopted: _____, 2014

Vote: _____ Ayes: _____
Nays: _____

Dean Wolter, Village President

ATTEST:

Barbara K. D. Goeckner, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

Published:

DRAFT

**AN ORDINANCE TO AMEND THE LAND USE PLAN MAP OF THE VILLAGE OF
GERMANTOWN 2020 "SMART GROWTH" COMPREHENSIVE PLAN
NMMR & Associates Property (Section 32)**

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

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

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

SECTION 3. That MLG Germantown Investment LLC, agent for NMMR & Associates, property owners of approximately 16.08 acres of land located north of Appleton Avenue and east of Lannon Road (Tax Parcel #321-981) has submitted an application to amend the Land Use Plan map of the Village of Germantown Year 2020 Smart Growth Plan to change the land use classification from "Mixed Use" to "Industrial/Office" as a prerequisite for an application to rezone the property from the I: Institutional District to the M-1: Limited Industrial District.

SECTION 4. That the Village Board conducted public hearings of the application on June 23 and July 7, 2014, following publication and notification of said hearing in compliance with the requirements of Section 66.1001(4), Wisconsin Statutes.

SECTION 5. That, after consideration of the application, supporting documentation, and public hearing testimony received, the Village Board does by enactment of this ordinance formally change the land use classification from "Mixed Use" to "Industrial/Office" for the following described property:

That part of the Northeast 1/4 of Section 32, Township 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin, described as follows:

Commence at the North 1/4 corner of said Section 32; run thence South 01 degree, 06 minutes, 26 seconds East, 480.04 feet along the North-South 1/4 line of said Section 32; thence North 89 degrees, 35 minutes, 06 seconds East, 201.13 feet parallel with the North line of the Northeast 1/4 of the Northeast 1/4 of said Section 32 to the point of beginning; thence North 89 degrees, 35 minutes, 06 seconds East, 550.07 feet parallel with the North line of said Section 32 to the West line of the East 35 acres of the West 1/2 of the Northeast 1/4 of Section 32; thence South 01 degree, 18 minutes, 10 seconds East, 1,535.95 feet along said West line to the Northerly line of STH 175; thence North 46 degrees, 45 minutes, 19 seconds West, 293.78 feet along said Northerly line of STH 175; thence North 47 degrees, 52 minutes, 55 seconds West, 468.99 feet along said Northerly

line of STH 175 to a point on a line 550 feet Westerly of, as measured normal to, and being parallel with the West line of the East 35 acres of the West 1/2 of the Northeast 1/4 of said Section 32; thence North 01 degree, 18 minutes, 10 seconds West, 1,016.03 feet parallel with the said West line to a point on a line 480 feet Southerly of, as measured normal to, and being parallel with the North line of said Section 32 and the point of beginning.

Tax Key No. GTNV 321-981

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

Introduced by Trustee:

Adopted:

Vote:

Ayes:

Nays:

Dean Wolter
Village President

APPROVED AS TO FORM:

Brian Sajdak, Village Attorney

ATTEST:

Barbara K. D. Goeckner, Village Clerk

Published:

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

Donald & Gloria Neu Property (Sections 29 & 32)

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

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

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

SECTION 3. That MLG Germantown Investment LLC, agent for Donald & Gloria Neu, property owners of approximately 104.6 acres of land located south of Lannon Road, north and east of Appleton Avenue and west of Maple Road (Tax Parcels #294-998, 321-981, 321-985, 321-991, 321-999) has submitted an application to amend the Land Use Plan map of the Village of Germantown Year 2020 Smart Growth Plan to change the land use classification from "Commercial" and "Mixed Use" to "Industrial/Office" as a prerequisite for an application to rezone the property from the A-1: Agricultural District to the M-1: Limited Industrial District.

SECTION 4. That the Village Board conducted public hearings of the application on June 23 and July 7, 2014, following publication and notification of said hearing in compliance with the requirements of Section 66.1001(4), Wisconsin Statutes.

SECTION 5. That, after consideration of the application, supporting documentation, and public hearing testimony received, the Village Board does by enactment of this ordinance formally change the land use classification from "Commercial" and "Mixed Use" to "Industrial/Office" for the following described property:

LAND AREA A:

The East Half of the Southeast Quarter of the Southeast Quarter of Section 29, Township 9 North, of Range 20 East, Village of Germantown, County of Washington, State of Wisconsin.

EXCEPTING the following four (4) described parcels:

1. That portion conveyed to Washington County as recorded in Volume 179 of Deeds on Page 575, Document No. 210004.
2. That part of the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 29, Town 9 North, Range 20 East, described as follows: Commencing at the Southeast corner of

said Section 29; thence North 00° 38' East along the East line of said Section 29, 745.32 feet; thence North 89° 22' West, 130 feet, to the right-of-way line, and the place of beginning of this description; thence North 89° 22' West 511.10 feet; thence North 00° 04' West, 569.50 feet; thence South 88° 54' East, 11.77 feet; thence South 41° East, 762.07 feet to the place of beginning.

3. That part of the East Half of the Southeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 20 East; described as follows: Commencing at the Southeast corner, Section 29: thence North 00° 38' East on the East line of Section, 957.10 feet; thence North 89° 22' West 130.00 feet to right-of-way line of U.S. Hwy 41; thence North 41 ° West on right-of-way line of Highway, 476.65 feet to one-sixteenth line; thence North 88° 54' West 189.63 feet; thence South 41° East and parallel to Highway 41, 762.07 feet to West right-of-way line of Town Road; thence North 00° 38' East on right-of-way line, 211.78 feet to the place of beginning.

4. That part of the Southeast 1/4 of the Southeast 1/4 of Section 29, Town 9 North, Range 20 East, described as follows: Commencing at the Southeast corner of Section 29; thence North 00° 38' East 745.32 feet; thence North 89° 22' West 130.00 feet to the place of beginning of this description; thence South 00° 38' West 135.00 feet; thence North 89° 22' West 509.45 feet; thence North 00° 04' West, 135.00 feet; thence South 89° 22' East , 511.10 feet to the place of beginning.

Tax Key No.: GTNV 294-998

LAND AREA B:

The East Half of the Northeast Quarter; also the East 35 acres of the West Half of the Northeast Quarter of Section 32, Township 9 North, Range 20 East, Village of Germantown, County of Washington, State of Wisconsin.

EXCEPTING the following eleven (11) described parcels:

1. That part of the North Half of the Northeast Quarter of said Section 32 which is bounded by a line described as follows: Commencing at a point in the North line of said Section, which point is situated 5 rods East of the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section, and running thence South 20 rods; thence West 40 rods; thence North 20 rods to the North line of said Section; thence East on said Section line 40 rods to the place of beginning.

2. That part of the South Half of the Northeast Quarter of Section 32 which is bounded by a line described as follows: Commencing at a point of intersection of the south line of the South Half of the Northeast Quarter with the center line of Federal Trunk Highway #41, now known as S.T.H. Hwy 175, and running thence West on said South line, 614.50 feet to a point in the West line of the East 35 acres of the West Half of the Northeast Quarter of said Section; thence North on said West line 588 feet to a point in the center of said F.T.H. #41, now known as S.T.H. #41; thence Southeasterly along said center line, 858.70 feet to the place of beginning.

3. The East 50 feet of the North 336.03 feet of the Northeast One-quarter of the Northeast One-quarter of Section 32, Township 9 North, Range 20 East.

4. A parcel of land in the Northeast Quarter of Section 32, Township 9 North, Range 20 East in Washington County, Wisconsin more fully described as follows: From the East Quarter corner of Section 32, Township 9 North, Range 20 East in Washington County,

Wisconsin. Measure North 89° 28' West along the East and West Quarter Section line for 1079.8 feet to a point which is the point of beginning of the tract hereinafter described and conveyed; thence continue North 89° 28' West for 223.3 feet to a point in the center of U.S. Highway #41; thence measure North 47° 30' West along the center line of Highway #41 for 100.0 feet to a point; thence measure North 42° 30' East for 150.0 feet to a point; thence measure South 47° 30' East for 260.85 feet to the point of beginning.

5. A parcel of land situated in the Northeast 1/4 of Section 32, Township 9 North, Range 20 East, Washington County, Wisconsin, and being more particularly described as follows: Beginning at a point on the E-W 1/4 line of Section 32, Township 9 North, Range 20 East, Washington County, Wisconsin, said point being the Southeast corner of the existing Menomonee Falls Meter Station Site recorded in Volume 189, Page 201 of Records and located North 89° 28' West 1079.80 feet from the East 1/4 corner of Section 32; thence proceed North 47° 30' West, 260.85 feet along the Northeasterly property line of said existing Meter Station Site; thence South 42° 30' West, 150.00 feet along the Northeasterly property line of said existing Meter Station Site to the centerline of U.S. Highway 41; thence North 47° 30' West 25.00 feet along said Highway centerline; thence North 42° 30' East, 225.00 feet; thence South 47° 30' East 369.24 feet to the E-W 1/4 line of said Section 32; thence North 89° 28' West 112.16 feet along said E-W 1/4 line to the point of beginning.

6. That part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 20 East, described as follows: Commencing at the East Quarter of said Section 32; thence North 00° 33' West along the East line of said Northeast 1/4, 599.10 feet to the place of beginning of this description; thence South 89° 27' West, 363.50 feet; thence North 00° 33' West, 180.00 feet; thence North 89° 27' East, 363.50 feet to a point on the East line of said Northeast 1/4; thence South 00° 33' East along the said East line, 180.00 feet to the place of beginning.

7. A parcel in the Southeast One-quarter of the Northeast One-quarter of Section 32, Township 9 North, Range 20 East, Village of Germantown, County of Washington, State of Wisconsin, and described as follows: Commencing at the East 1/4 corner, Section 32, Township 9 North, Range 20 East; thence North 00° 33' West on the East line of the Northeast 1/4 of said Section, 419.10 feet to a point of beginning of this description; thence South 89° 27' West 363.50 feet; thence North 00° 33' West 180.00 feet; thence North 89° 27' East 363.50 feet to said East line; thence South 00° 33' East on said East line 180.00 feet to point of beginning.

8. A parcel in the Southeast One-quarter of the Northeast One-quarter of Section 32, Township 9 North, Range 20 East, Village of Germantown, County of Washington, State of Wisconsin, and described as follows: Commencing at the East 1/4 corner, Section 32, Town 9 North, Range 20 East; thence North 00° 33' West on the East line of the Northeast One-quarter of said Section 179.43 feet to the point of beginning of this description; thence South 89° 27' West, 363.50 feet; thence North 00° 33' West 239.67 feet; thence North 89° 27' East 363.50 feet to the said East line of said Section; thence South 00° 33' East 239.67 feet to the point of beginning.

9. That part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 20 East, described as follows: Commencing at the East Quarter corner of said Section 32; thence North 00° 33' West along the East line of said Section 32, 779.10 feet to the place of beginning of this description; thence South 89° 27' West, 363.50 feet; thence North 00° 33' West, 180.00 feet; thence North 89° 27' East, 363.50 feet to a point

on the East line of said Section 32; thence South 00° 33' East, 180.00 feet to the place of beginning.

10. That part of the Northeast 1/4 of Section 32, Township 9 North, Range 20 East. Village of Germantown, County of Washington, State of Wisconsin, bounded and described as follows:

Commencing at the center of Section 32, Town 9 North, Range 20 East; thence South 89° 56' 25" East on the East 1/4 line of said Section, 1362.60 feet; thence North 46° 49' 10" West on the C/L of S.T.H. 175, 480.00 feet to the point of beginning of this description; thence continuing North 46° 49' 10" West on said C/L 380.00 feet; thence North 01° 13' 48" West, 330.00 feet; thence North 88° 46' 12" East, 227.59 feet; thence South 46° 49' 10" East 448.35 feet; thence South 43° 10' 50" West, 395.00 feet to the point of beginning.

11. Those portions of the within described parcels lying within the boundaries of S.T.H. 175 and Maple Road.

Tax Key Nos: 321-999, 321-984, 321-991, 321-985

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

Introduced by Trustee:

Adopted:

Vote:

Ayes:

Nays:

Dean Wolter
Village President

APPROVED AS TO FORM:

ATTEST:

Brian Sajdak, Village Attorney

Barbara K. D. Goeckner, Village Clerk

Published:

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

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

DATE: Monday, July 7, 2014 (the original date of June 16 was changed to July 7)

TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against, concerning an application filed for a COMPREHENSIVE PLAN MAP AMENDMENT to the 2020 Land Use Plan Map classification for portions of the 121.68-acre area described below from the "Commercial" and "Mixed Use" to the "Industrial/Office" classifications:

Petitioner: MLG Germantown Investment LLC, Agent for Donald & Gloria Neu and NMMR & Associates (Norb Weyer, Trustee), Property Owners

Property: Tax Key Nos. 321-981, 321-984, 321-985, 321-991 & 321-999
(Land located south of Lannon Road, north/east of Appleton Ave and west of Maple Road within the boundary of the Village of Germantown Tax Incremental District #6)

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32 and part of the Southeast 1/4 of the Southeast 1/4 of Section 29, all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin, bounded and described as follows: Beginning at the Southeast corner of said Northeast 1/4 Section, thence North 89°56'01" West along the South line of said Northeast 1/4 Section 967.64 feet to a point; thence North 47°58'02" West 369.24 feet to a point; thence South 42°01'58" West 216.62 feet to a point on the centerline of Appleton Avenue (S.T.H. " 175"); thence North 46°48'47" West along said centerline 354.40 feet to a point; thence North 43°11'13" East along the Southeasterly line of Certified Survey Map No. 2911 and its extension 395.00 feet to a point; thence North 46°48'47" West along the Northeasterly line of said Certified Survey Map 448.35 feet to a point; thence South 88°46'35" West along the Northerly line of said Certified Survey Map 227.59 feet to a point; thence South 01°13'25" East 336.46 feet to a point on the centerline of Appleton Avenue (S.T.H. " 175"); thence North 46°45'05" West along said centerline 338.46 feet to a point; thence North 47°52'41" West along said centerline 411.36 feet to a point; thence North 01°18'32" West 1098.81 feet to a point; thence North 89°35'20" East 550.07 feet to a point on the West line of the East 35 acres of the West 1/2 of the Northeast 1/4 of Section 32; thence North 01°18'32" West along said West line 150.06 feet to a point; thence North 89°35'20" East 652.58 feet to a point; thence North 01°18'32" West 330.00 feet to a point on the North line of the Northeast 1/4 of Section 32; thence North 89°35'20" East along said North line 577.34 feet to a point; thence North 00°30'22" West 745.96 feet to a point; thence North 89°39'53" East 20.71 feet to a point; thence South 01°03'19" East 135.00 feet to a point; thence North 89°38'41" East 639.45 feet to a point on the East line of the Southeast 1/4 of Section 29; thence South 00°21'19" East along said east line 610.32 feet to the Northeast corner of the Northeast 1/4 of Section 32; thence South 01°29'48" East along the East line of the Northeast 1/4 of Section 32 aforesaid 1729.19 feet to a point; thence South 88°30'12" West 363.50 feet to a point; thence South 01°29'48" East 779.67 feet to a point; thence North 88°30'12" East 363.50 feet to a point on the East line of the Northeast 1/4 of Section 32; thence South 01°29'48" East along said East line 179.43 feet to the point of beginning. Containing 5,300,311 or 121.6784 acres of land.

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

*Dated this 10th day of June, 2014.
Barbara K. D. Goeckner, Village Clerk*

To Be Published On: June 19th and June 26th, 2014

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

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

DATE: Monday, July 7, 2014 (the original date of June 16 was changed to July 7)
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following petitioner to rezone the following described 121.68-acre area from the A-1: Agricultural and I: Institutional Zoning Districts to the M-1: Limited Industrial Zoning District pursuant to Sections 17.33 of the Village Zoning Code on the following described property:

Petitioner: MLG Germantown Investment LLC, Agent for Donald & Gloria Neu and NMMR & Associates (Norb Weyer, Trustee), Property Owners
Property: Tax Key Nos. 321-981, 321-984, 321-985, 321-991 & 321-999
(Land located south of Lannon Road, north/east of Appleton Ave and west of Maple Road within the boundary of the Village of Germantown Tax Incremental District #6)

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32 and part of the Southeast 1/4 of the Southeast 1/4 of Section 29, all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin, bounded and described as follows: Beginning at the Southeast corner of said Northeast 1/4 Section, thence North 89°56'01" West along the South line of said Northeast 1/4 Section 967.64 feet to a point; thence North 47°58'02" West 369.24 feet to a point; thence South 42°01'58" West 216.62 feet to a point on the centerline of Appleton Avenue (S.T.H. " 175"); thence North 46°48'47" West along said centerline 354.40 feet to a point; thence North 43°11'13" East along the Southeasterly line of Certified Survey Map No. 2911 and its extension 395.00 feet to a point; thence North 46°48'47" West along the Northeasterly line of said Certified Survey Map 448.35 feet to a point; thence South 88°46'35" West along the Northerly line of said Certified Survey Map 227.59 feet to a point; thence South 01°13'25" East 336.46 feet to a point on the centerline of Appleton Avenue (S.T.H. " 175"); thence North 46°45'05" West along said centerline 338.46 feet to a point; thence North 47°52'41" West along said centerline 411.36 feet to a point; thence North 01°18'32" West 1098.81 feet to a point; thence North 89°35'20" East 550.07 feet to a point on the West line of the East 35 acres of the West 1/2 of the Northeast 1/4 of Section 32; thence North 01°18'32" West along said West line 150.06 feet to a point; thence North 89°35'20" East 652.58 feet to a point; thence North 01°18'32" West 330.00 feet to a point on the North line of the Northeast 1/4 of Section 32; thence North 89°35'20" East along said North line 577.34 feet to a point; thence North 00°30'22" West 745.96 feet to a point; thence North 89°39'53" East 20.71 feet to a point; thence South 01°03'19" East 135.00 feet to a point; thence North 89°38'41" East 639.45 feet to a point on the East line of the Southeast 1/4 of Section 29; thence South 00°21'19" East along said east line 610.32 feet to the Northeast corner of the Northeast 1/4 of Section 32; thence South 01°29'48" East along the East line of the Northeast 1/4 of Section 32 aforesaid 1729.19 feet to a point; thence South 88°30'12" West 363.50 feet to a point; thence South 01°29'48" East 779.67 feet to a point; thence North 88°30'12" East 363.50 feet to a point on the East line of the Northeast 1/4 of Section 32; thence South 01°29'48"

East along said East line 179.43 feet to the point of beginning. Containing 5,300,311 or 121.6784 acres of land.

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

Dated this 10th day of June, 2014.

Barbara K. D. Goeckner, Village Clerk

To Be Published On: June 19th and June 26th, 2014

**2020 LAND USE PLAN MAP AMENDMENT &
REZONING APPLICATION**
6/23/14 Plan Commission Meeting

MLG Germantown Investments LLC / Neu Property

Village Planner Report

Germantown, Wisconsin

Summary

MLG Germantown Investments LLC, agent for Donald & Gloria Neu, property owners, has submitted a 2020 Land Use Plan Map Amendment and Rezoning application for future development of a portion of 104.62 acres of land located north of Appleton Avenue and west of Maple Road in the Village of Germantown's Tax Incremental District (TID) #6.

Location: Appleton Avenue (west of Maple Road)

Agent/

Property Owner: MLG Investments LLC Gloria Neu, Trustee
13400 Bishop's Woods N104 W20659 Willow Creek Road
Brookfield, WI Germantown, WI

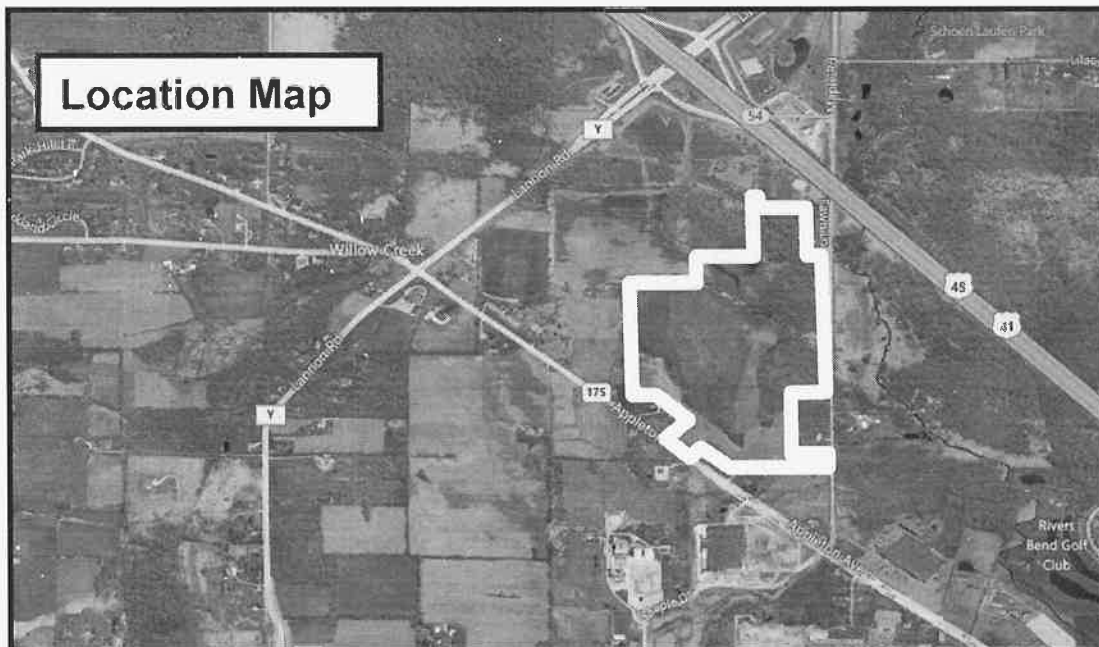
Current LUP Class: Commercial

Current Zoning: A-1: Agricultural

Proposed LUP Class: Industrial/Office

Proposed Zoning: M-1: Limited Industrial

Adjacent Land Uses		Zoning
North	Agricultural	A-1
South	Residential/Agricultural	Rs-3/A-2
East	Residential	Rs-3
West	Institutional/Agricultural	I/A-1



Background

MLG Germantown Investments LLC, agent for Donald & Gloria Neu, property owners, has submitted a 2020 Land Use Plan Map Amendment and Rezoning application for future development of a portion of 104.62 acres of land located north of Appleton Avenue and west of Maple Road in the Village of Germantown's Tax Incremental District (TID) #6.

As presented at the Plan Commission public hearing in April, Tax Incremental District (TID) #6 is a 200.4-acre "mixed use district" that is being established for the development of both industrial and commercial development. The creation of TID#6 was approved by the Village Board on May 19 and by the Joint Review Board on June 12. A map of the boundary for TID#6 and the parcels of land included therein are presented in Exhibit 1 (taken from the Project Plan for the Creation of Tax Incremental District No. 6 dated May 21, 2014). A preliminary road and lot layout for future development in TID#6 is presented in Exhibit 2.

As discussed in the TID#6 Project Plan, while development of TID#6 as a "mixed use district" comprised of industrial and commercial uses is compatible with the Village's 2020 Land Use Plan, changes to the 2020 Plan map are required. As shown in Exhibit 3, the land within TID#6 is classified as "Commercial", "Mixed Use" and "Environmental Corridor" on the 2020 LUP map. As set forth in the 2020 LUP, the "Mixed Use" classification on the 2020 LUP map is intended for a mix of commercial and residential uses. Since the development of TID#6 is to be limited to industrial and commercial uses, the "Mixed Use" classification for those parcels located in TID#6 needs to be changed to "Industrial" or "Commercial" (depending on the type of development being proposed).

Similarly, as shown in Exhibit 5, the land within TID#6 is located in a number of zoning districts, including Agricultural, Business, Institutional and Residential. Since the development of TID#6 is limited to industrial and commercial uses, the zoning for individual parcels within TID#6 will need to be changed to one of the Industrial or Business zoning districts as specific development is proposed (depending on the type of development being proposed).

Proposal

As shown in the preliminary road and lot layout for TID#6 (Exhibit 2), portions of the Neu property are intended to be developed with a cul-de-sac and lots ranging in size from 4.9 to 21 acres in area. As stated in the application and presented in the supporting preliminary site plan (Sheet A1.1), the largest lot to be created from the Neu property is intended for development of a 225,000 sqft industrial/office facility with an additional 150,000 sqft expansion.

2020 Land Use Plan Map Amendment

As shown in Exhibit 4, the Neu property includes land area that is classified as "Mixed Use", "Commercial" and "Environmental Corridor". To enable the proposed (and future) industrial development of the Neu property, the area currently classified as "Mixed Use" and "Commercial" is proposed to be changed to "Industrial" on the 2020 LUP map.

Rezoning

The Neu property is currently located in the A-1: Agricultural Zoning District. For the same reasons discussed above and to enable the proposed (and future) industrial

development of the Neu property, the developable area of the Neu property (i.e. those portions that are not subject to a Wetland and/or Floodplain Overlay zoning district) is proposed to be rezoned from the A-1: Agricultural District to the M-1: Limited Industrial District.

Staff Comments

As a result of the Village Board creating TID#6 and, as a result, the requirement that development therein be for "mixed use" industrial and commercial land uses only, the proposed 2020 LUP map amendment is necessary. Although one might think the term "mixed use" would have the same meaning in the context of the Village's 2020 LUP and the State's Tax Incremental District statute... it does not. As indicated earlier, the "Mixed Use" classification and description in the Village's 2020 LUP includes both commercial and residential land uses. Since TID#6 is required to only include industrial and commercial land uses in a "mixed use" district created under the statute, changing the classification on the 2020 LUP map is required.

As evident on a number of the exhibits, the 104.62-acre Neu property contains a significant amount of wetlands and floodplain (both of which constitute the "Environmental Corridor" areas shown on the 2020 LUP map). Consequently, future development will have to include details for these features on the site development plans and avoid (or mitigate) any potential development impact on these environmentally sensitive and protected areas. For this reason, staff supports the proposed 2020 LUP map amendment and rezoning to the extent that those portions of the Neu property that contain wetlands or are affected by the floodplain remain "as is" in terms of their current LUP map classification and Wetland/Floodplain Overlay zoning districts.

VILLAGE PLANNER RECOMMENDATION:
2020 LUP Map Amendment

APPROVE the proposed 2020 Land Use plan map amendment to change the classification of the 104.62-acre Neu property "Mixed Use" and "Commercial" to "Industrial" except for the area already classified as "Environmental Corridor".

VILLAGE PLANNER RECOMMENDATION:
Rezoning

APPROVE rezoning of the 104.62-acre Neu property from the A-1: Agricultural District to the M-1: Limited Industrial District (affecting the underlying district and not the Wetland and Floodplain Overlay districts that apply to those delineated areas).

**2020 LAND USE PLAN MAP AMENDMENT &
REZONING APPLICATION**
6/23/14 Plan Commission Meeting

MLG Germantown Investments LLC / NMMR Property

Village Planner Report

Germantown, Wisconsin

Summary

MLG Germantown Investments LLC, agent for NMMR & Associates, property owner, has submitted a 2020 Land Use Plan Map Amendment and Rezoning application for future development of a portion of 16.08 acres of land located north of Appleton Avenue and south of Lannon Road in the Village of Germantown's Tax Incremental District (TID) #6.

Location: Appleton Avenue

Agent/

Property Owner:	MLG Investments LLC	NMMR & Norb Weyer, Agent
	13400 Bishop's Woods	1247 STH 175
	Brookfield, WI	Hubertus, WI

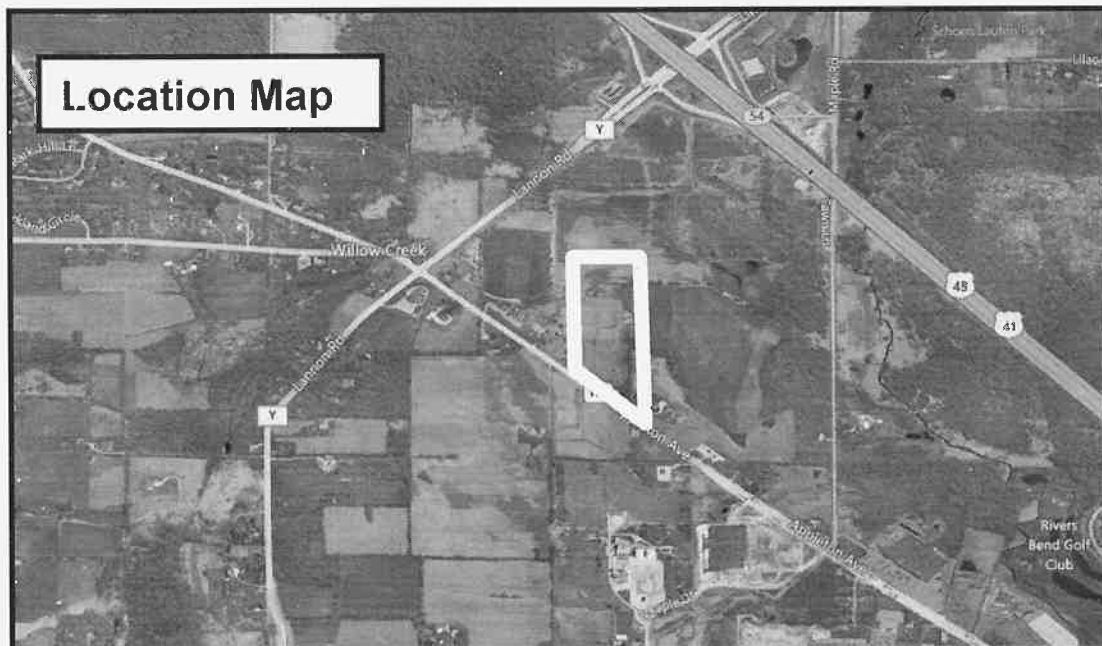
Current LUP Class: Commercial

Current Zoning: A-1: Agricultural

Proposed LUP Class: Industrial/Office

Proposed Zoning: M-1: Limited Industrial

Adjacent Land Uses		Zoning
North	Agricultural	A-1
South	Residential/Agricultural	Rs-3/A-2
East	Residential	Rs-3
West	Institutional/Agricultural	I/A-1



Background

MLG Germantown Investments LLC, agent for NMMR & Associates, property owner, has submitted a 2020 Land Use Plan Map Amendment and Rezoning application for future development of a portion of 16.08 acres of land located north of Appleton Avenue and south of Lannon Road in the Village of Germantown's Tax Incremental District (TID) #6.

As presented at the Plan Commission public hearing in April, Tax Incremental District (TID) #6 is a 200.4-acre "mixed use district" that is being established for the development of both industrial and commercial development. The creation of TID#6 was approved by the Village Board on May 19 and by the Joint Review Board on June 12. A map of the boundary for TID#6 and the parcels of land included therein are presented in Exhibit 1 (taken from the Project Plan for the Creation of Tax Incremental District No. 6 dated May 21, 2014). A preliminary road and lot layout for future development in TID#6 is presented in Exhibit 2.

As discussed in the TID#6 Project Plan, while development of TID#6 as a "mixed use district" comprised of industrial and commercial uses is compatible with the Village's 2020 Land Use Plan, changes to the 2020 Plan map are required. As shown in Exhibit 3, the land within TID#6 is classified as ""Commercial", "Mixed Use" and "Environmental Corridor" on the 2020 LUP map. As set forth in the 2020 LUP, the "Mixed Use" classification on the 2020 LUP map is intended for a mix of commercial and residential uses. Since the development of TID#6 is to be limited to industrial and commercial uses, the "Mixed Use" classification for those parcels located in TID#6 needs to be changed to "Industrial" or "Commercial" (depending on the type of development being proposed).

Similarly, as shown in Exhibit 5, the land within TID#6 is located in a number of zoning districts, including Agricultural, Business, Institutional and Residential. Since the development of TID#6 is limited to industrial and commercial uses, the zoning for individual parcels within TID#6 will need to be changed to one of the Industrial or Business zoning districts as specific development is proposed (depending on the type of development being proposed).

Proposal

As shown in the preliminary road and lot layout for TID#6 (Exhibit 2), the NMMR property is intended to be developed with a cul-de-sac and lots ranging in size from 3 to 5 acres in area. At this time, none of the lots has a specific development proposal. However, the proposed changes are required in order for the road and lots to be platted and constructed.

2020 Land Use Plan Map Amendment

As shown in Exhibit 4, the NMMR property includes land area that is classified as "Mixed Use". To enable road construction and future industrial development of the NMMR property, the "Mixed Use" classification is proposed to be changed to "Industrial" on the 2020 LUP map.

Rezoning

The NMMR property is currently located in the I: Institutional Zoning District. For the same reasons discussed above and to enable road construction and future industrial development of the NMMR property, the developable area of the NMMR property (i.e.

excluding the portions that are subject to a Wetland Overlay zoning district) is proposed to be rezoned from the I: Institutional District to the M-1: Limited Industrial District.

Staff Comments

As a result of the Village Board creating TID#6 and, as a result, the requirement that development therein be for "mixed use" industrial and commercial land uses only, the proposed 2020 LUP map amendment is necessary. Although one might think the term "mixed use" would have the same meaning in the context of the Village's 2020 LUP and the State's Tax Incremental District statute...it does not. As indicated earlier, the "Mixed Use" classification and description in the Village's 2020 LUP includes both commercial and residential land uses. Since TID#6 is required to only include industrial and commercial land uses in a "mixed use" district created under the statute, changing the classification on the 2020 LUP map is required.

Staff supports the proposed 2020 LUP map amendment and rezoning to the extent that those portions of the NMMR property that contain wetlands remain "as is" in terms of their current LUP map classification and Wetland/Floodplain Overlay zoning districts.

VILLAGE PLANNER RECOMMENDATION:

Rezoning

APPROVE rezoning of the 16.08-acre NMMR property from the I: Institutional District to the M-1: Limited Industrial District (affecting the underlying district and not the Wetland Overlay district that applies to any delineated wetland areas).

VILLAGE PLANNER RECOMMENDATION:

2020 LUP Map Amendment

APPROVE the proposed 2020 Land Use plan map amendment to change the classification of the 16.08-acre NMMR property from "Mixed Use" to "Industrial".

PLAN COMMISSION MINUTES

June 23, 2014

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

ROLL CALL: Chairman Dean Wolter, Trustee Representative David Baum, Commissioners Mary Ellen Gray, Tim Yokes, Bill Shadid and Dan Campbell were present. Commissioner Peck was absent and excused. Also present were Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

PREVIOUS MINUTES: *MOTION Baum second Yokes to Approve the Minutes from June 9, 2014.*

MOTION carried unanimously.

MLG Germantown Investments LLC for Gloria A. Neu – 104.62 acres north of Appleton Avenue & west of Maple Road. Application to Amend the 2020 Land Use Plan Map (Commercial and Mixed Use to Industrial/Office) and a Rezoning application (A-1: Agricultural to M-1: Limited Industrial) for future development in the Tax Incremental District (TID) #6. Planner Retzlaff summarized the proposal.

MOTION Baum second Yokes to Approve the proposed 2020 Land Use Plan Map Amendment to change the classification of the 104.62 acre Neu property from Mixed Use and Commercial to Industrial except for the area already classified as Environmental Corridor.

MOTION carried unanimously.

MOTION Baum second Gray to Approve rezoning the 104.62 acre Neu property from the A-1: Agricultural District to the M-1: Limited Industrial District (affecting the underlying district and not the Wetland and Floodplain Overlay districts that apply to those delineated areas).

MOTION carried unanimously.

MLG Germantown Investments LLC, agent for NMMR & Associates – 16.08 acres north of Appleton Avenue & south of Lannon Road. Application to Amend the 2020 Land Use Plan Map (Commercial and Mixed Use to Industrial/Office) and a Rezoning Application (A-1: Agricultural to M-1: Limited Industrial) for future development in the Tax Incremental District (TID) #6. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed 2020 Land Use Plan Map Amendment to change the classification of the 16.08 acre NMMR property from Mixed Use to Industrial.

MOTION carried unanimously.

MOTION Baum second Shadid to Approve rezoning of the 16.08 acre NMMR property from the I: Institutional District to the M-1: Limited Industrial District (affecting the

underlying district and not the Wetland Overlay district that applies to any delineated wetland areas).

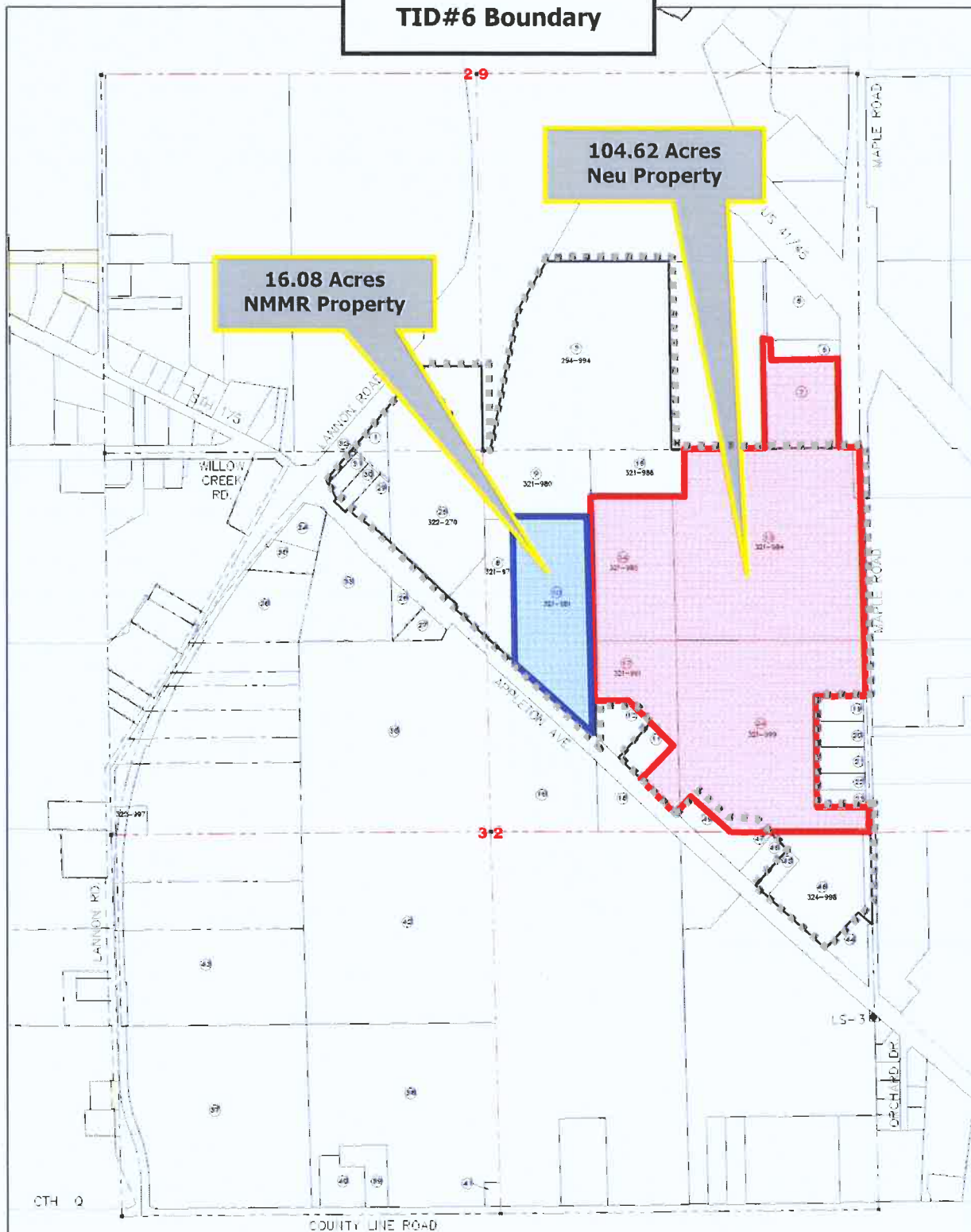
MOTION carried unanimously.

Karen Martinson – W188 N11927 Maple Road, Suite 10. Conditional Use Permit Application for an Indoor Recreational Operation (the “Play Zone”). Planner Retzlaff summarized the proposal.

MOTION Campbell second Baum to Approve a Conditional Use Permit for the operation of an indoor recreation center from tenant space in the existing building located at W188 N11927 Maple Road (Alpine Business Center Unit 10) in the Germantown Industrial Park subject to the following conditions:

- 1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated June 12, 2014 and in the supporting documents and plans made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.***
- 2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***
- 3. All required licenses needed to operate, including a retail food license and beer license, shall be obtained prior to occupancy. Copies of all required licenses, including a retail food license and beer license, shall be submitted to the Community Development Department.***
- 4. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling.***
- 5. All exterior signage, including temporary signs, require a permit from the Village.***
- 6. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.***
- 7. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing business operations. A fire alarm evacuation system may be required based on the use or capacity of people. Further discussion with the Fire Department is required once further details on the specific uses, activities, and occupancy capacity is proposed. At***

EXHIBIT 1 TID#6 Boundary



DISCLAIMER OF LIABILITY - LAND RECORDS INFORMATION IS PROVIDED ON THIS MAP AS A CONVENIENCE AND IS FOR INFORMATIONAL USE ONLY. ALTHOUGH THE BUREAU OF LAND RECORDS MAKES EVERY EFFORT TO PROVIDE COMPLETE, ACCURATE, AND CURRENT INFORMATION IN THIS APPLICATION.

THE BUREAU CANNOT GUARANTEE THE QUALITY OR COMPLETENESS OF THE INCLUDED INFORMATION. THE BUREAU OF LAND RECORDS, ITS OFFICIALS, EMPLOYEES, AGENTS AND VENDORS MAKE NO WARRANTIES, EXPRESSED OR IMPLIED, FOR THE CONTENTS OF THIS MAP.

IF YOU FIND ANY ERRORS OR DISCREPANCIES, YOU ARE ENCOURAGED TO REPORT THEM TO THE VILLAGE ENGINEERING DEPARTMENT. INFORMATION PROVIDED IN THIS MAP SHOULD NOT BE USED FOR LEGAL, TAX, ETC., DETERMINATIONS. FINANCIAL, TAX, OR OTHER PROFESSIONAL ADVICE IF USING OR PRESENTING INFORMATION IS REQUIRED, YOU SHOULD ALWAYS USE THE OFFICIAL, RECORDED DOCUMENTS, AIR-PICTURE, PLATS, FLOOD INSURANCE STUDIES, OR OTHER OFFICIAL RECORDS.

THE BUREAU OF LAND RECORDS SPECIFICALLY DISCLAIMS LIABILITY FOR DAMAGES OF ANY KIND RESULTING FROM THE USE OR MISREPRESENTATION OF ANY INFORMATION CONTAINED HEREIN. THE INFORMATION INCLUDED IN THIS APPLICATION IS PUBLIC RECORD.

NO.	DESCRIPTION	DATE	BY	SURVEY BY	DATE
1	ORIGINAL	2/21/14	RCB	HA	2/21/14
2	ADDED PROPOSED PARCELS	2/21/14	RCB	HA	2/21/14
3	UPDATED TAX MAP	2/21/14	RCB	HA	2/21/14
4	APPROVED BY	2/21/14	RCB	HA	2/21/14
5	DATE	2/21/14	RCB	HA	2/21/14

TID NO. 6
PARCEL MAP
SECTION 29 AND 32
VILLAGE OF GERMANTOWN, WIS.

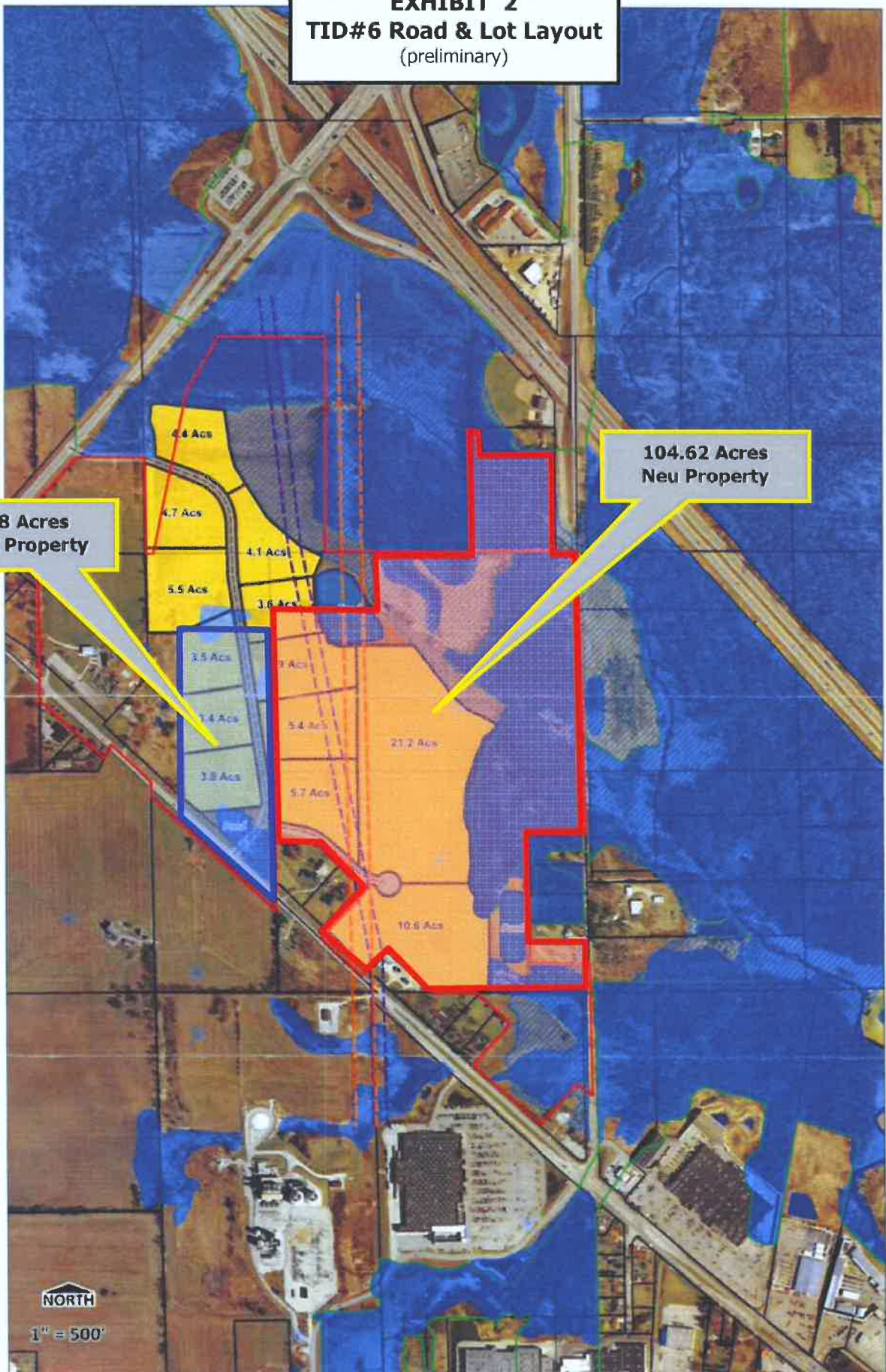


PROJECT NUMBER
6
SHEET NUMBER
1

EXHIBIT 2
TID#6 Road & Lot Layout
(preliminary)

16.08 Acres
NMMR Property

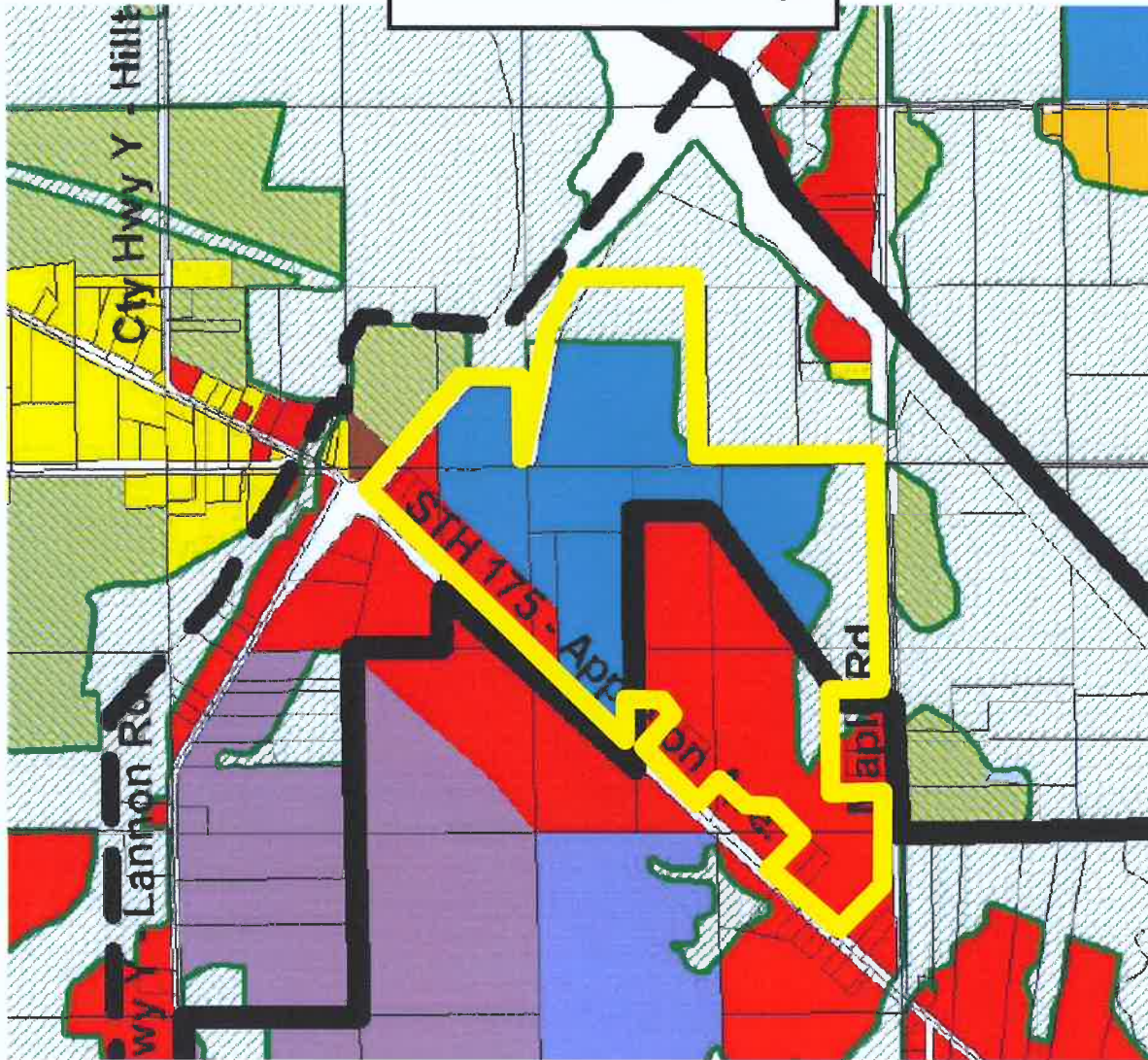
104.62 Acres
Neu Property



NORTH

1" = 500'

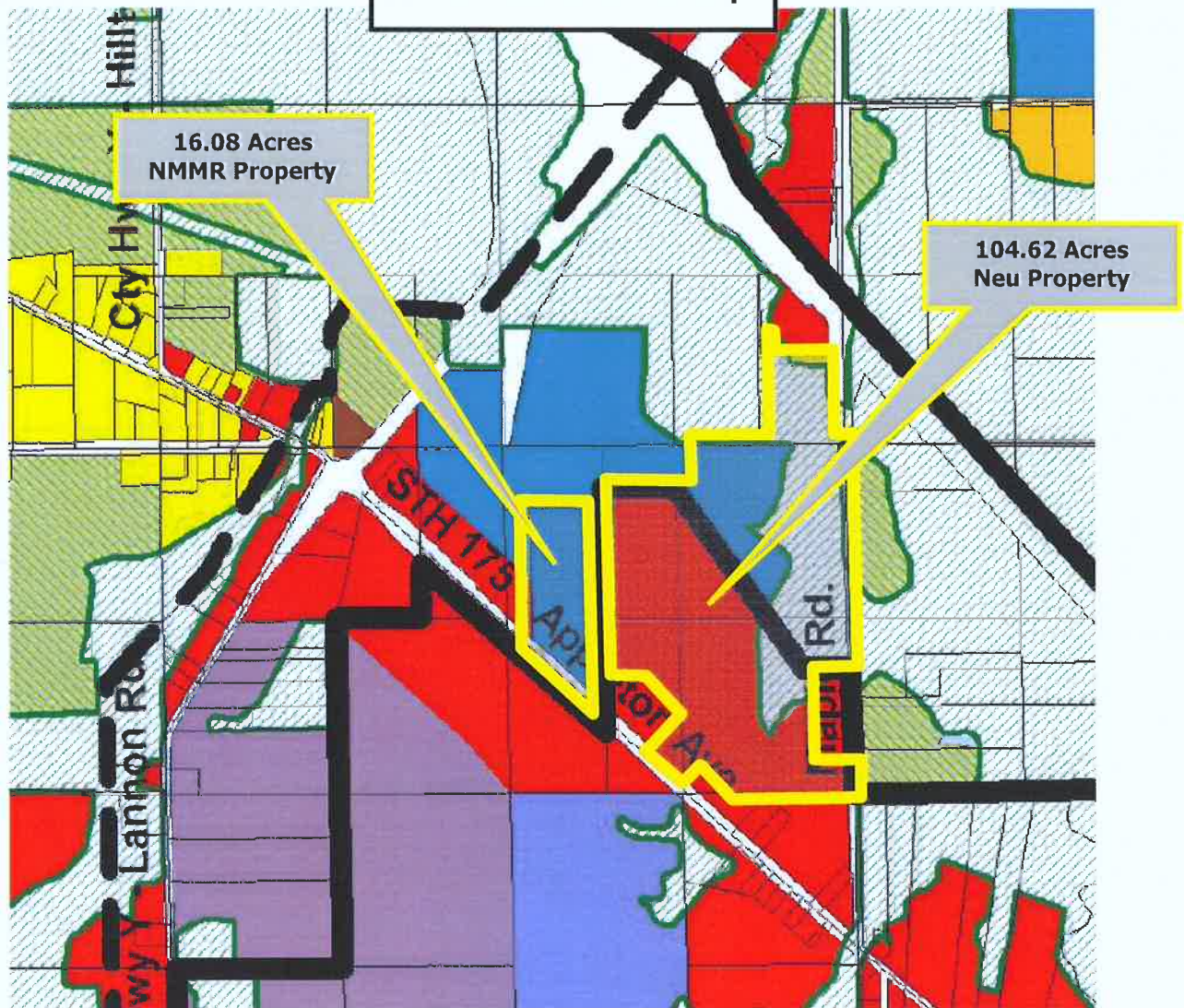
EXHIBIT 3
2020 Land Use Plan Map



Future Land Use Categories

Agricultural/Conservation Residential (5 Acre lots)	Commercial	Environmental Corridors/ Isolated Natural Areas
Rural Residential (1 Ac. Min. Lot Size)	Village Mixed Use	2010 Sanitary Sewer Service Area
Low Density Residential (2 d.u./Acre)	Mixed Use	2020 Sanitary Sewer Service Area Extension
Medium Density Residential (4 d.u./Acre)	Industrial/Office	Municipal Boundary
High Density Residential (8 d.u./Acre)	Mineral Extraction	
Elderly Residential	Institutional/Governmental	
	Park/Recreation Area	
	Rivers, Lakes and Streams	

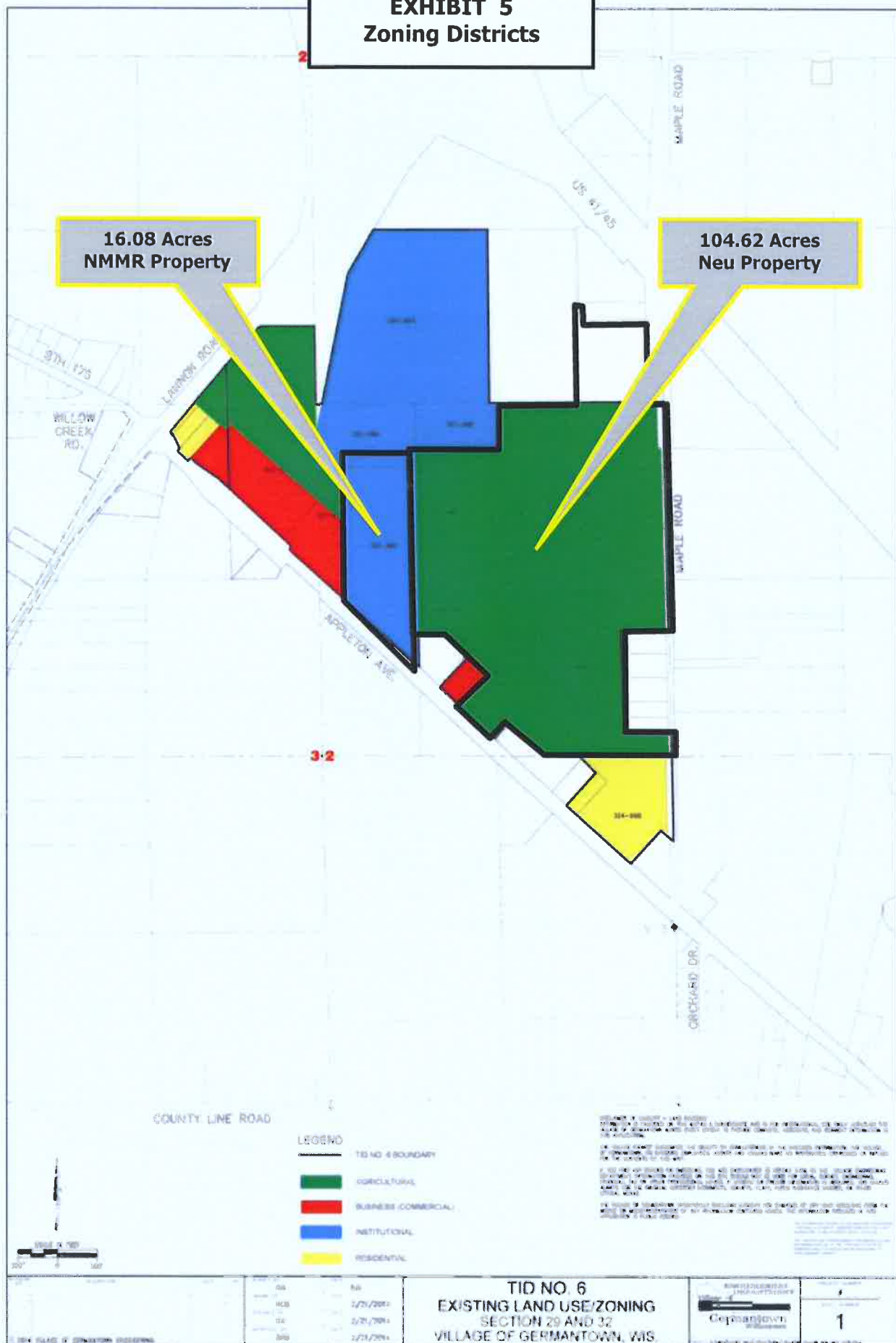
EXHIBIT 4 **2020 Land Use Plan Map**



Future Land Use Categories

 Agricultural/Conservation Residential (5 Acre lots)	 Commercial	 Environmental Corridors/ Isolated Natural Areas
 Rural Residential (1 Ac. Min. Lot Size)	 Village Mixed Use	 2010 Sanitary Sewer Service Area
 Low Density Residential (2 d.u./Acre)	 Mixed Use	 2020 Sanitary Sewer Service Area Extension
 Medium Density Residential (4 d.u./Acre)	 Industrial/Office	 Municipal Boundary
 High Density Residential (8 d.u./Acre)	 Mineral Extraction	
 Elderly Residential	 Institutional/Governmental	
	 Park/Recreation Area	
	 Rivers, Lakes and Streams	

EXHIBIT 5 Zoning Districts



X. B.

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

MEETING DATE: July 7, 2014

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

ITEM TITLE: Keller Inc., agent for Gary Mayworm & Allied Utility Equipment Inc., property owner; W204 N11509 Goldendale Road; Conditional Use Permit (CUP) for the operation of a Construction Services/Contractor Shop

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



SUMMARY EXPLANATION:

Keller Inc. is seeking approval of a Conditional Use Permit for a Construction Services operation on the former Allied Utility Equipment Inc. property at W204 N11509 Goldendale Road. Keller Inc., a leader in the delivery of design/build construction services, is headquartered in Kaukauna, Wisconsin, with offices in the Fox Cities, Madison, Wausau and Germantown (the Milwaukee Office). Keller is seeking CUP approval in order to relocate their current Germantown office from the Fountain Square office complex.

Keller intends to renovate the existing site and two buildings, to accommodate a small office staff of 4-7 employees, with general business hours from 7:30 am to 5:00 pm, Monday through Friday. Job trailers will be parked on the north side of the property on occasion, with additional inside storage for building supplies and equipment within the main office building and large storage shed. All of the existing storage trailers and equipment will be removed.

The Plan Commission has conditionally approved site and building plans for the proposed renovation and is recommending approval of the CUP.

ATTACHMENTS:

- ◆ 6/9/14 Staff Report
- ◆ 6/9/14 Plan Commission Meeting Minutes
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATION:

APPROVE the Conditional Use Permit to allow the operation of a Construction Services/Contractor Shop business operation from the property located at W204 N11509 Goldendale Road subject to six (6) conditions.

[SEE DRAFT CUP FOR COMPLETE TEXT AND CONDITIONS].

CUP # xx – 14

Document No.

CONDITIONAL USE PERMIT

Document Title

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

Whereas the Applicant:

Keller Inc., Property Owner (upon acquisition of the property from Gary Mayworm)

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

Now, therefore, this permit is issued to the Applicants to permit the operation of a Construction Services/Contractor Shop from the property located at W204 N11509 Goldendale Road pursuant to Section 17.30(3)(j) of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTVN 194-987

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

A part of the NE 1/4 of the SE 1/4 of Section 19, T9N, R20E, Village of Germantown, Washington County, Wisconsin. Said land containing 209,427 sqft. or 4.81 +/- acres.

Tax Key No: 194-987

Address: W204 N11509 Goldendale Road

Pursuant to the following condition(s):

1. This permit authorizes the uses and activities set forth in the conditional use permit application dated April 14, 2014 and in the supporting documents and plans made part of the application on file with the Village, as well as all commitments made by the Applicant during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities or uses which causes problems or harmful effects that were not anticipated at the time of approval of this CUP, the conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. All exterior site and building improvements (including exterior lighting and signage) and/or site improvements require review and approval by the Village.
4. All exterior signage, including temporary signs, require a permit from the Village.

5. The owner/operator shall contact the Fire Department for a pre-occupancy inspection prior to commencing business operations.
6. The privacy fence to be installed along the eastern property line (and shared in common with the adjacent residential property) shall remain in place and be continuously maintained in good operational condition and appearance.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the _____ day of _____, 2014.

ATTEST:

Dean Wolter, Village President

Barbara K. D. Goeckner, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this _____ day of _____, 2014, the above named Dean Wolter, Village President, and Barbara K. D. Goeckner, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

The following named person, who is authorized to represent Keller Inc., Property Owner, hereby accepts the terms and conditions set forth in this Permit, and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2014

{type or print name on this line}

{signature on this line}

Agent for Keller Inc.

STATE OF WISCONSIN) SS
_____ COUNTY)

Personally came before me this ____ day of _____, 2014, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin

My Commission Expires: _____

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

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

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

DATE: Monday, July 7, 2014
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following applicant for: (1) a CONDITIONAL USE PERMIT for the operation of a Construction Services/Contractor Shop business from the property described below pursuant to Section 17.30(3)(j) of the Village Zoning Code.

Petitioner: Keller Inc., Owner/Operator and agent for Gary Mayworm & Allied Utility Equipment Inc., Property Owner
Property: W204 N11509 Goldendale Road (Parcel ID# 194-987)

A part of the NE 1/4 of the SE 1/4 of Section 19, T9N, R20E, Village of Germantown, Washington County, Wisconsin. Said land containing 209, 427 sqft. or 4.81 +/- acres.

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

**Dated this 10th day of June, 2014.
Barbara K. D. Goeckner, Village Clerk**

To Be Published On: June 19th and June 26th, 2014

SITE PLAN REVIEW & CONDITIONAL USE PERMIT

6/9/14 Plan Commission Meeting

Keller Inc. / Gary Mayworm-Allied Utility Equipment Inc.

Village Planner Report

Germantown, Wisconsin

Summary

Keller Inc., agent for Allied Utility Equipment Inc. and Gary Mayworm, property owner, is seeking approval of a Conditional Use Permit for a Construction Services operation, and, site development and building plans for renovation of the existing site and buildings located at W204 N11509 Goldendale Road.

Property Location: W204 N11509 Goldendale Road

**Property Owners/
Agent:**

Elliot Bogdonovich
Keller Inc.
W177 N9856 Rivercrest
Germantown, WI

Gary Mayworm
Allied Utility Equip
W204 N11509 Goldendale
Germantown, WI

Current Zoning: B-3: General Business

Adjacent Land Uses		Zoning
North	Ag/Residential	A-2/Rs-2
South	US41	n/a
East	Residential/Commercial	Rs-2/B-3
West	US41	n/a



Proposal

Keller Inc., agent for Allied Utility Equipment Inc. and Gary Mayworm, property owner, is seeking approval of a Conditional Use Permit for a Construction Services operation, and, site development and building plans for renovation of the existing buildings located at W204 N11509 Goldendale Road.

Keller Inc., a leader in the delivery of design/build construction services, is headquartered in Kaukauna, Wisconsin, with offices in the Fox Cities, Madison, Wausau and Germantown (the Milwaukee Office). Keller is seeking plan and CUP approval in order to relocate their current Germantown office from the Fountain Square office complex to this site, occupied by Allied Utility Equipment Inc. since 1985.

As summarized in the April 14 project narrative, Keller intends to renovate the existing site and two buildings, to accommodate a small office staff of 4-7 employees, with general business hours from 7:30 am to 5:00 pm, Monday through Friday. Job trailers will be parked on the north side of the property on occasion, with additional inside storage for building supplies and equipment within the main office building and large storage shed.

The following improvements are proposed:

- Remove all existing equipment and vehicles (Allied Utility Equipment); remove all small, accessory storage buildings;
- Mill and overlay the existing parking lot (removing existing pavement west of the main building and along the common property line with the adjacent residential property);
- Re-stripe 25-stall parking area;
- Install new 15' x 20' trash enclosure w/ privacy slats on heavy-duty concrete pad;
- Install a new masonry exterior comprised of ground-face block, manufactured stone veneer, and limestone lintels to the main building & elevate the parapet wall around the entire building to include a decorative EIFS banding;
- Install a 145 sqft entrance addition to the south elevation of the main office building including a new arched vestibule entrance and metal canopy;
- Install/replace new windows on the main building;
- Remodel the interior of the main office building with offices, conference room, reception area, restrooms and small shop/storage area for building supplies;
- Renovate the existing, large 36' x 64' storage shed.

Access to the site will not change with the two (2) driveways on Goldendale Road. The existing pavement east and south of the main office building will be relayed and striped with a total of (25) parking stalls. Existing pavement north of the main office building will remain in place

Given the proposed reductions in pavement and landscaping improvements, impervious surfaces will decrease from 25,600 sqft (12 percent) to 20,696 sqft (10 percent) on this 4.81-acre site (vs. the 90% maximum allowed) leaving 90 percent in green/open space. Existing storm water run-off will sheet flow to the existing drainage ditches along

Goldendale Road. No additional storm water management is required.

Additional landscaping will be installed along the west side of the main office building and around the perimeter of the relayed parking area east of the main office building. A mix of evergreen and deciduous trees and shrubs are proposed.

Keller Inc. is currently in negotiations with the owner of the residential property to the east regarding a request by the owner for installation of a new and improved wooden privacy fence to be installed along the common property line between the two parcels. The residential property owner's view of the site and US41 beyond is currently buffered, in a manner of speaking, by the numerous small storage buildings and trailers that are currently parked along the common property line. Once the trailers are removed, the property owner is requesting a privacy fence to provide a buffer between the properties.

No exterior lighting improvements are proposed. The plans include some detail regarding wall signage proposed for the west and south building elevations, and, a free-standing pylon sign with reader board.

Staff Comments

Conditional Use Permit

Although the existing business operation, Allied Utility Equipment has a valid conditional use permit that was issued in 1985, the current use is different than that proposed by Keller Inc. for the property. "Construction Services/Contractor Shops" require a CUP in the B-3: General Business District. In this case, staff supports the proposed use and anticipates that the use proposed by Keller, including the office hours, number of employees, and limited storage of equipment and building supplies will result in less impact on the adjacent and surrounding residential properties than the current vehicle sales and equipment storage uses.

Site Development & Building Plans

The proposed site and building renovations and improvements meet the B-3 Zoning District regulations. However, given that this development is a renovation and not new building construction or expansion, the issue of meeting the current parking lot setbacks is an issue. As set forth in 17.45, when any commercial buildings are constructed or enlarged, the parking lots and stalls are required to meet specific standards contained therein. One of these standards is the provision of a minimum 8' wide buffer strip between the perimeter of the parking lot and all property lines. In this case, Keller will be removing some of the existing asphalt (including encroachments onto the adjacent property) in order to create an 8' wide perimeter buffer along Goldendale Road and, to a lesser extent, along the common property line with the adjacent residential property. Another standard is that there be a 50' setback between the nearest parking stall or driveway for a commercial parking lot and the nearest residential zoning district property line. Staff does not consider this proposal to renovate the existing site and buildings to rise to the level *requiring* compliance with the current parking standards, but encourages and supports Keller's efforts to bring the parking lot into compliance to the extent proposed.

As indicated above, the nearest property owner to be affected by the change in use and site/building renovations is aware and accepting of the Keller Inc. proposal provided that a privacy fence is installed along the common property in place of the storage sheds and trailers that are currently located along the common property line. The details about the type, materials and location of the privacy fence are still being discussed between the parties; however, staff recommends that a minimum 8' high, wooden privacy fence approximately 240' in length be installed along the common property line from the common property corner at the Goldendale Road right-of-way heading west and northwest to a point just north of the northeast corner of the large storage shed where the existing privacy fence located on the residential property begins.

The amount of additional landscaping is minimal, particularly along Goldendale Road. For a typical commercial site with new development, street trees are required in an amount equal to 1 tree per 50' of road frontage. Although this site has 300+' of road frontage along Goldendale Road north of the adjacent residential property, that area is predominantly wetlands and existing woods; with no development proposed or even allowed. There is another 270' of frontage along Goldendale Road on the south side of the property where the site and building renovations are proposed. A total of 5 street trees should be installed along the Goldendale road frontage; either evenly spaced or in an attractive grouping(s). A combination of deciduous street trees and/or evergreen shrubs is recommended to enhance the 8' buffer between the parking lot and roadway.

The color rendering shows the large storage building in the same earth-tone color scheme proposed for the main office building. That storage building is currently blue in color. While not stated as one of the improvements proposed by Keller, staff recommends that the storage building be painted in the same or similar earth-tone color as the main office building.

The free-standing pylon sign and reader board shown in the color rendering does not comply with the Village's sign regulations and, therefore, cannot be approved. The wall signage shown on the west and south elevations of the main office building will require additional details submitted as part of a separate sign permit requiring review and approval by the Plan Commission.

It is unclear if roof-top HVAC units are proposed. Once the number, type and location of the RTU's is known (if any), a revised roof plan sheet needs to be provided with details on the type, location and screening for the RTU's for staff approval.

Fire/Police Departments

The Fire Department has indicated that the renovations will require a monitored fire sprinkler system (per NFPA 13), Knox Box, written emergency plan and pre-occupancy inspection for compliance with all safety codes at the time of occupancy. The Police Department is requesting that all doors and docks be numbered with reflective numbers to aid emergency personnel access.

Engineering/Public Works

The Engineering Department has indicated that on-site storm waster management is not required for this project in the Village Engineer's May 16, 2014 memo (copy attached). An erosion control permit and a driveway/right-of-way permit from Washington County for any work in the Goldendale Road right-of-way will be required.

Inspection Services

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

VILLAGE PLANNER RECOMMENDATION

APPROVE a Conditional Use Permit to allow the operation of a Construction Services/Contractor Shop business operation from the property located at W204 N11509 Goldendale Road subject to the following conditions:

1. This permit authorizes the uses and activities set forth in the conditional use permit application dated April 14, 2014 and in the supporting documents and plans made part of the application on file with the Village, as well as all commitments made by the Applicant during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities or uses which causes problems or harmful effects that were not anticipated at the time of approval of this CUP, the conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. All exterior site and building improvements (including exterior lighting, signage) and/or site improvements require review/approval by the Village.
4. All exterior signage, including temporary signs, require a permit from the Village.
5. The owner/operator shall contact the Fire Department for a pre-occupancy inspection prior to commencing business operations.
6. The privacy fence to be installed along the eastern property line (and shared in common with the adjacent residential property) shall remain in place and be continuously maintained in good operational condition and appearance.

Village Planner Recommendation

APPROVE the site development and building plans for the proposed site and building renovations for the property located at W204 N11509 Goldendale Road subject to the following conditions:

1. Approval is for the site development plan set dated May 13, 2014, and the building plan set dated April 11, 2014 (unless otherwise modified or revised in a subsequent plan set approved by the Village Planner pursuant to any revisions and/or requirements set forth herein).
2. All grading, paving and landscaping improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.
3. The landscape plan shall be revised to include a total of 5 street trees (in addition to the landscaping already shown in the proposed landscape plan). The trees shall be installed along the Goldendale road frontage; either evenly spaced or in an attractive grouping(s). A combination of deciduous street trees and/or evergreen shrubs is recommended to enhance the minimal 8' buffer strip between the parking lot and roadway. The revised landscape plan shall be submitted to the Village Planner for review/approval prior to issuance of an occupancy permit.
4. A monitored fire sprinkler system and Knox Box shall be installed in the main office building as required by the Fire Department (per NFPA 13). A written emergency plan and pre-occupancy inspection for compliance with all safety codes at the time of occupancy is required and shall be coordinated with the Fire Department.
5. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.
6. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.
7. Erosion control and driveway permits may be required by the Village and/or County.
8. Once the number, type and location of the roof-top mechanical units have been determined, a revised roof plan shall be submitted to the Village Planner for review/approval. Said plan shall include details on the type, size and relative location of the units and the architectural screening to be installed (as necessary).
9. The large 36' x 64' storage building shall be painted an earth-tone color similar to and compatible with the color scheme proposed for the main office building.
10. All signage (including permanent wall and monument signs and temporary banners and signs) requires a permit and, where applicable, review and approval by the Plan Commission. The wall signs shown in the color renderings on the west and south elevations of the main office building require a separate permit and approval by the Plan Commission. The free-standing pylon and reader board are not compliant with the Village's sign regulations and are not approved.
11. All of the vehicles, trailers, equipment and storage containers currently located on the property (containers as shown on Sheet C1.1) shall be removed from the property prior to issuance of an occupancy permit.
12. Any changes or improvements to the existing exterior lighting will require Plan Commission review and approval.

Planner Retzlaff said if Plan Commission has concerns or comments about any of the proposed landscaping items now is the time to address them. Commissioner Gray was not in favor of all the arborvitae in the plan saying it doesn't offer much interest. She said she'd like to see some plantings along the shore of the pond that help provide color as part of the mitigation plan. She also suggested breaking up the parking lot space with spruce or fir pine. Commissioner Yokes was also not in favor of the arborvitae trees and said a proper landscape plan is needed. Mr. Rahl said the property already had several arborvitaes now and they wanted to maintain them. Planner Retzlaff said it would be helpful to give some direction for supplemental landscaping or replacement landscaping that the revised plan could reflect. Commissioner Gray understood keeping the arborvitae as a rhythm but would especially like to see something different along the road. She said she particularly wants to see evergreens, deciduous trees and or a mixture of things.

MOTION to Amend Gray second Yokes that the landscape plan be revised to change some of the arborvitae to evergreen and/or deciduous trees. The revised plan should be reviewed and approved by staff.

Commissioner Peck agreed with Commissioner Gray saying the driveway needs more detail. Chairman Wolter said it was clear the Plan Commission wants to see more landscaping. He said this is a major change for the property and for the positive. He added that he does not want to be over obtrusive by adding a lot of cost and if the landscaping can't be put in all at once that it could possibly be phased in as the business grows. Commissioner Gray said she would like to see a diverse group of plants along the shoreline, ones that provide a varied habitat for birds and animals. Planner Retzlaff said one of the conditions for the conditional use permit requires additional wetland plantings between the wetland boundary at three locations.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Keller, Inc. – W204 N11509 Goldendale Road. Application for a Conditional Use Permit for a Construction Services operation and site development and building plans for renovation of the existing site and buildings. Planner Retzlaff summarized the proposal.

MOTION Baum second Gray to Approve a Conditional Use Permit to allow the operation of a Construction Services Contractor Shop business operation from the property located at W204 N11509 Goldendale road subject to the following conditions:

- 1. This permit authorizes the uses and activities set forth in the conditional use permit application dated April 14, 2014 and in the supporting documents and plans made part of the application on file with the Village, as well as all commitments made by the Applicant during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.***
- 2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, harmful effects that were not anticipated at the time of approval of this CUP, the conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.***

3. **All exterior site and building improvements (including exterior lighting, signage) and/or site improvements require review/approval by the Village.**
4. **All exterior signage, including temporary signs, require a permit from the Village.**
5. **The owner/operator shall contact the Fire Department for a pre-occupancy inspection prior to commencing business operations.**
6. **The privacy fence to be installed along the eastern property line (and shared in common with the adjacent residential property) shall remain in place and be continuously maintained in good operational condition and appearance.**

MOTION carried unanimously.

MOTION Baum second Peck to Approve the site development and building plans for the proposed site and building renovations for the property located at W204 N11509 Goldendale Road subject to the following conditions:

1. **Approval is for the site development plan set dated May 13, 2014, and the building plan set dated April 11, 2014 (unless otherwise modified or revised in a subsequent plan set approved by the Village Planner pursuant to any revisions and/or requirements set forth herein).**
2. **All grading, paving and landscaping improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.**
3. **The landscape plan shall be revised to include a total of 5 street trees (in addition to the landscaping already shown in the proposed landscape plan). The trees shall should be installed along the Goldendale road frontage; either evenly spaced or in an attractive grouping(s). A combination of deciduous street trees and/or evergreen shrubs is recommended to enhance the minimal 8' buffer strip between the parking lot and roadway. The revised landscape plan shall be submitted to the Village Planner for review/approval prior to issuance of an occupancy permit.**
4. **A monitored fire sprinkler system and Knox Box shall be installed in the main office building as required by the Fire Department (per NFPA 13). A written emergency plan and pre-occupancy inspection for compliance with all safety codes at the time of occupancy is required and shall be coordinated with the Fire Department.**
5. **All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.**
6. **State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.**
7. **Erosion control and driveway permits may be required by the Village and/or County.**
8. **Once the number, type and location of the roof-top mechanical units have been determined, a revised roof plan shall be submitted to the Village Planner for review/approval. Said plan shall include details on the type, size and relative location of the units and the architectural screening to be installed (as**

necessary).

- 9. The large 36' x 64' storage building shall be painted an earth-tone color similar to and compatible with the color scheme proposed for the main office building.**
- 10. All signage (including permanent wall and monument signs and temporary banners and signs) requires a permit and, where applicable, review and approval by the Plan Commission. The wall signs proposed for the west elevation (200 sqft) and the south elevation (44 sqft) are approved; details for any external "uplighting" for said signs shall be submitted to the Village Planner for approval prior to issuance of an electrical permit. Said lighting shall be low-intensity and the light source shall be shielded to not be visible from the adjacent roadways.**
- 11. All of the vehicles, trailers, equipment and storage containers currently located on the property (containers as shown on Sheet C1.1) shall be removed from the property prior to issuance of an occupancy permit.**
- 12. Any changes or improvements to the existing exterior lighting will require Plan Commission review and approval.**

Chairman Wolter said he appreciates the improvements Keller is making to the property and thanked them for working with the neighbor.

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

X. NEW BUSINESS continued:

- B. Ryan Rahl, Agent for Project Design Management, Property Owners, N111 W18611 Mequon Road, Conditional Use Permit (CUP) No. ____-14 for 25' Wetland Setback Development Encroachment
- C. Keller Inc., Agent for Gary Mayworm & Allied Utility Equipment Inc., Property Owner, W204 N11509 Goldendale Road, Conditional Use Permit (CUP) No. ____-14 for the operation of a Construction Services/Contractor Shop
- D. Application for Public Grant Program, Germantown Historical Society, Bier Garden and Oktoberfest
- E. The Germantown Professional Police Association Local 306 Negotiations. The Village Board May Enter Into Closed Session Per Wis. Stats. §19.85(1)(E) For The Purpose Of Deliberating Or Negotiating The Purchase Of Public Properties, The Investing Of Public Funds, Or Conducting Other Specified Public Business, When Competitive Or Bargaining Reasons Require A Closed Session And Then May Re-Enter Open Session To Take Such Action As It Deems Appropriate

XI. ADJOURNMENT

The next Village Board meeting will be on July 21, 2014 at 7:00 p.m.

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

X. C.

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

MEETING DATE: July 7, 2014

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

ITEM TITLE: Ryan Rahl, Agent for Project Design Management, Property Owners; N111 W18611 Mequon Road; Conditional Use Permit (CUP) for 25' Wetland Setback Development Encroachment

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

SUMMARY EXPLANATION:

The new owner/operator of the Florian Park Banquet & Event Center proposes a series of site improvements located within, in whole or in part, the 25' wetland setback areas surrounding the pond and other wetlands on the property.

As discussed in the Mitigation Plan Narrative, the improvements result in a total of 4,700 sqft. of development within the 25' setback. To compensate, Florian Park proposes to enhance the existing wetlands by removing a large area of invasive vegetation (Buckthorn) found in and along the edge of the wetland.

ATTACHMENTS:

- ◆ 6/9/14 Staff Report
- ◆ 6/9/14 Plan Commission Meeting Minutes
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATION:

APPROVE the Conditional Use Permit to allow development within the 25' wetland setback area as proposed pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to three (3) conditions.

[SEE DRAFT CUP FOR COMPLETE TEXT AND CONDITIONS].

CUP # – 14

Document No.

CONDITIONAL USE PERMIT

Document Title

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

Whereas the Applicant:

**Ryan Rahl, Agent for Project Design Management,
Property Owner**

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

Now, therefore, this permit is issued to the Applicant to permit the to allow development within the 25' wetland setback areas as presented in the Site Improvements Plan dated May 29, 2014, and exhibits contained in the application pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTNV 282-992

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

That part of the Northwest 1/4 of the Northwest 1/4 of Section 28, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said Section 28; thence South 00°20'46" East along the West line of said 1/4 Section, 1247.49 feet to the point of intersection of the West line of said Section and the South right-of-way line of Lannon Road; thence North 41°01 '12" East along said right-of-way line, 498.11 feet to the point of beginning of the land to be described; thence North 46°29'49" East along said right-of-way line, 705.87 feet to a point; thence North 62°51'43" East along said right-of-way line, 216.86 feet to a point; thence North 68°47'43.8" East along said right-of-way line, 253.05 feet to a point in the 1/8 Section line; thence South 00°45'32.3" East along said 1/4 Section line, 1097.41 feet to the Southeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 28; thence South 88°55'39.7" West along the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 28, 922.41 feet to a point; thence North 4°19'48" West, 439.48 feet to the point of beginning. Said Parcel containing 871,792 sq. ft or 17.95 acres of land, more or less.

N111 W18611 Mequon Road

Tax Key No. 282-992

Pursuant to the following condition(s):

1. The Approval is for the improvements shown in the site plans dated May 29, 2014 unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein.

2. In addition to the proposed invasive species removal proposed in the Mitigation Plan (dated 5-29-2014), Florian Park shall install wetland compatible native species grasses or other plantings in the following three locations around Willow Pond: between the concrete apron for the rear deck staircase and the wetland boundary; between the concrete foundation for the gazebo and the wetland boundary; and between the waterfall feature and Willow pond. A revised Mitigation Plan narrative and Exhibit 5 shall be prepared with details regarding the type, location and extent of wetland plantings to be reviewed and approved by the Village Planner.
3. The property owner shall prepare and submit an annual monitoring report to the Village concerning the management activities proposed in the mitigation plan, including the planting/restoration of native grasses and the removal of invasive species from the disturbed and undisturbed wetland setback areas. Said report shall, at a minimum, detail the type and amount of plantings and invasive species removed, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities carried out, and the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2015 for at least three (3) years.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the _____ day of _____, 2014.

ATTEST:

Dean Wolter, Village President

Barbara K. D. Goeckner, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this _____ day of _____, 2014, the above named Dean Wolter, Village President, and Barbara K. D. Goeckner, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

The following named person, who is authorized to represent Property Design Management, hereby accept the terms and conditions set forth in this Permit, and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2014

{type or print name on this line}

{signature on this line}

Agent for Property Design Management

STATE OF WISCONSIN) SS
_____ COUNTY)

Personally came before me this ____ day of _____, 2014, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

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

Notary Public, State of Wisconsin
My Commission Expires: _____

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

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

DATE: Monday, July 7, 2014
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the an application filed for a CONDITIONAL USE PERMIT to allow development within a 25' wetland setback on a portion of the following described property pursuant to Section 24.04(3) of the Municipal Code:

Petitioner: Ryan Rahl, Agent for Project Design Management, Property Owners
Property: N111 W18611 Mequon Road; Tax Key No. 282-992

That part of the Northwest 1/4 of the Northwest 1/4 of Section 28, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said Section 28; thence South 00°20'46" East along the West line of said 1/4 Section, 1247.49 feet to the point of intersection of the West line of said Section and the South right-of-way line of Lannon Road; thence North 41°01 '12" East along said right-of-way line, 498.11 feet to the point of beginning of the land to be described; thence North 46°29'49" East along said right-of-way line, 705.87 feet to a point; thence North 62°51'43" East along said right-of-way line, 216.86 feet to a point; thence North 68°47'43.8" East along said right-of-way line, 253.05 feet to a point in the 1/8 Section line; thence South 00°45'32.3" East along said 1/4 Section line, 1097.41 feet to the Southeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 28; thence South 88°55'39.7" West along the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 28, 922.41 feet to a point; thence North 4°19'48" West, 439.48 feet to the point of beginning. Said Parcel containing 871,792 sq. ft or 17.95 acres of land, more or less.

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

**Dated this 10th day of June, 2014.
Barbara K. D. Goeckner, Village Clerk**

To Be Published On: June 19th and June 26th, 2014

CONDITIONAL USE PERMIT & SITE PLAN REVIEW

6/9/14 Plan Commission Meeting

Florian Park Banquet Center / Project Design Management

Village Planner Report

Germantown, Wisconsin

Summary

Ryan Rahl, agent for Project Design Management, property owner, has submitted a Conditional Use Permit Application to allow limited development within a 25' wetland setback, and, minor amendments to the previously-approved site development and building plans for the Florian Park Banquet Center (former Quilted Bear) located at N111 W18611 Mequon Road.

Property Location: N111 W18611 Mequon Road

Property Owners/ Agent:

Ryan Rahl, Agent	David Manthei
Country Inn & Suites	Project Design Management
W188 N11020 Maple Rd	W6120 Rock Falls Rd
Germantown, WI 53022	Eau Claire, WI 54701

Current Zoning: B-5: Highway Business

Adjacent Land Uses		Zoning
North	Commercial (vacant)	B-3
South	Ag/Institutional	I/A-1
East	Ag	A-2
West	Commercial	B-5



History

Site and building plans for an addition to and renovations of the Florian Park Banquet Center (formerly the Quilted Bear) were approved in January, 2014. At that time, possible additional site improvements to the existing walking path around the pond, landscaping and lighting were discussed. A condition of approval required the property owner, Project Design Management, to submit detailed plans for any additional improvements proposed within the 25' wetland setback around the existing pond.

At this time, Ryan Rahl, agent for Project Design Management, has submitted a Conditional Use Permit Application to allow limited development within a 25' wetland setback, and, an amendment to the previously-approved site development and building plans for additional landscaping and exterior lighting improvements for Florian Park.

Proposal: Conditional Use Permit (25' Wetland Setback Development)

Florian Park has submitted a conditional use permit (CUP) application under the Village's Shoreland-Wetland Zoning Code because of proposed improvements and/or development activity within portions of the 25' wetland setback adjacent to the wetland pond located south of the building.

Although the Village's Shoreland-Wetland Code requires a 25' setback from all DNR-approved delineated wetlands (regardless of size or location), the Village can allow development within these setbacks with a CUP. Section 24.04 of the Code permits development in the required setbacks provided additional buffering and/or compensation for the affected area(s) is provided at either a 1:1 ratio (for "horizontal" development) or a 2:1 ratio (for "vertical" development having a structure or grade change greater than 3' height).

The Florian Park property contains a significant amount of wetland. For purposes of this project and CUP proposal, a specific study area surrounding the pond south of the building and parking lot (a.k.a. "Willow Pond"). As detailed in the Wetland Delineation Report (prepared by R.A. Smith National, dated May 6, 2014), Willow Pond is a wetland pond with the area lying between the water and the existing gravel path surrounding the pond containing wetland vegetation and soils. Additional wetland is located surrounding and south of the pond on the other side of the existing gravel path.

As summarized in the narrative found in Addendum 1.1 and presented in Exhibit 5, Florian Park proposes seven (7) specific site improvements. The following five (5) improvements are located within, in whole or in part, the 25' wetland setback areas surrounding Willow Pond and the larger adjacent wetland:

- Improvement #1: Staircase grading (re-grade area south of new cascading staircase on south side of building and install decorative, stamped concrete to a point as close as 10 feet from the wetland edge);
- Improvement #2: Waterscape (install a separate 20' x 30' self-contained, re-circulating, man-made waterfall feature with rock wall adjacent to the existing path to a point as close as 5 feet from the wetland edge);

- Improvement #3: Gazebo Relocation (relocate the existing gazebo to a point 28' south of the present location and install a concrete slab to a point as close as 5 feet from the wetland edge);
- Improvement #4: Path reconstruction (supplement existing gravel base and install concrete path within existing 5' width and alignment);
- Improvement #5: Wooden Bridges (install two wooden, arched bridges into the pond walkway 6' wide by 16' and 32' long, respectively).

As discussed in the Mitigation Plan Narrative, the first three improvements constitute new development within the 25' wetland setback area totaling 4,700 sqft. Since all of these improvements constitute "horizontal" development (having a grade change less than 3'), the minimum amount of "compensation" required is 4,700 sqft. To compensate for the loss of 4,700 sqft of setback area, Florian Park proposes to enhance the existing wetlands by removing a large area of invasive vegetation (Buckthorn) found in another area (see Exhibit 5). The other improvements, i.e. path reconstruction and wooden bridges, are not considered new development because they will be installed within the existing footprint on the existing developed path.

Proposal: Site Plan Amendment

In addition to the five improvements affecting the wetland setback, Florian Park has submitted revised site plans (see Exhibit 6 and Exhibit 7) that detail the following two (2) lighting and landscaping improvements:

- Improvement #6: Exterior Lighting (replace and/or install new poles and fixtures in the parking lot, at the deck/staircase, gazebo, and along the existing pond pathway);
- Improvement #7: Landscaping (install additional evergreen trees and shrubs to supplement the existing landscaping around the building, pond path, portico entrance and parking lot perimeter).

As detailed on Exhibit 6 and the attached detail sheets, three (3) different lighting fixtures are proposed across the site. A total of six (6) 7'6" tall, 3-light decorative light poles & fixtures are proposed at the portico entrance and rear deck/staircase. 100W incandescent (or 23W CFL) bulbs are proposed for each light. These fixtures are not cut-off. A total of six (6) King Luminaire fixtures with 250W Metal Halide lamps to be mounted on the existing 15' poles & concrete bases in the parking lot. A total of nine (9) Patriot fixtures with 23W CFL bulbs (100W incandescent equivalent) to be mounted on the existing 8' poles around the existing path around Willow Pond.

Staff Comments

CUP for 25' Wetland Setback Development

With regard to the CUP for development within the 25' wetland setbacks, staff supports the mitigation plan that includes invasive species removal. However, given the proximity of some of the planned improvements close to the edge of the wetlands, namely the waterfall feature and concrete pads for the staircase apron and gazebo foundation,

there should be some additional protection at the wetland edge given the potential for increased run-off from these areas into the wetland pond. Native species plantings between the staircase, gazebo and waterfall should be installed to enhance the protection of these areas of reduced setback.

Also, Florian Park should be required to prepare and submit an annual monitoring report to the Village documenting all management activities, the success of those management activities, and any corrective actions needed to ensure success of the mitigation plan for a minimum of three (3) years after plan implementation.

Site Plan Revisions

Although Florian Park did not contemplate making changes to the existing site lighting or landscaping when the original site plan was approved in January, they are now proposing enhancements to both. Florian Park proposes to install new fixtures in the parking lot. Because of the 250W metal halide lamp intensity proposed, the full cut-off fixture option for the King Luminaire should be required. The remaining lighting is proposed to use 100W incandescent (or compact fluorescent lamp equivalent). These fixtures are not cut-off type fixtures. While the proposed light intensity of 1600 lumens, i.e. from a 100W incandescent or a 23W CFL equivalent, are relatively low in intensity, cut-off fixtures should be used if lamps having an intensity higher than 2000 lumens is installed. Also, the existing unshielded flood light mounted on a free-standing wooden pole located on the north side of the parking lot should be removed or replaced with an appropriate cut-off fixture mounted at a height not to exceed 25'.

Village Planner Recommendation

APPROVE the revised site plans containing the additional site, lighting and landscaping improvements proposed for the Florian Park Banquet Center located at N111 W18611 Mequon Road subject to the following conditions:

1. Approval is for the site plans dated May 29, 2014 unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein.
2. The proposed King Luminaire fixture for the replacement parking lot lights shall be the full-cut off option Model #K118-L. The lamps used in the other fixtures proposed for the portico, rear deck and around the Willow Pond walking path shall not generate an amount of light exceed that generated from a 100W incandescent or 23W CFL equivalent (1600 lumens).
3. The existing unshielded flood light located at the north end of the parking lot shall be removed, or, replaced with a full cut-off fixture mounted at a height not to exceed 25 feet.
4. The minimum planting size for all evergreen trees shall be 6-8' and 18-24 gal for all shrubs.

VILLAGE PLANNER RECOMMENDATION

APPROVE a Conditional Use Permit to allow development within the 25' wetland setback area as proposed pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

5. Approval is for the improvements shown in the site plans dated May 29, 2014 unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein.
6. In addition to the proposed invasive species removal proposed in the Mitigation Plan (dated 5-29-2014), Florian Park shall install wetland compatible native species grasses or other plantings in the following three locations around Willow Pond: between the concrete apron for the rear deck staircase and the wetland boundary; between the concrete foundation for the gazebo and the wetland boundary; and between the waterfall feature and Willow pond. A revised Mitigation Plan narrative and Exhibit 5 shall be prepared with details regarding the type, location and extent of wetland plantings to be reviewed and approved by the Village Planner.
7. The property owner shall prepare and submit an annual monitoring report to the Village concerning the management activities proposed in the mitigation plan, including the planting/restoration of native grasses and the removal of invasive species from the disturbed and undisturbed wetland setback areas. Said report shall, at a minimum, detail the type and amount of plantings and invasive species removed, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities carried out, and the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2015 for at least three (3) years.

PLAN COMMISSION MINUTES

June 9, 2014

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:35 p.m.

ROLL CALL: Chairman Dean Wolter, Trustee Representative David Baum, Commissioners Mary Ellen Gray, Marty Peck, Tim Yokes, Bill Shadid and Dan Campbell were present. Also present were Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

PREVIOUS MINUTES: *MOTION Peck second Yokes to Approve the Minutes from May 12, 2014.*

MOTION to Amend Gray second Campbell to change the language on page 2 from aria viburnum to arrowwood viburnum.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Valley Cabinet – W189 N11100 Kleinmann Drive. Foerster Sign, agent for the Kleinmann Center, is requesting sign approval for the new tenant in the office building. Planner Retzlaff summarized the proposal.

MOTION Baum second Peck to Approve the proposed wall sign and monument insert for Valley Cabinet in the Kleinmann Center located at W189 N11100 Kleinmann Drive subject to the following conditions:

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

MOTION carried unanimously.

Florian Park – N111 W18611 Mequon Road. Project Design Management has submitted a Conditional Use Permit application to allow limited development within a 25' wetland setback and minor amendments to the previously approved site development and building plans. Planner Retzlaff summarized the proposal.

MOTION Baum second Peck to Approve the revised site plans containing the additional site, lighting and landscaping improvements proposed for the Florian Park Banquet Center located at N111 W18611 Mequon Road subject to the following conditions:

- 1. Approval is for the site plans dated May 29, 2014 unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein.***
- 2. The proposed King Luminaire fixture for the replacement parking lot lights shall be the full-cut off option Model #K118-L. The lamps used in the other fixtures proposed for the portico, rear deck and around the Willow Pond walking path shall not generate an amount of light exceed that generated from a 100W incandescent or 23W CFL equivalent (1600 lumens).***

- 3. The existing unshielded flood light located at the north end of the parking lot shall be removed, or, replaced with a full cut-off fixture mounted at a height not to exceed 25 feet.**
- 4. The minimum planting size for all evergreen trees shall be 6-8' and 18-24 gal for all shrubs.**

Approve a Conditional Use Permit to allow development within the 25' wetland setback area as proposed pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

- 5. Approval is for the improvements shown in the site plans dated May 29, 2014 unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein.**
- 6. In addition to the proposed invasive species removal proposed in the Mitigation Plan (dated 5-29-2014), Florian Park shall install wetland compatible native species grasses or other plantings in the following three locations around Willow Pond: between the concrete apron for the rear deck staircase and the wetland boundary; between the concrete foundation for the gazebo and the wetland boundary; and between the waterfall feature and Willow pond. A revised Mitigation Plan narrative and Exhibit 5 shall be prepared with details regarding the type, location and extent of wetland plantings to be reviewed and approved by the Village Planner.**
- 7. The property owner shall prepare and submit an annual monitoring report to the Village concerning the management activities proposed in the mitigation plan, including the planting/restoration of native grasses and the removal of invasive species from the disturbed and undisturbed wetland setback areas. Said report shall, at a minimum, detail the type and amount of plantings and invasive species removed, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities carried out, and the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2015 for at least three (3) years.**

A lengthy discussion followed regarding the type of plants proposed in the mitigation and landscape plan. Planner Retzlaff explained to the Commission that the wetland that exists around the perimeter of the pond is of relatively low quality. He said Village regulations attempt to compensate for wetland encroachment in order to accommodate features that will enhance the property and business. An annual monitoring report is required to ensure mitigation is completed.

Commissioner Gray said the site already had a lot of low quality plants including a lot of buckthorn that should be taken out. She would like to see some attractive and interesting plants that might feed some wildlife along the edge of the pond instead of the canary grass goldenrod and cattails that are very invasive. Commissioner Gray suggested a mixture of plant material be used. Mr. Rahl said the plan shows primarily the areas they are impeding on in the wetland boundary, not what they are planting elsewhere on the property. He added that seasonal color will be included in the plan. Commissioner Gray asked for plant material that would be appropriate and diverse along the shore of the pond.

Planner Retzlaff said if Plan Commission has concerns or comments about any of the proposed landscaping items now is the time to address them. Commissioner Gray was not in favor of all the arborvitae in the plan saying it doesn't offer much interest. She said she'd like to see some plantings along the shore of the pond that help provide color as part of the mitigation plan. She also suggested breaking up the parking lot space with spruce or fir pine. Commissioner Yokes was also not in favor of the arborvitae trees and said a proper landscape plan is needed. Mr. Rahl said the property already had several arborvitaes now and they wanted to maintain them. Planner Retzlaff said it would be helpful to give some direction for supplemental landscaping or replacement landscaping that the revised plan could reflect. Commissioner Gray understood keeping the arborvitae as a rhythm but would especially like to see something different along the road. She said she particularly wants to see evergreens, deciduous trees and or a mixture of things.

MOTION to Amend Gray second Yokes that the landscape plan be revised to change some of the arborvitae to evergreen and/or deciduous trees. The revised plan should be reviewed and approved by staff.

Commissioner Peck agreed with Commissioner Gray saying the driveway needs more detail. Chairman Wolter said it was clear the Plan Commission wants to see more landscaping. He said this is a major change for the property and for the positive. He added that he does not want to be over obtrusive by adding a lot of cost and if the landscaping can't be put in all at once that it could possibly be phased in as the business grows. Commissioner Gray said she would like to see a diverse group of plants along the shoreline, ones that provide a varied habitat for birds and animals. Planner Retzlaff said one of the conditions for the conditional use permit requires additional wetland plantings between the wetland boundary at three locations.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Keller, Inc. – W204 N11509 Goldendale Road. Application for a Conditional Use Permit for a Construction Services operation and site development and building plans for renovation of the existing site and buildings. Planner Retzlaff summarized the proposal.

MOTION Baum second Gray to Approve a Conditional Use Permit to allow the operation of a Construction Services Contractor Shop business operation from the property located at W204 N11509 Goldendale road subject to the following conditions:

- 1. This permit authorizes the uses and activities set forth in the conditional use permit application dated April 14, 2014 and in the supporting documents and plans made part of the application on file with the Village, as well as all commitments made by the Applicant during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.***
- 2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, harmful effects that were not anticipated at the time of approval of this CUP, the conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.***

XI. D.

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

MEETING DATE: July 7, 2014

AGENDA ITEM: NEW BUSINESS

ITEM TITLE: Update on SEWRPC STP-M Funding Decision: Donges Bay Road Reconditioning Project and Possible Board Action Based on the Same.

SUBMITTED BY: Daniel R. Ludwig, P.E., Director of Public Works

SUMMARY EXPLANATION:

Purpose:

Establish the Village Board's responsive position regarding prospective STP-M funds availability for the Donges Bay Road Reconditioning project after having received new information from the Executive Director of SEWRPC indicating the City of Milwaukee has withdrawn an additional project: Howard Avenue thereby providing a larger allocation to the Village of Germantown, City of Greenfield and City of Oak Creek. Ken Yunker said each community could receive 67%+/- of their anticipated construction cost. He also said this should be all wrapped up with Advisory Committee approval within the first week of August or sooner.

SEWRPC Proposed Reallocation of Prospective STP-M Fund Availability:

1. \$7.97± million to be returned by Milwaukee County and City of Milwaukee.
2. SEWRPC has identified the following reallocation recommendations:

Community	100% Project Cost	67% STP-M Funding
Germantown	\$4,111,250	\$2.75 million
Greenfield	\$4,320,835	\$2.89 million
Oak Creek	\$3,476,300	\$2.33 million
Total		\$7.97 million

**** Current STP Distribution as of July 2014

67% STP-M Funding	\$2,754,538
33% Local Funding	\$1,356,713

**** Without Federal Assistance

Local Funding	\$2,290,000
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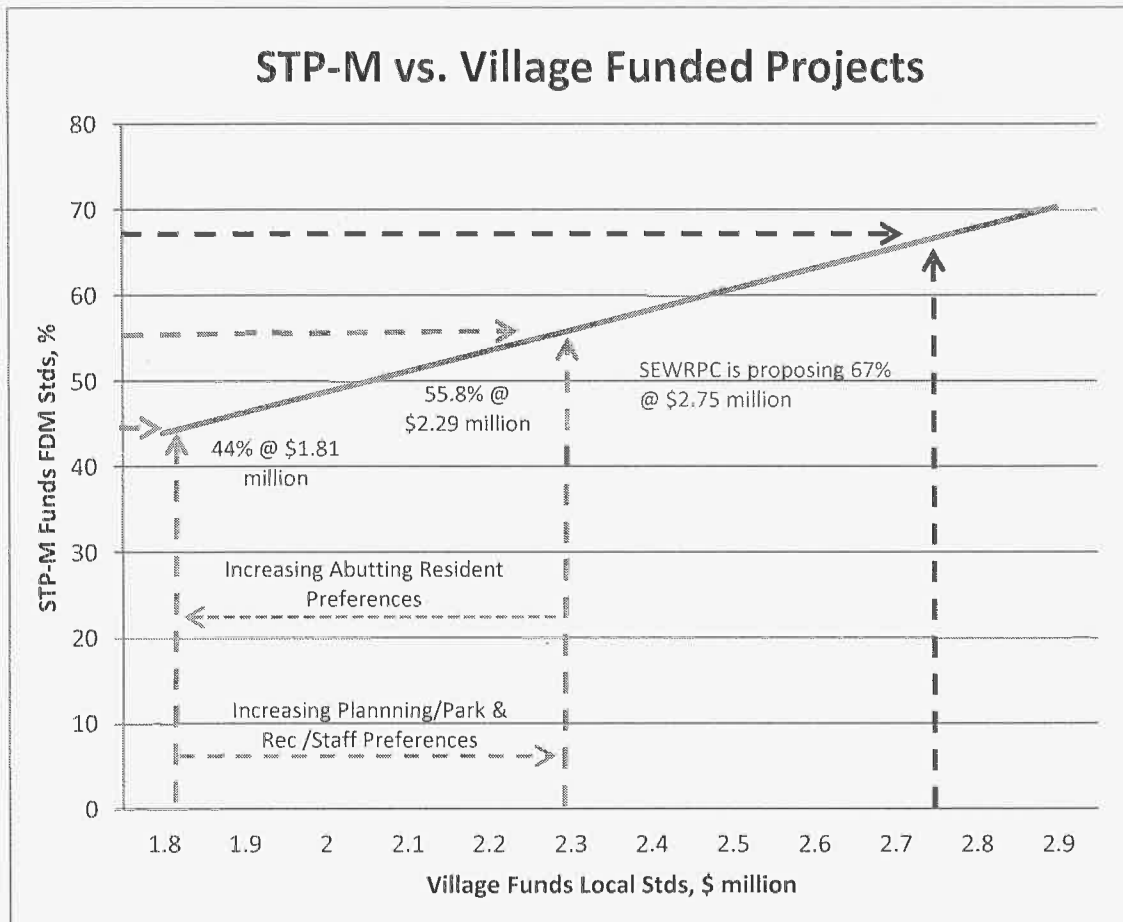
**** Construction Dollars Saved Using STP-M Funds	\$ 933,287
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Note:

A typical year's reconstruction budget is between \$1.2 and \$1.3 million. The savings by using STP-M funds provides the Village with nearly a year's budget of local streets to be reconstructed.

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

Analysis of SEWRPC Proposal:



ATTACHMENTS:

RECOMMENDATION:

Pursue 67% STP-M funding.

COMMITTEE ACTION:

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

XI. E.

RECEIVED

VILLAGE OF GERMANTOWN
APPLICATION FOR PUBLIC GRANT PROGRAM

JUN 24 2014

OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

Application Date: 6-24-14

Organization/Group Name: GERMANTOWN HISTORICAL SOCIETY

Applicant's Name: Jeff Dhein

Applicant's Address: W196N13704 HWY 145 RICHFIELD WI 53076

Telephone Number: 262-689-0537

Purpose or Mission Statement: RAISE FUNDS TO HELP OBTAIN AND
DISPLAY HISTORICAL ARTIFACTS.

Event No. 1 Date: 7-26-14 Event Description: BIER GARDEN

Estimated Attendance: 100 Times of Event: 1-9 pm

Location of Event: D'ville PARK

Event No. 2 Date: 8-23-14 Event Description: BIER GARDEN

Estimated Attendance: 120 Times of Event: 1-9 pm

Location of Event: D'ville PARK

Event No. 3 Date: Oktoberfest Event Description: FESTIVAL

Estimated Attendance: 5000 Times of Event: 12-11 pm

Location of Event: D'ville PARK

How will the event(s) benefit the Village of Germantown:

They will
bring tourists to area and give
residents a venue to enjoy the
atmosphere of a german community

☒ Insurance submitted \$1,000,000 (minimum limit) – required for events having over 100 people in attendance.

Germantown Historical Society

Organization or individual shall hold harmless, defend and indemnify the Village of Germantown and its officers, agents, officials, employees and volunteers from and against any and all liability, loss damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with the organization's or individual's performance or work related to the event(s), project(s) or gatherings which are the subject of the grant award or any failure to comply with any obligations or conditions contained in the Public Grant Program, except such loss or damage which was caused by the sole negligence or willful misconduct of the Village.

Date:

6-24-14

Signature

Print Name of Signature

Street Address

City, State & Zip Code

W196 N 15TH HWY 145

RICHFIELD WI 53076



Germantown Mutual Insurance Company
W209 N11845 Insurance Place ■ P.O. Box 1020
Germantown, Wisconsin 53022-8220 ■ Phone (262)251-6680

Renewal Business Owners Declarations Retail/Service

Policy Number: 1101885

Policy Period: 05/01/2014 - 05/01/2015
12:01 A.M. standard time at
your mailing address shown
in the declarations

Named Insured and Address:

GERMANTOWN HISTORICAL SOCIETY

PO BOX 31
GERMANTOWN, WI 53022

Agency Name and Number:

00135
COLONIAL INSURANCE AGENCY, INC
N112 W15237 MEQUON RD. STE.100
GERMANTOWN, WI 53022
(262)255-3770

IN RETURN FOR THE PAYMENT OF PREMIUM, AND SUBJECT TO ALL THE TERMS OF
THE COVERAGE PARTS/POLICIES ATTACHED, WE AGREE TO PROVIDE YOU WITH THE
INSURANCE DESCRIBED THEREIN.

Business Type: Individual
Coverage Form: Special Form

Policy Coverage	Limit	Deductible	Premium
Prem/Oper Liability Incl. Prod/Comp Ops.:	\$ 1,000,000		\$ 114.00
General Aggregate:	\$ 2,000,000		Included
Prod/Co Aggregate:	\$ 2,000,000		Included
Medical Payments:	\$ 5,000		\$ 41.00
Business Income and Extended Business			Included
Damage to Premise Rented to You:	\$ 50,000 Included		Included
Forgery or Alteration:	\$ 2,500 Included		Included
Personal Advertising Injury:	\$ 1,000,000		Included
Optional Coverages/Endorsements:			
BOP-3 04 03 Multiple Locations			Included
BOP-4 05 13 Amendment For Electronic Data			Included
BP0003 07 02 Businessowners Coverage Form			Included
BP0127 01 06 Wisconsin Changes			Included
BP0439 07 02 Abuse or Molestation Exclusion			Included
BP0458 07 02 Business Income/Extra Expense-Y2K Problems			Included
BP0492 07 02 Total Pollution Exclusion			Included
BP0514 01 03 War Liability Exclusion			Included
BP0515 01 06 Disclosure Pursuant to Terrorism Risk Ins. Act			Included
BP0517 01 06 Exclusion Silica or Silica Related Dust			Included
BP0534 11 02 Lmt. Excl. Terror.(Non-Cert), Cap/Cert., Cv. Fire			Included
BP0538 12 02 Lmted. Terrorism Excl.(Non-Cert), Cap on Losses			Included
BP0564 01 07 Condl Excl Terrorism			Included
BP0576 11 02 Limited Fungi or Bacteria Coverage			Included
BP0577 11 02 Fungi or Bacteria Exclusion (Liability)			Included
BP1005 07 02 Exclusion Y2K Computer & Electrical Problems			Included
BP1006 07 02 Exclusion Y2K/Products Completed Operations Hazard			Included
GM-30 04 86 Punitive or Exemplary Damages Exclusion			Included
GM-38 06 95 Lead Liability Exclusion			Included
GM-69 10 10 Asbestos Exclusion			Included
GM-77 01 12 Exclusion - Athletic or Sports Participant			Included
GM-54 03 10 Equipment Breakdown			Included

		Limit	Deductible	Premium
BP0412	07 02	Limit of Coverage Designated Premises		Included
GM-68	12 10	Employment Practices Liability Ins		\$ 74.00
		Retroactive: 05/01/2013		
		\$ 100,000/100,000	\$ 2,500	

Premise 1/ Building 1

Class: 59999

Address:

W189 N12808 FOND DU LAC AVENUE
GERMANTOWN, WI 53022

Description: MUSEUM / CHURCH

Territory: Remainder of State

Construction: Joisted Masonry

Protection Class: 04

Sprinklered: No

Protective Device: Battery

Valuation: Functional Replacement

BCEG Grade:

BCEG Type:

Inflation: 4%

Year Built: 1930

Occupancy: Single

Opt Cov/Glass Deduct: 250

Building Description: MUSEUM / CHURCH

Premise/Bldg Coverage	Limit	Deductible	Premium
Building:	\$ 204,800	\$ 1,000	\$ 564.00
Personal Property Off Premise:	\$ 5,000 Included		Included
Accounts Receivable:	\$ 10,000 OnPrem/5,000 OffPrem		Included
Valuable Papers:	\$ 10,000 OnPrem/5,000 OffPrem		Included
Money & Securities:	\$ 2,500 OnPrem/2,500 OffPrem		Included
Optional Coverages/Endorsements:			
BP0484 07 02 Functional Replacement			Included
Internal0 01 99 Optional Coverage/Glass Deductible		\$ 250	Included

Total Building Premium: \$ 564.00**Premise 2/ Building 1**

Class: 59999

Address:

N128 W18780 HOLY HILL ROAD
GERMANTOWN, WI 53022

Description: MUSEUM

Territory: Remainder of State

Construction: Frame

Protection Class: 04

Sprinklered: No

Protective Device: Battery

Valuation:

BCEG Grade:

BCEG Type:

Inflation:

Year Built: 0

Occupancy: Single

Opt Cov/Glass Deduct: 250

Building Description: MUSEUM

Premise/Bldg Coverage	Limit	Deductible	Premium
Business Personal Property:	\$ 60,000	\$ 1,000	\$ 340.00
Optional Coverages/Endorsements:			
Internal0 01 99 Optional Coverage/Glass Deductible		\$ 250	Included

Total Building Premium: \$ 340.00**Total Premium: \$ 1,133.00**

XI, F.

RECEIVED

VILLAGE OF GERMANTOWN
N112 W17001 Mequon Road; P.O. Box 337
Germantown WI 53022

JUN 23 2014

OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

**APPLICATION FOR AMENDMENT OF "CLASS B"
FERMENTED MALT BEVERAGE & INTOXICATING LIQUOR LICENSE
OUTSIDE PREMISES EXTENSION**

SEE ATTACHED GUIDELINES

Administrative Fee: \$25.00

NAME of Licensed Premises: LAMROTH'S KUHBAUR JUNC

ADDRESS: W 140 N 10385 FOND DU LAC AVE

CITY / STATE / ZIP: GERMANTOWN, WI 53022

Person in Charge of Event: JOHN R LAMROTH

Phone Number: 414-758-9065

Current Liquor License Number: 13-8

Purpose for requesting the outside extension:

40th BIRTHDAY PARTY CUST APPRECIATION PARTY
BIRTHDAY PARTY

Dates of Event: AUGUST 16, 2014 SEPT 20, 2014
AUGUST 9, 2014

Time of Event: ~~8:00~~ - 2:00 PM - 10:00 PM

Describe area of outside extension (INCLUDE A DETAILED DRAWING OF THE AREA with dimensions):

SAME AS ALL PREVIOUS
20'x30' tent, back yard area, southwest of building

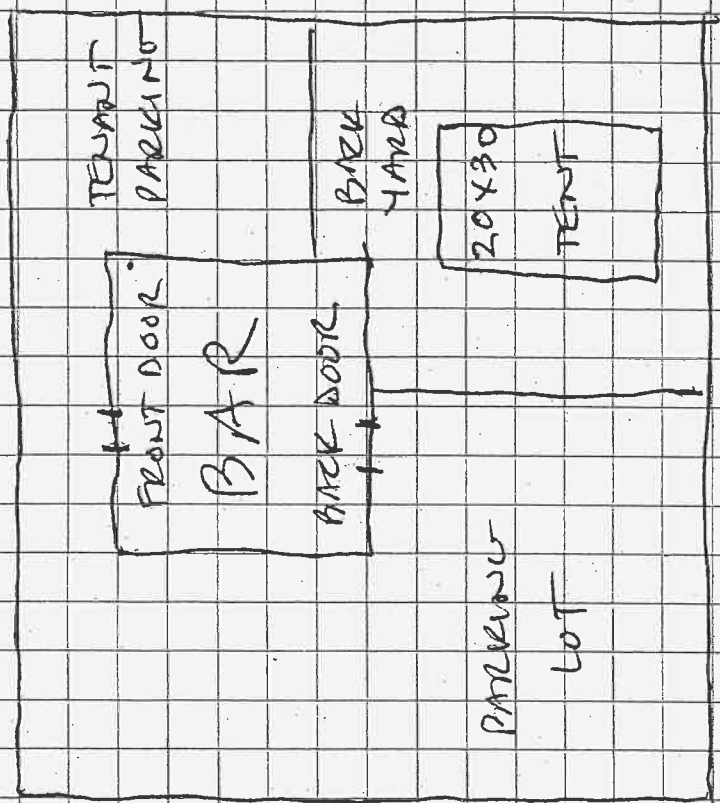
PLEASE NOTE: Additional permits or approvals may be required by other Village Departments (sign permits, temporary use permits, electrical permits, etc.). You are responsible for obtaining those permits prior to your event. Contact the Community Development Department at 262-250-4735 for further information.

John R. Lamroth
Signature of Owner

6-23-14
Date

Referred to Police Chief: <u>6-25-14</u>	Referred to Fire Chief: <u>6-25-14</u>
Public Safety Committee Recommendation:	
Approve: _____;	Deny: _____; Date: <u>7-7-14</u>
Village Board Action:	
Approve: _____;	Deny: _____; Date: <u>7-7-14</u>

FOUR DU LAKE AVE



TENT
PARKING

FRONT DOOR

BAR

BACK DOOR

BACK
YARD

20x30

TENT

PARKING

LOT

BOULEVARD

Village of



OFFICE OF THE VILLAGE CLERK

N112 W17001 Mequon Road, P.O. Box 337
Germantown, Wisconsin 53022-0337
Phone (262) 250-4740
FAX (262) 253-8255

June 25, 2014

Dear Adjacent Property Owner:

The Village of Germantown has adopted a policy in which property owners within 300 feet of an application for an outside premises extension would be notified, giving them an opportunity to voice their concerns and/or approval.

On that basis, please be advised that Gamroth's Kuhburg Junction has applied for an outside premises extension on their property located at W140 N10385 Fond du Lac Avenue for Saturday, August 9, 2014; Saturday, August 16, 2014; and Saturday, September 20, 2014 from 2:00 p.m. to 10:00 p.m.

The Public Safety Committee will review this application at a meeting on Monday, July 7th at 6:00 p.m. at the Germantown Village Hall, N112 W17001 Mequon Road. If you have any objections to this application, you may contact our office in writing and your letter will be forwarded to the Public Safety Committee for discussion, or you may attend the meeting.

If you have any questions, please feel free to call.

Sincerely,

A handwritten signature in cursive script that reads 'Christine M. Micka'.

Christine M. Micka, CMC/WCMC
Deputy Village Clerk

cc: Gamroth's Kuhburg Junction
Police Chief Hoell

GERMANTOWN POLICE DEPARTMENT

MEMORANDUM

TO: Chris Micka
Deputy Clerk

FROM: Peter G. Hoell
Chief of Police 

DATE: June 30, 2014

SUBJECT: OUTSIDE PREMISE EXTENSIONS – GAMROTH'S KUHBURG JUNCTION

The police department has no objections to the outside premise extensions for Gamroth's Kuhburg Junction.

VILLAGE OF GERMANTOWN
N112 W17001 Mequon Road; P.O. Box 337
Germantown WI 53022

JUN 23 2014
OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

**APPLICATION FOR AMENDMENT OF "CLASS B"
FERMENTED MALT BEVERAGE & INTOXICATING LIQUOR LICENSE
OUTSIDE PREMISES EXTENSION**

SEE ATTACHED GUIDELINES

Administrative Fee: \$25.00

NAME of Licensed Premises: KJ'S BAR & GRILL

ADDRESS: N112 W 21209 MEQUON RD

CITY / STATE / ZIP: GERMANTOWN, WI 53022

Person in Charge of Event: KIM A GAMROTH

Phone Number: 414-758-9066

Current Liquor License Number: 13-12

Purpose for requesting the outside extension:

① GRADUATION PARTY

② CUSTOMER APPRECIATION PARTY

Dates of Event: ① JULY 19, 2014 ② AUG 23, 2014

Time of Event: ① 4:00 PM - 10:00 PM ② 2:00 PM - 10:00 PM

Describe area of outside extension (INCLUDE A DETAILED DRAWING OF THE AREA with dimensions):

SAME AS ALL PREVIOUS

20'x30' tent, west of building adjacent to parking lot

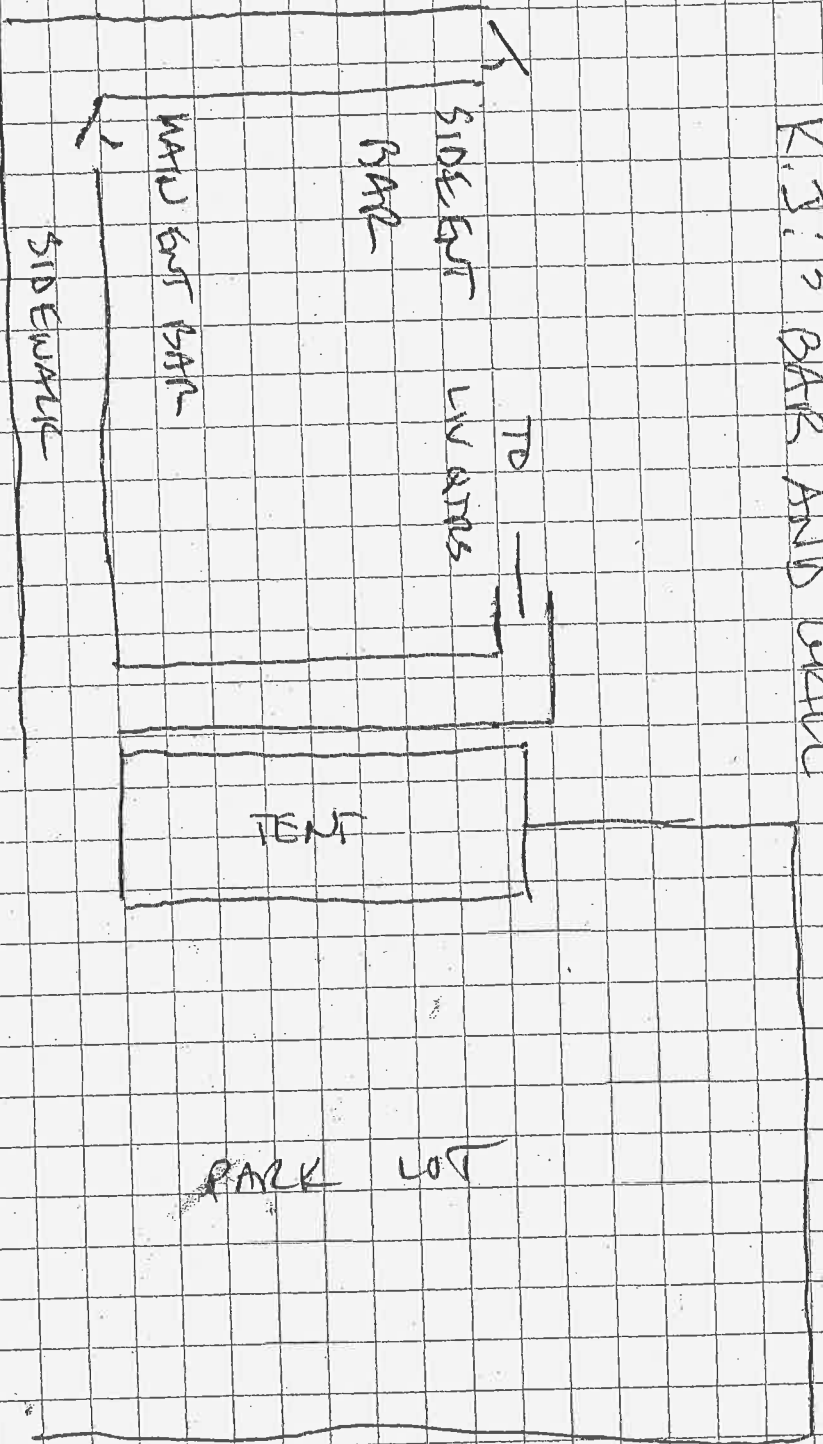
PLEASE NOTE: Additional permits or approvals may be required by other Village Departments (sign permits, temporary use permits, electrical permits, etc.). You are responsible for obtaining those permits prior to your event. Contact the Community Development Department at 262-250-4735 for further information.

Kim A. Gamroth
Signature of Owner

6/23/14
Date

Referred to Police Chief: <u>6-25-14</u>	Referred to Fire Chief: <u>6-25-14</u>
Public Safety Committee Recommendation:	
Approve: _____;	Deny: _____;
Date: <u>7-7-14</u>	
Village Board Action:	
Approve: _____;	Deny: _____;
Date: <u>7-7-14</u>	

K.I.'s BAR AND LUNcheon



NEW PLAN
 STEVE SMITH & CREW OK WITH THIS PLAN (PREFER IT TO
 CHIEF HOTEL HAS NO PROBLEM WITH THIS PLAN
 NO FENCE WITH WASH BANDS

Village of



OFFICE OF THE VILLAGE CLERK

N112 W17001 Mequon Road, P.O. Box 337
Germantown, Wisconsin 53022-0337
Phone (262) 250-4740
FAX (262) 253-8255

June 25, 2014

Dear Adjacent Property Owner:

The Village of Germantown has adopted a policy in which property owners within 300 feet of an application for an outside premises extension would be notified, giving them an opportunity to voice their concerns and/or approval.

On that basis, please be advised that KJ's Bar and Grill has applied to amend their liquor license to include an outdoor premises extension on Saturday, July 19, 2014 from 4:00 p.m. to 10:00 p.m.; and Saturday, August 23, 2014 from 2:00 p.m. to 10:00 p.m. on their property located at N112 W21209 Mequon Road.

The Public Safety Committee will review this application at a meeting on Monday, July 7th at 6:00 p.m. at the Germantown Village Hall, N112 W17001 Mequon Road. If you have any objections to this application, you may contact our office in writing and your letter will be forwarded to the Public Safety Committee for discussion, or you may attend the meeting.

If you have any questions, please feel free to call me at 262-250-4740.

Sincerely,

A handwritten signature in cursive script that reads 'Christine M. Micka'.

Christine M. Micka, CMC/WCMC
Deputy Village Clerk

cc: KJ's Bar and Grill
Police Chief Hoell

GERMANTOWN POLICE DEPARTMENT

MEMORANDUM

TO: Chris Micka
Deputy Clerk

FROM: Peter G. Hoell
Chief of Police 

DATE: June 30, 2014

SUBJECT: OUTSIDE PREMISE EXTENSIONS – KJ'S

The police department has no objections to the outside premise extensions for KJ's Bar & Grill.