

RESOLUTION NO. 55-2019

**ADOPTING CONDITIONS AND RESTRICTIONS
FOR THE GEHL FOODS PLANNED DEVELOPMENT DISTRICT
("GEHL FOODS DISTRICT")**

WHEREAS, Gehl Foods LLC and AGNL Dairy LLC, property owners (hereinafter the "Property Owners") have applied for the creation of a combined B-3: General Business and M-1: Limited Industrial Planned Development District (B-3/M-1/PDD) to be known as the "Gehl Foods District" located in the Village of Germantown as generally described in Exhibit A attached hereto; and

WHEREAS, said "Gehl Foods District" is intended to facilitate the expansion of the main production facility located at N116 W15970 Main Street by establishing different maximum impervious area standards that would apply to three (3) properties owned by Gehl Foods LLC and AGNL Dairy LLC located in the Main Street area; and

WHEREAS, Section 17.27(4) of the Village of Germantown Municipal Code allows for the adoption of conditions and restrictions for Planned Development Districts (PDD) that modify the basic allowances, limitations, and bulk regulations of the underlying zoning district, as well as, allow for the establishment of specific uses, bulk regulations, density standards, yard setbacks, etc. to ensure proper development, operation and maintenance of the development set forth in the General Development Plan; and

WHEREAS, the Village of Germantown Plan Commission on September 9, 2019, reviewed the proposed rezoning application and forwarded a positive recommendation regarding the proposed creation of the "Gehl Foods District" B-3/M-1/PDD; and

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

1. **PURPOSE AND INTENT.** The Gehl Foods District Planned Development District ("GF-PDD") is intended to facilitate the expansion of the main production facility located at N116 W15970 Main Street by establishing different maximum impervious area standards that would apply to three (3) properties owned by Gehl Foods LLC and AGNL Dairy LLC located in the Main Street area. Further, it is intended that future development, land uses and activities within the GF-PDD be compatible with adjacent and surrounding properties, and, enhance the economic stability and quality of life in the Main Street neighborhood and overall Village of Germantown.
2. **GENERAL DEVELOPMENT PLAN (GDP).** The General Development Plan (Exhibit B) for the GF-PDD establishes the basic parameters for all existing and future development within the PDD, including the approximate size and orientation of buildings. While future development within the SP-PDD shall be generally consistent with the GDP, the GDP does not grant specific site development or building approval.

3. **SITE PLAN APPROVAL REQUIRED.** Detailed Site Development and Building Plans shall be prepared and submitted to the Village Plan Commission for review and approval prior to the issuance of any building permit(s) consistent with the requirements of Sections 17.43 and 17.27(5) through (7) of the Zoning Code.
4. **UNDERLYING ZONING DISTRICT REGULATIONS.** Except as set forth in Section 5 below, all land uses, site development and building construction shall be in accordance with the specific requirements set forth in the underlying B-3: General Business and M-1: Limited Industrial District regulations and other applicable Zoning Code requirement. Each of the following parcels included in the Gehl Foods District shall have the following underlying zoning district:

M-1: Limited Industrial District:

- a. Tax Parcel GTNV 221-964-001 (N116 W15970 Main Street)
- b. Tax Parcel GTNV 221-056 (N116 W16076 Main Street)
- c. Tax Parcel GTNV 221-057 (N116 W16060 Main Street)

B-3: General Business District:

- d. Tax Parcel GTNV 221-963 (N116 W11736 Crusader Court)
- e. Tax Parcel GTNV 221-091 (N116 W16150 Main Street)

5. **SITE DEVELOPMENT AND BUILDING REQUIREMENTS.** For purposes of guiding development in the Gehl Foods B-3/M-1/PDD, the following lot, setback, building and other "bulk" requirements are established and shall supersede those set forth in the underlying B-3 and M-1 Zoning District regulations:
 - a. N116 W15970 Main Street; M-1: Limited Industrial District
 - i. Increase the maximum impervious area coverage from 80 to 85 percent, provided total impervious area for all parcels does not exceed a maximum of 80 percent;
 - ii. Reduce minimum front/street yard building setback from 30 to 24 feet
 - b. N116 W16150 Main Street; B-3: General Business District
 - i. Reduce minimum parking stall size from 180 to 162 sqft;
 - ii. Reduce minimum parking lot setback from a residential district from 50 to 2 feet;
 - iii. Decrease maximum impervious area coverage from 90 to 80 percent, provided the total impervious area for all parcels does not exceed a maximum of 80 percent;
 - c. W160 N11736 Crusader Ct; B-3: General Business District
 - i. Decrease maximum impervious area coverage from 90 to 80 percent, provided the total impervious area for both parcels does not exceed a maximum of 80 percent;

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

7. **CONDITIONAL USE PERMIT (CUP) #8-15.** The provisions of Conditional Use Permit (CUP) #8-15 (Exhibit C) are adopted herein as additional allowances, restrictions, limitations and requirements for the continued use and development of the Gehl Foods property located at N116 W11736 Crusader Court.

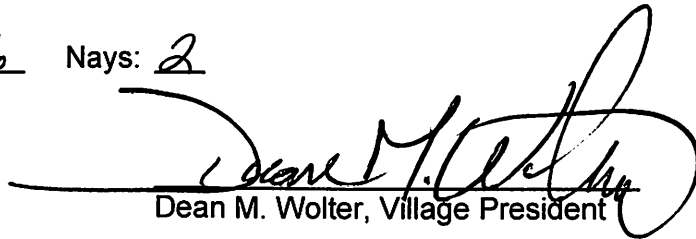
8. **IMPROVEMENTS AND COMMITMENTS.** Gehl Foods has identified the following contributions and/or amenities directly and indirectly related to the proposed facility expansion and creation of the Gehl Foods Planned Development District:
 - a. Dedication/donation of the corner parcel located at the Main Street @ Fond du Lac Avenue intersection (.33-acres Tax Parcel #221-073) to the Village of Germantown for possible realignment of the Main Street intersection and/or use as a community green space (consistent with recommendations in the Village's "Main Street-Saxony Village Connectivity" Plan);
 - b. Enhanced pedestrian-friendly sidewalk, streetscape and other site-related improvements along Main Street @ Church Street (as detailed in the site development & building plans subject to Plan Commission approval);
 - c. Building design, architecture and exterior materials for the proposed 22,500 sqft facility expansion & parking lot expansion consistent with the design collaboration workshops conducted by Gehl Foods with Main Street "stakeholders" (as detailed in the site development & building plans subject to Plan Commission approval);
 - d. Operational, equipment and/or other facility changes to reduce the current level of noise associated with the process of receiving or generating nitrogen (est. cost approximately \$600,000) with structure or barrier;
 - e. Increases in Village property taxes, impact fees and water/sanitary usage fees/revenue paid to the Village associated with the proposed facility expansion and continued operations;
 - f. Increased employment opportunities (30-35 new positions tentatively expected as a result of the proposed facility expansion)
 - g. Improved sight vision @ Church Street @ Main Street intersection
 - h. Public/shared use of the parking lot located on the office building property at N116W16150 Main Street after office hours are concluded

- i. Continued involvement and collaboration with the Village and Main Street "stakeholders", including residents and business owners, regarding future enhancement and improvements to the Main Street area
- j. Nitrogen loading / unloading shall be limited between the hours of 7 a.m. to 9 p.m.

Introduced by: Trustee Myers

Adopted: September 16, 2019

Vote: Ayes: 6 Nays: 2


Dean M. Wolter, Village President

ATTEST:

Deanna Braunschweig
Deanna Braunschweig, WCMC/CMC
Village Clerk

EXHIBIT A

**Gehl Foods Planned Development District (B-3/M-1/PDD)
Boundary Legal Description**

The Gehl Foods District shall include the following described properties:

Tax Parcel GTNV 221-964-001 (N116 W15970 Main Street)
Legal Description: Lot 1 of CSM 6802 in the Northeast $\frac{1}{4}$ of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. Parcel Area: 9.51 acres

Tax Parcel GTNV 221-056 (N116 W16076 Main Street)
Legal Description: Outlot 19 of Assessor's Plat in the Northeast $\frac{1}{4}$ of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. Parcel Area: .16 acres

Tax Parcel GTNV 221-057 (N116 W16060 Main Street)
Legal Description: Outlot 20 of Assessor's Plat in the Northeast $\frac{1}{4}$ of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. Parcel Area: .22 acres

Tax Parcel: GTNV 221-963 (N116 W11736 Crusader Court)
Legal Description: Lot 1 CSM 5470 in the Northeast $\frac{1}{4}$ of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. Parcel Area: 7.21 acres

Tax Parcel: GTNV 221-091 (N116 W16150 Main Street)
Legal Description: Lot 2 CSM 5648 in the Northeast $\frac{1}{4}$ of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. Parcel Area: 0.64 acres

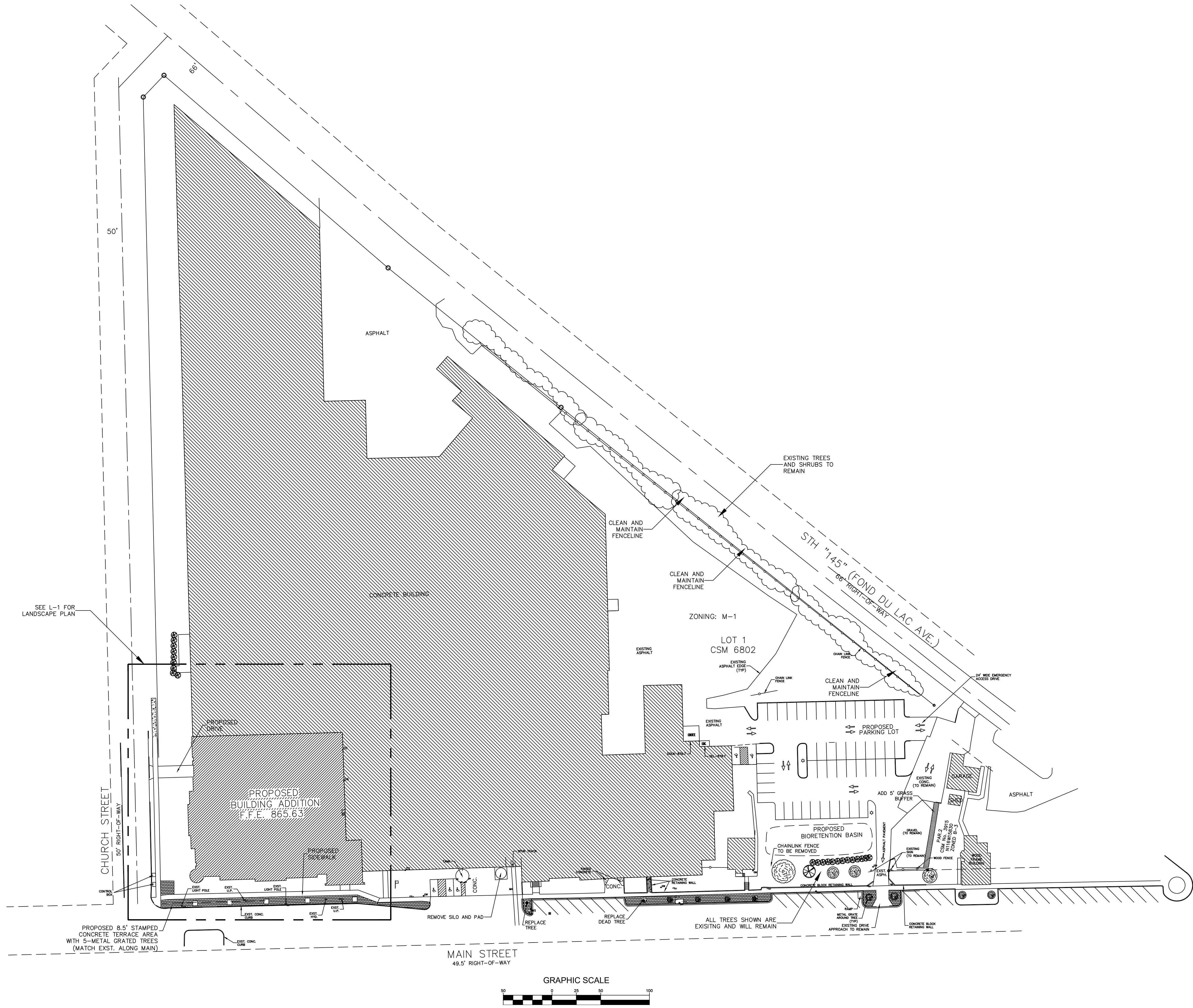
EXHIBIT B

**Gehl Foods Planned Development District (B-3/M-1/PDD)
General Development Plan**

{Attach General Development Plan}

EXHIBIT C

Conditional Use Permit (CUP) #8-15



SITE LANDSCAPE PLAN

| | |
|--------------|----------------------------|
| Sheet Title: | SITE LANDSCAPE PLAN |
| Project: | PROPOSED BUILDING ADDITION |
| Description: | Revised per review |
| Drawn by: | |
| Checked by: | |
| Approved by: | |
| Date: | 7.18.19 |
| Version: | |
| Author: | |
| Editor: | |
| Drawing No.: | L-2 of |

CUP # 08-15
Document No.

CONDITIONAL USE PERMIT
Document Title

1401560



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

RECORDED
March 28, 2016 10:50 AM
SHARON A MARTIN
REGISTER OF DEEDS
WASHINGTON COUNTY, WI
Recording Fee Paid: \$30.00

ADOPTING AMENDMENTS TO ORIGINAL CUP #5-01

Whereas the Applicant:

Gehl Foods LLC, Property Owner

agrees to comply with all applicable codes and ordinances of the Village of Germantown, Wisconsin, and further agrees that all work done, activities and the use of the property pursuant to the permission granted herewith will conform to the applications and drawings filed with and conditions of approval granted by the Village Board for the purpose of obtaining this permit.

To permit the operation of a warehouse and indoor storage facility (approximately 108,000 square feet) in accordance with Section 17.30(3)(ff) of the Municipal Code.

Name & Return Address:

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

Parcel Identification No:

GTNV 221-963

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

That part of Outlot 3 of the Assessor's Plat, located in the SE ¼ of the NE ¼ of Section 22, T9N, R20E, Village of Germantown, Washington County, WI, bounded and described as follows:

Commencing at the northeast corner of said Section 22; thence S88°44'35" W, along the north line of said Section 22, 1322.30 feet, thence S01°45'25" E, 1599.40 feet, thence N88°39'35" E, 60.00 feet to the intersection of the east right of way line of Crusader Court and the south right of way line of Williams Drive, said point being the point of beginning of lands to be described; thence continuing N88°39'35" E along said south right of way line, 169.00 feet to the northwest corner of Certified Survey Map No 1191, thence S05°00'35" W along the west line of said CSM, 140.86 feet to the southwest corner of said CSM, thence N88°39'35" E along the south line of said CSM, 359.47 feet to the southeast corner of Parcel 3 of said CSM, thence N11°50'25" W along the east line of said Parcel 3, 142.38 feet to the northeast corner of said parcel 3, said point lying in the south right of way line of Williams Drive; thence N88°39'35" E along said south right of way line, 61.53 feet, thence S11°50'25" E, 232.24 feet, thence N78°09'35" E, 120.00 feet to a point west line of Pleasant Hill Estates a recorded subdivision, thence S11°50'25" E along said west line, 129.44 feet, thence S28°20'20" W along said west line, 351.05 feet to the northwest corner of Lot 5 of the Assessor's Plat; thence S47°50'20" W along the west line of said Lot 5, 148.84 feet to a point in the northeasterly right of way line of W Fond du Lac Avenue (STH 145), thence N51°22'16" W along said northwesterly right of way line, 405.63 feet, thence N51°06'16" W along said northwesterly right of way line, 216.92 feet to a point in the east right of way line of Crusader Court, thence N36°01'18" E along said East right of way fine, 53.90 feet, thence N01°45'42" W along said East right of way line, 292.54 feet to the point of beginning.

Parcel contains 7.419 +/- acres

Tax Key No: 221-963

Address: W160 N111736 Crusader Court

Pursuant to the following condition(s):

1. A certified survey map shall be submitted, combining the separate parcels identified as tax key numbers 221 992, 221 993 and 221 994 into one parcel.
2. A final site plan will contain a mature planting buffer between the building and all residential lot lines. Applicant will be responsible for the maintenance/replacement of the landscaping per the final landscaping plan.
3. Crusader Court shall be redesigned and rebuilt at the applicant's expense with the proper truck turning radius, as approved by the Engineering Department.
4. Per Trans 233, Wis DOT approval is required for the certified survey map and the building location along S T H 145 (currently 55 feet from centerline).
5. Final architectural plans shall include a nice facade along Fond du Lac Avenue, south elevation.
6. The trucking activity will be active only between the hours of 6:00 7:00 a.m. and 10:00 6:00 p.m., provided that the only trucking activity allowed from 6:00 to 7:00a.m. and from 6:00 to 10:00 p.m. shall be conducted by trucks owned by Gehl Foods LLC and operated by Gehl Foods LLC employees transporting goods between Gehl Foods LLC facilities.
7. The site shall meet all fire safety concerns of the Village Fire Department including a fire access road around the building an access drive off Williams Drive, which will be maintained by the applicant.
8. A painted cross walk will be placed on Fond du Lac Avenue, along the west side of Park Avenue and on Park Avenue approximately 200 feet north of Fond du Lac Avenue Flashing yellow light signal and crossing identification signs will be installed north and south of the proposed striped cross walk on Fond du Lac Avenue A 6 foot wide asphalt path shall be constructed from the service drive in Firemen's Park east to the west property line of Kennedy Middle School, skirting the northern edge of the existing baseball field (Assignment of costs and responsibility to be set forth in a Development Agreement).
9. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the permitted conditional use which causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to ameliorate or eliminate harmful effects associated with the use but are insufficient to do so, or for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.

Conditional Use Permit (CUP) # 08-15
Gehl Foods LLC
Village of Germantown, Germantown, Wisconsin
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Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin
on the 16th day of November, 2015.

Dean Wolter
Dean Wolter, Village President

ATTEST:

Barbara K. D. Goeckner
Barbara K. D. Goeckner, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this 4th day of February, 2016, 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.

Timmerly Tamborino
(type or print name of Notary on this line)
Timmerly Tamborino
(signature of Notary on this line)

Notary Public, State of Wisconsin
My Commission Expires: 3.20.16

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

As authorized agent for the property owner, Gehl Foods Inc., I 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 1st day of March, 2016

Tim Preuninger
Authorized Agent (PRINT NAME)

[Signature]
Signature

STATE OF WISCONSIN) SS
Washington COUNTY)

Personally came before me this 01 day of March, 2016, being the above named Tim Preuninger, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Elizabeth Kamnetz
Notary Public
State of Wisconsin

Elizabeth Kamnetz
{type or print name of Notary on this line}
[Signature]
{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: 02/02/2019

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