

CUP # 08-19
Document No.

CONDITIONAL USE PERMIT
Document Title

Document # **1475483**
WASHINGTON COUNTY WISCONSIN
07-15-2019 02:35 PM

Sharon A. Martin
SHARON A. MARTIN
WASHINGTON COUNTY
REGISTER OF DEEDS
Fee: \$30.00

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

Pages: 4

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Whereas the Applicant:

**Matthew & Amy Seban, Agents for TLC Acres LLC,
Property Owner**

agrees to comply with applicable Codes and Ordinances of the Village of Germantown, Wisconsin, and further agrees that all land uses and activities conducted on the property will conform with the applications and supporting information filed with and approvals granted by the Village for the purpose of obtaining this permit.

Therefore, this permit is issued to the Applicant to allow: (1) the operation of a landscape services business that provides services including: landscape maintenance and construction services business; (2) the retail sale of nursery products not raised on the property; and (3) the storage of commercial vehicles and equipment on the property located at W210 N10738 Appleton Avenue pursuant to Section 17.07(3)(a), 17.12(2)(l) & 17.12(2)(gg) of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTVN 304-959

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

That part of the NORTHEAST ¼ and NORTHWEST ¼ of the SOUTHWEST ¼ of Section 30, Town 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, bounded and described as follows: beginning at the EAST ¼ corner, SECTION 30-9-20, thence South 0° 27' 58" East on the east line of the Southeast ¼ of said Section 1,222.00 feet; thence South 89° 32' 02" West, 670.00 feet; thence 0° 27' 58" West, 118.80 feet; thence South 81° 32' 02" West, 863.51 feet; thence North 55° 27' 58" West on the center line of Appleton Avenue 113.65 feet; thence North 55° 21' 58" West on said center line 148.60 feet; thence North 53° 08' 58" West on said center line 107.70 feet; thence North 44° 39' 18" West on said center line 203.19 feet; thence North 40° 55' 06" West on said center line 199.71 feet; thence North 54° 23' 20" East, 669.00 feet; thence North 75° 12' 40" West, 310.40 feet; thence North 64° 10' 40" West, 471.50 feet; thence South 89° 30' 20" West, 175.40 feet; thence North 26° 14' 40" West, 36.70 feet; thence North 89° 30' 20" East on the East ¼ line of said Section 2,463.18 feet to the point of beginning . Containing 53.39 Acres.

W210 N10738 Appleton Avenue; Tax Key: GTNV 304-959

Pursuant to the following condition(s):

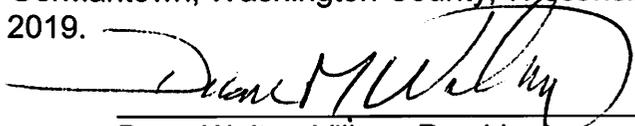
1. The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit (CUP) application and supporting documents dated February 26, 2019. The size and relative location of those areas within the property from which said uses and activities are permitted are limited to that presented in the detailed site plan and description submitted with the supporting documents. Days and hours of operation shall be limited to those specified in the CUP application and supporting documents submitted to the Village. The Owner/Operator is responsible for reporting any significant changes in the type, intensity, amount or location of the land uses and activities, days and hours of operation, size or location or other operational characteristics of said uses and activities

authorized under this CUP to the Village Planner.

2. All temporary and permanent exterior signs require a permit and shall comply with all current sign regulations. Off-premise advertising and directional signage is regulated by the Village and requires a permit if/when allowed.
3. In the event the Village receives complaints regarding noise negatively affecting the nearby residential neighborhood and adjacent properties, including but not limited to noise from truck-mounted backup alarms, the Owner/Operator shall work cooperatively with the Village to mitigate the noise and resolve the issue. The Owner/Operator shall implement the measures and practices described in the application and supporting documents to mitigate noise, dust and traffic impacts on the surrounding area on a continual basis.
4. Site improvements, buildings, shelters, parking areas, signage, exterior lighting and any other improvements on the property that benefit the vehicles, equipment, materials, employees, and/or customers of or are necessary for the land uses and activities authorized under this CUP shall be reviewed and approved by the Village through the Zoning Permit or Site Plan application process as determined by the Village Zoning Administrator. If required, Site Plan review and approval will include Plan Commission review and approval.
5. The area leased to MSTLC/Total Lawn Care for purposes of parking and storage of vehicles and equipment shall be visually buffered in some manner from the residential properties to the north, west and south. This requirement is not intended to require a complete opaque visual screen, but rather a buffer comprised of either landscape plantings and trees, fencing, berming or a combination, that lessens the impact of viewing commercial vehicles that are primarily used by and for the MSTLC/Total Lawn Care business and not the tree nursery. A detailed grading and landscape plan for the required visual buffer and the "landscape berm" shown in the Site Plan shall be prepared and submitted to the Village Planner for review and approval within six (6) months after issuance of the CUP.
6. No inoperable vehicles, trailers, equipment, junk or trash that may negatively affect the nearby residential areas and adjacent properties shall be kept on the property.
7. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the permitted conditional uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
8. Residential or other non-agricultural uses not permitted "by right", as an accessory use or authorized under this CUP may constitute a violation of the Village's Zoning Code or this CUP.
9. Matt Seban shall notify the Community Development Department-Planning & Zoning Services Division on the date that Tier 2 is fully completed and has ceased filling operations.

10. The Conditional Use Permit shall come back to the Plan Commission for review in one (1) year after Village Board approval and include a public hearing.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the 17 day of June, 2019.



Dean Wolter, Village President

ATTEST:



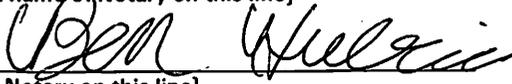
Deanna B. Braunschweig, WCMC/CMC, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this 17 day of June, 2019, the above named Dean Wolter, Village President, and Deanna B. Braunschweig, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Ben Hubrich

{type or print name of Notary on this line}



{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: 5/25/2021



ACCEPTANCE OF TERMS AND CONDITIONS BY OPERATOR

As agent for TLC Acres LLC, property owner, and business operator, we hereby accept the terms and conditions set forth herein and realize that non-adherence to the terms and conditions as stated herein may result in the revocation of this Permit by the Village of Germantown.

Dated this 11 day of July, 2019



Matthew Seban, Agent for TLC Acres LLC, Property Owner



Amy Seban, Agent for TLC Acres LLC, Property Owner

STATE OF WISCONSIN) SS
Washington COUNTY)

Personally came before me this 11 day of July, 2019, being the above named Matthew & Amy Seban, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Ben Hubrich

(type or print name of Notary on this line)


(signature of Notary on this line)
Notary Public, State of Wisconsin
My Commission Expires: 5/25/2021

