

RESOLUTION NO. 60-2020

**AMENDING RESOLUTION NO. 55-2019
CONTAINING 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") were granted a Planned Development District (PDD) overlay on the subject property that has underlying M-1 Limited Industrial and B-3 General Business zoning districts in the Village of Germantown more particularly described on Exhibit A attached hereto (the "Gehl Foods PDD") which was originally granted by the Village Board on September 16, 2019; 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; and

WHEREAS, on October 12, 2020 the Germantown Plan Commission reviewed a proposal by Gehl Foods, LLC and AGNL Dairy, LLC, property owners, to amend the Gehl Foods (PDD) General Development Plan and Conditions & Restrictions Resolution affecting the food production facility located at N116W19570 Main Street;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Germantown hereby approves and adopts the text amendments set forth below to Resolution No. R55-2019 as follows:

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).**
 - a. 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 ~~SPGF~~-PDD shall be generally consistent with the GDP, the GDP does not grant specific site development or building approval.
 - b. **The General Development Plan (Exhibit C) for the GF-PDD establishes the basic parameters for the development of the onsite Nitrogen Generation Facility, including approximate size and location.**
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. **PERMITTED ACCESSORY USES.**

For purposes of guiding development in the Gehl Foods PDD, the following permitted accessory uses shall be added to those uses set forth in the underlying M-1 Zoning District Regulations:

(g) Nitrogen Generation Facility

6. **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;

7. **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.

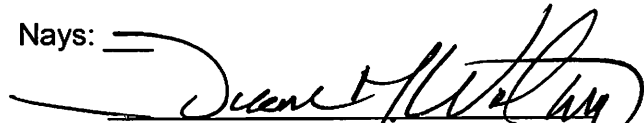
8. **CONDITIONAL USE PERMIT (CUP) #8-15.** The provisions of Conditional Use Permit (CUP) #8-15 (~~Exhibit C~~ Exhibit D) are adopted herein as additional allowances, restrictions, limitations and requirements for the continued use and development of the Gehl Foods property located at N116 W11736 Crusader Court.
9. **CONDITIONAL USE PERMIT (CUP) #10-2020.** The provisions of Conditional Use Permit (CUP) #10-2020 (Exhibit E) are adopted herein as additional allowances, restrictions, limitations and requirements for the continued use and development of the Gehl Foods property located at N116 W15970 Main Street.
10. **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);
 - 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. Possible public/shared use of the parking lot located on the office

- building property
- 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

Introduced by: Trustee Baum

Adopted: November 2, 2020

Vote: Ayes: Nays:


Dean Wolter, Village President

ATTEST:

Deanna Braunschweig
Deanna Braunschweig, 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 ¼ 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 ¼ 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 ¼ 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 ¼ 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 ¼ 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 District (M-1 & B-3/PDD)
General Development Plan**

{Attach General Development Plan}

EXHIBIT C

**Gehl Foods District (M-1 & B-3/PDD)
General Development Plan for the addition of
a Nitrogen Generation Facility**

{Attach General Development Plan}

EXHIBIT D

Conditional Use Permit (CUP) #8-15

EXHIBIT E

Conditional Use Permit (CUP) #10-2020