



Village of

Germantown
 Willkommen

Fee must accompany application

\$4480 Paid Date 10-13-20
 730

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

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

APPLICANT OR AGENT

KEVIN H BEHNKE
W179 N12536 FOND DU LAC
GERMANTOWN, WI 53022

Phone (262) 677-1857
 Fax (262) 677-1000
 E-Mail _____

PROPERTY OWNER

KEVIN H BEHNKE
W179 N12536 FOND DU LAC
GERMANTOWN, WI 53022

Phone (262) 677-1857

TO WHOM SHOULD THE PERMIT BE ISSUED?

KEVIN H BEHNKE / APPLE WORKS WINERY LLC

PROPERTY ADDRESS

W179 N12536 FOND DU LAC

TAX KEY NUMBER

6TNU 161-976

DESCRIPTION OF EXISTING OPERATION

Briefly describe the use as it exists today, including use, size, number of employees, hours of operation, etc. If this permit involves new construction, describe the current status of the property, e.g. "vacant." Use additional pages as necessary.
SEE ATTACHED

DESCRIPTION OF PROPOSED OPERATION

Write the name of the proposed conditional use exactly as it appears in the Municipal Code
 Describe the proposed use, including size, number of employees, hours of operation and extent of any new construction/alterations.
SEE ATTACHED

6 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

Address: W179 N12536 Fond Du Lac Ave, Germantown, Wisconsin 53022
Legal Description: Lot 4 of Certified Survey map No. 5843, recorded January 21, 2005 as Document No. 1076149 in the Washington County Registry, said Certified Survey Map being a redivision of Lot 2 and part of Lot 1 of Certified Survey Ma No 5452 as recorded in Washington County Registry in Volume 39 of Certified Survey Map on Pages 26-28, as Document No. 92636, being a part of the Northwest One-Quarter (¼) and Southwest One-Quarter (¼) of the Northeast Quarter (¼) of Section Sixteen (16), in Township Nine (9) North, Range Twenty (20) East, in the Village of Germantown (Lot 4 single family residence) Parcel ID/Sidewell Number: GTNV 161 979

7 SUPPORTING DOCUMENTATION:

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

8 READ AND INITIAL THE FOLLOWING:

- I understand that the Village is under no obligation to issue a Conditional Use Permit and will do so only if the applicant successfully demonstrates that the proposed use is harmonious with the neighborhood and the long range goals of the Village.
- I will notify the Village if any aspects of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.
- I understand that a Conditional Use Permit is valid only if the conditions and restrictions of the permit are met. I understand that failure to comply with any aspect of the permit may result in revocation.
- I understand that Village Staff is required to post one or more signs along the street frontage of and/or on the property subject of this application that indicate to nearby property owners and the general public that a public hearing of my application will be held before the Village Plan Commission and/or Village Board prior to action being taken on this application; I hereby grant Village Staff permission to enter onto the property for the expressed purpose of installing said sign(s) provided Village Staff is responsible for installing, maintaining and removing said signs in a reasonable manner and timeframe.

9 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

[Signature]
Applicant
10/13/20
Date

[Signature]
Owner
10/13/20
Date

Apple Works Winery LLC
W179 N12536 Fond Du Lac Ave
Germantown, Wisconsin 53022

For your consideration:

I am submitting this Conditional Use Permit Application for your Review because I feel that the Winery needs to expand and grow with the community and this proposed gathering place would be a nice addition to Germantown's continued efforts to have quality services and businesses located in Germantown revolving around that rural feeling.

Property History

Originally this property was open agricultural land before being starting as the **Germantown Orchards** operation in **1985**. At that time they built the first building and started planting the orchard and opened the Farmers Market and Store.

In the early **1990's** Dr. Johnson made a substantial commitment to expand the operation into **The Apple Works Orchard**. The monetary investment was substantial. Improvements included climate-controlled buildings, modern apple processing equipment, expansion of the orchard, even wind turbines to protect the orchard in case of frost. His efforts to move and erect older historical type buildings were equally impressive.

This operation continued for many years supplying quality products and service to the community. Being an Organic Operation was probably ahead of its time. It's easy to find someone who remembered the busloads of children coming to The Apple Works Orchard for a school field trip for Apple Juice and Pumpkins. Unfortunately for the community the Orchard closed around 2000 and the property fell into disrepair and started to take on the look of an abandoned farm property.

In **2002** I purchased the property from Dr. Johnson. Even though the property needed some substantial TLC, it still had positive future potential. I started cleaning up the property and giving it some good proactive maintenance and it started to take on a new look. The major conservation efforts became challenging. This was not an insignificant undertaking since the property was approximately 24 acres with multiple buildings.

In **2004** a decision was made to break off 15 Acres, divided into (3) private 5 Acre parcels and developed it under the upcoming 2020 Smart Growth Plan idea, with some additional acreage purchased from Dr. Johnson. It became the Apple Blossom Lane Project. Since then there has been (3) very nice homes built in the development. This development has generated and will continue to generate a substantial amount of tax revenue for Germantown with very little to No cost to Germantown's operating budget. I think at this point we can say it was positive. This leaves the remaining approximately 11 Acres as I see the current property being entertained for the Winery operation.

Apple Works Winery LLC
W179 N12536 Fond Du Lac Ave
Germantown, Wisconsin 53022

Re-cap of Property Uses over the Years

Over the years the property has had many approved Conditional Use Permits.

Some of which are the following:

Farm Market, Apple Sorting and Storage

The Sale of Christmas Trees

Deli, Store, Bakery, Retail Sales

Off Street Parking

Retail Craft Sales with no more than 20% Store Floor Space

New CUP issued in 2002 Permit #12-02

Equipment Storage, Machinery, Boats, Cars, Etc

All Storage must be inside

As you can see if you add this above Short List to the already allowed uses granted under the AG-2 Zoning this property is very accommodating for many uses.

Proactive Conservation property Highlights

Conservation efforts over the past ten years

2002 had the Above Ground Fuel Tanks Removed

Moved approx 125 Black Walnut Trees 1.5" – 3.5" Caliper

This was completed when Apple Blossom Lane was started to save these trees. They ALL have survived since transplanting

Moved approx 100 Evergreens 4"- 10" Caliper

Scotch Pine, Blue Spruce, Green Spruce, White Pines

Purchased and Planted approx 75 Evergreens 2" – 5" Caliper

Scotch Pine, Austrian Pine, Blue Spruce, White Spruce, White Pines

Purchased and Planted (2) Dozen Deciduas Trees 2" – 4" Caliper

Oak, Maple

Purchased and Planted dozens of small Arborvitaes and shrubs of numerous types

Removed some of gravel parking lot area and planted grass and trees

2008 had the Ammonia System Completely Drained and purged

because of the environmental concerns of this type of system

2011 had the entire Ammonia Refrigeration System Hardware Remove

Owners Comment of the Above Property History

I hope the above information will give everyone a good view of the amount of hard work and monetary investment that has been done since I purchased the property 18 years ago. The property has really transformed itself since the purchase of one that looked run down and abandoned to almost a park like setting. It is truly a mix between a Farm Property in an agriculture/conservation residential setting with a true feeling of nature.

Apple Works Winery LLC
W179 N12536 Fond Du Lac Ave
Germantown, Wisconsin 53022

Amateur Wine Making History

In 2007 I decided to try making Wine from the Apples and Wild Grapes growing on the property. I had been enjoying eating the apples since I purchased the property but really felt with the amount of apple trees still on the property could be more productive than just for personal consumption.

As an amateur wine maker you just never know how it rates versus other wines. So from 2007 until 2012 I completed a lot of R & D with the Apples and Wild Grapes. My confidence started to increase and I added making some wine from local Vineyard Fresh Grape Juice and Packaged Commercial Grape Juice.

I felt at this point I have perfected the following beverages for sale.
Fresh Apple Juice, Apple Wine, Hard Cider, Sparking Cider, Wild Grape Wine,
German Mosel Wine, Vidal Blanc Wine

**I entered the wine in some National Amateur Wine Competitions
During the 2007 to 2012 time frame**
Wild Grape Wine
Gold Medal * Wine Makers Magazine
2 Silver Medals * Wine Makers Magazine & Fermenters International
Apple Wine
Silver Medal * Wine Makers Magazine
Bronze Medal * Fermentors International

Needless to say, many Hobbies have become Businesses, and I feel this could be the case with the Wine making. So I approached Germantown in 2012 to expand into a Commercial Winery operation and was approved in January 2013.

Apple Works Winery LLC / Behnke Estates
TTB Licensing in 2013
State DATCP Licensing in 2014 - current
State Food Licensing 2014 - current
Completed Tasting Room remodeling
Certificate of Occupancy #458-14
“ Class B “ Winery License and “ Class B “ Fermented Malt Beverage License #19/20-1
Patio and Pergola Permit #255-13
Sign / Approved 8/14/14
Started ramping up production in 2014 for opening in 2016
Tasting Room opened July 1st 2016
Have won numerous International Professional Wine Competition Medals
We have over 3000 customers in our frequent customer program
Sales have been increasing at a nice 10% + rate yearly
Signage on Hwy 41 north and south bound at Holy Hill Road

Apple Works Winery LLC
W179 N12536 Fond Du Lac Ave
Germantown, Wisconsin 53022

Currently under construction

We are building a 36 x 80 heated equipment storage building

CUP issued in 2002 Permit #12-02

This 4th building was approved in the original CUP

Approved by zoning 9/13/2020

Building Permit #B00051

******* Conditional Use Permit Overview 2020 *******

Proposed Gathering Place

Please see attached the following documentation

Google Aerial Map of Property

1. Addition of second Patio and Shelter
2. Walters Building Drawings (A2, A2.1, A3)

Note: See photos of side of building addition proposed area

3. Conceptual seating plan OPT-4
4. Conceptual Parking Areas
5. Certified Survey Map

Details of Second Patio and Shelter

22/24 Ft x 40/45 Ft Grade Beam Type Slab

Fire Place at one end

4 ft wide walkway connecting existing patio

Under 25 Ft in Height

Metal Roof

This attached photo is not an exact design by a representation

Note: We want to build this so we can get our parking lot back to full capacity by removing the tent.

Details of intended Operation in Item #2 Building

Seating Capacity 125

6 AM – 11 PM

Note: Same hours as in the 2002 CUP #12-02

Note: Current approved Winery hours are 10 AM – 9 PM

Potential of some clean-up time 11 PM – 12 PM

Note: Most of these types of Gathering Spaces close at 11 PM

Music for any gathering in the proposed building will be inside

Parking we currently have approx 28 paved spaces at the Winery

We will add gravel parking and eventually pave the added parking area

Closed on some Major Holidays

Some Seasonal Closing

Employees will probably be a mix of full & part time

Seasonal as with most Farm Operations

#1



#2

8/10/20

I HAVE REVIEWED THE PRELIMINARY DRAWINGS.
 CUSTOMER SIGNATURE: _____ DATE: _____
 I UNDERSTAND THAT CHANGES MAY BE NECESSARY PER CODE OR STRUCTURAL REQUIREMENTS
 ALL DRAWINGS ARE INTELLECTUAL PROPERTY OF WALTERS BUILDINGS UNTIL SOLD

DOOR & WINDOW SCHEDULE		
TAG	TYPE	QUANTITY
①	8'x8' EXISTING OVERHEAD DOOR	2
②	15'x8' FRAMED OPENING	1
③	3'-0"x8'-8" EXISTING 9-LITE WALKDOOR	2
④	6'-0"x6'-8" FULL VIEW DOUBLE WALKDOOR	2
A	EXISTING WINDOW	6
B	3'-0"x6'-0" DOUBLE HUNG WINDOW	12



Walters Buildings
 Jack Walters & Sons, Corp.
 P.O. Box 895
 6800 Midland Ct.
 Allenton, WI 53520
 1-800-328-7800
 www.waltersbuildings.com

REVISIONS

OWNER:
BEHNKE

PROJECT:
ADDITION

LOCATION:
GERMANTOWN, WI

SALES REP / DEALER:
MARSHALL WISTH

DRAWN BY:
JOHN SCHNEIDER JR.

ESTIMATED BY:

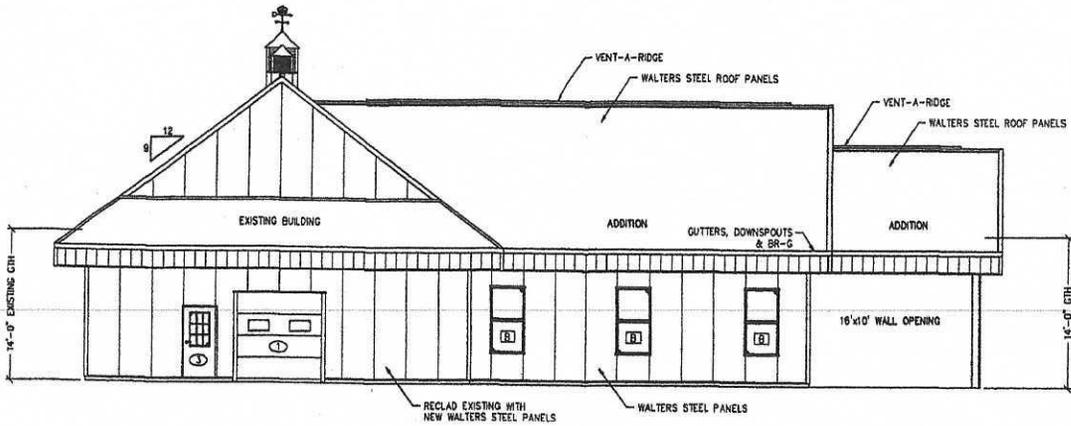
LAST SAVED BY:
J.SCHNEIDER ON: 3/16/2020

SCALE:
AS NOTED

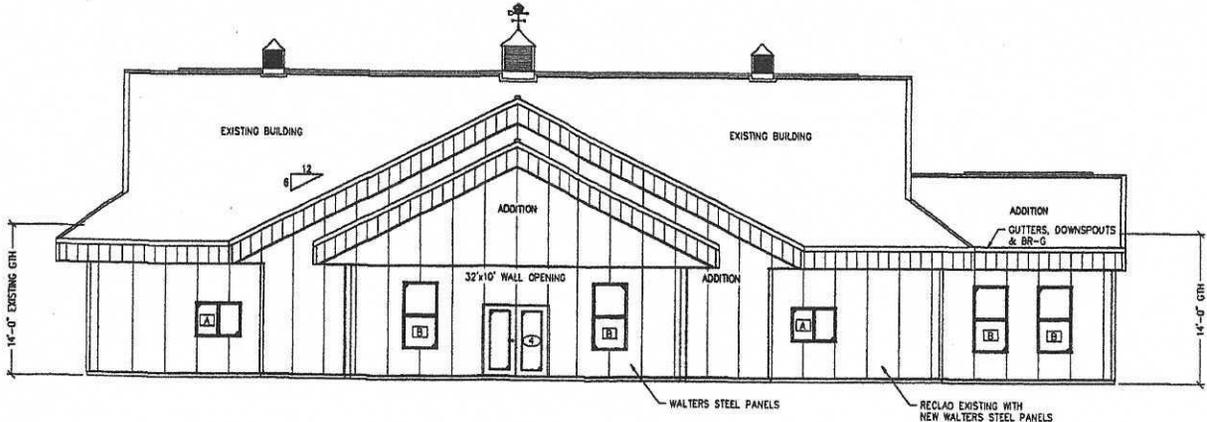
JOB NUMBER:
P95-1546

SHEET NUMBER:

A2



1 NORTH END ELEVATION
 A2 SCALE: 1/8" = 1'-0"

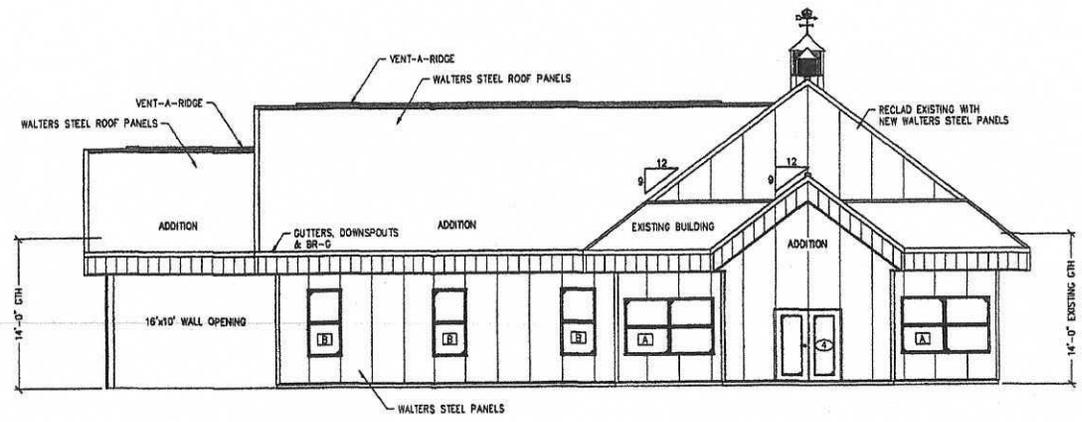


2 WEST SIDE ELEVATION
 A2 SCALE: 1/8" = 1'-0"

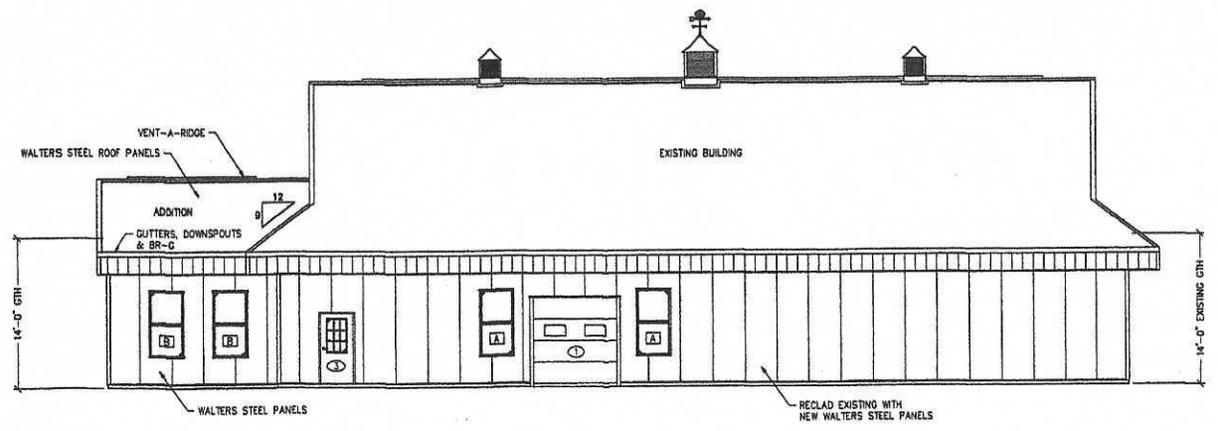
#2

I HAVE REVIEWED THE PRELIMINARY DRAWINGS.
 CUSTOMER SIGNATURE: _____ DATE: _____
 I UNDERSTAND THAT CHANGES MAY BE NECESSARY PER CODE OR STRUCTURAL REQUIREMENTS
 ALL DRAWINGS ARE INTELLECTUAL PROPERTY OF WALTERS BUILDINGS UNTIL SOLD

DOOR & WINDOW SCHEDULE		
TAG	TYPE	QUANTITY
Ⓢ	8'x8' EXISTING OVERHEAD DOOR	2
Ⓣ	15'x8' FRAMED OPENING	1
Ⓝ	3'-0"x6'-8" EXISTING 9-LITE WALKDOOR	2
Ⓞ	6'-0"x6'-8" FULL VIEW DOUBLE WALKDOOR	2
Ⓐ	EXISTING WINDOW	6
Ⓑ	3'-0"x6'-0" DOUBLE HUNG WINDOW	12



1 SOUTH END ELEVATION
 A2.1 SCALE: 1/8" = 1'-0"



2 EAST SIDE ELEVATION
 A2.1 SCALE: 1/8" = 1'-0"

REVISIONS:

OWNER:
BEHNKE

PROJECT:
ADDITION

LOCATION:
GERMANTOWN, WI

SALES REP / DEALER:
MARSHALL WISTH

DRAWN BY:
JOHN SCHNEIDER JR.

ESTIMATED BY:

LAST SAVED BY:
JCHNEIDR ON: 3/16/2020

SCALE:
AS NOTED

JOB NUMBER:
P95-1546

SHEET NUMBER:

A2.1

A2

I HAVE REVIEWED THE PRELIMINARY DRAWINGS.
 CUSTOMER SIGNATURE: _____ DATE: _____
 I UNDERSTAND THAT CHANGES MAY BE NECESSARY PER CODE OR STRUCTURAL REQUIREMENTS
 ALL DRAWINGS ARE INTELLECTUAL PROPERTY OF WALTERS BUILDINGS UNTIL SOLD

DOOR & WINDOW SCHEDULE		
TAG	TYPE	QUANTITY
①	8'x8' EXISTING OVERHEAD DOOR	2
②	15'x8' FRAMED OPENING	1
③	3'-0"x6'-8" EXISTING 9-LITE WALKDOOR	2
④	6'-0"x6'-8" FULL VIEW DOUBLE WALKDOOR	2
A	EXISTING WINDOW	6
B	3'-0"x6'-0" DOUBLE HUNG WINDOW	12



REVISIONS

OWNER: **BEHNKE**

PROJECT: **ADDITION**

LOCATION: **GERMANTOWN, WI**

SALES REP / DEALER: **MARSHALL WISTH**

DRAWN BY: **JOHN SCHNEIDER JR.**

ESTIMATED BY:

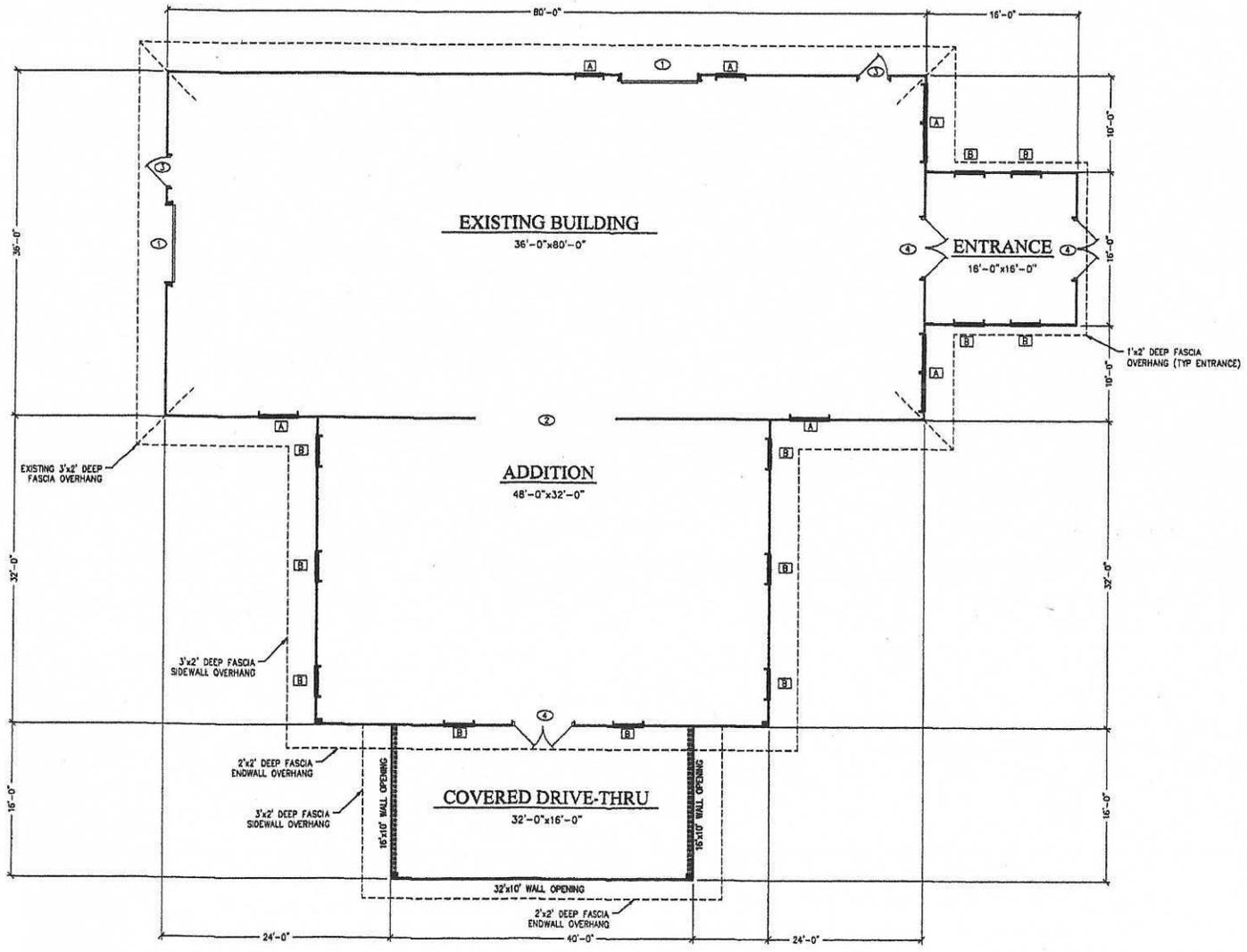
LAST SAVED BY: **JOHN SCHNEIDER JR. ON: 3/16/2020**

SCALE:

AS NOTED

JOB NUMBER: **P95-1546**

SHEET NUMBER:



1 FRAMING PLAN
 A3 SCALE: 1/8" = 1'-0"

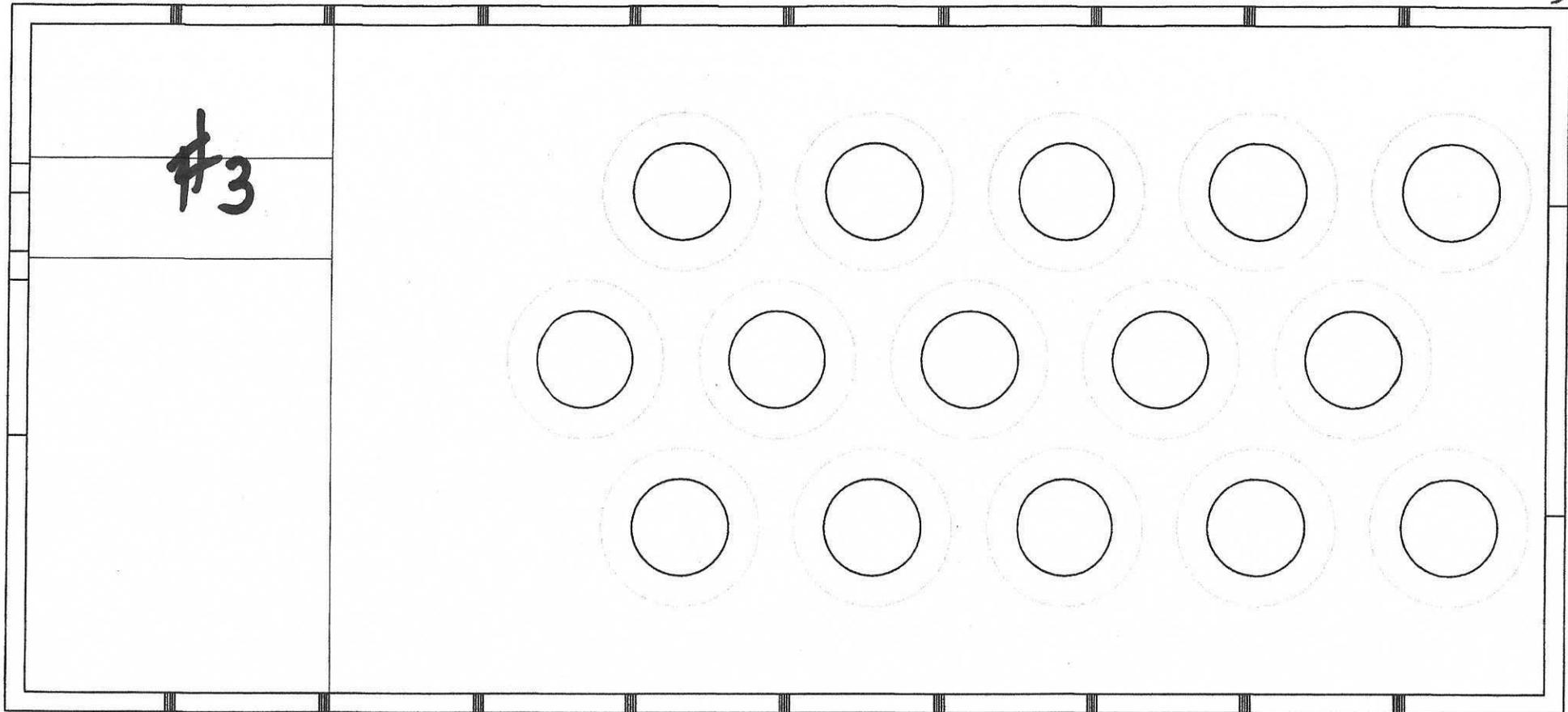
A3

#2



#2

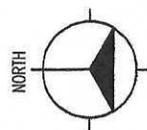
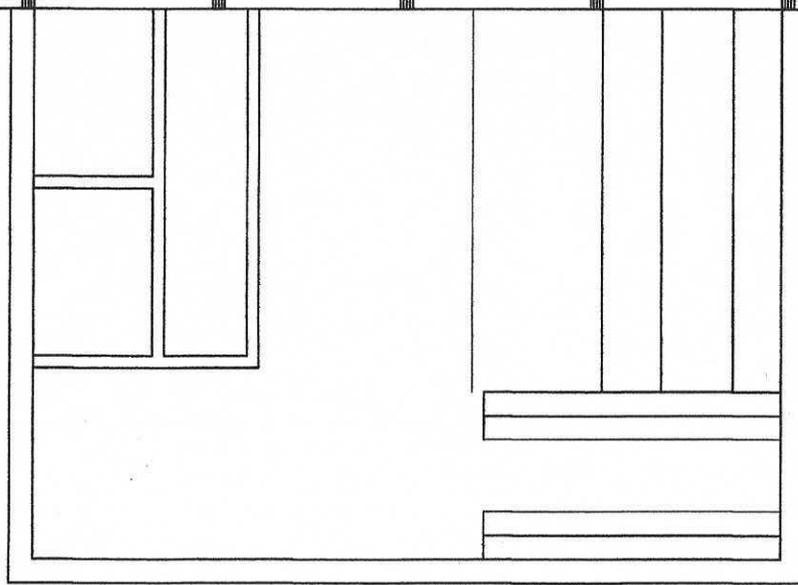




#3

SEATING PLAN - 8/TABLE

1/8" = 1' - 0" 120 SEATS - 60" TABLES



James G. Otto
Architect, LLC
 AIA, NCARB

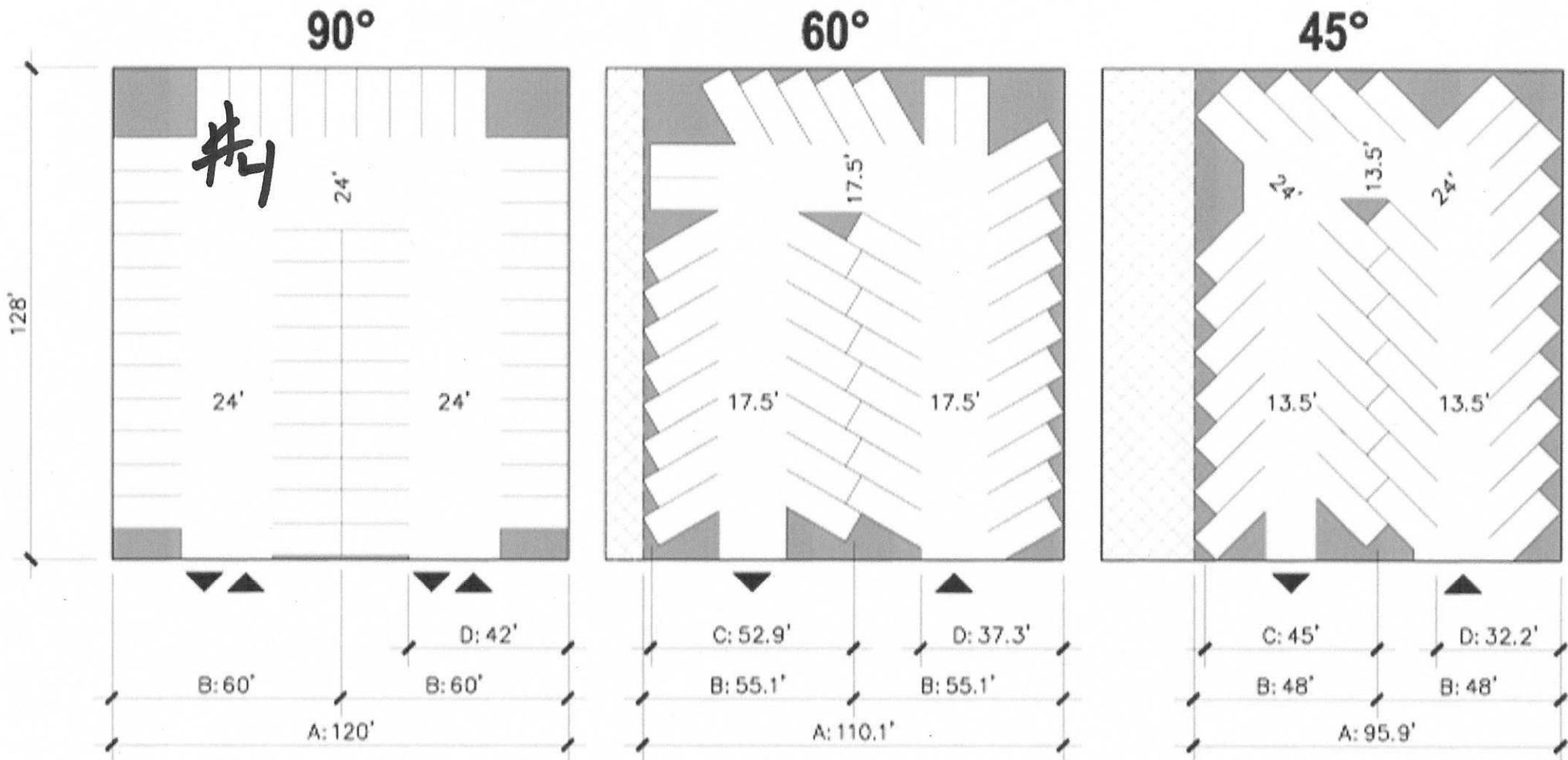
1171 St. Asaether Road Hubertus, Wisconsin 53033

APPLE WORKS VENUE
 W179 N12536 Fond Du Lac Ave.
 Germantown, Wisconsin 53022

Project No 18003.00

Date 03-12-18

OPT-4



	90°	60°	45°
GROSS SITE AREA	15,360.0 SF	15,360.0 SF	15,360.0 SF
SITE SAVINGS	0.0 SF	1,266.7 SF	3,076.0 SF
NET SITE AREA	15,360.0 SF	14,093.3 SF	12,284.0 SF
PARKING PROVIDED	53 CARS	44 CARS	37 CARS
NET AREA PER CAR	289.9 SF	320.3 SF	332.0 SF
GROSS AREA PER CAR	289.9 SF	349.1 SF	415.1 SF

#5

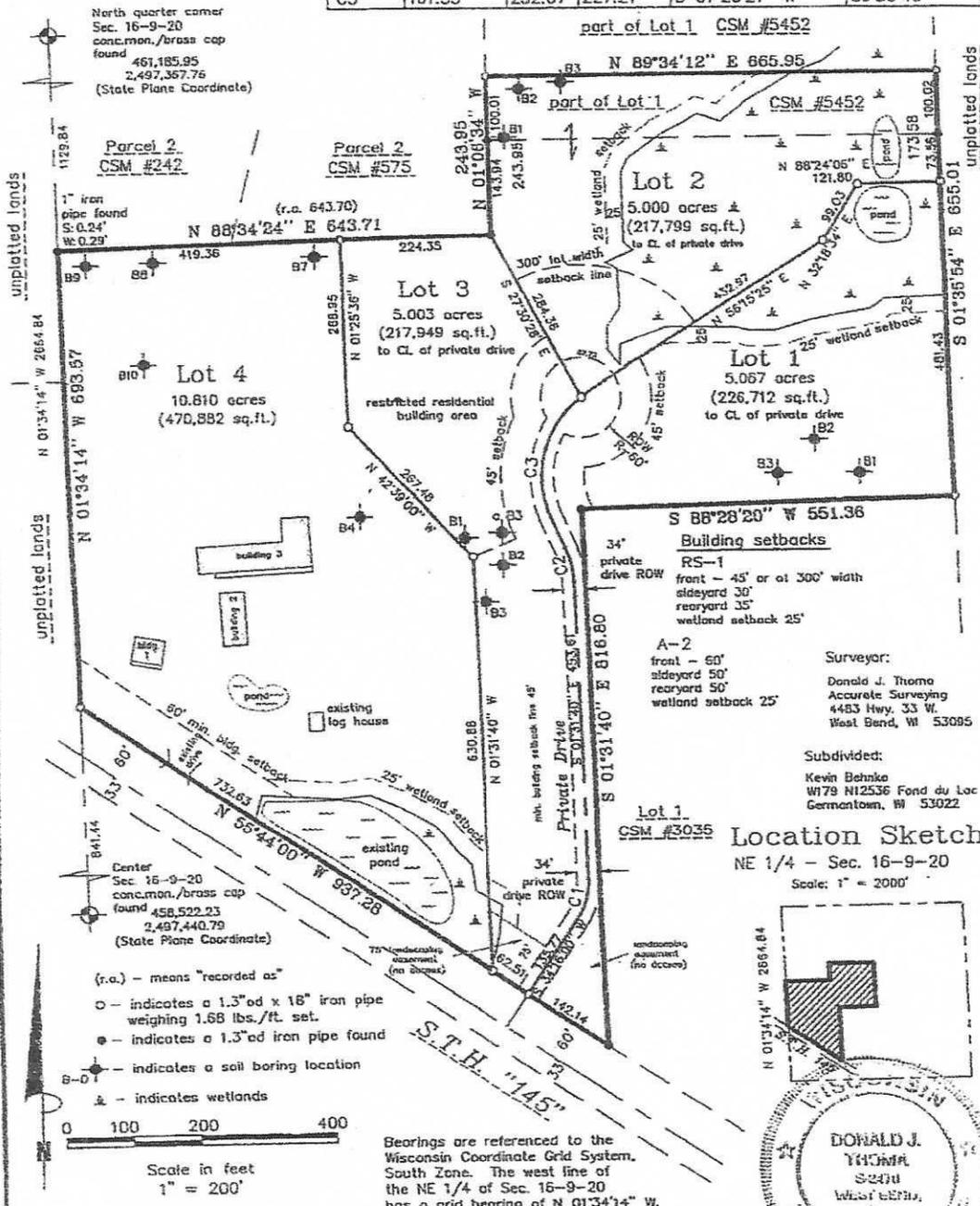
Sheet 1 of 4

Washington County Certified Survey Map

Lot 2 and part of Lot 1 of Certified Survey Map No. 5452 as recorded in Washington County Registry in Volume 38, of Certified Survey Maps, on pages 26-28 as Document No. 926336, being a part of the NW 1/4 and SW 1/4 of the NE 1/4 of Section 16, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Curve Data

NUMBER	Radius =	Arc =	Chord =	Chord Bear =	Delta =
C1	100.00	62.47	61.46	S 16°22'10" W	35°47'40"
C2	150.00	56.48	56.15	S 12°18'53" E	21°34'26"
C3	161.35	252.07	227.21	S 07°20'21" W	89°30'40"



The Wetlands as shown have been delineated by Murn Environment. See sheet 2 and 3 of 4 for line chart

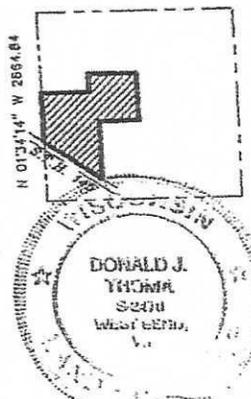
Wetlands have been delineated by Murn Environmental and located by Accurate Surveying, in April 2004, see report for details.

Note: Access is hereby restricted for Lots 1-3 to the private drive.

This instrument was drafted by Donald J. Thoma, S-2470

Donald J. Thoma, S-2470

Dated this 2nd day of November, 2004.
Revised this 6th day of January, 2005



CSM MAP NO. 5843 VOL. 43 PG. 11

DJD# 1075149