

# CONDITIONAL USE PERMIT

7/11/22 Plan Commission Meeting

## Milwaukee Appliance Company

Staff Report & Recommendation

Germantown, Wisconsin

### Summary

Thomas Ottow, agent for Clinton Drive Property LLC, property owner, and Milwaukee Appliance LLC, is requesting an amendment to Conditional Use Permit No. 04-09 in order to continue operation of the retail appliance showroom located at N114 W18845 Clinton Drive in the Germantown Industrial Park.

**Property Location:** N114 W18845 Clinton Drive

**Property Owner/**

**Applicant:**

Thomas Ottow d/b/a Milwaukee Appliance LLC  
Clinton Drive Property LLC  
N114 W18845 Clinton Drive  
Germantown, WI

**Existing Zoning:** M-1: Limited Industrial

Adjacent Land Uses		Zoning
North	Industrial	M-1
South	Industrial	M-1
East	Industrial	M-1
West	Industrial	M-1

### Location Map



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**Proposal**

Thomas Ottow, agent for Clinton Drive Property LLC, property owner, and Milwaukee Appliance LLC, is requesting an amendment to Conditional Use Permit No. 04-09 in order to continue operation of the retail appliance showroom located at N114 W18845 Clinton Drive in the Germantown Industrial Park.

Conditional Use Permit (CUP) No. 04-09 was granted to Greg Carter, d/b/a/ Milwaukee Wash & Appliance Company in February, 2009. Milwaukee Appliance occupies 3,000 SF of the building for retail sales and the remaining 13,864 SF for warehousing and appliance repair. Thomas Ottow is purchasing the operation and intends to operate the same operation with slightly different business hours. On the recommendation of staff, Ottow proposes to amend the CUP to update the ownership information on the CUP and eliminate Conditions #3 and #4 that are no longer necessary as shown below:

**CUP No. 04-09 APPROVAL conditions:**

1. All sales and storage shall be within the building.
2. Parking shall be on-site with no parking on Clinton Drive or Maple Road. Additional on-site, paved parking shall be required in the event additional parking is needed to accommodate day-to-day parking needs of the business.
- ~~3. The conditional use permit shall not be transferable to any subsequent property owner.~~
- ~~4. Adequacy of parking in the dock area is to be reviewed by the owner and Village staff after one year of granting the CUP.~~

Milwaukee Appliance operates with 8-12 employees and hours of operation on Monday through Friday, 10:00 a.m. to 6:00 p.m. and Saturday from 10:00 a.m. to 2:00 p.m. In addition to the retail showroom, maintenance and repair services are provided on-site and by way of service employees with mobile vans. More information about Milwaukee Appliance and their connection to the Germantown community can be found at their website: <https://www.milwaukeeappliance.com/about-us>

**Staff Analysis**

As discussed back in 2009, retail sales and service operations such as Milwaukee Appliance are allowed in the M-1 Zoning District and Germantown Industrial Park as a conditional use. The M-1 Zoning district regulations require the Plan Commission to determine if the proposed use can: (1) directly support the businesses in the Industrial Park; and (2) be integrated into the overall plan for the industrial park.

As was discussed in 2009, Milwaukee Appliance has been in business since 1932 and moved to the current Clinton Drive location in 2009. As part of their original application, And business proposal, Milwaukee Appliance has created a variety of kitchen displays to showcase their appliances and cabinets. The displays were designed and constructed by Riebau's Cabinets, Ltd (formerly a business in the Industrial Park). Milwaukee Appliance continues to work with existing business in and around the Germantown Industrial Park as evidence of the direct support Milwaukee Appliance has and will continue to provide as a local business and community supporter in the Industrial Park.

Staff supports the proposed amendment to delete conditions #3 & #4. With respect to Condition #3, whether it be a new CUP application or an amendment to the current CUP, the goal was to ensure that there would be a process to review and approve any changes to the business operation in the event the business was ever sold. In this case, a long-time employee is assuming ownership with the intention of operating the same business in the same manner as the previous owner. Since the business has been operating in the Industrial Park since 2009 and has effectively proven it fits into and is compatible with the rest of the Industrial Park, Condition #3 is no longer necessary.

With respect to Condition #4, the parking and dock situation was evaluated years ago and determined to be adequate.

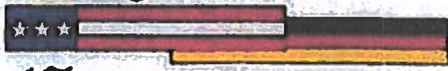
### VILLAGE STAFF RECOMMENDATIONS

**APPROVE** the proposed amendment to eliminate Conditions #3 & #4 in CUP No. 04-09 and re-issue the CUP in the new ownership name for Milwaukee Appliance LLC located at N114 W18845 Clinton Drive subject to one condition to be added:

1. All signage, permanent and temporary, requires a permit from Planning & Zoning Services in the Community Development Department.



Village of



Germantown

...Willkommen

Fee must accompany application

☒ \$1460 Paid ☒ Date 4-13-22

## 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.

### 1 APPLICANT OR AGENT

Thomas Ottow  
772 Harrison St.  
Hartford, WI 53027

Phone (414) 651-5060

Fax ( )

E-Mail thomasottow@yahoo.com

### PROPERTY OWNER

Clinton Drive Property LLC.  
1114 W18845 Clinton Dr.  
Germantown, WI 53022

Phone (262) 250-1482

### 2 TO WHOM SHOULD THE PERMIT BE ISSUED?

Thomas Ottow (d.b.a. Milwaukee Appliance LLC.)

### 3 PROPERTY ADDRESS

1114 W18845 Clinton Drive  
Germantown, WI 53022

### TAX KEY NUMBER

GTNV-204-987

### 4 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.

Retail Appliance Showroom  
8-12 employees  
M-F 10A-6p Sat 10A-2p Sun-closed

### 5 DESCRIPTION OF PROPOSED OPERATION

Write the name of the proposed conditional use exactly as it appears in the Municipal Code.

Limited Industrial Zoning District, Section 17.33

Describe the proposed use, including size, number of employees, hours of operation and extent of any new construction/alterations.

Retail Appliance Showroom  
8-12 employees  
M-F 10A-6p Sat 10A-2p Sun-closed

6

**METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED**

Attach pages as necessary

N114 W18845 Clinton Drive. Parcel 1 of CSM #1501,  
 being a part of NE 1/4 of the SE 1/4 of  
 Section 20, Township 9 North, Range 20  
 East in the Village of Germantown,  
 Washington County, Wisconsin.

7

**SUPPORTING DOCUMENTATION:**

- ☐ Site Plan and elevations for new construction (can be conceptual)
- ☐ Photos of existing use and/or proposed use operating elsewhere
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

8

**READ AND INITIAL THE FOLLOWING:**

T.O.

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.

T.O.

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.

T.O.

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.

T.O.

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!**


Applicant

Date



Owner

Date





N114 W18845 Clinton Drive  
Germantown, WI 53022  
262-250-1482

Milwaukee Appliance LLC is a small family owned and operated business that has been in the Germantown Industrial Park since 2009. Originally known as Milwaukee Wash Machine Inc. and was located in Milwaukee since 1932. Expanding our showroom to Germantown, in 2009, under the previous owner Greg Carter. The current owner Thomas Ottow has been with the company since 2007. Starting in the delivery department and working his way up to purchase the business in January 2020. We provide in-home appliance repair, sales and parts to the immediate area as well as the surrounding 4 counties. We thrive on being a community and family-based company with exceptional customer service. From coming into our Germantown showroom, talking to a representative on the phone or having a service/sales technician come out to your home. We also make monetary and product donations to many causes around the area. These areas include Germantown, Hartford, Menomonee Falls, Sussex, and others as well.

**CUP #04 - 09**  
Document No.

**CONDITIONAL USE PERMIT**  
Document Title

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

DOC# 1218417  


Whereas the Applicant:

**Milwaukee Wash & Appliance Company (d.b.a. Milwaukee Appliance) as represented by Greg Carter, 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 allow for The operation of a retail appliance showroom from the existing building located at N112 W18845 Clinton Drive in the Germantown Industrial Park pursuant to Section 17.33(3)(h) of the Germantown Municipal Code.

Recorded

Apr. 27, 2009 AT 09:30AM  
SHARON A MARTIN, REGISTER OF DEEDS  
WASHINGTON COUNTY, WISCONSIN

Fee Amount: \$15.00

153

Name & Return Address:

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

Parcel Identification No:

**GTNV 204-987**

**On the following described property located in the Village of Germantown, Washington County, Wisconsin:** N114 W18845 Clinton Drive. Parcel 1 of CSM #1501, being a part of the NE ¼ of the SE ¼ of Section 20, Township 9 North, Range 20 East in the Village of Germantown, Washington County, Wisconsin.

**Pursuant to the following condition(s):**

1. All sales and storage shall be within the building.
2. Parking shall be on-site with no parking on Clinton Drive or Maple Road. Additional on-site, paved parking shall be required in the event additional parking is needed to accommodate day-to-day parking needs of the business.
3. The conditional use permit shall not be transferable to any subsequent property owner.
4. Adequacy of parking in the dock area is to be reviewed by the owner and Village staff after one year of granting the CUP.

The provisions of this permit shall be binding upon the property herein described applicant(s) and property owner(s) and assigns unless and until amended by the Village of Germantown.

**ACCEPTANCE OF TERMS AND CONDITIONS BY PERMITTEE**

I, GREG CARTER, Applicant, representing Milwaukee Appliance, 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 9 day of April, 2009

Applicant:

Greg Carter

Greg Carter, Owner  
Milwaukee Wash & Appliance Company

STATE OF WISCONSIN       )  
  )SS  
Washington COUNTY)

Personally came before me this 9<sup>th</sup> day of April, 2009 the above named Greg Carter, (title) to me known to be the person who executed the foregoing instrument and acknowledged the same.

Gabriele Binder

Print Name of Notary:

Gabriele Binder

Notary Public, State of Wisconsin

My Commission Expires: 3-13-2011

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



CUP #04-09  
Milwaukee Wash CUP  
Page 2 of 3

Granted by the Village Board of the Village of Germantown, Washington County,  
Wisconsin on the 16<sup>th</sup> day of March, 2009.

ATTEST:

Elizabeth Knaack  
Elizabeth Knaack  
Village Clerk

Thomas Kempinski  
Thomas Kempinski  
Village President

STATE OF WISCONSIN )  
                                  )SS  
WASHINGTON COUNTY)

Personally came before me this 23rd day of April, 2009, the above  
named Thomas Kempinski, Village President, and Elizabeth Knaack, Village Clerk, to me  
known to be the persons who executed the foregoing instrument and acknowledged the  
same.



Christine M. Micka  
Christine M. Micka, Notary  
My Commission Expires: Aug. 14, 2001



Village of

\*\*\*  
Germantown

Willkommen

Fee must accompany application

☐ \$1460 Paid \_\_\_\_\_ Date \_\_\_\_\_

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Thomas [Signature]

Applicant

4/25/2020

Date

Thomas [Signature]

Owner

4/25/2020

Date

[Signature]