

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

MEETING:	PLAN COMMISSION
DATE AND TIME:	<u>MONDAY, AUGUST 8, 2016 6:30 p.m.</u>
LOCATION:	Germantown Village Hall Board Room

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with Wisconsin Statutes, Section 19.83 and 19.84 in such form that will apprise the general public and news media of subject matter that is intended for discussion and action.
- II. **ROLL CALL**
- III. **PUBLIC INPUT/PUBLIC APPEARANCE:**
Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes)
- IV. **APPROVAL OF MINUTES:** July 11, 2016
- V. **NEW BUSINESS:**
 - A. Charles Rusch – Property Owner of 34.80 Acres on Pioneer Road. 2-Lot Certified Survey Map Application.
 - B. Sports Specialists of Milwaukee Inc. – Property Owner of N104 W13885 Donges Bay Road and Skyline Development Corp. – Property Owner of Lot 2 CSM No. 6684 Spaten Court; Conditional Use Permit Application (Revisions to CUP #04-16 for Wetland Setback Encroachment) and Revised Site Plan (changes to driveway & dumpster enclosure).
 - C. Community Development Department, Village of Germantown – Proposed Code Amendments.
- VI. **ANNOUNCEMENTS**
- VII. **ADJOURNMENT**

The next Plan Commission Meeting will be on September 12, 2016 at 6:30 p.m.

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting. Notice is given that a majority of the Village Board may attend this meeting to gather information about an item over which they have decision making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v. Greendale Village Board, even though the Village Board will not take formal action at this meeting.

**PLAN COMMISSION MINUTES
JULY 11, 2016**

CALL TO ORDER: Planning Assistant Lori Johnson called the meeting to order at 6:35 p.m.

ROLL CALL: Trustee Representative David Baum, Commissioners, Bill Shadid, Peter Nilles, Tony Laszewski and Ben Goetter were present. Commissioner Gray was absent. Chairman Wolter arrived after Roll Call. Also present were Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: The following residents spoke against the Presbyterian Homes development:

- o Joe Cowan, W179 N11481 Blackstone Circle
- o Judith Kucharik, W179 N11651 Augusta Court
- o Nancy Potter, W179 N11649 Augusta Court
- o Brian Pinter, N114 W17863 Blackstone Circle

APPROVAL OF MINUTES: *MOTION Baum second Shadid to Approve the minutes from 6-13-16.*

MOTION carried unanimously.

David & Kim Kasinskas for GSC (Graphic Systems Corporation) – W189 N11161 Kleinmann Drive. The property owners are requesting sign approval for their engineering technology business relocating from Menomonee Falls into the remodeled building. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the proposed wall sign for Graphics Systems Corp. located at W189 N11161 Kleinmann Drive subject to the following conditions:

- 1. Electrical permits shall be obtained from Inspection Services prior to installation.***
- 2. All electronic components shall be inspected and labeled by a licensed lab.***

MOTION carried unanimously.

HCP and Hendricks Commercial Properties LLC – N117 W18456 Fulton Drive. Greg Prossen, the Consortium, agent for HCP property owner, is seeking approval of site development and building plans for a 33,600 sqft addition to the existing warehouse/office facility. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the site development and building plans for the proposed 33,600 sqft addition to the existing warehouse/office facility located at N117 W18456 Fulton Drive in the Germantown Industrial Park subject to the following conditions:

- 1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development and building plan set dated June 6, 2016 unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission.***
- 2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an***

occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.

- 3. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.**
- 4. All technical corrections identified by the Village Engineer in the July 7, 2016 memo shall be addressed prior to issuance of a building permit.**
- 5. The Fire Department is requiring the following: (a) direct access to the fire pump room from the exterior of the building shall be provided reviewed and approved by the Fire Department; (b) if high rack storage is installed, fire standpipes located at both new entry doors at the NW and SW corners of the building shall be provided; (c) fire protection plans shall be submitted to the state DSPS with a copy of the approved plans submitted to the Village; (d) an approved sign for the Fire Department Connection shall be installed as approved by the Fire Department.**
- 6. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.**

MOTION carried unanimously.

Freistadt All-Temp LLC – N120 W18737 Freistadt Road. Dan Frigge, ESI Design Services as agent for Freistadt All-Temp LLC property owner, is seeking approval of site development and building plans for a 40,550 sqft addition to the existing multi-temperature warehouse facility. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the site development and building plans for the proposed 40,550 sqft addition to the existing multi-temperature warehouse facility located at N120 W18737 Freistadt Road subject to the following conditions:

- 1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development and subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission.**
- 2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure completed within one (1) year after issuance of the occupancy permit.**
- 3. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.**
- 4. All technical corrections identified by the Village Engineer in the July 1, 2016 review email shall be addressed prior to issuance of a building permit.**
- 5. The Fire Department is requiring the following: (a) fire protection plans shall be submitted to the state DSPS with a copy of the approved plans provided to the Village; and (b) an approved sign for the Fire Department Connection shall be installed as approved by the Fire Department.**

6. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.

Discussion followed regarding screening rooftop units. Trustee Baum said the existing unit on the northwest corner is clearly visible. Dan Frigge, ESI Design Services, explained that unit is an evaporator and needs to be open for air circulation. Planner Retzlaff said Plan Commission had previously discussed screening the rooftop units in 2012 when the site plan was reviewed. The proposal at that time was to enclose the units capable of being enclosed with penthouse louvers. He said if Plan Commission wants additional screening it would need to be discussed now but also indicated the Industrial Park does not have a requirement to screen rooftop units. He said the site plan shows the new rooftop units will be enclosed with the penthouse louvers. Mr. Frigge added that there would be another evaporator unit with the final phase 3 addition that cannot be screened.

MOTION carried unanimously.

Presbyterian Homes of Wisconsin for Germantown Commerce Center, LLC & Romano & Schmidt, LLC – N112 W17300 Mequon Road. The submittal is for a PDD amendment, certified survey map and site development and building plans for development of a 190-unit senior residential community on a 35 acre parcel within the Blackstone Creek Planned Development District. Planner Retzlaff summarized the proposal. Steve Nornes, Senior Housing Partners also spoke and presented the development proposal.

MOTION Baum second Shadid that: (1) the proposed PDD amendments constitute significant changes that will materially affect the design, layout, and type of land uses in the original Blackstone Creek PDD development and may impact neighboring uses and property; and (2) therefore the proposed and/or required PDD amendments shall require a public hearing before the Village Board prior to (or concurrent with) the Village Board's review and action regarding such amendments.

MOTION carried unanimously.

Discussion followed. Trustee Baum commented that Plan Commission's responsibilities are to determine if this is the best and highest use for this property, is it architecturally acceptable and is the plan layout is acceptable. He made reference to the Saxony Village development and asked what Plan Commission is not responsible for. Planner Retzlaff explained that Plan Commission should make a recommendation to the Village Board concerning the State Statute provision regarding the separation provision and total capacity limitation because one of the criteria cannot be met. Trustee Baum said density was a big problem with the Saxony Village development, but said this project has overcome the density requirement by taking over a portion of the golf course so they fall within the units per acre requirement. Planner Retzlaff also indicated the EH zoning district specifically provides for the use of up to 25 percent of any floodplain or wetland area included in the calculation. He said what's been proposed and calculated complies with the regulations that are in place and that the net acre issue that we dealt with Saxony Village does not come into play with this project.

Discussion continued regarding the height of the proposed building. Trustee Baum said the height of the building was also an issue at Saxony Village and this development also has 3 stories with a pitched roof. Planner Retzlaff explained that both the PDD as is stands and the EH district regulations have a maximum height allowance of 35 feet but do not have a story

height restriction as was the case with Saxony Village. He said the PDD requirements need to be amended to allow the increase in building height. Trustee Baum said there is a way to get a 44 foot high building with 3 stories by working around the design code. He said the building presented is much more appealing than one with a flat roof.

Discussion continued. Trustee Baum said the 30 foot setback off Mequon Road versus the EH District requirement that the building be setback 3 times the height of the building is another negotiated thing that needs to be addressed. Planner Retzlaff explained the current Blackstone Creek PDD Conditions & Restrictions Resolution the 30 foot setback was established for the commercial buildings. The EH district regulations for multi-family housing has a setback requirement of 2 times the building height. The proposal is to amend the EH setback requirement to match the current 30 foot setback for the commercial buildings. Plan Commission discussed other businesses that are within a 30 foot setback along Mequon Road. Discussion continued.

Chairman Wolter asked if the proposed certified survey map to incorporate enough acres for the density will cause the same arguments and debates as Saxony Village in regards to buildable net acre wetland to floodplain. Planner Retzlaff said that 25 percent of the area that is wetland or floodplain can be used in part of the density calculation. He explained how he arrived at the eligible units and said we shouldn't get in the same debate because that particular issue has already been decided in the EH zoning regulations.

Chairman Wolter said he has worked with Jim Sedgwick for several years about what will work in this area and has looked at several different components to develop the property. He appreciates Presbyterian Homes working with staff on a PILOT program for the Village. He indicated the Fire Department could easily get to a third story but this development will bring a burden to that service because more staff is needed. He said the Village Board will need to consider that. He said the zoning and land use all fit the criteria but Plan Commission needs to discuss the building height.

MOTION Baum second Shadid to FIND that: (1) based on the Maxfield Research & Consulting market assessment results presented to the Village by the Applicant regarding demand for and the existing Germantown market area, the need for additional CBRF/assisted living housing units is sufficiently justified; and (2) the proposed location for the Presbyterian Homes senior living community in the Blackstone Creek PDD is the highest and best use of this the property in this location; and therefore (3) an exception to the 2,500 feet distance separation requirement for CBRF-assisted living facilities regulated under Wis. Stats. 62.23(7)(i) is warranted and should be granted by the Village Board.

MOTION carried unanimously.

MOTION Baum second Laszewski APPROVE the proposed Certified Survey Map (CSM) to re-divide the 188.9-acre area comprised of Lot 2 and Lot 3 of CSM #6177 as proposed subject to the following conditions:

- 1. A cross-access easement shall be shown on the CSM consistent with the size and location of the internal driveway improvement between Lot 1 and Lot 2. An easement agreement for said easement shall be submitted for review and approval by the Village Attorney prior to recording the CSM.***
- 2. A separate access/use easement agreement between Presbyterian Homes and***

the Blackstone Creek Golf Club shall be prepared and submitted for review and approval by the Village Attorney prior to recording the CSM. Said agreement shall identify the specific area(s) on the Presbyterian Homes parcel (Lot 1) that can be used by the Golf Club for golf course activities. Said agreement shall address the specific use, improvement, maintenance of said easement area and duration of the easement.

MOTION carried unanimously.

MOTION Baum second Shadid APPROVE the following proposed and/or required amendments to the Blackstone Creek Planned Development District (PDD) to be codified into an appropriate Village Board resolution amending the current conditions & restrictions resolution (Res. No. 19-12 as amended):

- 1. Rezone the 19.35 acre area within proposed Lot 1 from the Rd-2: Two-Family Residential District to the B-1: Neighborhood Business District;***
- 2. Revise/replace the current GDP with the proposed GDP dated July 5, 2016;***
- 3. Add two (2) senior housing buildings with 190 total units comprised of independent living, assisted living and memory care units to the list of permitted uses;***
- 4. Delete all references to “the Shops at Blackstone Creek”;***
- 5. Increase the maximum height allowance from 35 feet to 44 feet for the Phase I senior housing building (42’ typical and 44’ at the roof peaks);***
- 6. Add references to the conceptual color renderings of the golf course clubhouse as an example of the design intent for future improvements to the golf course buildings;***
- 7. Revise the number of parking stalls to be provided as part of the senior housing development.***
- 8. The Blackstone Creek Golf Club property owners shall complete the following building and site improvements to the golf club property: (a) remove the metal storage building located nearest to the Division Road intersection (no later than Spring 2017); (b) exterior remodeling of the clubhouse and cart storage buildings using the same/similar materials and architectural enhancements as the senior living campus buildings (see conceptual renderings included herein by reference); and (c) miscellaneous landscaping, parking lot and signage improvements. All improvements shall commence within a 12-18 month timeframe after commencement of the Presbyterian Homes Phase I site development. Detailed site development and building plans shall be submitted to the Village for review and approval. Future plans to divide and/or develop a portion of the golf course property with additional retail and/or mixed-use development shall not be considered for approval by the Village until all of the site and building improvements cited herein have been completed or commenced construction.***
- 9. Increase the maximum number of units allowed per floor from 36 to 52;***
- 10. Increase the maximum number of units allowed per building from 108 to 152 (Phase 1 building only);***
- 11. Revise the minimum required front yard setback from 3 times the building height to 30 feet (Phase I building only from Mequon Road) consistent with the currently prescribed 30’ building setback.***

Trustee Zabel commented that the Plan Commission has architectural control over a 35 foot building adding that a flat roof would not be automatically approved. He said he believes the original reason the Village Board created the EH housing district with a limit of 36 units per floor and 108 units per building was for safety reasons. He said the EH zoning district is an overlay and that the same criteria should be used for all developments under the EH zoning district and more density should not automatically be approved because it is in a PDD. Planner Retzlaff said the Fire Department has not indicated any objections to the larger number of units that are proposed subject to a number of improvements being made because of the project. Trustee Baum said evacuation of the building is part of the developer's evacuation plan presented to the Village as part of the developer's agreement. He added that Plan Commission did come out on top of the argument with the Saxony Village board of zoning appeals case wanting pitched roofs versus the flat roofs that were proposed. He indicated he supports the 44 foot tall building with pitched roofs because the architecture works well and matches the Germanic flair the Village is looking for. He also supports the increase in units from 36 to 52 saying it's an operational issue.

MOTION carried unanimously.

Joe Cowan, W179 N11481 Blackstone Circle, asked if the building could be expanded in the future like the development in Menomonee Falls. Chairman Wolter indicated it could not be expanded because the development was surrounded by floodplain and they have already hit the density requirement. Planner Retzlaff confirmed there was very little room for additional units with the current parcel size.

MOTION Baum second Shadid to APPROVE the site development and building plans for the proposed 190-unit Presbyterian Homes Senior Housing development subject to the following conditions:

- 1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development plan sheets for site, grading, utility, sanitary sewer, water main, erosion control, and landscaping dated July 5, 2016, and the architectural floor plan, elevation and color rendering plan sheets dated July 5, 2016 unless superseded by subsequent plan sheets submitted pursuant to revisions required herein and/or by the Plan Commission.***
- 2. Approval is granted for Phase I site and building development only. Phase II site and building development (Brownstones building and parking lot expansion) shall require Plan Commission review and approval of detailed site development and building plans submitted prior to commencement of any Phase II development.***
- 3. Approval of the site development and building plans is contingent upon the Village Board approving the proposed PDD amendments listed herein and granting an exception to the 2,500 feet distance separation requirement for CBRF-assisted living facilities regulated under Wis. Stats. 62.23(7)(i).***
- 4. All technical items and requirements recommended by the Village Engineer in the July 6, 2016 review memo shall be addressed as part of additional and/or revised detailed construction plans submitted for Village approval prior to commencement of construction.***
- 5. Final approval for all public and private utility plans, including the need for a Developer's agreement with the Village regarding public improvements, shall be prepared and approved by the Village prior to commencement of construction. Said Developers Agreement shall include a provision requiring Presbyterian Homes to***

warranty all street trees and other landscaping installed within the Mequon Road ROW for a period of three (3) years to ensure viability and growth, and, a requirement that Presbyterian Homes be responsible for maintaining and replacing any dead or dying trees in the ROW within that warranty period.

- 6. Presbyterian Homes has indicated their intent to enter into a “payment in lieu of taxes” (PILOT) agreement with the Village of Germantown to address the various Village services for which annual payments may be made to the Village to off-set a proportionate share of public safety and service costs. The Village Board and/or appropriate committee(s) shall be responsible for finalizing and entering into any such agreement. Said agreement shall be completed prior to the issuance of any occupancy permit.**
- 7. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application for each of the proposed buildings.**
- 8. The two street trees proposed closest to the Mequon Road driveway on the east side shall be relocated (not deleted) into the interior of the property near the driveway entrance to avoid interfering with vision of traffic moving along Mequon Road coming from the east. For symmetry, the two street trees on the west side if the new driveway could be moved also to a location north of the sidewalk in the same vicinity.**
- 9. The Applicant has committed to screen all roof-top mechanicals once the final HVAC system has been designed and required equipment determined. Any new or additional screening shall be presented to the Village Planner for review and approval prior to issuance of a building permit and installation.**
- 10. All landscaping, lighting, intersection, grading and other site improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless complete installation prior to occupancy is not required by the Village, and, a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.**
- 11. The access driveway and Mequon Road @ Stonewood Drive intersection improvements recommended in the Traffic Impact Analysis (dated April 25, 2016 and prepared by R.A. Smith-National) shall be installed by the Applicant and be fully operational prior to issuance of an occupancy permit by the Village. The Applicant shall be responsible for 100 percent of the costs associated with completing these improvements.**
- 12. Prior to commencement of any Phase II construction, the Applicant shall be responsible for preparing an update Traffic Impact Analysis (TIA) for purposes of assessing current and future traffic levels and operating conditions with and without Phase II development traffic, and, identifying any intersection and roadway improvements necessary to provide safe access to/from the Phase II development and adequate operating conditions on the adjacent road system.**
- 13. Sign permits are required for all permanent and temporary exterior signage.**

MOTION carried unanimously.

ANNOUNCEMENTS: Chairman Wolter said the Vietnam Veterans moving wall is coming to Germantown over Labor Day weekend and to please think about volunteering, helping or participating with any of the many activities to be held that weekend.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

CERTIFIED SURVEY MAP (CSM) APPLICATION

8/8/16 Plan Commission Meeting

Charles Rusch

Village Planner Report

Germantown, Wisconsin

Summary

Charles Rusch, property owner of a 34.8-acre parcel on Pioneer Road is seeking approval of a 2-lot Certified Survey Map (CSM).

Location: N144 W16300 Pioneer Road (1/4 mile east of Division Road)

Applicant/

Property Owner: Charles Rusch
N144 W15639 Pioneer Road
Jackson, WI 53037

Current Zoning District: A-2: Agricultural

Adjacent Land Uses		Zoning
North	Agricultural	Town of Jackson
South	Agricultural	A-1
East	Agricultural	A-1
West	Agricultural/Residential	A-1/Rs-2



Proposal

Charles Rusch, property owner of a 34.8-acre parcel on Pioneer Road is seeking approval of a 2-lot Certified Survey Map (CSM).

Staff Analysis**Consistency with the A-2 Zoning District Village's Land Use Plan.**

The Land Use Plan map classifies this property as "Agricultural/Conservation Residential". Both proposed parcels are consistent with the minimum 10-acre lot sizes for the existing A-2: Agricultural District and with the 2020 Land Use Plan.

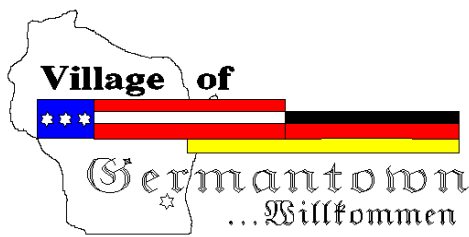
Soil evaluations have been prepared for proposed Lot 1 and indicate it can support an on-site sanitary system. Lot 2 will continue to be used for agricultural purposes. However, as indicated in the Surveyor's comments, a note should be added to the CSM indicating that no further land division of or construction of any habitable structure on Lot 2 shall occur until such time as the appropriate soil evaluation indicating Lot 2 can support an on-site septic system is prepared and approved by Washington County and/or the Village.

The Engineering Department (Village Surveyor) has identified a few technical corrections in a July 27, 2016 memo (copy attached) that will have to be corrected prior to recording of the CSM.

Village Planner Recommendation

APPROVE the 2-lot Certified Survey Map land division for the 34.8-acre Rusch property located on Pioneer Road subject to the following conditions:

1. All technical corrections identified by the Village Surveyor as summarized in the July 27, 2016 memo shall be made prior to recording the CSM by the Village Board.
2. A note shall be added to the CSM indicating that no further land division of or construction of any habitable structure on Lot 2 shall occur until such time as the appropriate soil evaluation indicating Lot 2 can support an on-site septic system is prepared and approved by Washington County and/or the Village.



Engineering Department Memorandum

To: Jeff Retzlaff Village Planner
CC:
From: Bob Beilfuss, PLS, Village Surveyor
Date: July 27, 2016
Re: Rusch CSM

Jeff,

Here are my review comments for the CSM received 7-5-2016.

Certified Survey Map

Applicant or Owner: Charles Rusch
Land Surveyor/Firm: Tony Gromacki, PLS, M² Engineering

1. The angular and distance accuracy statement is missing and needs to be added
2. The Professional Land Surveyor seals are missing and need to be added. *The surveyor did call prior to submittal and said the seals would be added to the final document*
3. The Certificate of Mortgagee is missing and needs to be added unless the Owner can provide written proof that no lender has an interest in the property. *The surveyor did call prior to submittal and was told by the Owner there was a mortgage and will add the certificate on the final document.*
4. The status of the adjoining properties need to be underlined with a dashed line.
5. The secretary of the Village Board is not Lori Johnson. The Village Clerk is Barbara Goeckner

No further review comments.

Document Submittals and Data Conversion

As of October, 2005, the Village of Germantown requires a digital copy of all Certified Survey Maps, Condominium Plats and Subdivision Plats in addition to the documents as required by Wisconsin Statute and Village Ordinances as part of the land division approval.

Prior to Recording the Certified Survey Map, the professional land surveyor is responsible for submitting a copy of the AutoCad drawing file (.dwg) of the document in version 2007 on compact disk (CD) or via email to the Village Surveyor.

All digital professional land surveyor seals and signatures will be purged from the digital copy prior to submittal.

June 6, 2016

The model space of the drawing will be done in Wisconsin State Plane Coordinate System, South Zone (NAD 1927 datum) and the Grid Bearing basis.

Prior to Recording the Certified Survey Map, the Village Engineering Department will verify that the boundary markers have been installed as described on the submitted map. All boundary corners are to be clearly marked in the field by the professional land surveyor of record.



Village of



Germantown

Willkommen

Fee must accompany application

☐ \$2,900 with public improvements

☒ \$1,960 no public improvements

Paid \$ Date 7-5-16

CERTIFIED SURVEY MAP APPLICATION

Pursuant to Section 18.06 of the Municipal Code

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

1 APPLICANT OR AGENT

Charles Rusch
1144 W 15639 Pioneer Rd
Jackson WI 53037

Phone (262) 677 2278

Fax ()

E-Mail

PROPERTY OWNER

Charles Rusch

Phone (262) 677 2278

PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

2 LOT 3 CSM 6430 031990

3 PURPOSE OF LAND SPLIT

<u>neighbor wants some additional land that is next to what he now owns</u>	Will the land split require rezoning?	
	<u>no</u>	
	From	To

4 READ AND INITIAL THE FOLLOWING:

- CR I understand that the Certified Survey Map is not valid until recorded at the Washington County Register of Deeds. The Village will record the document and charge the applicant all applicable recording fees.
- CR I understand that the Map will not be placed on the Village Board agenda until all the technical corrections to the CSM are made, the payment of any outstanding impact fees are paid to the Village Clerk's Department, and the original signed and stamped copy of the Map is submitted on the proper paper.
- CR I understand that parcels created outside the Sewer Service Area will require a soil test. I also understand that all properties abutting a State Highway will require DOT approval and I will be responsible for securing such approval prior to recording.
- CR I understand all delinquent property taxes on any of the properties involved shall be paid prior to recording.

5 SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Charles Rusch
Applicant

Date

7/5/16

Charles Rusch
Owner

Date

7/5/16



Department of Commerce
Division of Safety and Buildings

SOIL EVALUATION REPORT

in accordance with Comm 85, Wis. Adm. Code

#4125

Page 1 of 3

Eric Schmitz Corporation

Attach complete site plan on paper not less than 8½ x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04 (1) (m)).

County	Washington
Parcel I.D.	GTNV 031993
Reviewed By	Date

Property Owner Charles Rusch		Property Location Govt. Lot 1/4, NE1/4, S3, T9N, R20E	
Property Owner's Mailing Address N144 W16343 Pioneer Road		Lot # 1	Block # Subd. Name or CSM# Proposed Certified Survey Map
City Jackson	State WI	Zip Code 53037	Phone Number (262) 707-2251
		☐ City ☒ Village ☐ Town	Nearest Road Germantown See Drawing

☒ New Construction Use: ☒ Residential / Number of bedrooms 4 Code derived design flow rate 600 GPD
☐ Replacement ☐ Public or commercial - Describe: _____

Parent material: Loess over Glacial Till Flood plain elevation, if applicable NA ft.

General comments and recommendations: Site is suitable for a mound system. See Mound Component Manual for Septic Tank Effluent for Private Onsite Wastewater Systems.

**If imprint is in red
it is an original copy**

1 Boring # ☒ Boring ☐ Pit Ground surface elev. 96.2 ft. Depth to limiting factor 28 in. Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft²	
									*Eff#1	*Eff#2
A p	0-8	10YR3/2	-	sil	2fsbk	mvfr	as	3vf	0.6	0.8
Bt1	8-14	7.5YR4/4	-	cl	2mabk	mfr	cw	2vf	0.4	0.6
Bt2	14-20	7.5YR4/6	(5-10% gr)	scl & gr	2fabk	mfr	gw	1vf	0.4	0.6
BC	20-28	10YR4/4	-	sl & gr	1fsbk	mfr	gw	1vf	0.4	0.7
				5-10%						
C	28-32	10YR5/4	f-1-d 7.5YR5/8	sl & gr	1fpl	mfr	-	-	0.4	0.6
				10-15%						

2 Boring # ☐ Boring ☒ Pit Ground surface elev. 89.7 ft. Depth to limiting factor >32 in. Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft²	
									*Eff#1	*Eff#2
A p	0-8	10YR3/2	-	sil	2fsbk	mvfr	as	3vf	0.6	0.8
A b	8-16	10YR3/2	-	sil	2fsbk	mvfr	cw	2vf	0.6	0.8
Bt1	16-24	7.5YR3/4	-	cl	2mabk	mfr	cw	1vf	0.4	0.6
Bt2	24-32	7.5YR3/4	-	scl & gr	2fabk	mfr	-	1vf	0.4	0.6
				5-10%						

* Effluent #1 = BOD₅ > 30 ≤ 220 mg/L and TSS >30 ≤ 150 mg/L

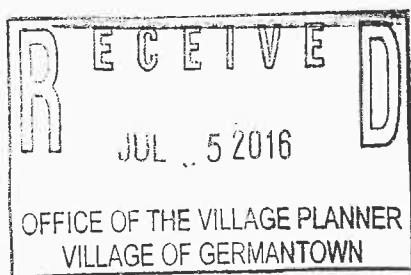
* Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

CST Name (Please Print) Eric M. Schmitz	Signature:	CST Number 222021
Address Eric Schmitz Corporation 2334 Stonebridge Circle Unit A West Bend, WI 53095	Date Evaluation Conducted 6/25/2016	Telephone Number 262-338-6994

3	Boring #	☒ Boring	Ground surface elev. <u>96.1</u> ft.	Depth to limiting factor <u>28</u> in.	Soil Application Rate					
		☐ Pit			GPD/ft ²					
Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	*Eff#1	*Eff#2
A _p	0-8	10YR3/2	-	sil	2fsbk	mvfr	as	3vf	0.6	0.8
Bt ₁	8-14	7.5YR4/4	-	cl	2mabk	mfr	cw	2vf	0.4	0.6
Bt ₂	14-20	7.5YR4/6	(5-10% gr)	scl & gr	2fabk	mfr	gw	1vf	0.4	0.6
BC	20-24	10YR4/4	-	sl & gr	1fsbk	mfr	gw	1vf	0.4	0.7
				5-10%						
C	24-32	10YR5/4	f-1-d 7.5YR5/8	sl & gr	1fpl	mfr	-	-	0.4	0.6
				10-15%						

	Boring #	☐ Boring	Ground surface elev. _____ ft.	Depth to limiting factor _____ in.	Soil Application Rate					
		☐ Pit			GPD/ft ²					
Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	*Eff#1	*Eff#2

Note : Page 3 of 3 is attached location and detailed drawings.

* Effluent #1 = BOD₅ > 30 ≤ 220 mg/L and TSS >30 ≤ 150 mg/L* Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

The Department of Commerce is an equal opportunity service provider and employer. If you need assistance to access services or need material in an alternate format, please contact the department at 608-266-3151 or TTY 608-264-8777.

Soil Test Site Plan

For: *Charles W. Rusch*

LOT 3 of Certified Survey Map No. 6430. Part of the NE 1/4, of the NE 1/4, of Section 3, T9N, R20E,

Village Of Germantown, Washington County, Wisconsin.

Pioneer Road

N89°50'02"E 178.19 1013 N89°50'02"E 781.60

S00°18'30"E 295.74



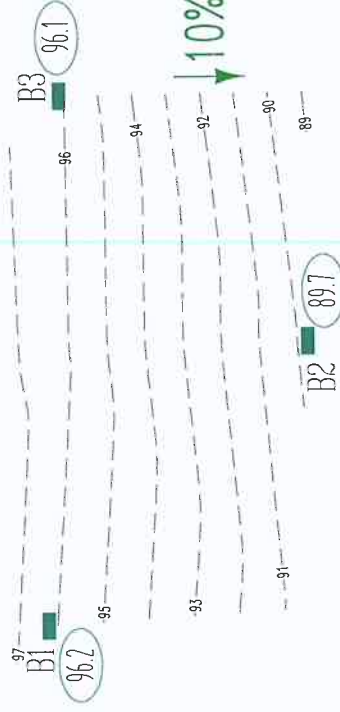
Soils BM :
Top of 1" iron pipe,
assumed elevation 100.00.

IPfnd.

LOT 2

S03°43'27"W 356.18

LOT 3
CSM No. 6430



Eric Schmitz

CERTIFIED SURVEY MAP NO. _____
A REDIVISION OF CERTIFIED SURVEY MAP 6430 AS FILED IN
THE WASHINGTON COUNTY REGISTRY AND BEING PART OF
THE NORTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4
OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 20 EAST,
VILLAGE OF GERMAINTOWN, WASHINGTON COUNTY, WISCONSIN

SW COR OF
THE SE 1/4
SECTION 34
T10N, R20E
CONC. MON
BRASS CAP
472,111.79
2,502,520.54

NE COR OF
THE NE 1/4
SECTION 3
T9N, R20E
CONC. MON
BRASS CAP
472,104.25
2,505,118.87

L1=S 89°46'18" E/43.25'
L2=S 00°16'10" E/40.00'

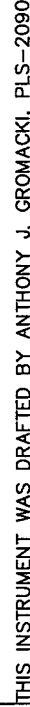
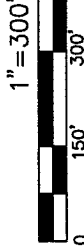
LOT 2
15.741 ACRES
685,675 S.F.

**LOT 1
19.057 ACRES
830,116 S.F.**

LEGEND

IP 1" IRON PIPE (FND)
• BORE SOIL BORING
○ SETBACKS
--- WETLANDS FROM
--- WASH CO. GIS SITE
○ SET 3/4" X 18" L
WEIGHING 1.502 LB
P.O.B. POINT OF BEGINNING

**ZONING A-2
SETBACKS:
FRONT: 60'
SIDE: 25'
REAR: 50'**



CERTIFIED SURVEY MAP NO.

A REDIVISION OF CERTIFIED SURVEY MAP 6430 AS FILED IN THE WASHINGTON COUNTY
REGISTRY AND BEING PART OF THE NORTHWEST 1/4 OF THE FRACTIONAL NORTHEAST
1/4 OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN,
WASHINGTON COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, ANTHONY J. GROMACKI, PROFESSIONAL WISCONSIN LAND SURVEYOR, S-2090, DO HEREBY CERTIFY: THAT BY THE
DIRECTION OF CHARLES W. RUSCH, I HAVE SURVEYED, DIVIDED AND MAPPED THE LAND SHOWN AND DESCRIBED HEREON,
A REDIVISION OF CERTIFIED SURVEY MAP 6430 AS FILED IN THE WASHINGTON COUNTY REGISTRY AND
BEING PART OF THE NORTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4 OF SECTION 3, TOWNSHIP
9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, WHICH IS
BOUNDED AND DESCRIBED AS FOLLOWS:

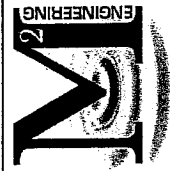
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 3; THENCE N 89°46'18" E ALONG THE
NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 3, 43.25 FEET; THENCE N 89°50'02" E CONTINUING ALONG THE NORTH
LINE OF THE NORTHEAST 1/4 OF SAID SECTION 3, 1277.59 FEET; THENCE S 00°16'10" E 40.00 FEET TO THE POINT OF
BEGINNING; THENCE S 00°16'18" E 1397.74 FEET; THENCE S 88°57'51" W 1319.73 FEET; THENCE N 00°18'57" W 769.86 FEET;
THENCE N 89°41'04" E 514.04 FEET; THENCE N 03°43'27" E 356.18 FEET; THENCE N 00°18'307" W 295.74 FEET; THENCE
S 89°50'02" 781.60 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 34.798 ACRES (1,515,791 SQUARE FEET).

I FURTHER CERTIFY THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SEC. 236.34 OF WISCONSIN STATUTES AND THE
VILLAGE OF GERMANTOWN LAND DIVISION ORDINANCE IN SURVEYING, DIVIDING, AND MAPPING SAID LAND, AND THAT
THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION OF
SAID LANDS.

DATED THIS _____, DAY OF _____, 2016.

ANTHONY J. GROMACKI
REGISTERED LAND SURVEYOR, S-2090



CERTIFIED SURVEY MAP NO.

A REDIVISION OF CERTIFIED SURVEY MAP 6430 AS FILED IN THE WASHINGTON COUNTY
REGISTRY AND BEING PART OF THE NORTHWEST 1/4 OF THE FRACTIONAL NORTHEAST
1/4 OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN,
WASHINGTON COUNTY, WISCONSIN

OWNER'S CERTIFICATE:

I, CHARLES W. RUSCH, AS OWNER, DO HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED IN THE
FOREGOING AFFIDAVIT OF ANTHONY J. GROMACKI, SURVEYOR, TO BE SURVEYED, DIVIDED AND MAPPED AS
REPRESENTED ON THIS CERTIFIED SURVEY MAP.

CHARLES W. RUSCH - OWNER _____ DATE _____

STATE OF WISCONSIN)
OZAUKEE COUNTY)s.s.

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2016, THE ABOVE NAMED, CHARLES W.
RUSCH. KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED
THE SAME.

(NOTARY SEAL) _____ NOTARY PUBLIC, _____ COUNTY, WISCONSIN.

MY COMMISSION EXPIRES _____

VILLAGE OF GERMANTOWN PLAN COMMISSION APPROVAL:

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF GERMANTOWN

ON THIS _____ DAY OF _____, 2016.

DEAN WOLTER , VILLAGE PRESIDENT _____ DATE _____

LORI JOHNSON, SECRETARY _____ DATE _____

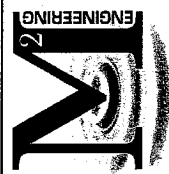
VILLAGE OF GERMANTOWN BOARD APPROVAL:

THIS CERTIFIED SURVEY MAP, BEING A REDIVISION OF CERTIFIED SURVEY MAP 6430 AS FILED IN THE WASHINGTON
COUNTY REGISTRY AND BEING PART OF THE NORTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4 OF SECTION 3,
TOWNSHIP 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, HAVING
BEEN APPROVED BY THE PLANNING COMMISSION BEING THE SAME, IS HEREBY APPROVED AND ACCEPTED BY THE
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GERMANTOWN

ON THIS _____ DAY OF _____, 2016.

DEAN WOLTER , VILLAGE PRESIDENT _____ DATE _____

LORI JOHNSON, SECRETARY _____ DATE _____



REVISED CONDITIONAL USE PERMIT (CUP) & SITE PLAN APPLICATION

8/8/16 Plan Commission Meeting

Skyline Development Corp. / Sports Specialists of Milwaukee Inc.

Village Planner Report

Germantown, Wisconsin

Summary

Skyline Development Corp, agent for Sports Specialists of Milwaukee Inc., property owner, is seeking approval of revisions to Conditional Use Permit (CUP) No. 04-16 and the approved Site Plan for a 32,000 sqft warehouse distribution and office building on the 4.7-acre parcel located at N104 W13885 Donges Bay Road in the Germantown Business Park.

Property Location: N104 W13885 Donges Bay Road

Applicant/

Property Owner: Mike Krenz
Skyline Development Corp.
9400 N. 107th St
Milwaukee, WI 53224

Current Zoning: M-1: Limited Industrial District

Adjacent Land Uses		Zoning
North	Residential & Institutional	Rs-4 & I
South	Industrial	M-1
East	Industrial	M-1
West	Commercial & Residential	B-3 & Rs-4



Background/Proposal

Skyline Development Corp, agent for Sports Specialists of Milwaukee Inc., property owner, is seeking approval of revisions to the previously approved Conditional Use Permit (CUP) and Site Plan for a 32,000 sqft warehouse distribution and office building on a 4.7-acre parcel located on Donges Bay Road @ STH145/Fond du Lac Avenue in the Germantown Business Park (approved by the Plan Commission and Village Board in April 2016).

Sports Specialists is distributor of approximately 30,000 different fishing tackle and related items in the upper Midwest. Sports Specialists relocated to Germantown in 1993 to their existing facility in the Germantown Industrial Park. Sports Specialists has outgrown their existing location and have acquired the Donges Bay Road parcel in order to develop a facility. Sports Specialists estimates the new facility will eventually employ up to 24 employees.

Proposal: REVISED Conditional Use Permit (CUP)

The applicant has submitted proposed revisions to Conditional Use Permit (CUP) No. 04-16 that was approved in April given additional development that wasn't included in the original proposal nor reflected in the approved Mitigation Plan. *NOTE: a CUP is needed because a portion of the development is proposed within the Village's 25' wetland and 75' navigable water setback areas that are associated with the unnamed navigable stream that meanders across the north and east sides of the property.*

As shown in the revised Mitigation Plan (dated August 5, 2016), all of the proposed development activity occurring within the 25' and 75' setback areas is associated with the access driveway and parking areas on the north and east side of the parcel. In the original site plan, the "future" parking area north of the building expansion area was not included as an encroachment into the setbacks nor accounted for in the mitigation area. Now, the Applicant wants to include this area and reflect it in the mitigation plan so there are no issues in the future if/when the building is expended and/or "future" parking area installed.

The original amount of development "encroachment" into the setback areas totaled 17,960 sqft. Now, as a result of the additional "future" parking area north of the building and a minor shift of the main driveway (see explanation below), there is additional encroachment into the wetland and navigable stream setbacks for a revised total of encroachment area of 33,860 sqft. However, due to some of the encroachment being "vertical" development (> 3' grade change) with a higher compensation ratio of 2:1, the total amount of area requiring compensation totals 43,020 sqft.

In addition to the amount of encroachment that needs to be compensated, the location of where the actual mitigation is proposed is also changing. In the original Mitigation Plan, compensation was provided in an area totaling 19,500 sqft lying along the east property line within and around portions of the navigable water setback area. Compensation was to be provided in the form of: (1) invasive species removal and eradication; and (2) planting native prairie vegetation comprised of a native prairie seed mix and species-appropriate ornamental trees. This part of the Mitigation Plan has not changed.

However, because there is no other area within the Sports Specialist property to adequately provide the additional mitigation required, the 23,900 sqft additional amount of compensation is proposed to be located “off-site” on portions of the two adjacent parcels to the south (both currently owned by Skyline Development).

As shown in Exhibit 1b and explained in the revised Mitigation Plan, compensation for the additional 23,900 sqft of encroachment will be provided in a 27,100 sqft mitigation area that wraps around the wetlands and navigable stream located on portions of the two parcels that lie south of and adjacent to the Sport Specialists property (as shown on Exhibit 1b and in the “Wetland Conservancy Exhibit”). The Applicant is not proposing to do any actual mitigation to compensate for the additional setback encroachment (only identifying an off-site area where compensatory mitigation could be provided).

As part of a revised Mitigation Plan that now includes “off-site” mitigation, i.e. on land owned by some entity other than Sports Specialists and not the same land upon which the setback encroachments occur, the Applicant is proposing to create a “mitigation easement” on the adjacent parcels consistent with the legal description and hatched area shown on the “Wetland Conservancy Exhibit”.

Proposal: REVISED Site Development Plan

As shown in the revised site plan (Sheet C1.00), the proposed changes to the original and approved site plan are:

1. A minor shift of the main driveway further east into the site from Donges Bay Road; and, as a result;
2. A widened median area between the east parking area and shifted driveway (8' to 25 wide); and
3. An additional dumpster enclosure (located adjacent to the east side of the building near the dock doors).

As explained by the Applicant in a July 6 letter, the owner wants to increase the width of the median area in order to increase the buffer between the parking area and driveway in order to accommodate additional landscaping to help screen the parking area (although no additional landscaping is proposed at this time). The additional dumpster enclosure is intended for pallets. All other aspects of the approved site and building plans, including the amount of landscaping within the widened median area, remain unchanged.

Staff Comments

25' Wetland & 75' Navigable Water Setback CUP

Staff's has concerns with the proposal to compensate for encroachments into the setback areas on one parcel by creating “off-site” mitigation areas on two other parcels.

First, because the “off-site” mitigation proposal is born out of necessity (apparently there isn’t any more land area available on the Sports Specialists parcel for on-site mitigation), doing so suggests that maybe too much development is proposed for the Sports Specialists parcel. Second, this proposal for off-site mitigation is somewhat of a “kick-the-can-down-the-road” situation with respect to knowing what, if any, impact the mitigation areas will have on future development of the two adjacent (and currently vacant) parcels. As shown in the Wetland Conservancy Exhibit, the proposed mitigation area wraps around the wetland and stream areas that exist on the adjacent parcels. In addition to the 25’ wetland and 75’ navigable setbacks that would have to be met on those parcels, the mitigation area may further restrict the amount and/or location of development on those parcels; something that won’t be known until those parcels are also proposed for some specific development. Unlike the CUP provisions built into the Shoreland-Wetland Zoning Code that allow development in a setback area, the Code does not make provisions for subsequent development within a mitigation area. Since the off-site mitigation area for the Sports Specialists parcel is located on the adjacent parcels, AND, encompasses almost all of the 25’ wetland and 75’ navigable water setback areas on the adjacent parcels, the ability for the future owners of those parcels to possibly develop inside the setback areas is effectively foreclosed. *(NOTE: mitigation in the form of invasive species eradication and seeding with wetland-supportive prairie grass within a setback area does not meet the definition of “development” and, therefore, would not require that separate CUP’s be issued to the two mitigation area parcels to the south).*

The second concern is access and maintenance of the mitigation area. While it is/would be a lot easier to maintain something on one’s own property, the ability to do so on someone else’s property if/when required may be an issue. Obviously, this concern can be addressed with sufficient forethought with an easement agreement that assigns such responsibility up front. However, as discussed above, the Applicant is not proposing to do any actual mitigation in this area; only identifying it as an off-site area where compensatory mitigation could be provided. This too, is a concern. What’s the point of identifying a mitigation area if no actual compensatory mitigation activity is implemented? Staff is of the opinion that not performing some significant type and amount of mitigation activity does not meet neither the requirement nor intent of the code that allows encroachment into a setback area in exchange for some form of mitigation to further enhance or protect the adjacent wetlands and/or navigable water. For this reason, staff is recommending that the CUP be revised to include an additional requirement that compensation within the off-site mitigation area must be provided in the form of: (1) invasive species removal and eradication; and (2) the planting of native prairie vegetation comprised of a native prairie seed mix and matting in those portions of the off-site mitigation area where invasive vegetation has been removed. This is the same type of mitigation being provided on the Sports Specialists property.

The third concern is the easement agreement itself. Despite having been advised accordingly, the Applicant has not yet provided an easement agreement for the Village to review. As a result, we do not know if or how the Applicant proposes to address issues such as access to and maintenance of the mitigation areas.

Finally, as was the case with the original mitigation plan, staff supports proposed mitigation that includes the removal of invasive species and the planting/restoration of native prairie vegetation in the disturbed setback areas. However, success of the native grass plantings and invasive plant removal depends on monitoring of the actions taken.

Consequently, the owner should be required to prepare and submit an annual monitoring report to the Village documenting all management activities, the success of those management activities, and any corrective actions needed to ensure success of the mitigation plan for a minimum of three (3) years after initial implementation.

VILLAGE PLANNER RECOMMENDATION

APPROVE a REVISED Conditional Use Permit to allow development within the 25' wetland and 75' navigable water setback areas and proposed compensation as presented in the Wetland Mitigation Plan (dated August 5, 2016) pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

1. The owner shall prepare and submit an annual monitoring report to the Village and local DNR staff concerning the various management activities proposed in the plan, including the planting/restoration of native vegetation. Said report shall, at a minimum, detail the type and amount of plantings, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities to be carried out, and a list of planned activities for the upcoming year. Said report shall be submitted annually at the end of each year beginning in 2017 for a period of three (3) years.
2. The owner/applicant shall prepare an appropriate easement and easement agreement document to be revised and approved by the Village Attorney prior to review and final action by the Village Board. At a minimum, said easement agreement shall address the issue of access to and maintenance of the mitigation areas created on the affected parcels; and the future use and prohibition of development within the mitigation areas.
3. The Mitigation Plan shall be further revised to include the following compensatory mitigation activities within the 27,100 sqft "off-site" mitigation area: (1) invasive species removal and eradication; and (2) the planting of native prairie vegetation comprised of a native prairie seed mix and matting in those portions of the off-site mitigation area where invasive vegetation has been removed. Said revised Mitigation Plan shall be submitted to the Village Planner for approval prior to review and final action by the Village Board.

Village Planner Recommendation

APPROVE the REVISED site development plan for the proposed 32,000 sqft warehouse distribution and office building for Sports Specialists of Milwaukee Inc. located at N104 W13885 Donges Bay Road in the Germantown Business Park subject to the following conditions:

1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development plan (Sheet C1.00) dated stamped "received" August 3, 2016 unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission.



Village of



Germantown

Willkommen

Fee must accompany application

- ☐ \$700 Minor Addition
- ☐ \$1,240 Construction <10,000 SF
- ☐ \$2,095 Construction 10,000 SF to 50,000
- ☐ \$3,460 Industrial Construction >50,000 SF
- ☐ \$3,460 Commercial Construction >50,000 SF
- ☐ \$200 Plan Commission Consultation
- ☐ \$125 Fire Department Plan Review

PAID

h.

DATE

7-19-16

SITE PLAN REVIEW APPLICATION

Pursuant to Section 17.43 of the Municipal Code

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

1

APPLICANT OR AGENT

Skyline Development Corp
9400 N. 107th STREET
MILWAUKEE, WI 53224

Phone (*414*) *384-2880*

Fax (*414*) *384-2885*

E-Mail *MRK@skylinecorp.com*

PROPERTY OWNER

Sports Specialists of Milwaukee, Inc.
W194 N11604 McCormick Dr
Germantown, WI 53022

Phone (*262*) *250-1900*

Fax ()

E-Mail *Tomducrest@gmail.com*

2

PROPERTY ADDRESS

N104 W13885 Donges Bay Rd

3

NEIGHBORING USES - Specify name and type of use, e.g. Enviro Tech - Industrial, Smith - Residential, etc.

North	South	East	West
<i>Residential</i>	<i>Industrial/Vacant</i>	<i>Industrial</i>	<i>Business</i>

4

READ AND INITIAL THE FOLLOWING:

MRK I am aware of the Village of Germantown ordinance requiring fire sprinklers in most new construction.

MRK I understand that all new development is subject to Impact and/or Connection Fees that must be paid before building permits will be issued.

MRK I understand that an incomplete application will be withdrawn from the Plan Commission agenda and that all resubmissions to the Plan Commission are subject to a new application fee.

5

SIGNATURES - ALL APPLICATION MUST BE SIGNED BY OWNER!

Michael Krone *7-15-16*

Applicant

Date

Owner

Date



Village of



Germantown

Willkommen

Fee must accompany application

☐ \$1460

Paid ff

Date

7-19-16

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 <u>Skyline Development Corp</u> <u>9400 N. 107th STREET</u> <u>Milwaukee, WI 53224</u> <u>Phone (414) 354-2880</u> <u>Fax (414) 354-2885</u> <u>E-Mail MRK@skylinecorp.com</u>	PROPERTY OWNER <u>Skyline Development Corp</u> <u>9400 N. 107th STREET</u> <u>Milwaukee, WI 53224</u> <u>Phone (414) 354-2880</u>
----------	---	---

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

Skyline Development Corp.

3 PROPERTY ADDRESS

TAX

KEY NUMBER

Spartan Court

GTNV362983

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 if necessary.

Site is currently "VACANT"

5 DESCRIPTION OF PROPOSED OPERATION

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

Development with a 25' wetland setback as provided under Section 24.04(3)5

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

Construction of new 32000 sq. ft. building, Supplier of Out door (Fishing) Equipment

Currently at Greentown Business Park Employees of 24 workers, 7:30-5:00 mon-Fri

6 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

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:

nk 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.

nk 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.

nk 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.

9 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Michael Krueger 7-15-16

Applicant

Date

Owner

Date



July 6th, 2016

Planning Department
Jeffrey Retzlaff
Village Planner & Zoning Administrator
N112 W17001 Mequon Road
Germantown, WI 53022

Re: Sports Specialists of Milwaukee, Inc. & Skyline Development Property – Offsite Mitigation for the new 32,000 Sq. Ft. Facility Located at N104 W13885 Donges Bay Road

Dear Mr. Retzlaff,

This letter is to describe to you the reasons as to why we are presenting/submitting this new mitigation plan and revised site plan for the Sports Specialists Project.

The reasons for this submittal as it relates to the Mitigation plan are as follows:

- 1) - Our client (Sports Specialists) would like to adjust the approved driveway (East of the parking) by moving it further away from the employee parking lot. Current it is 8' between the parking lot and driveway and the client would like it to be 25', narrowing down to 16' at the loading dock. By doing this, it will push the driveway east and more into the buffer zone, creating more area to be mitigated. Moving the driveway, will help make a bigger buffer area for additional landscaping to help screen the parking lot from the driveway.
- 2) – Our client would like to install a second/separate dumpster. The originally approved one would be for pallets, while the second one would be for recycled and waste. Both constructed out of Masonry.
- 3) - Our client would like to have all mitigation to be offsite to help ensure ease of all future development, which would primarily be for the future parking to the north and not place additional restrictions caused by the added mitigated area for moving the driveway.

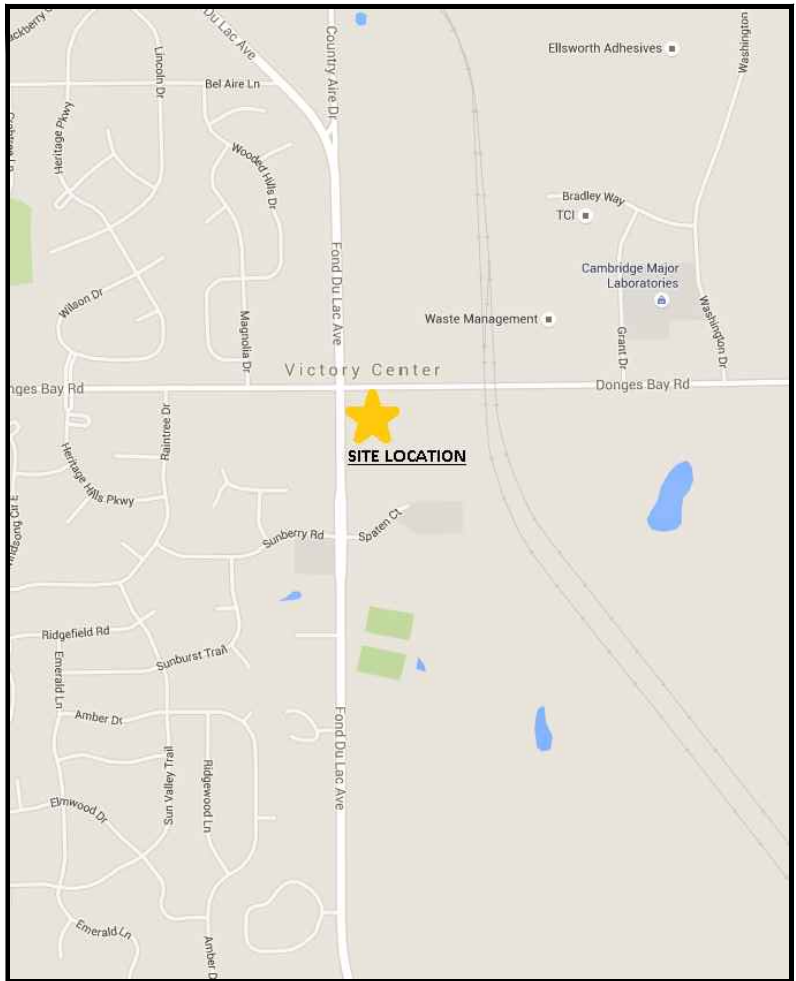
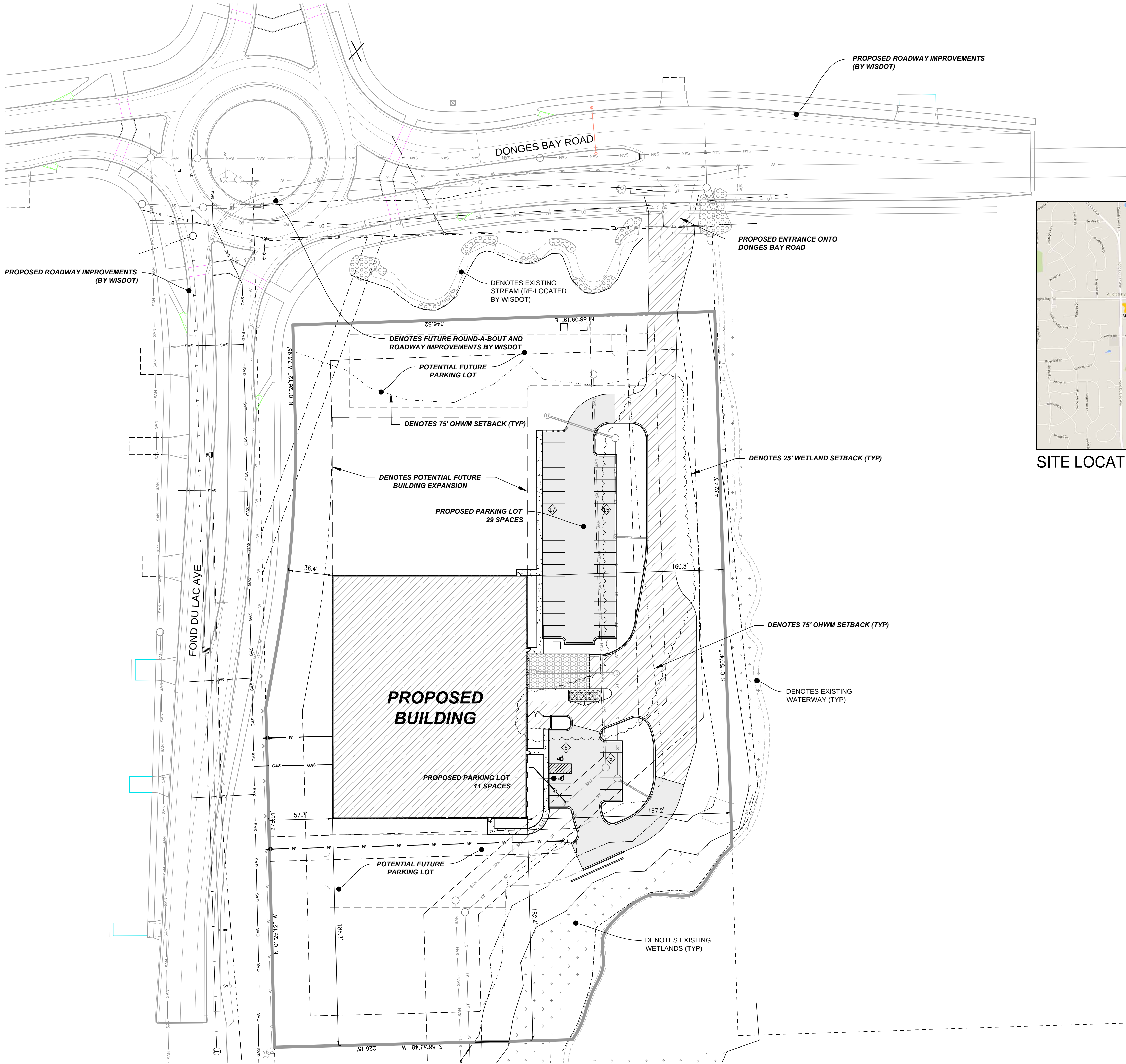
The offsite mitigation area has been located to the south of the Sports Specialists site (between Spaten Court and the Wetland Island) and will be on Skyline Developments current property, which Skyline has agreed to designate for the mitigation for this project and possible future projects.

If you have any questions, please feel free to give me a call to discuss.

Sincerely,

SKYLINE DEVELOPMENT CORP.

Michael Krenz
Project Manager



SITE LOCATION MAP

SITE ZONING AND LOCATION TABLE	
PROPERTY LOCATION:	DONGES BAY ROAD & FOND DU LAC AVENUE, GERMANTOWN, WI
EXISTING ZONING:	B1
PROPOSED ZONING:	M1 - LIMITED INDUSTRIAL
ZONING SETBACKS:	
BUILDING SETBACK:	30 FEET (DONGES BAY ROAD) 30 FEET (FOND DU LAC AVE) 25 FEET (SIDE & REAR YARD)
PROPERTY OWNER:	SPORTS SPECIALISTS
PROPOSED USAGE:	WAREHOUSE

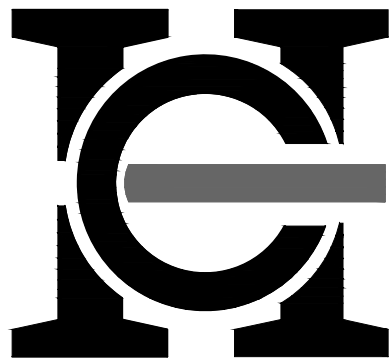
SITE CALCULATION TABLE	
SITE DATA:	
TOTAL SITE AREA	4.69 AC
TOTAL DISTURBED AREA	2.80 AC
EXISTING IMPERVIOUS AREA	0.00 AC
PROPOSED IMPERVIOUS AREA	1.59 AC
PROPOSED GREENSPACE	3.10 AC
PROPOSED GREENSPACE %	66%
MAXIMUM LOT COVERAGE ALLOWED	75%
BUILDING DATA:	
BUILDING FOOTPRINT	32,000 GROSS FT2
GROUND FLOOR WAREHOUSE	26,209 NET FT2
OFFICE AREA (FINISHED SPACE)	4,661 NET FT2
MEZZANINE LEVEL WAREHOUSE	7,578 NET FT2
PRIMARY FLOOR AREA (FOR PARKING)	3,994 NET FT2
PARKING DATA:	
PROPOSED REGULAR PARKING SPACES	41
PROPOSED HANDICAP PARKING	2
PROPOSED TOTAL PARKING	43
REQUIRED PARKING (1/500 FT2 PRIMARY FLOOR AREA)	8 SPACES
EXPECTED EMPLOYEES	24

CIVIL SHEET INDEX:	
C1.00	SITE PLAN - OVERALL
C1.01	SITE PLAN - DETAILED SOUTH
C1.02	SITE PLAN - DETAILED NORTH
C1.03	GRADING PLAN - DETAILED SOUTH
C1.04	GRADING PLAN - DETAILED NORTH
C1.05	EROSION CONTROL PLAN
C1.06	EXISTING SURVEY
C5.00	CONSTRUCTION DETAILS

UTILITY LEGEND	
SYMBOL	DESCRIPTION
— W — W —	EXISTING WATER MAIN
— E — E —	PROPOSED WATER SERVICE
— E — E —	EXISTING ELECTRICAL LINE
— GAS — GAS —	PROPOSED ELECTRICAL LINE
— GAS — GAS —	EXISTING GAS MAIN
— SAN — SAN —	PROPOSED GAS MAIN
— ST — ST —	EXISTING SANITARY SEWER
— ST — ST —	PROPOSED SANITARY SEWER
— ST — ST —	EXISTING STORM SEWER
— ST — ST —	PROPOSED STORM SEWER
— OHW — OHW —	OVERHEAD WIRES
— OHW — OHW —	EXISTING POWER POLES
— OHW — OHW —	EXISTING LIGHT POLES
— OHW — OHW —	SANITARY MANHOLE
— OHW — OHW —	FIRE HYDRANT
— OHW — OHW —	EXISTING WATER VALVE
— OHW — OHW —	PROPOSED WATER VALVE
— OHW — OHW —	EXISTING STORM STRUCTURE
— OHW — OHW —	PROPOSED STORM STRUCTURE
— OHW — OHW —	DENOTES EMERGENCY OVERFLOW ROUTE / DRAINAGE PATH
— OHW — OHW —	PROPOSED & EXISTING SPOT GRADE



IN ACCORDANCE WITH WISCONSIN STATUTE 182.0175, DAMAGE TO TRANSMISSION FACILITIES, EXCAVATOR SHALL BE SOLELY RESPONSIBLE TO PROVIDE ADVANCE NOTICE TO THE DESIGNATED "ONE CALL SYSTEM" NOT LESS THAN THREE WORKING DAYS PRIOR TO COMMENCEMENT OF ANY EXCAVATION REQUIRED TO PERFORM WORK CONTAINED ON THESE DRAWINGS, AND FURTHER, EXCAVATOR SHALL COMPLY WITH ALL OTHER REQUIREMENTS OF THIS STATUTE RELATIVE TO EXCAVATOR'S WORK.



HARWOOD
ENGINEERING
CONSULTANTS, LTD.
255 NORTH 21ST STREET MILWAUKEE, WI 53233
414.475.5554 414.773.9299 fax harwood@hrecd.com
HEC Project Number: 015112000

SPORTS SPECIALISTS

CONSTRUCTION SET
DATE: JUNE 9, 2016



GERMANTOWN, WI

Revisions
05-31-2016 REVISIONS PER OWNER COMMENTS
06-09-2016 WE ENERGIES COORDINATION
08-01-2016 REVISIONS PER OWNER COMMENTS

SCALE: 1" = 40'
North

Site Plan - Overall

2016-04-21 CD's

Project No.
15-1170.00

Sheet No.

C1.00



FAX: (414) 786-6608
WWW.CAPITOLSURVEY.COM

LINE	BEARING	LENGTH
21	N 091.44° E	30.47
22	N 77.73° E	126.51
23	N 29.50° E	39.30
24	N 31.99° S	23.27
25	N 25.15° E	13.74
26	N 50.47° E	50.28
27	N 18.22° E	23.43
28	N 04.50° E	33.37
29	S 85.4° E	25.00
30	N 24.03° E	28.47
31	N 22.26° S	49.60
32	N 70.41° E	28.82
33	N 04.54° E	14.46
34	S 01.50° E	30.26
35	S 39.31° E	37.06
36	S 88.55° E	38.88
37	S 49.31° S	30.73
38	N 00.37° E	23.66
39	S 32.46° S	59.38
40	N 86.33° E	122.11

LOT 1 OF CERTIFIED SURVEY MAP NO.66684, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WASHINGTON COUNTY ON MAY 6, 2016 IN VOLUME 51 OF CERTIFIED SURVEY MAPS ON PAGES 156-162, AS DOCUMENT NO. 1404392, BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMAINTOWN, WASHINGTON COUNTY, WISCONSIN.

— SAN — 30 — SAN — CITY —
FOND DU LAC AVENUE (S.T.H. "145")
(PUBLIC RIGHT OF WAY VARIES)



AUGUST 2, 2016
DATE

DIGGERS HOTLINE

GRAPHIC SCALE

(IN FEET)

1 INCH = 40 FT.

[illegible][illegible]

ALTA/NSPS LAND TITLE SURVEY

FOR

August 5, 2016

Jeffrey W. Retzlaff, AICP
Village Planner & Zoning Administrator
N112 W17001 Mequon Road
Germantown, Wisconsin 53022

RE: Sports Specialists of Milwaukee, Inc.
N104 W13885 Donges Bay Rd.
Germantown, WI 53022

Dear Mr. Retzlaff:

As you may know, Sports Specialists would like to construct a new 32,000 +/- SF Office/Warehouse/Distribution facility within the Village boundaries. Specifically, the proposed site is at the southeast corner of the intersection of West Donges Bay Rd. and Fond Du Lac Avenue.

Skyline Development Corporation- the developer of record for this proposed facility- has avoided wetland impacts and has substantially minimized encroaching into the required 25' wetland setback with impervious surfaces and structures resulting from the proposed development. However, due to the constraints of the site, and the desire to conceal the loading and refuse areas of this project from the public view (Donges Bay and Fond du Lac frontages), Skyline is seeking a Conditional Use Permit (CUP) for encroachments into the identified wetland setback. Skyline Development Corporation has minimized vertical development encroachments to the fullest extent practicable while still serving the needs of the proposed development. The remaining proposed encroachments will serve to improve the wetland setbacks by removing exotic and invasive plants, and establishing native plant communities.

Mitigation Plan Narrative

This Mitigation Plan Narrative (the "Narrative") will summarize the mitigation practices provided for the wetland setback areas located on the proposed 5.02 acre site. The setback requirements follow the recent guidelines as defined by the Village of Germantown Shoreland & Wetland Zoning Ordinance. The setback areas for proposed mitigation for this project include:

- o 25' Wetland setback with 1:1 mitigation for horizontal development
- o 25' Wetland setback with 2:1 mitigation for vertical development 3' (or more)
- o 75' Ordinary High Water Mark (OHWM) Setback
- o Disturbance for future parking at north lot line (13,500 SF; assumed to be 8,000 SF vertical)

4715 James Avenue
Racine, Wisconsin 53402

ph 262 639 9733
fx 262 639 9737

david@wdavidheller.com
www.wdavidheller.com

These areas are graphically depicted on the attached Exhibit 1 (dated 2016-06-27) attached hereto. Exhibit 1 is entitled "Sports Specialists Mitigation Disturbance Exhibit".

Exhibit 1: Ordinary High Water Setback Disturbance

The total area of disturbance within the 75' OHWM / 25' wetland setback area is identified on Exhibit 1.

- o The total wetland/OHWM setback area being disturbed = 19,500 SF
- o The total future parking at north lot line being disturbed = 13,500 SF

The proposed encroachments located in the 75' OHWM and 25' wetland setback area are the result of the location of the main access drive (off of Donges Bay Rd.) along the eastern portion of the site. This drive will serve as the only entry/egress to the site for both truck and automobile traffic. Approximately 18,340 SF of the total encroachment is the result of grading activity (less than 3' of grade change) for the proposed access drive, curbing, and grading activities.

Additionally, approximately 1,160 SF of the total encroachment is the result of grading, curbing and paving activities (greater than 3' of grade change).

The following table summarizes the proposed encroachments and compensation ratios required by the Village of Germantown:

ENCROACHMENT TYPE	EAST ENCROACHMENT AREA (SF)	NORTH ENCROACHMENT AREA (SF)	COMPENSATION RATIO	COMPENSATION AREA (SF)
Structures and impervious surfaces- <i>horizontal development</i>	19,200 SF	5,500 SF	1:1	24,700 SF
Structures and impervious surfaces- <i>vertical development</i>	1,160 SF	8,000 SF	1:2	18,320 SF
TOTAL	20,360 SF	13,500 SF		43,020 SF
Total Compensation Area Identified on Exhibit 1				17,100 SF
Total Compensation Area Identified on Exhibit 1b				27,100 SF
Total Mitigated Area Provided				44,200 SF

Compensatory Mitigation Plan

Skyline Development Corporation plans to address the identified mitigation compensation areas (areas identified in red "dots" on the attached Exhibit 1 as follows:

The identified compensation area lies undisturbed at the far eastern portion of the proposed site. Within this area, and beyond the the Exhibit 2 (partial landscape plan) addresses the instructions for this area:

"Remove any noxious and / or invasive species (i.e. Buckthorn, Honeysuckle, Canary grass, Boxelder, and Thistle), and dead shrubs BY HAND METHODS. No mechanical machinery in the

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setback areas. Restore all hatched areas with Native Prairie Seed Mix and set with erosion matting. Off Site restoration (Native Prairie Seed Mix and erosion matting) shall occur only if the total disturbed areas exceed 15% of the total proposed off site mitigated area. Mitigation occurs in Germantown ordinary high water setback area(s), as well as off-site mitigated area(s) identified in this report."

- o Invasive species eradication/control will serve to enhance the quality of vegetative areas adjacent to the existing wetland areas, but allowing the native species to thrive in their natural environment.
- o The proposed mitigation area (on the Subject Property only) will be further enhanced with the planting of new, species-appropriate ornamental trees. As depicted on the attached Exhibit 2, the development team proposes the installation of five (5) ornamental trees. Varieties to include (2) Amelanchier spp. (Serviceberry) and (3) Crataegus spp. (Hawthorn). These trees are to be installed at a height of 8.0' at the time of installation. Additional landscape materials are to be installed along the north side disturbance area. See Exhibit 2 (dated 7/26/2016) for details.

The areas of horizontal and vertical disturbances- as identified on the attached Exhibit 1- are to be restored in the following manner:

- o Area of horizontal disturbance (dark green shading on Exhibits 1 & 1a): all areas to be seeded with a native prairie seed mix, and matted (seed protection and erosion control) with a lightweight accelerated photodegradable polypropylene netting encasing a straw fill.
- o The total proposed seeded and matted area in the horizontal and vertical disturbance is approximately 4,950 SF.
- o An area approximately 1,070 SF in size near the proposed edge of pavement and adjacent to the proposed retaining wall, will be restored in a bluegrass turf mix (Lawn). Per the proposed landscape drawing set, this area shall be matted (seed protection and erosion control) similarly to the native seed mix area.
- o Additionally, the future north parking area is to receive landscaping and seeding (lawn) as noted on Exhibit 2.

For your review and consideration, we offer this Narrative, including Exhibits 1, 1a, 1b and Exhibit 2.

Should you have any questions on any of these materials, I would be happy to speak with you personally.
Thank you in advance for your consideration.

Very Truly Yours,



W. David Heller, ASLA

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Wisconsin Registered Landscape Architect WI- 438-014



View into site from Dongs Bay Road (pre-WIDOT road project)

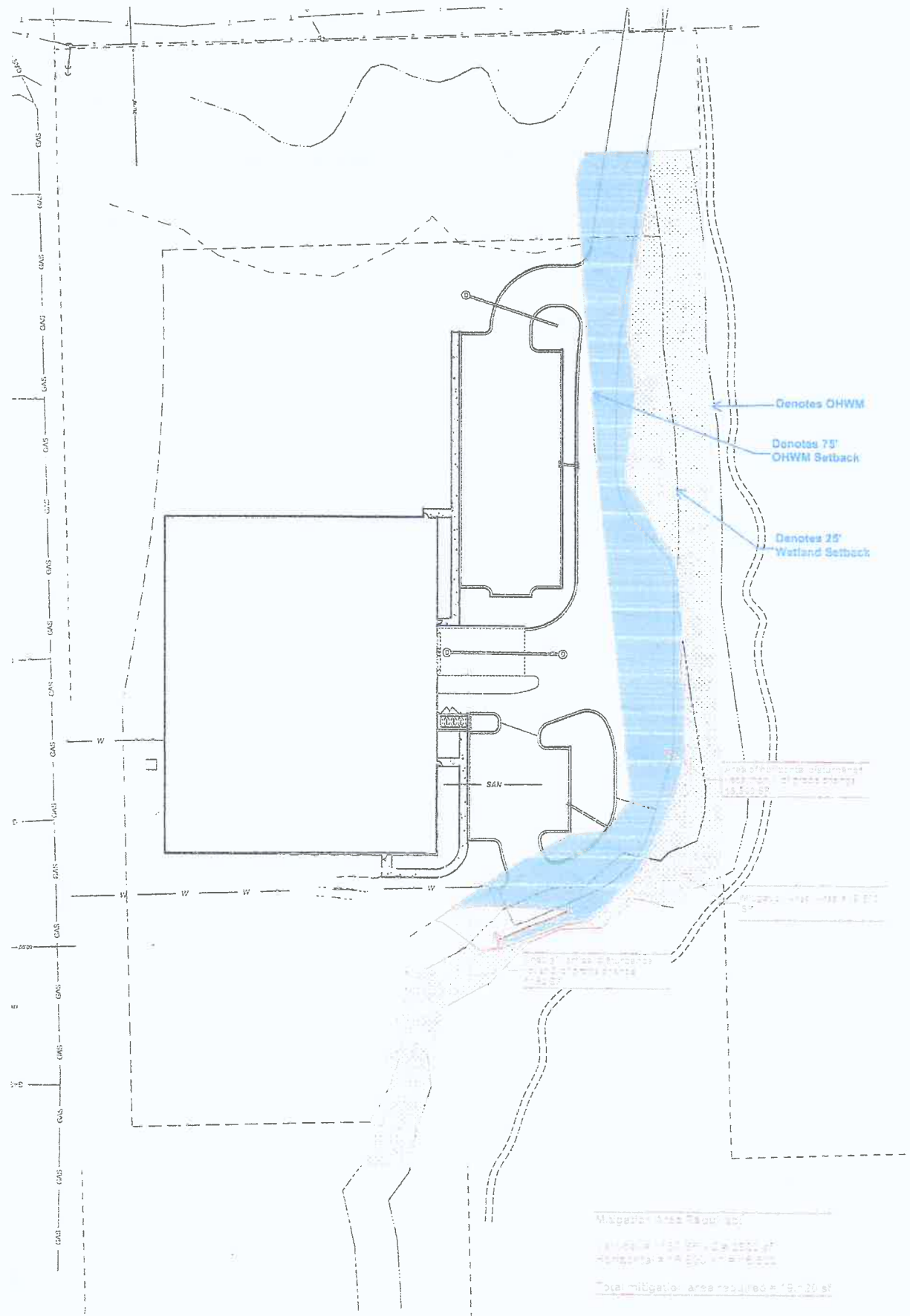


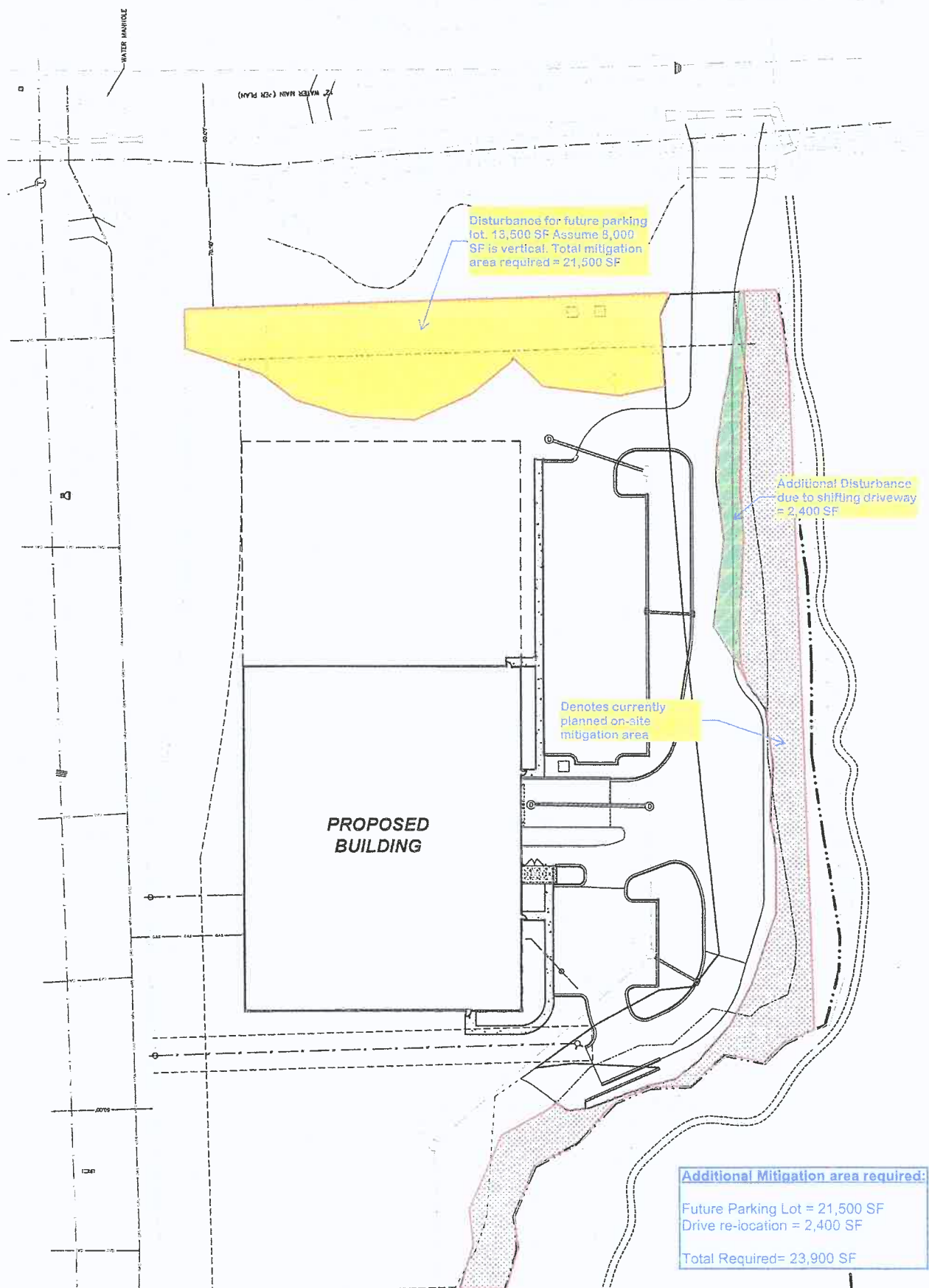
Looking east to wetland area (post WIDOT project)

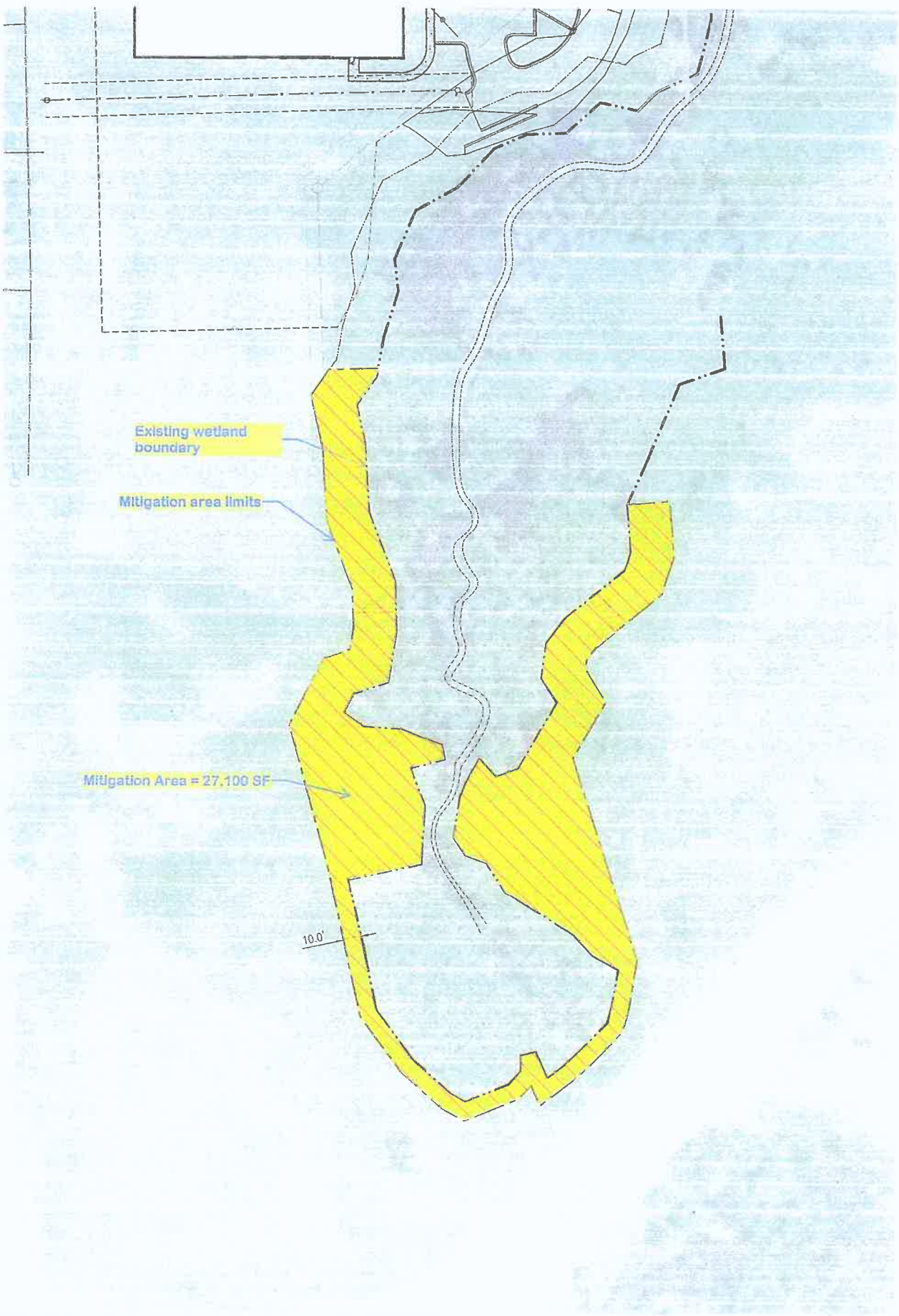
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SPORTS SPECIALISTS
of Milwaukee, Inc.

FUTURE DISTURBANCE AREA
Remove any noxious and/or invasive species (i.e., Buckhorn, Honeylocust, Canary Grass, Bittersweet and Thistle) and dead shrubs. Establish proposed landscaping as noted.

**2 A69
ORDINARY HIGH WATER MITIGATION AREA**
Remove any noxious and/or invasive species (i.e., Buckhorn, Honeylocust, Canary Grass, Bittersweet and Thistle) and dead shrubs BY HAND METHODS. No mechanical machinery in this setback area. Mitigation occurs in Germanian ordinary high water setback areas only.

Natural Grass Setback

3' TCH

Native Prairie Zone 10'

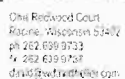
ORDINARY HIGH WATER MITIGATION AREA
Remove any noxious and/or invasive species (i.e., Buckhorn, Honeylocust, Canary Grass, Bittersweet and Thistle) and dead shrubs BY HAND METHODS. No mechanical machinery in the setback area. Mitigation occurs in Germanian ordinary high water setback areas only.

Retaining Wall (See Civil)
Horizontal & Vertical Disturbance Area redefined to LAWN

ORDINARY HIGH WATER MITIGATION AREA
Remove any noxious and/or invasive species (i.e., Buckhorn, Honeylocust, Canary Grass, Bittersweet and Thistle) and dead shrubs BY HAND METHODS. No mechanical machinery in the setback area. Mitigation occurs in Germanian ordinary high water setback areas only.

Exhibit 2

Scale: 1/8"=1'-0"



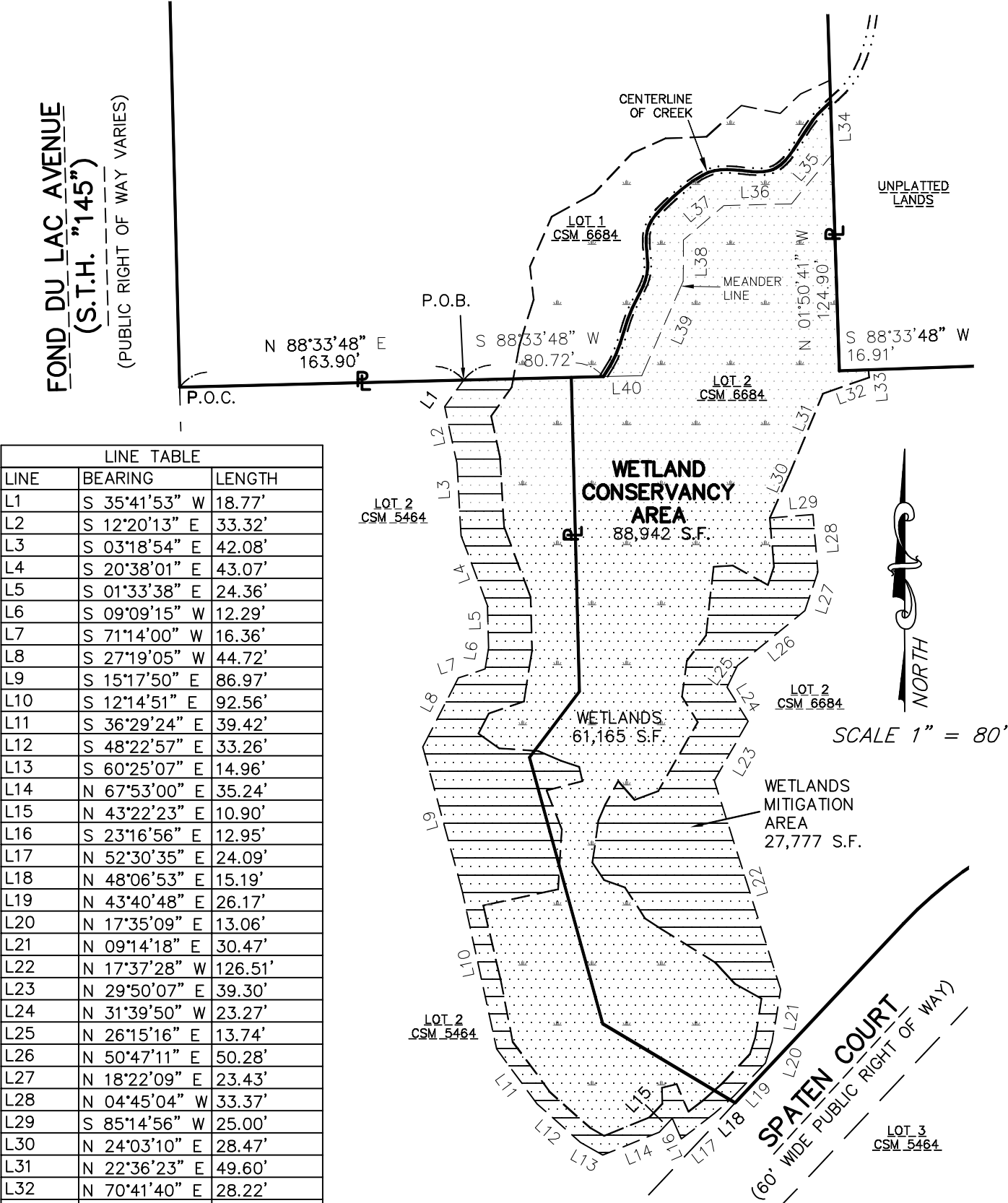
Scale: 1"=80'

WETLAND CONSERVANCY EXHIBIT

PART OF LOT 2 OF CSM 5464 AND LOT 2 OF CSM 6684 IN THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID CSM 6684, THENCE N 88°33'48" E 163.90 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE S 35°41'53" W 18.77 FEET; THENCE S 12°20'13" E 33.32 FEET; THENCE S 03°18'54" 42.08 FEET; THENCE S 20°38'01" E 43.07 FEET; THENCE S 01°33'38" E 24.36 FEET; THENCE S 09°09'15" W 12.29 FEET; THENCE S 71°14'00" W 16.36 FEET; THENCE S 27°19'05" W 44.72 FEET; THENCE S 15°17'50" E 86.97 FEET; THENCE S 12°14'51" E 92.56 FEET; THENCE S 36°29'24" E 39.42 FEET; THENCE S 48°22'57" 33.26 FEET; THENCE S 60°25'07" E 14.96 FEET; THENCE N 67°53'00" E 35.24 FEET; THENCE N 43°22'23" E 10.90 FEET; THENCE S 23°16'56" E 12.95 FEET; THENCE N 52°30'35" E 24.09 FEET; THENCE N 48°06'53"E 15.19 FEET; THENCE N 43°40'48" E 26.17 FEET; THENCE N 17°35'09"E 13.06 FEET; N 09°14'18" E 30.47 FEET; THENCE N 17°37'28" W 126.51 FEET; THENCE N 29°50'07" E 39.30 FEET; THENCE N 31°39'50" W 23.27 FEET; THENCE N 26°15'16" E 13.74 FEET; THENCE N 50°47'11" E 50.28 FEET; THENCE N 18°22'09" E 23.43 FEET; THENCE N 04°45'04" W 33.37 FEET; THENCE S 85°14'56" W 25.00 FEET; THENCE N 24°03'10" E 28.47 FEET; THENCE 22°36'23" E 49.60 FEET; THENCE N 70°41'40' E 28.22 FEET; THENCE N 04°34'07" W 4.42 FEET TO THE NORTH LINE OF LOT 2 OF CSM 6684; THENCE S 88°33'48 W 16.91 FEET ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF SAID CSM; THENCE N 01°05'41" W 124.90 FEET TO A MEANDER POINT OF THE CENTERLINE OF A CREEK, SAID POINT BEING S 01°50'41" E 30.26 FEET FROM THE INTERSECTION OF SAID CENTERLINE AND THE EAST LINE OF SAID LOT 2; THENCE MEANDERING SAID CENTERLINE THE FOLLOWING FIVE CALLS: (1) S 39°31'34" W 37.06 FEET, (2) S 88°35'21" W 38.98 FEET, (3) S 49°31'30" W 30.73 FEET, (4) S 00°13'24" W 23.86 FEET, (5) S 23°46'59" W 59.38 FEET TO A POINT N 88°33'48" E 22.11 FEET FROM THE INTERSECTION OF SAID CENTERLINE AND THE NORTH LINE OF SAID LOT 2; THENCE S 88°33'48" W 80.72 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

CONTAINING: 75,322 SQUARE FEET OR 1.7291 ACRES



PREPARED FOR:
SKYLINE DEVELOPMENT CORP.
9400 N. 107TH STREET
MILWAUKEE, WI

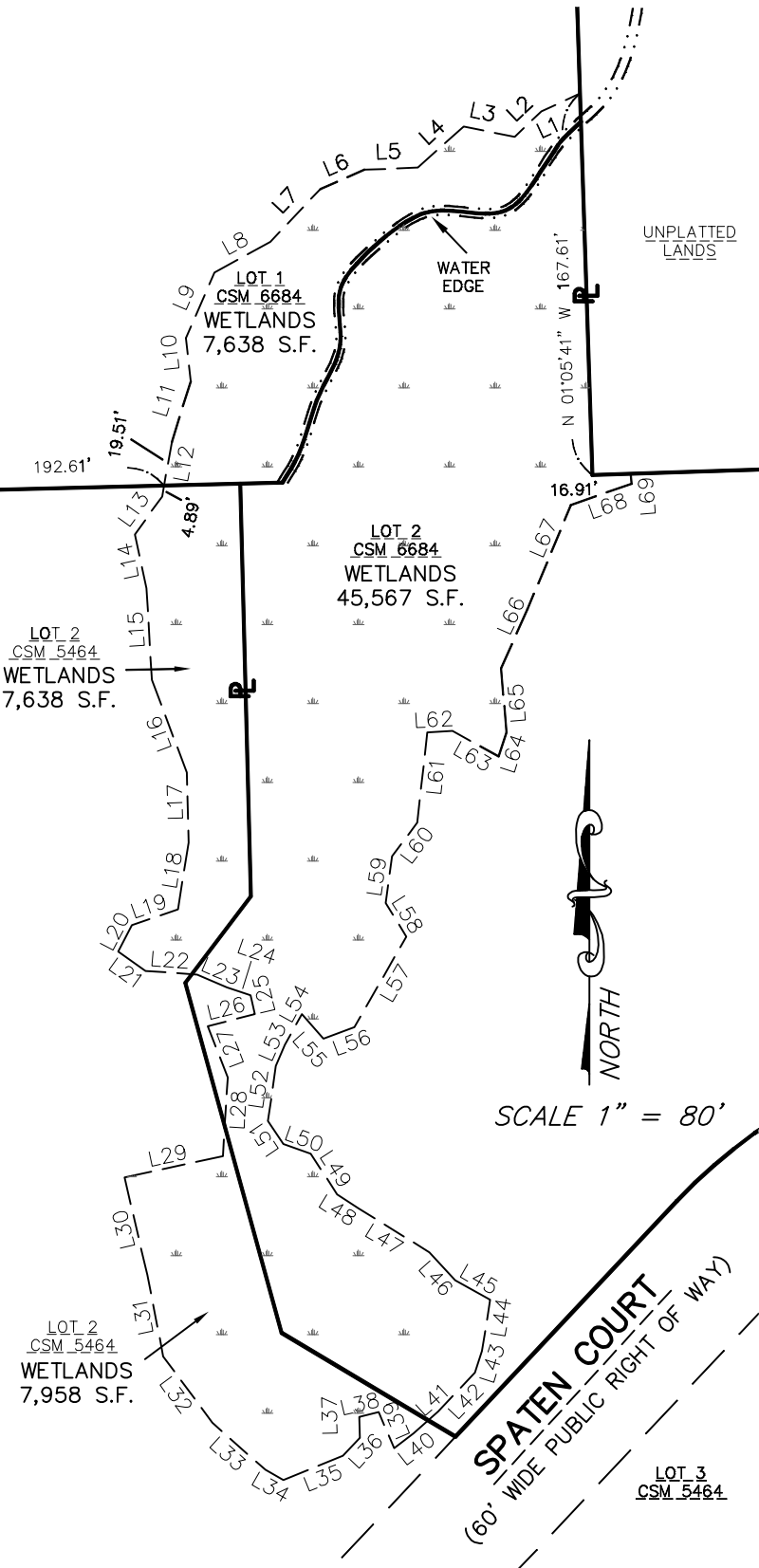
CSE
CAPITOL SURVEY ENTERPRISES
220 REGENCY CT STE 210
BROOKFIELD, WI 53045
PH: (262)-786-6600
WWW.CAPITOLSURVEY.COM

WETLANDS EXHIBIT

FOND DU LAC AVENUE (S.T.H. "145")
(PUBLIC RIGHT OF WAY VARIES)

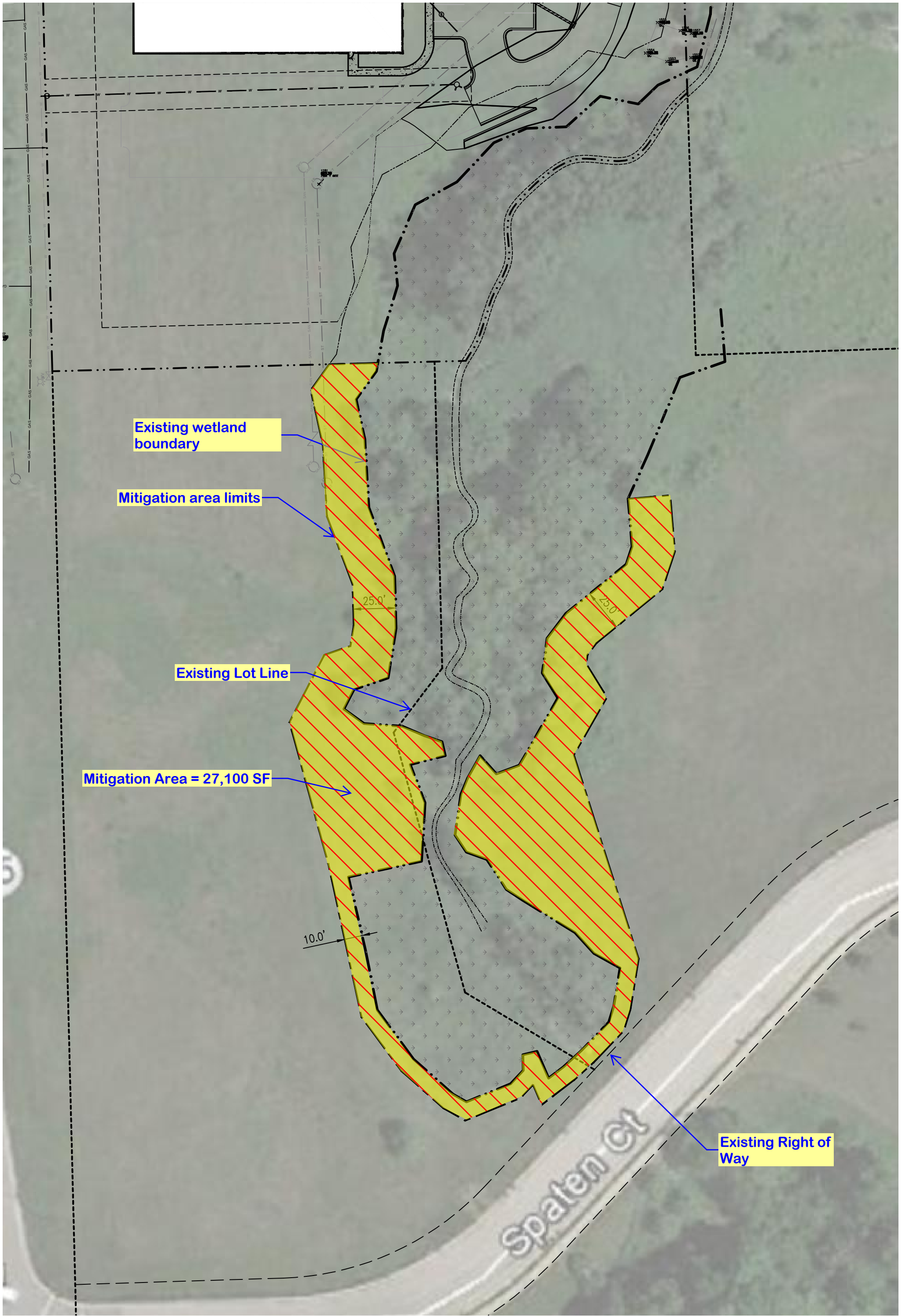
LINE TABLE		
LINE	BEARING	LENGTH
L1	S 64°59'55" W	18.75'
L2	S 46°21'39" W	16.16'
L3	N 78°27'34" W	22.90'
L4	S 48°02'53" W	27.01'
L5	S 87°35'54" W	23.56'
L6	S 66°23'22" W	21.08'
L7	S 43°18'36" W	31.90'
L8	S 61°18'04" W	28.05'
L9	S 23°25'32" W	31.44'
L10	S 06°11'04" E	19.10'
L11	S 17°15'38" W	27.79'
L12	S 10°09'24" W	24.40'
L13	S 35°41'53" W	20.54'
L14	S 12°20'13" E	24.15'
L15	S 03°18'54" E	40.24'
L16	S 20°38'01" E	43.47'
L17	S 01°33'90" E	30.90'
L18	S 09°09'15" W	29.68'
L19	S 71°14'00" W	21.32'
L20	S 27°19'05" W	13.02'
L21	S 54°23'43" E	14.71'
L22	S 85°59'25" E	22.68'
L23	S 66°45'31" E	14.34'
L24	S 71°25'44" E	10.86'
L25	S 13°09'30" E	8.54'
L26	S 75°52'51" W	21.38'
L27	S 21°16'58" E	24.23'
L28	S 03°34'12" W	34.61'
L29	S 77°47'00" W	44.20'
L30	S 13°10'05" E	43.97'
L31	S 11°08'13" E	36.44'
L32	S 36°29'24" E	36.23'
L33	S 48°22'57" E	31.17'
L34	S 60°25'07" E	9.06'
L35	N 67°53'00" E	28.22'
L36	N 43°22'23" E	10.88'
L37	N 01°36'14" W	9.26'
L38	N 76°33'48" E	8.69'
L39	S 23°16'56" E	17.25'
L40	N 52°30'35" E	10.86'
L41	N 48°06'53" E	14.42'
L41	N 43°40'48" E	23.46'
L42	N 17°35'09" E	10.01'
L43	N 09°14'18" E	22.72'
L44	N 60°52'19" W	17.61'
L45	N 42°31'13" W	16.72'
L46	N 58°16'33" W	36.39'
L47	N 56°29'30" W	11.48'
L48	N 33°08'39" W	21.26'
L49	N 70°21'17" W	12.78'
L50	N 33°43'23" W	12.14'

LINE TABLE		
LINE	BEARING	LENGTH
L51	N 08°07'14" E	24.36'
L52	N 22°52'25" E	10.18'
L53	N 29°02'27" E	15.34'
L54	S 41°44'41" E	14.38'
L55	N 69°35'20" E	14.45'
L56	N 29°50'07" E	45.83'
L57	N 31°39'50" W	17.38'
L58	N 07°52'28" E	20.72'
L59	N 36°57'53" E	18.43'
L60	N 06°16'06" E	39.87'
L61	S 46°21'39" W	16.16'
L62	N 86°43'48" E	11.13'
L63	S 61°06'40" E	23.08'
L64	N 18°22'09" E	11.05'
L65	N 04°45'04" W	28.25'
L66	N 24°03'10" E	28.47'
L67	N 22°36'23" E	49.60'
L68	N 70°41'40" E	28.22'
L69	N 04°34'07" W	4.42'



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PREPARED FOR:
SKYLINE DEVELOPMENT CORP.
9400 N. 107TH STREET
MILWAUKEE, WI



ZONING CODE AMENDMENTS

8/8/16 Plan Commission Meeting

Germantown Community Development Department

Village Planner Report

Germantown, Wisconsin

Summary

The Community Development Department is proposing amendments to various provisions to Section 17 (Zoning Code). The amendments are proposed in order to: bring these provisions up-to-date in light of changes to Wisconsin statutes; reflect recent actions and/or policy decisions by the Village; or clarify and otherwise improve staff's ability to administer and enforce these particular regulations.

Amendment #1

The Village Board recently discussed the issue of allowing commercial businesses with outdoor entertainment the opportunity to have extended hours (beyond the existing 10:00pm to 6:00am limitation enforced by the Village). As a result, the Board directed staff to create a process by which those business owners can apply for a conditional use permit that would enable businesses with a CUP to conduct outdoor entertainment activities from 10:00pm to 12:00 midnight subject to a series of conditions.

As detailed below and in the attached draft ordinance, Section 17.42(10) is proposed to be created to implement the Village Board's direction:

17.42(10) LATE-NIGHT OUTDOOR ENTERTAINMENT.

Any restaurant within a B-1, B-2, B-3, B-4, B-5 or HIA Highway Interchange Area Overlay zoning district may apply for a late-night outdoor entertainment conditional use permit under the provisions of this section. A late-night outdoor entertainment conditional use permit shall authorize the restaurant to conduct outdoor activities between 10:00 pm and midnight notwithstanding any other provision of the Municipal Code subject to the following:

- a. The property shall be located a minimum of 200 feet from any residential zoning district;
- b. The restaurant shall have been in business continuously for not less than 3 months at the time of application; and
- c. The restaurant shall, at the time of application and annually thereafter submit to the Village documentation showing that more than 50% of the restaurant's gross sales are from the sale of food together with a signed statement from a certified public accountant who has reviewed the data and certifies that it is correct.
- d. No music shall be allowed after 10:00 pm.
- e. Any other condition that may be placed upon the permit by the Village Board to ensure compatibility and harmony with surrounding uses.
- f. Nothing herein shall prohibit the Village from enforcing its code provisions related to those noises which are excessively or unnecessary loud, disorderly, or which otherwise create a nuisance.

Amendment #2

During a recent discussion with the Village Board regarding the proposal to further divide the land within the Germantown Marketplace II PDD area, the issue of landscape installation and perpetual maintenance of said landscaping was discussed. In summary, like many other communities, the Village does not have a specific code requirement that commercial and industrial property/business owners maintain and replace landscaping items after the initial installation. While the Plan Commission oftentimes directs significant attention to the type, amount and relative location of the landscaping proposed for a new development, and while staff goes to the effort of ensuring all landscaping items are installed as they appear on an approved landscaping plan prior to releasing occupancy permits and financial guarantees, there's really no specific code provision that requires the owners/occupants of those commercial properties to perpetually maintain such landscaping after installation so that it eventually grows into the landscaping plans that the Village reviewed and approved years earlier. If and when this becomes a problem, it's typically not evident for many years after the site and landscaping plans have been approved and the landscaping installed. Whether it results from inadequate care and maintenance, years of seasonal weathering, or simply new ownership with different tastes and tolerances for landscaping and required maintenance, the landscaping that exists today for many commercial and industrial properties isn't what was approved years ago. For example, trees and shrubs die off and are either replaced with something different, something less in terms of quantity or quality, or simply not replaced at all.

While certainly not a common occurrence, I once had a discussion with a landscape architect working on a commercial project in Germantown who told me that his client had directed him to propose a landscape plan with the least expensive type and amount of trees and shrubs because it was his (the owners) intention to not spend a lot of money or effort maintaining the landscaping once installed and to not replace any of it if and when it died off. In effect, only putting the minimal effort required in order to obtain site plan approval from the Village.

Toward that end, staff is recommending that the Village's Site Plan approval requirements in the Zoning Code be amended to include Section 17.43(6a) to specifically require property owners who go through the site plan approval process to also enter into a "Landscape Maintenance Agreement" with the Village.

17.43(6a) *Landscape Maintenance Agreement.*

Any property owner obtaining approval of a site plan that includes the design and installation of landscaping associated with the development of a property shall enter into a Landscape Maintenance Agreement with the Village. The purpose for the agreement shall be to: ensure the installation of landscaping in accordance with the landscaping plan approved by the Village; require a permanent and perpetual warranty to maintain said landscaping that will run with the property and be binding upon the property owner, successors and assigns. A model agreement shall be prepared by the Village and entered into between the property owner(s) and the Village concurrent with the granting of site and landscaping plan approval by the Village.

While not contained within the Zoning Code, Staff will prepare and maintain a model agreement that will be used for all eligible developments after adoption. A sample agreement used by another municipality is attached for information (see City of Annapolis, Maryland, Landscape Maintenance Agreement).

Amendment #3

Section 17.43 of the Zoning Code contains the Village's regulations for requiring and obtaining site plan approval for new development in the Village. Generally speaking, except for agricultural and one or two-family residential development, no new development in the Village can be issued a building permit without first obtaining site plan approval from the Plan Commission.

Section 17.43(7) provides the review procedure and the standards for denial of a site plan:

(7) REVIEW PROCEDURE. Upon receipt of the site plan, the Plan Commission shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this and other ordinances and plans of the Village, and demonstrates the adequacy of utility services. Upon demand by the applicant of the site plan, the Plan Commission shall, within 30 days of its initial submittal, approve it, conditionally approve it or deny approval. Denial of approval shall be limited to any defect in form or required information, or any violation of any provision of this chapter or any ordinance, or the inadequacy of any utility. The Plan Commission's action shall be issued in writing by the Plan Commission Secretary stating, in detail, the reasons for the Plan Commission's actions.

In staff's opinion, the recent decision by the Board of Zoning Appeals (BOZA) in the matter of the appeal filed by the developer of the Saxony Village development, where the BOZA concluded that the Plan Commission exceeded its authority with regard to reducing density and the elimination or relocation of a particular building, reveals a basic deficiency in Section 17.43(7) with respect to clearly stating the basis for and extent to which the Plan Commission can require when approving a particular development. As currently written, 17.43(7) limits the ability of the Plan Commission to deny (or conditionally approve in a manner that results in less and/or different development than what has been applied for) *"to any defect in form or required information, or any violation of any provision of this chapter or any ordinance, or the inadequacy of any utility"*.

As stated in Section 17.04, the intent of the Zoning Code and the regulations contained therein is to do more than simply ensure that forms are properly filled out and utilities are adequate:

17.04 INTENT.

It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Village; and implement the Village comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

Consequently, staff is proposing to amend Section 17.43(7) to specifically provide that, in the course of reviewing and ultimately deciding to approve, approved with some conditions, or deny a particular site plan proposal, the Plan Commission is charged with the responsibility of determining whether or not said development proposal will meet all of the specific items listed in the intent section of the Zoning Code.. and not just the adequacy of the application forms and utilities.

(7) REVIEW PROCEDURE. Upon receipt of the site plan, the Community Development Department and Plan Commission shall review it to determine whether it is in proper form, contains all of the required information, shows that the proposed development, including all buildings, site improvements, land uses and activities subject of said site plan are in compliance with this and other ordinances and plans of the Village, including but not limited to the Village's Comprehensive Plan, and whether or not the proposed development meets the intent of the Village Zoning Code as set forth in 17.04 herein. and demonstrates the adequacy of utility services. Upon demand by the applicant of the site plan, ~~T~~the Plan Commission shall, within sixty (60) 30 days of its initial submittal, approve it, conditionally approve it or deny approval.

Subject to the provisions of 17.49 herein (Architectural Review Board), the Plan Commission shall have the authority to: (a) determine if a proposed development meets the intent of this Code as set forth in 17.04 and the requirements of all other applicable codes; (b) deny a proposed development if the Plan Commission determines the proposed development does not or cannot meet the intent of this Code and/or the requirements of other applicable codes; (c) assign specific conditions or stipulations that may place limitations and/or additional requirements on certain aspects of the proposed development to ensure said development meets the intent of this and other applicable codes initially and on an ongoing basis; and (d) require relevant and adequate studies, analysis or other information deemed necessary in addition to that required under 17.43(3) herein in order to adequately assess and evaluate a proposed development with

~~*respect to meeting the intent of this Code and the requirements herein. Denial of approval shall be limited to any defect in form or required information, or any violation of any provision of this chapter or any ordinance, or the inadequacy of any utility. The Plan Commission's action shall be issued in writing by the Plan Commission Secretary stating, in detail, the reasons for the Plan Commission's actions (providing a copy of the meeting minutes shall be deemed sufficient to satisfy this requirement).*~~

AN ORDINANCE AMENDING THE GERMANTOWN MUNICIPAL CODE TO
PROVIDE FOR EXTENDED HOURS FOR CERTAIN LATE-NIGHT OUTDOOR
ENTERTAINMENT USES BY CONDITIONAL USE PERMIT WITHIN THE VILLAGE

WHEREAS, the Village Board, having previously adopted § 9.07 of the Municipal Code of Germantown, regulates the various aspects of noise within the Village including outdoor entertainment; and

WHEREAS, the Village Board wishes to authorize certain outdoor entertainment uses to have extended hours of operation; and

WHEREAS, the regulation of noise associated with outdoor entertainment within the Village promotes the health, safety and welfare of the Community;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I:

Section 9.07(2)(b) of the Municipal Code of the Village of Germantown is hereby amended to read as follows (Note: Added text is underlined, deleted text is ~~struck through~~):

9.07(2)(b) Radios, Phonographs, Similar Devices. Except for Village celebrations authorized and regulated by the Village Board, and except for those uses which have obtained a late-night outdoor entertainment conditional use permit pursuant under the Zoning Code, the using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 6:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

SECTION II:

Section 17.42(10) of the Municipal Code of the Village of Germantown is hereby created to read as follows:

(10) **LATE-NIGHT OUTDOOR ENTERTAINMENT.** Any restaurant within a B-1, B-2, B-3, B-4, B-5 or HIA Highway Interchange Area Overlay zoning district may apply for a late-night outdoor entertainment conditional use permit under the provisions of this section. A late-night outdoor entertainment conditional use permit shall authorize the restaurant to conduct outdoor activities between 10:00 pm and midnight notwithstanding any other provision of the Municipal Code subject to the following:

- (a) The property shall be located a minimum of 200 feet from any residential zoning district;
- (b) The restaurant shall have been in business continuously for not less than 3 months at the time of application; and
- (c) The restaurant shall, at the time of application and annually thereafter submit to the Village documentation showing that more than 50% of the restaurant's gross sales are from the sale of food together with a signed statement from a certified public account who has reviewed the data and certifies that it is correct.
- (d) No music shall be allowed after 10:00 pm.
- (e) Any other condition that may be placed upon the permit by the Village Board to ensure compatibility and harmony with surrounding uses.
- (f) Nothing herein shall prohibit the Village from enforcing its code provisions related to those noises which are excessively or unnecessary loud, disorderly, or which otherwise create a nuisance.

SECTION III:

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION IV:

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION V:

This ordinance shall take effect and be in full force upon its passage and the day after publication.

Introduced by Trustee:

Adopted:

Vote: Ayes:

Nays:

Absent:

Dean Wolter, Village President

ATTEST:

Barbara K.D. Goeckner, Village Clerk

Approved as to form:

Brian C. Sajdak, Village Attorney

Published: _____



City of Annapolis

Planning & Zoning Department

145 Gorman Street, 3rd Fl

Annapolis, MD 21401-2535

PlanZone@annapolis.gov • 410-263-7961 • Fax 410-263-1129 • www.annapolis.gov

Deaf, hard of hearing or speech disability - use MD Relay or 711

Landscape Maintenance Agreement

Project Description _____

Property Address _____

Deed Reference _____

Property Tax ID No. _____

Project # and/or Permit # _____

Applicant _____

Mailing Address _____

This Agreement is made this _____ day of _____, 2011, by and between the City of Annapolis, a municipal corporation of the State of Maryland ("City"), and _____, ("Applicant").

Whereas, the Applicant has applied to the City for certain approvals in connection with development of property located at _____ in the City of Annapolis and is required, pursuant to the City's zoning code, as a condition of approval, to provide landscaping on the property in connection with the project referenced above in accordance with a landscape plan approved by the City's Department of Planning and Zoning shown in Exhibit A attached to this agreement, and maintenance of landscaping in a healthy, safe, and attractive condition.

Now, Therefore, in consideration of this premise and the mutual covenants and promises contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

1. The Applicant shall install and maintain all landscaping illustrated in the approved landscape plan shown in Exhibit A attached to this Agreement, in accordance with Landscape Specification Guidelines for Baltimore-Washington Metropolitan Areas, September 1981 edition, as subsequently amended.
2. The Applicant shall provide for maintenance after installation in accordance with the Warranty stated in Exhibit B attached to this Agreement.
3. The Applicant shall notify the City's Department of Planning and Zoning in writing if the Applicant transfers title to the property during the term of this Agreement.
4. The Applicant's failure to fulfill the obligations of this Agreement will result in written notice from the City to the Applicant requiring compliance. If, in the sole discretion of the City, the property is not brought into compliance within approved standards within ten (10) business days of notification from the City to do so, the City may take enforcement action.
5. Failure of the City to require strict performance of any provision of this Agreement shall not be construed as a waiver by the City of its right to enforce a subsequent default of the same provision, nor shall it be construed as a modification of this Agreement.
6. The venue of any administrative or judicial proceeding initiated pursuant to this Agreement shall be the courts of Anne Arundel County, Maryland.
7. The parties waive trial by jury in any judicial proceeding initiated pursuant to this Agreement.

8. This Agreement, whether or not in connection with any administrative or judicial proceeding, shall be construed in accordance with the laws of the State of Maryland.
9. This Agreement shall not be modified except in writing signed by the parties.
10. This Agreement supersedes any prior Landscape Maintenance Agreement governing or encumbering the property.
11. This Agreement shall be recorded among the land records of Anne Arundel County, Maryland at the Applicant's expense.
12. This Agreement shall run with the property and shall be binding on the Applicant and the Applicant's heirs, personal representatives, successors, and assigns for as long as the obligation to maintain the landscaping is required pursuant to the City's zoning code.
13. This Agreement is the complete and entire agreement between the parties regarding the subject matter of this Agreement. There are no warranties, inducements, representations or other terms or conditions, oral or written, between the parties.

Witness the signatures and seals of the parties.

Attest:

City of Annapolis:

Regina Watkins-Eldridge, City Clerk

By: _____
Joshua J. Cohen, Mayor (Seal)

Witness:

Applicant:

Signature

By: _____
Signature (Seal)

Print Name & Title

Print Name & Title

Witness:

Applicant:

Signature

By: _____
Signature (Seal)

Print Name & Title

Print Name & Title

Approved for Legal Sufficiency:

Karen M. Hardwick, City Attorney

Date

Please return to:

*City of Annapolis
Department of Planning and Zoning
145 Gorman Street, 3rd Floor
Annapolis, MD 21401-2535*

Exhibit B – Warranty

1. The Applicant's warranty to maintain all landscaping installed in connection with the Landscape Plan and Landscape Maintenance Agreement governing _____ shall commence simultaneously with the final inspection and approval of the City's Department of Planning and Zoning of all such landscaping.
2. The Applicant's warranty to maintain such landscaping in accordance with the Landscape Plan and Landscape Maintenance Agreement shall be permanent and perpetual in duration, and shall run with the Property and be binding on and enforceable against the Applicant and the Applicant's heirs, personal representatives, successors and assigns.
3. Maintenance shall include a thorough initial watering with weekly watering thereafter for the first month after final approval. Watering thereafter shall be on a bi-weekly basis for an additional two months. The total number of waterings shall be a maximum of eight (8) for the 3 month period.
4. Settled plantings shall be reset to proper grade and position, dead material removed, and guys tightened or repaired within a reasonable time.
5. The Applicant shall replace any plant material that is at least 25% dead or more. A tree shall be considered dead when the main leader has died back, or there is 25% of the crown dead. The Applicant shall make all replacements no later than the next planting period. Unless the Department of Planning and Zoning, in its sole discretion, consents in writing, all replacements shall be of the same size and species as the original plant with no additional soil additives.
6. The Applicant shall be responsible for the replacement of all plantings that have been damaged or lost as a result of vandalism, fire, removal, relocation, and abnormal weather conditions, such as floods, excessive wind damage, drought, severe freezing or abnormal rains, or as a result of other actions or conditions. Unless the Department of Planning and Zoning, in its sole discretion, consents in writing, all replacements shall be of the same size and species as the original plant with no additional soil additives.
7. The Applicant shall not plant any ground covers, broadleaf evergreens, red, willow and scarlet oaks or conifers, except white pines, between November 15 and March 15 of any year.
8. The Applicant shall prune all landscaping at the same time and as needed or directed by the City. Pruning shall include only work that is necessary to maintain a plant in its normal growth pattern.
9. The Applicant shall fertilize all plants once per year by using either of the following two methods:
 - a. surface feeding, which consists of broadcasting a slow release (1.5% WIN or better) fertilizer over the mulched beds at the recommended rates shown on the bag in which the fertilizer is packaged. Thorough watering is required upon completion;
 - b. liquid feeding, which consists of the pressure injection of a slow release fertilizer on all plant material and following all recommendations on the product for proper results.
10. Once per year, the Applicant shall re-mulch all mulched area so that they contain a minimum depth of two inches and a maximum depth of three inches, if needed. Mulch used shall equal in quantity and quality the type of that which was supplied during installation of the landscaping.
11. Saucers around all shade trees are required.
12. All planting areas shall be maintained in a weed-free manner.
13. The Applicant shall remove all staking and guying material above grade one year after installation.