VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

MEETING: **REGULAR MEETING OF THE VILLAGE BOARD**

DATE AND TIME: ***MONDAY, March 5, 2018*** ***7:00 p.m.***

LOCATION: **Germantown Village Hall Board Room**

I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

II. **ROLL CALL:**

III. **PLEDGE OF ALLEGIANCE:**

IV. **PRESIDENT'S REPORT:**

V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST COMMITTEE AND DEPARTMENT REPORTS:**

The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney, Village Clerk, And Department Heads.

VI. **CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:**

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)

VII. **CONSENT AGENDA:**

A. Approval of Minutes: February 19, 2018 Regular Village Board Meeting

B. Accounts payable/payroll

1.	February 20, 2018	Payroll (Hourly)	$ 221,293.02
2.	February 25, 2018	Accounts Payable	$ 142,343.43
3.	February 28, 2018	Payroll (Salary)	$ 86,123.62
4.	February 28, 2018	Accounts Payable	$ 203,394.86

The following items were forwarded from **Public Safety** with a unanimous recommendation.

Operator's Licenses: Brandon Dykeman, Daniel Edmonds, Sydney Miller, Thomas Moes, Kaitlyn Rabuck [Recommendation Forthcoming]

The following items were forwarded from **General Government & Finance** with a unanimous recommendation.

C. Resolution 15-2018, Establishing 2018 Weights & Measures Device Fee Schedule.
D. Payment of $10,000 to EDWC – Washington County Economic Development.

VIII. PUBLIC HEARINGS:

A. Baudhuin Surveying & Engineering, Agent for Top Leaf Development LLC and Alan & Lynda Luther, Property Owners – 107 Acres South of Freistadt Road, North of Elm Lane and West of Wasaukee Road (including N120 W12851 Freistadt Road). Rezoning Application from A-1: Agricultural to Rs-3: Residential Single-Family Zoning District and a Concept Plan for a 42-lot Single-Family Residential Subdivision. (Tax Key: GTNV 241-997; GTNV 241-998; GTNV 242-999)
B. Scott & Georgene Sommer, Property Owners, W148 N12696 Pleasant View Drive, Tax Key: GTNV 114-998, 114-999, 141-995 & 141-996. Conditional Use Permit to operate a Farm Market pursuant to Section 17.12(2)(hh) of the Zoning Code including a farm kitchen & café, small batch brewery and sausage production facilities on property located in an A-1; Agricultural Zoning District.
C. Greg Nagel, Agent for Virtus Development and Victory Center, LLC, Property Owner, W140 N10393 Fond du Lac Avenue and W140N10385 Fond du Lac Avenue, Tax Key #351-972 and #351-964 to Create the “Kuhburg District” B-3: General Business Planned Development District (B-3/PDD) pursuant to Sections 17.27 and 17.30 of the Zoning Code; to Adopt conditions & restrictions for the :Kuhburg District” B-3/PDD; and to Rezone property from the B-3: General Business District into the newly created B-3/PDD Zoning District.

IX. UNFINISHED BUSINESS:

A. Ordinance 01-2018, Rezoning from A-1: Agricultural to Rs-3: Residential Single-Family Zoning District and Concept Plan for a 42-lot Single-Family Residential Subdivision. Baudhuin Surveying & Engineering, Agent for Top Leaf Development LLC and Alan & Lynda Luther, Property Owners – 107 Acres South of Freistadt Road, North of Elm Lane and West of Wasaukee Road (including N120 W12851 Freistadt Road). (Tax Key: GTNV 241-997; GTNV 241-998; GTNV 242-999)

X. NEW BUSINESS:

A. Conditional Use Permit to Operate a Farm Market pursuant to Section 17.12(2)(hh) of the Zoning Code including a farm kitchen & café, small batch brewery and sausage production facilities on property located in an A-1; Agricultural Zoning District. Scott & Georgene Sommer, Property Owners, W148 N12696 Pleasant View Drive, Tax Key: GTNV 114-998, 114-999, 141-995 & 141-996.
B. ORDINANCE 05-2018, to Create the “Kuhburg District” B-3 General Business Planned Development District (B-3/PDD) and rezone property from the B-3: General Business District to the B-3/PDD “Kuhburg District”; Greg Nagel, Agent for Virtus Development and Victory Center, LLC, Property Owner, W140 N10393 Fond du Lac Avenue and W140N10385 Fond du Lac Avenue, Tax Key #351-972 and #351-964.

C. RESOLUTION 16-2018, to Adopt Conditions and Restrictions for the B-3/PDD "Kuhburg District"; Greg Nagel, Agent for Virtus Development and Victory Center, LLC, Property Owner, W140 N10393 Fond du Lac Avenue and W140N10385 Fond du Lac Avenue, Tax Key #351-972 and #351-964.

D. Certified Survey Map, Zoromski Construction LLC, Agent for M&J Donges Bay LLC, Property Owner, N104 W15825 Donges Bay Road.

E. Certified Survey Map, Quarles & Brady LLP, Agent for SMV Germantown LLC, Property Owner, W173 N10915 Bernies Way.

XI. CLOSED SESSION:

A. Employee Performance Compensation and Equity Adjustments. The Village Board may enter into closed session per Wis. Stats. §19.85 (1) (c) employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

B. Reconvene into open session with possible action.

XII. ADJOURNMENT:

The next regular meeting of the Village Board will be on March 19, 2018 at 7:00 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.*

VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
February 19, 2018

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter

ROLL CALL: Present: President Wolter, Trustees Baum, Campbell, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Also present: Administrator Kreklow, Clerk Boldrey, and Attorney Sajdak.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:
Pres. Wolter reported that he attended the Fourth Annual Germantown Fire Department Awards Banquet and Recognition Ceremony. Awards were presented. Two new firefighters were inducted into the Fire Department, Andrea Mayer and John Wolf. The Fire Department is staffed 24 hours a day, 7 days a week.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/DEPARTMENT AND COMMITTEE REPORTS:
Trustees provided information on upcoming meeting dates and times.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:
No One Spoke.

CONSENT AGENDA:
A. Approval of Minutes: February 5, 2018 Regular Village Board Meeting.
B. Accounts Payable / Payroll.

1. January 31, 2018	Accounts Payable	$	25,313.64
2. February 10, 2018	Accounts Payable	$	468,577.40
3. February 6, 2018	Payroll (Hourly)	$	212,989.40
4. February 15, 2018	Payroll (Salary)	$	92,588.66

Operator's Licenses: Hannah Jasinski, Dawn Reith, Tyler Tapp, Ronald Trudell [Recommended]

The following items were forwarded from **Public Safety** with a unanimous recommendation.

C. Resolution 13-2018 - Adoption of Washington County Hazard Mitigation Plan – Emergency Government.
D. Live Scan Fingerprint Imager – Police Department.
E. Evidence Locker Purchase – Police Department.
F. Squad Car Purchases – Police Department.

The following items were forwarded from **Board of Public Works** with a unanimous recommendation.

G. Authorization for Blanket Purchase Order – Replacement of Gate Valves.
H. Authorization for Blanket Purchase Order to Purchase – Office Equipment – Water Department.
I. Authorization to Pay Invoices – Goschey Mechanical.

DRAFT

J. Authorization to Purchase – Traffic Signal Cabinet Replacement.
K. Authorization for Blanket Purchase Order – Material Processing – Recycling Center.
L. Authorization to Purchase – Adjustable Frequency Drives – Main Street & Old Farm Lift Stations.
M. Authorization to Approve WPDES (MS4 Annual Report) & MMSD Chapter 13 Annual Reports.

MOTION (Baum/Miller) to approve Consent Agenda Items A – M. Roll call vote carried.

MOTION (Zabel/Baum) to take items out of order and skip to item A under New Business. Motion carried.

NEW BUSINESS

A. Discussion & Approval to Exceed Budget Line Item 40-567-570-8400 – Solid Waste Recycling - (Compost Screener).
Motion (Zabel/Baum) to amend the budget add $5,000 to budget line item 40-567-570-8400 from the capital reserve for the purchase of the screener as discussed in Public Works. Roll call vote carried.

UNFINISHED BUSINESS:

A. Ordinance 03-2018, Amendments to the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.41 -Residential Accessory Use, Building and Structure Restrictions, (3) (Location Requirements) and 17.50 - Modifications (2) (Yards).
Planner Retzlaff came to the podium and gave history to the ordinance and reviewed the changes. Previously the Village Board referred the ordinance back to the Plan Commission for changes. The Plan Commission added the language for the architecture and materials to match the primary dwelling.

MOTION (Baum/Myers) to approve Ordinance 03-2018. Amendment Motion (Baum/Myers) Add language under 17.41 (3) b, 2. should the Vegetation or Screening be removed from death or overgrowth, then the screening would need to be installed. Amendment motion Carried. The Original motion as amended carried.

NEW BUSINESS:

B. Resolution 14-2018 – Resolution in Support of Closing Loopholes that Shift a Greater Property Tax Burden from Commercial to Residential Properties.
MOTION (Zabel/Baum) to approve Resolution 14-2018. Zabel commented that the resolution is from the League of Municipalities. 82 municipalities have co-signed a similar resolution. The Clerk had drafted a cover letter to be sent to legislature with the resolution. Motion carried.

DRAFT

CLOSED SESSION:

MOTION (Baum/Zabel) to convene into closed session per Wis. Stats. §19.85 (1) (c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, Administrator Performance Review & Objectives.
And per Wis. Stats. §19.85 (1) (f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, Discussion of Investigation concerning Fire Department Personnel**.**
The Village Board, Administrator, Village Attorney were included in Closed Session. Roll call vote carried. The Village Board convened into closed session at 7:30 p.m.
The Village Board reconvened into open session at 8 p.m. **Motion (Baum/Warren) to direct the Village Administrator to move forward on actions as discussed in closed session. Roll call vote carried.**

ADJOURNMENT: There being no further business, meeting adjourned at 8:01 p.m.

Next regular Village Board meeting, Monday, March 5, 2018 at 7:00 p.m.

_____

Deanna L. Boldrey, WCMC/CMC
Village Clerk

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VILLAGE OF GERMANTOWN
WASHINGTON COUNTY

RESOLUTION NO. 15-2018

ESTABLISHING A 2018 FEE SCHEDULE FOR WEIGHTS & MEASURES DEVICES REQUIRED UNDER SECTION 12.26 OF THE MUNICIPAL CODE

WHEREAS, The Village of Germantown and the Wisconsin Department of Agriculture, trade and Consumer Protection (DATCP) entered into a self-renewing Memorandum of Agreement (dated July 1, 2010) where both agencies agree that DATCP will furnish the services and perform the duties of sealers of weights and measures on an annual basis from July 1 to June 30 required under Chapter 98.04, and, that the Village will pay DATCP an amount necessary to cover the cost of such services no later than May 1 of the current fiscal year; and

WHEREAS, the amount of such services agreed to as set forth in the Memorandum of Agreement for the Year 2018 is $5,600; and

WHEREAS, the Village of Germantown charges administrative fees totaling $1,000 per year that are prorated per device to cover costs incurred by the Village's Community Development Department associated with the processing, review and administration of the Village's weights & measures license regulations set forth in Section 12.26; and

WHEREAS, it is required under Section 12.26(7) that the Village Board establish a schedule of fees for each type of weighing and measuring device used for the purpose of computing a charge or payment for service rendered on the basis of weight or measure within the Village of Germantown; and

WHEREAS, on February 20, 2018, the Village's General Government & Finance Committee did review and recommend approval of the proposed Weights & Measures Fee Table set forth in Exhibit 1 attached hereto; and

NOW, THEREFORE, BE IT RESOLVED that the Weights & Measures Device Fee Schedule attached hereto as Exhibit 1 is hereby established for licenses issued in 2018.

Introduced by: _____

Adopted: _____

DRAFT

Vote: Ayes: _____ Nays: _____

_____
Dean M. Wolter, Village President

ATTEST:

_____
Deanna L. Boldrey, WCMC/CMC
Village Clerk

DRAFT

EXHIBIT 1.

WEIGHTS & MEASURES DEVICE
2018 LINCENSE FEE SCHEDULE

Device Type	Inspection Time (hrs) Per Device	# of Devices	Total Time (hrs)	% of Time	Total Cost	Fee ($) Per Device
Vehicle Scales	1.5	4	6	4.62%	$ 304.62	$ 76.15
Small Capacity Scales 0-30#	0.3	42	12.6	9.69%	$ 639.69	$ 15.23
Large Capacity Scales 31-1000 #	0.7	5	3.5	2.69%	$ 177.69	$ 35.54
Point of Sale Scanner Combos	0.4	62	24.8	19.08%	$ 1,259.08	$ 20.31
Liquid Measuring Devices (LMDs)	0.3	277	83.1	63.92%	$ 4,218.92	$ 15.23
Totals		390	130	100.00%	$ 6,600.00	
Late Fee (per license)	$100.00					

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BUSINESS OF THE GENERAL GOVERNMENT & FINANCE COMMITTEE
GERMANTOWN, WI

MEETING DATE: February 20, 2018

AGENDA ITEM: New Business Item

ITEM TITLE: 2018 Weights & Measures Resolution

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:
Pursuant to a Memorandum of Agreement (MOA) between the Village and the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) regarding DATCP's duties as the "sealer" of weights & measures devices, the Village Board is required to establish an annual fee schedule for all types of weights & measures devices used within the Village.

The original July 1, 2010 MOA is an annual, self-renewing agreement wherein DATCP informs the Village what their costs will be for their services. For 2018, DATCP's cost will be $5,600 (no change from 2017). The Village is obligated to pay this cost pursuant to the Agreement. In turn, the Village charges license fees for each device plus a small administrative charge to recover all the DATCP costs and the Village's administrative cost. As in past years, an additional $1,000 in administrative costs are reflected in the 2018 budget. DATCP's total cost of $5,600 plus the Village's administration costs of $1,000 (for a total of $6,600) is then divided by the number and type of devices for which a license was issued last year to determine the specific license fee that will be charged in the coming year. As noted in the license fee schedule attached to the resolution, different devices require a greater amount of inspection time as determined by DATCP and, in turn, are charged a higher fee.

Approval of this resolution is required every year. The proposed license fees for 2018 are nearly the same as those charged in 2017 because the number and type of devices used by businesses in the Village changes very little from year to year, and, the Village's total cost has not changed from previous years.

A resolution establishing the "Weights & Measures Device 2018 Fee Schedule" has been prepared and is required to be adopted by the Board.

ATTACHMENTS:

- Draft Resolution w/ the 2018 Weights & Measures Device Fee Schedule

ECONOMIC DEVELOPMENT
WASHINGTON COUNTY
2151 N MAIN ST
WEST BEND, WI 530901031
2623355769

INVOICE

Business Ready Wi.com
ECONOMIC DEVELOPMENT WASHINGTON COUNTY

Invoice #	141
Invoice Date	01/24/18
Amount Due:	$10,000.00

Bill To:

Village of Germantown
N112W17001 Mequon Rd
Germantown, WI 53022
UNITED STATES

Due Date
02/23/18

Item	Description	Quantity	Price	Amount
	2018 Investment in Economic Development Washington County	1	$10,000.00	$10,000.00

Subtotal:	$10,000.00
Sales Tax:	**$0.00**
Total:	$10,000.00
Payments:	$0.00
Amount Due:	$10,000.00

To pay online, go to https://app.bill.com/p/econdevwc

Business of the Village of Germantown
The Government & Finance Committee & Village Board

MEETING DATE: GGF – February 20, 2018
Village Board – March 5, 2018

PLACEMENT: New Business

ITEM TITLE: 2018 Payment to Economic Development Washington County

SUBMITTED BY: Kim Rath, Finance Director

SUMMARY EXPLANATION:

Attached is an invoice from Economic Development Washington County in the amount of $10,000 for the Village's 2018 contribution. Funds have been budgeted in Municipal Development account for this payment

ATTACHED : ORDINANCE____ RESOLUTION ____ OTHER _X_

Copy of invoice for 2018 payment to Economic Development Washington County

RECOMMENDATION

Approval; forward to Village Board

COMMITTEE ACTION

#

BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI

MEETING DATE: March 5, 2018

AGENDA ITEM: Public Hearing & Old Business **[ORDINANCE]**

ITEM TITLE: Baudhuin Surveying & Engineering, Agent for Top Leaf Development LLC and Alan & Lynda Luther, Property Owners of 107.9 acres located at N120 W12851 Freistadt Road (Tax Key# GTNV 241-997) and Parcel 1 of CSM 3641 (Tax Key# GTNV 242-999 & GTNV 241-998); A-1: Agricultural to Rs-3: Single-Family District Rezoning Application

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:
Pete Hurth, Baudhuin Surveying, and Shari Waggoner, Top Leaf Development LLC, agents for the property owners Alan & Lynda Luther, have submitted a rezoning application to rezone the 107.9 acres of land from A-1: Agricultural to Rs-3: Single-Family to accommodate the development of a 42-lot residential subdivision. The proposed rezoning is consistent with the Village's 2020 Land Use Plan.

On January 15, the VB held a public hearing of the rezoning request but tabled action on the rezoning, sending the concept plan back to the Plan Commission for further review of the concept plan by the Plan Commission. At their February 12 and February 26 meetings, the Plan Commission directed further revisions to the 42-lot concept plan and approved the concept plan dated February 26, 2018 (see attached).

ATTACHMENTS:

- Staff Reports
- Plan Commission Meeting Minutes
- Concept Plan
- Draft Ordinance

PLAN COMMISSION RECOMMENDATION:

APPROVE rezoning of the 107.9-acre property from the A-1: Agricultural District to the Rs-3: Single-Family District as proposed.

NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, March 5, 2018
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear all parties, their attorneys or agents, for or against an application to rezone portions of the following described land from the A-1: Agricultural Zoning District to the Rs-1: Residential Single-Family and/or Rs-3: Residential Single-Family Zoning Districts, or, another suitable zoning district deemed appropriate by the Village Board:

Applicant: Baudhuin Surveying & Engineering, Agent for Top Leaf Development LLC and Alan & Lynda Luther, Property Owners

Properties: N120 W12851 Freistadt Road (Tax Key: GTNV 241-997)
Parcel 1 of CSM 3641 (GTNV 242-999) & (GTNV 241-998)

A parcel of land being Parcel1 of C.S.M No. 3641, Washington County Records, and the SW 1/4 of the NE 1/4, and part of the NW 1/4 of the NE 1/4, all in Section 24, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin. More particularly described as follows:

Commencing at the SE corner of said Parcel1 of C.S.M. No. 3641, said corner being at the intersection of the east line of the SE 1/4 of the NW 1/4 of said Section 24-9-20 and the northerly right of way line of Elm Lane, and the point of beginning of lands to be described; thence S. 87°58'17" W., along the southerly line of said Parcel1 (northerly right of way line of Elm Lane) to the SE corner of Parcel 2 of said C.S.M. No. 3641; thence around the perimeter of said Parcel2 as follows: N. 01°51'37" W., 433.00 feet to the NE corner of said Parcel 2; thence S. 87°58'17" W., 372.19 feet to the NW corner of said Parcel 2; thence S. 01°51'37" E., 433.00 feet to the SW corner of said Parcel2; thence leaving said perimeter, S. 87°58'17" W., 290.04 feet along the aforementioned southerly line of said Parcel1 to the SW corner of said cel1, said corner being on the west line of the SE 1/4 of the NW 1/4 of said Section 24-9-20; thence N. 01°55'59" W.,1286.04 feet along the westerly line of said Parcel 1, said line also being the aforementioned west line of the SE 1/4 of the NW 1/4 of said Section 24-9-20 to the NW corner of said Parcel1, said corner also being the NW corner of the SE 1/4 of the NW 1/4 of said Section 24-9-20; thence N. 88°11'13" E., 1327.99 feet along the northerly line of said Parcel1, said line also being the north line of the BSE 1/4 of the NW 1/4 of said Section 24-9-20 to the NE corner of said Parcel1, said corner also being the NE corner of the SE 1/4 of the NW 1/4 of said Section 24-9-20; thence N. 01°46'35" W., 786.06 feet along the west line of the NW 1/4 of the NE 1/4 of said Section 24-9-20 to the SW corner of Parcel1 of C.S.M. No. 386, Washington County Records; thence N. 88°13'31" E., 663.08 feet along the southerly line of said C.S.M. No. 386 to the SE corner of Parcel 3 of said C.S.M. No. 386; thence N. 02°06'39" W., 528.00 feet along the easterly line of said Parcel3 to the north line of the NW 1/4 of the NE 1/4 of said Section 24-9-20, said line also being the centerline of C.T.H. 'F'; thence N. 88°13'31" E., 676.98 feet along said north line (centerline) to the NE corner of the NW 1/4 of the NE 1/4 of said Section 24-9-20; thence S. 01°39'58" E., 2630.97 feet along the east line of the West 112 of the NE 1/4 of said Section 24-9-20 to the SE corner of the SW 1/4 of the NE 1/4 of said Section 24-9-20, said corner also being on the centerline of Elm Lane; thence S. 88°20'55" W., 1331.92 feet along the south line of the SW 1/4 of the NE 1/4 of said Section 24-9-20 (centerline of Elm Lane) to the Center of said Section 24-9-20; thence N. 01°46'35" W., 33.00 feet along the aforementioned east line of the SE 1/4 of the NW 1/4 of said Section 24-9-20 to the point of beginning. Said parcel contains 107.92 acres and is subject to the rights of the public over those portions previously dedicated for the rights of way of Elm Lane and C.T.H. 'F'.

A copy of the application is on file in the Village Planning Department office and is available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Deanna Boldrey, Village Clerk
Dated this 7th day of February 2018

To Be Published On: February 14 and February 21, 2018

REVISED CONCEPT PLAN
2/26/18 Plan Commission Meeting

Baudhuin Surveying & Engineering / Top Leaf Development LLC

Village Planner Report **Germantown, Wisconsin**

Summary

Pete Hurth, Baudhuin Surveying & Engineering, and Top Leaf Development LLC and Alan & Lynda Luther, property owners, are requesting approval of a REVISED rezoning application concept plan for a 107-acre residential subdivision with 42 single-family lots south of Freistadt Road, north of Elm Lane and west of Wasaukee Road.

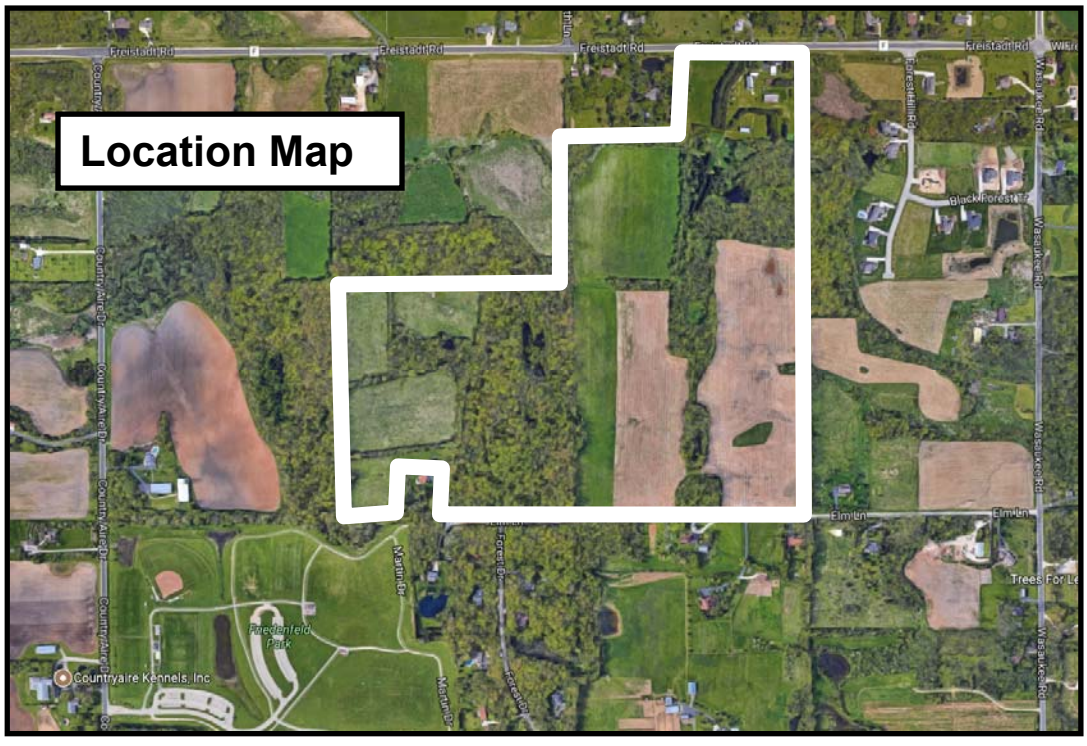
Property Location: Freistadt Road, Elm Lane and Wasaukee Road

Applicant/
Property Owner:

Pete Hurth	Shari Waggoner
Baudhuin Survey & Eng	Alan & Lynda Luther
312 N 5th Ave	Top Leaf Development LLC
Sturgeon Bay, WI	Colgate, WI

Current Zoning: A-1: Agricultural

Adjacent Land Uses		Zoning
North	Residential	Rs-1
South	Residential	Rs-1/Rs-2
East	Residential/Agricultural	A-1/Rs-2/3
West	Agricultural	A-1/A-2



Update

At the February 12 Plan Commission meeting, the latest revised concept plan was reviewed and discussed in light of the January 15 public hearing and Village Board comments (see attached plan date stamped February 2, 2018). The Plan Commission discussed the notion of keeping all of the wetlands on the west side of the property in one large outlot that could be preserved either in private (e.g. Homeowner's Association) or public (e.g. MMSD/Greenseams Program) ownership while also being consistent with the Village's subdivision regulations that "…wetlands should be platted so as to be included in open space or other outlots and not within or part of a developable lot or parcel".

To that end, the Plan Commission rejected the February 2 concept plan with the four (4) 5+ acre parcels and directed the Developer to revise the concept plan with all/most of the wetlands on the west side of the property in one large outlot with 4-5 smaller residential lots created from the buildable area adjacent to the "wetland outlot" and served by a private shared driveway. The Plan Commission also directed the Developer to revise the plan to show and require the extension/connection of Elm Lane to the development road to the east and west to complete the connection so traffic can circulate to both Wasaukee Road and Mequon Road via Forest Drive.

The Developer has revised the concept plan as directed (see attached labeled "February 26, 2018") and is seeking final approval from the Plan Commission.

REVISED REZONING CONCEPT PLAN

2/12/18 Plan Commission Meeting

Baudhuin Surveying & Engineering / Top Leaf Development LLC

Village Planner Report **Germantown, Wisconsin**

Summary

Pete Hurth, Baudhuin Surveying & Engineering, and Top Leaf Development LLC and Alan & Lynda Luther, property owners, are requesting approval of a REVISED rezoning application concept plan for a 107-acre residential subdivision with 47 single-family lots south of Freistadt Road, north of Elm Lane and west of Wasaukee Road.

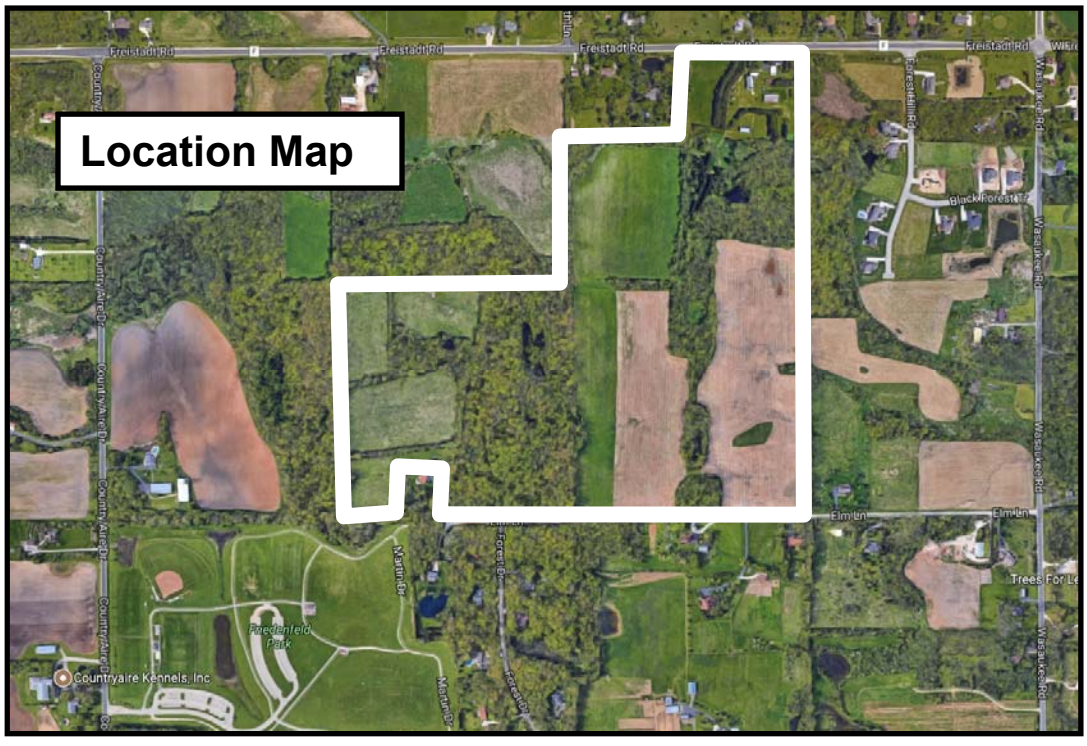
Property Location: Freistadt Road, Elm Lane and Wasaukee Road

Applicant/
Property Owner:

Pete Hurth	Shari Waggoner
Baudhuin Survey & Eng	Alan & Lynda Luther
312 N 5th Ave	Top Leaf Development LLC
Sturgeon Bay, WI	Colgate, WI

Current Zoning: A-1: Agricultural

Adjacent Land Uses		Zoning
North	Residential	Rs-1
South	Residential	Rs-1/Rs-2
East	Residential/Agricultural	A-1/Rs-2/3
West	Agricultural	A-1/A-2



Update

At the January 8, 2018 meeting, the Plan Commission discussed the latest revised concept plan for the 47-lot subdivision proposal. A motion was initially made to approve the requested rezoning (A-1 to Rs-3) and the 47-lot concept plan subject to revising the lot layout so that all wetlands and the 25' wetland setback areas were all contained in outlots (consistent with the Village's subdivision regulations). In response, the Applicant indicated that it would not be feasible to do so and, as a result, they would likely scrap the concept of developing small lots on the west side of the property, not extend Elm Lane to the east to connect with the north-south road, not extend Elm Lane to the west and north of the park, and, come back with a revised concept plan that may not require rezoning to Rs-3 on the west side.

It was pointed out that a public hearing of the proposal was scheduled for the January 15 meeting and that it may be beneficial to get feedback from the public and Village Board before the Plan Commission considers any further changes to the concept plan or making a final recommendation on the rezoning or concept plan. The Plan Commission then passed a motion to table discussion and action until the next meeting and after the Village Board public hearing on January 15.

At the January 15 meeting, 17 members of the public spoke during the public hearing (see meeting minutes attached), many with concerns about the extension/connection of Elm Lane, wetland protection, larger vs. smaller lots on the west side, existing storm water run-off and high groundwater issues, and a few who are simply opposed to the overall development. The Village Board did not take any action and sent the rezoning request and concept plan back to the Plan Commission for further review and consideration of the public hearing comments.

Revised Proposal

At the January 15 meeting, the Applicant provided a revised concept plan for discussion (see attached plan date stamped February 2, 2018; hereafter the "revised plan"). Like the original concept plan presented last year, the revised plan divides the property into an east and a west development area. The east development area requires rezoning into the Rs-3 District (1-acre min lot size) and contains a total of thirty-seven (37) lots accessible by a north-south public roadway extending from Freistadt Road south to Elm Lane (with a proposed 250' extension from and connection to the existing Elm Lane to Wasaukee Road). The 37 lots would be created by subdivision plat. The west development area requires rezoning into the Rs-1 District (5-acre min lot size) and contains four (4) parcels accessible by a shared, private driveway extending north & west from the existing Elm Lane to Forest Drive. These 4 parcels would be created separately by certified survey map. A total of seven (7) outlots with 21 acres of undeveloped land area are interspersed throughout the property.

It should be noted that, under the revised plan, approximately 7.1 acres of the total 10.6 acres (67 percent) of delineated wetland on the property would be included within the boundaries of the four proposed Rs-1 parcels in the west development area, including a 6.8-acre wooded wetland area often referred to as the "Schoessow Woods".

As we discussed at the January 7 Plan Commission meeting, Staff obtained clarification of the wetland and wetland setback requirements under the Village's Subdivision Code; specifically, Section 18.02(6) as shown below.

> (6) **LAND SUITABILITY.** No land shall be subdivided or developed which is determined to be unsuitable for its proposed use by the Plan Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village. In addition:
> (a) No lot or parcel 2 acres or less in area shall include floodplain or wetlands, and all lots or parcels more than 2 acres in size shall contain not less than one acre of land which is at an elevation at least 2 feet above the elevation of the 100-year floodplain or, where such data is not available, 5 feet above the maximum flood of record. Generally, floodplain and wetlands within a parcel of land subject of a subdivision plat or certified survey map "minor" land division and the area within any required setbacks extending outward from any such floodplain or wetlands should be platted so as to be included in open space or other outlots and not within or part of a developable lot or parcel. (Cr. Ord. #09-08)

The Village Attorney agrees that the terms "generally" and "should" as used in Section 18.02(6) provide the Plan Commission some latitude in terms of enforcement. By comparison, where "shall" is typically taken to mean something is compulsory or mandatory, words such as "may" or "should" are typically taken to mean something is permissive or recommended, but not necessarily required.

Given that the four Rs-1 parcels exceed 2 acres in in area (5, 6.4, 8.6 and 13.9 acres respectively), and, given the Village Attorney's opinion summarized above, it appears that the Plan Commission could allow the latest revised plan to move forward even though a significant number of delineated wetlands and the associated 25' wetland setback is located within the four Rs-1 parcels.

The reasoning behind the requirement under 18.02(6)(a) that all wetlands and wetland setbacks should be contained in open space outlots comes down to enforcement issue. The Village determined long ago that the protection of wetlands is important, and, that the "standard" protections available through DNR regulations are not sufficient. Consequently, the Village adopted its own 25' wetland setback requirement in the Shoreland-Wetland Zoning Code to effectively prohibit any land development activity (e.g. from grading and filling to building construction) within 25 feet of a delineated wetland. While there is a provision in the Shoreland-Wetland Code that allows development within a 25' setback area with a conditional use permit (along with a specific compensation plan), the 25' wetland setback requirement has been an effective "no development zone" protecting wetlands throughout the Village.

However, with respect to enforcement, it is/would be extremely difficult and cost-prohibitive to monitor all development activity within the multitude of wetlands and wetland setback areas throughout the Village, particularly if those wetland setback areas encroach into or across thousands of parcels in the Village.

As a result, in an effort to limit the extent or number of parcels subject to the development restrictions associated with a 25' wetland setback, the Village added the provisions in 18.02(6)(a) that prohibit the creation of lots 2 acres or less in area with any wetlands or floodplains within its boundaries, and, to "require" wetlands, floodplains and any required setback areas to be located within open space outlots and NOT part of a developable lot.

With regard to this property, the delineated wetland areas comprise approximately 10.6 acres or 10 percent of the total parcel, and, include a significant part of the "Schoessow Woods" natural area as designated by SEWRPC. Since the last PC and VB meetings in January, Staff has contacted the local office of the Conservation Fund, agent and program coordinator for the Milwaukee Metropolitan Sewerage District (MMSD) Greenseams Program. As discussed in January, MMSD acquired the 34.5 acre parcel that lies north and west of the Top Leaf Development property (access from Freistadt Road). David Grusznski, Program Director for the Conservation Fund indicated that the Greenseams Program is interested in acquiring all or a portion of the 35 +/- acres that comprises the "west development area" of the Top Leaf property including the 20-acre area within which the Schoessow Woods and wetland area is located. As discussed, the Greenseams Program is voluntary on the part of the property owner and neither the Village, MMSD nor Conservation Fund has the ability to compel an owner to sell or otherwise transfer ownership of their property.

Like all "Environmental Corridor/Isolated Natural Areas" designated on the Village's 2020 Land Use Plan map, the wetlands on this property are subject to applicable development policies and regulations contained in the Village's 2020 Comprehensive "Smart Growth" Plan, Shoreland-Wetland Code, Floodplain Zoning Code, General Zoning Code, and the Subdivision Code. Collectively, Village policies and regulations prohibit the development of wetlands and discourage development of adjacent and surrounding land around wetlands that may negatively impact those wetlands.

With that said, Staff recommends that the Plan Commission NOT approve the latest revised plan that results in wetlands and the associated 25' setback areas being included in parcels proposed for development. Specifically, Staff recommends that the "west development area" shown in the revised plan be revised (again) such that all the wetlands and 25' setback areas in the west development area (i.e. Wetland #15 through #19) be included in undeveloped outlots that are NOT part of a larger parcel subject to development. Like Wetlands #1 through #14, ownership of these outlots may be private (e.g. Homeowner's Association) or public (e.g. Greenseams Program, Village).

As presented in the January 8 concept plan, it may be possible to create buildable single-family lots under the Rs-3 District that avoid the wetland and 25' setback areas while also protecting those wetlands by including them in an outlot(s). Obviously, doing so also creates the need to provide roadway access to the west development area. If necessary, the Applicant and Village could work together on developing a Planned Development District (PDD) alternative with modified lot size or other standard requirements for the west development area (or entire development if necessary), that

enables the Applicant to develop a cost-effective development while simultaneously protecting the wetland features on the property.

If that is not possible, then the overall development may need to be revised to reflect rezoning and development under the Rs-3 District for just the east development area in the near term and leave the west development area “as is” with no rezoning and no development plan until such time as an acceptable development plan (if any) can be presented.

At this time, the Plan Commission needs to reconsider their recommendation to APPROVE rezoning the entire property from A-1: Agricultural to the Rs-3: Residential Single-Family District. A second public hearing before the Village Board has been tentatively scheduled for March 5. It is anticipated that the Plan Commission will forward a recommendation regarding the rezoning request (the same or revised) and concept plan to the Village Board for consideration at that time.

REZONING APPLICATION

12/11/17 Plan Commission Meeting

Baudhuin Surveying & Engineering / Top Leaf Development LLC

Village Planner Report **Germantown, Wisconsin**

Summary

Pete Hurth, Baudhuin Surveying & Engineering, and Top Leaf Development LLC and Alan & Lynda Luther, property owners, are requesting approval of a rezoning application and concept plan for a 107-acre residential subdivision with 47 single-family lots south of Freistadt Road, north of Elm Lane and west of Wasaukee Road.

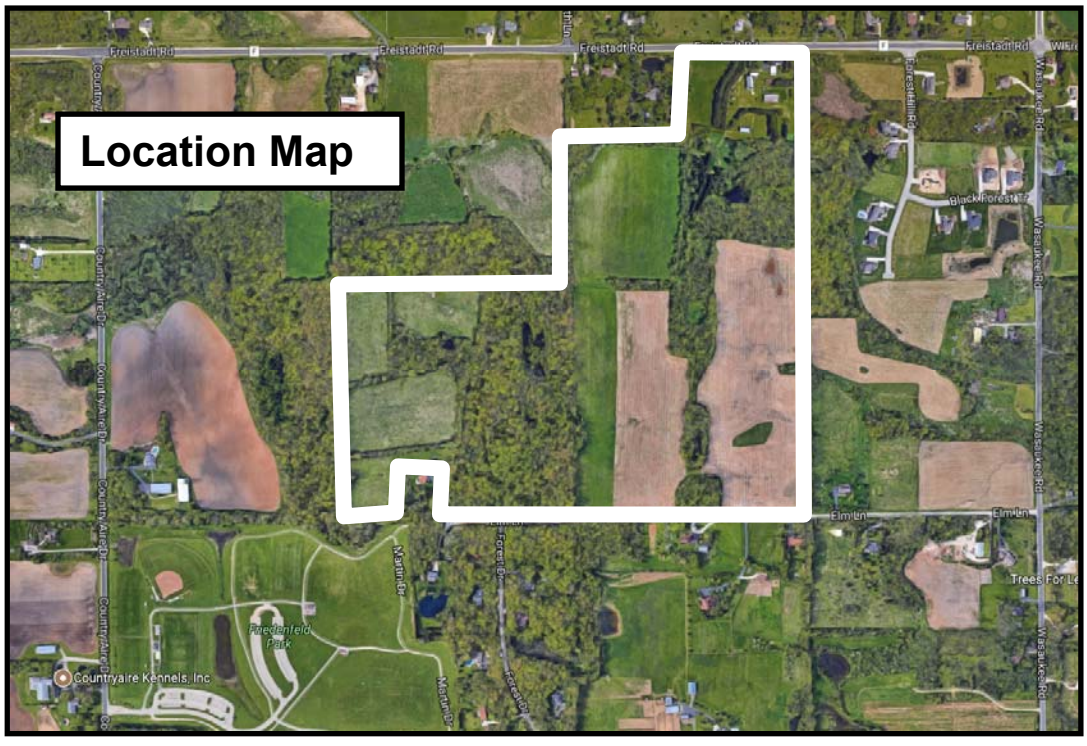
Property Location: Freistadt Road, Elm Lane and Wasaukee Road

Applicant/
Property Owner:

Pete Hurth	Shari Waggoner
Baudhuin Survey & Eng	Alan & Lynda Luther
312 N 5th Ave	Top Leaf Development LLC
Sturgeon Bay, WI	Colgate, WI

Current Zoning: A-1: Agricultural

Adjacent Land Uses		Zoning
North	Residential	Rs-1
South	Residential	Rs-1/Rs-2
East	Residential/Agricultural	A-1/Rs-2/3
West	Agricultural	A-1/A-2



Background/Proposal

Baudhuin Engineering and Top Leaf Development presented their initial development proposal to the Plan Commission for discussion on September 11 with two (2) alternative road and lot layouts (see attached "Option 1" and "Option 2" concept plans dated September 11, 2017). Because of direction given at the September 11 meeting, the concept plan was revised and presented to the Plan Commission on October 9.

The October 9 concept plan (see attached "Plan Commission Option" dated October 9, 2017) included the following revisions:

- A roadway connection to the "west" segment of Elm Lane with a direct connection to Forest Drive (and NO connection to the "east" segment of Elm Lane and Wasaukee Road);
- The extension of the "west" segment of Elm Lane further west to serve the southwest portion of the property and possibly the northeast corner of the Village's Friedenfeld Park (for possible future parking and enhanced access to the Village park);
- Additional lots created in the southwest portion of the property w/ approximately nine (9) 1-acre lots vs. four (4) 5+ acre lots w/ shared driveways);
- Additional storm water management pond locations;
- An overall increase in single-family lots from 43 to 49 total lots.

At the October 9 meeting, the PC discussed the revised concept plan without recommending any changes, but deferred further comment or action pending the outcome of further discussion of the possibility that the Village may extend sanitary sewer to serve this area on October 23. That discussion concluded with a general sense that future sanitary sewer service extending into this area would be years away, the current 2020 Land Use Plan provides for unsewered single-family development, and that Top Leaf Development should move ahead with the proposal.

At this time, Baudhuin Engineering and Top Leaf Development are requesting approval of a rezoning application to change the zoning from A-1: Agricultural to Rs-3: Single-family for 107-acres and for a concept plan for a 47-lot, single-family residential subdivision.

As summarized in Table 1 and detailed in the project description and concept plan (dated December 11, 2017), development is proposed with the following characteristics:

Table 1.

Luther Property Concept Plan

Gross Area (ac)	107.92
Wetland Area (ac)	10.56
Right-of-Way (ac)	8.29
Open Space (ac)	39.41
Net Density Area (ac)	89.07
Single-Family Lots/Dwelling Units (DU)	47
Density (DU/net acre)	0.53
Avg Lot Size (ac)	1.28

When comparing the currently proposed concept plan to the most recently reviewed "Plan Commission Option" plan dated October 9, there are a few notable differences, including:

1. The number of lots has been reduced from 49 to 47 lots;
2. Wetland boundaries are now included on the plan and shown relative to the proposed lot lines and streets;
3. Lot dimensions have been removed;
4. The nine (9) lots proposed on the west side of the site have been reconfigured and the road slightly curved at the north end;
5. The main north-south roadway has been shifted to the east approximately 200-650 feet from a point south of Lot 21 the entire length south to the intersection with Elm Lane (with the intersection approximately 650 feet further east);
6. Because of the road shifting, a new cul-de-sac has been added in the middle portion of the site to serve Lots 27-30, and, the cul-de-sac in the southeast has been reduced in length;
7. Because of the wetlands being delineated and located within the site, as well as the road realignments, lot sizes and shapes have been adjusted accordingly.

Staff Comments

The entire property lies north of and adjacent (but outside) of the Village's Sanitary Sewer Area (SSA) and in an area designated on the 2020 Land Use Plan as "Rural Residential". For those currently undeveloped areas designated as "Rural Residential", the Village intended such areas to develop at a density of one (1) dwelling unit per acre with a minimum 1-acre lot size. The land is currently zoned A-1: Agricultural and is proposed to be rezoned into the Rs-3: Single-family District. The proposed rezoning is consistent with the 2020 Land Use Plan map.

Soil evaluation reports for all lots will be required prior to or concurrent with the submittal of a preliminary plat to ensure all proposed lots are deemed suitable for installation of an on-site sanitary system.

As presented on the December 11 concept plan, a significant amount of wetland (10.56 acres or approximately 10% of the site) in numerous isolated areas lie across the property. As noted above, the lot and road layout has changed in part due to the wetlands on the property. Despite the amount of wetland, the required "net area" density calculation (gross area less wetlands and right-of-way) does not increase the proposed development density (.53 DU's per net acre) above the maximum density allowed in the Rs-3 District (not to exceed 1.0 DU's per net acre).

Although the road and lot layouts are similar to that which was proposed in the October 9 "Plan Commission Option" plan, the changes summarized above are significant enough to consider further before approving as discussed below:

- As a result of the wetlands being delineated and presented on the concept plan, it's clear that not all of the wetland areas and the Village-enforced 25' wetland setback area will be located entirely within an open space outlot as required under Section 18.02 of the Subdivision Code. Further revisions to lot lines (albeit slight) will need to be made and reflected in the preliminary subdivision plat.

- The reconfigured road on the west side of the site includes a reverse or "S-curve" that is not code-compliant. Moreover, as staff commented about at previous meetings, the location of this road is based strictly on the concept of maximizing the number of developable lots that can be created in this portion of the site and does not consider the topography and/or existing wooded, environmental corridor that lies immediately north into which this roadway would be required to extend into in order to serve future development to the north (vs. taking such factors into account first before establishing the alignment).

- As discussed in the Applicant's "Rezoning Plan" project description, realignment of the main north-south roadway 200-650 feet to the east shifts the Elm Lane intersection 650 feet to the east from the previously proposed point. In so doing, Elm Lane will be improved in both directions from the proposed intersection, i.e. toward Forest Drive to the west and toward Wasaukee Road to the east. If Elm Lane is improved in both directions and, as a result, provides a continuous means of access from Wasaukee Road all the way to Friedenfeld Park, the type and amount of traffic that may eventually travel on Elm Lane may justify requiring the entire length of Elm Lane to be improved to current Village road standards. This raises a number of issues, including:

    - How much of Elm Lane will need to be constructed and who will pay for the improvements?

    - Is the existing right-of-way and existing geometric and road surface conditions adequate along the entire length of Elm Lane?

    - Who will be responsible for making any required "off-site" improvements?

    - The relocated road and intersection will cut through a wooded area and be positioned such that all southbound traffic will be effectively pointed directly at one of the relatively few existing homes along Elm Lane.

    - Is the PC receptive to the idea of now allowing a southerly access connection to both the east and the west after having directed the Applicant to only provide southerly access to the west segment of Elm Lane?

- The main roadway realignment also creates a straighter and, as a result, relatively less appealing “soldiers row” configuration of lots on the west side of the roadway.

- Some of the revised lot lines create multi-sided and/or less than ideal lot shapes (e.g. Lot 2, Lot 3, Lot 28, Lot 47), and, front yard-to-back yard “conflicts” (e.g. Lot 27 front yard up against back yards for Lots 25 & 26; Lot 30 front yard up against back yards for Lots 31 & 32.

While staff generally supports a subdivision lot and road layout that provides multiple means of access to/from the development to enhance accessibility, there are several issues that need to be addressed before accepting the currently proposed road alignment and traffic circulation patterns that will result.

Staff supports the proposed rezoning; however, for the reasons discussed above, Staff recommends that action to approve the concept plan be tabled pending further discussion of and possible changes to the December 11 concept plan.

Village Planner Recommendation

APPROVE the proposed rezoning of approximately 107 acres from the A-1: Agricultural District to the Rs-3: Residential Single-Family district subject to the following condition:

1. The rezoning application and Plan Commission recommendation should not be forwarded to the Village Board for review and consideration until the Plan Commission can recommend approval of a development concept plan.

TABLE the review and action on the proposed concept plan dated December 11, 2017 pending revisions necessary to address the issues raised in the December 11 Staff Report and Recommendation to the satisfaction of the Plan Commission.

Baudhuin Surveying & Engineering, Agent for Top Leaf Development and Alan & Lynda Luther 107 acres south of Freistadt Road, North of Elm Lane and West of Wasaukee Road. The request is for approval of a revised rezoning application concept plan for a 107- acre residential subdivision with 47 single-family lots. Planner Retzlaff summarized the proposal.
Pete Baudhuin, Baudhuin Surveying & Engineering, explained the proposed concept plan shows that all the lots on the east side have been moved and meet the 25-foot wetland setback requirement. The plan takes traffic east to Elm Lane and not to Forest Drive. He said there are 4 larger lots on the west side and proposed creating a conservation easement on those parcels to protect the wetlands. He also asked for clarification on the connection to east Elm Lane regarding the cost and asked that something be put in the developers agreement that would indicate the developer is responsible for 16 percent of cost if the road if upgraded in the future.

MOTION Baum second Gray to Approve the proposed concept plan as presented and Approve the rezoning from A-1: Agricultural to the Rs-1 and Rs-3: Residential Single-Family Zoning District.

Planner Retzlaff said he was concerned with the wetland area in the middle of the property and dividing it into 4 lots with private ownership. He said MMSD has expressed interest in acquiring this property, but it's a voluntary program and the developer has concluded they are not interested in selling it. So the burden is now on the Village to ensure that the wetland is protected. He said he appreciates the proposal to create conservation easements to protect the wetland, but an open space outlot would be more reasonable and owned in common by the homeowner's association to ensure the areas aren't incrementally disturbed. He urged that the wetlands be put in separate outlots and not be under private ownership lots and to go back to a plan that has small lots outside of the wetlands and wetland setback areas.

Commissioner Gray said she didn't have a problem with a resident buying, owning and maintaining a property with wetland. She doesn't feel MMSD is the steward of choice to maintain the land. Planner Retzlaff said if the wetland is in common ownership an entire subdivision could enjoy and benefit from it. If the wetland is in private ownership, only a couple people can take advantage of that. Discussion continued.

Mr. Baudhuin said the developer would be willing to not create the 4 lots and leave that part in agriculture rather than hold up the 37-lot subdivision. He presented a new plan showing how the wetlands would be placed into a conservation easement. Planner Retzlaff said the boundary of the lot MMSD could purchase should match the boundary of the wetland. Discussion continued.

Trustee Baum suggested changes to the new plan creating lots without the outlots included on them. Mr. Baudhuin said he could have the outlots taken off and outlot 7 would contain the wetlands that is part of a conservation easement and that could be a separate lot for possible future sale to MMSD. Commissioner Gray asked if MMSD had offered to purchase the lot with the wetlands. Ms. Waggoner said they didn't give a specific number because they would need to have an appraiser come out there. She said they gave a price range for the wetland at about $3000 an acre. Based on the range they gave, she didn't think it would offset the purchase of the land. She said they are proposing the wetland preservation and if it's split off, will look at MMSD possibly purchasing, but don't want it to hold up the approval process.

Discussion followed. Chairman Wolter said he thought MMSD buying the wetland would have been a favorable solution for what the neighbors wanted and because it wasn't a buildable property, it could

be a monetary solution for the developer. He was hopeful a deal could have been worked out but doesn't want to hold up the development. He likes Trustee Baum's proposal to carve out a separate wetland outlot and is ok with the east side of the plan. But he is looking how best to manage the west side and feels having the wetland in its own area for Greenseams to possibly purchase in the future is best. Planner Retzlaff said the Fire Chief was concerned with the length of the private driveway for the lots on the west and getting emergency vehicles in and out.

MOTION to Amend Baum second Shadid to modify the overall site plan to put the preponderance of the wetland into outlot 7 and create lot 2, which would be the southern half of lot 2 and a lot 2a, which would be the norther half, require the access to lot 2, 2a, 3 and 4 be via a private shared driveway so the fire department can get access through there. The amended plan could be achieved in the Rs-3 zoning district.

Planner Retzlaff said the current plan shows a connection to Elm Lane east to Wasaukee Road and he believes access to the west on Elm Lane should also be required.

MOTION to Amend carried unanimously.

MOTION to Amend Baum second Gray that Elm Lane should continue through and complete the connection on the west.

Trustee Baum said he understands the residents do not want the traffic on Forest Drive, but feels it is needed for connectivity to the park. Ms. Waggoner suggested installing a gravel path as an option for access to the park. She asked for clarification that the remainder of Elm Lane to the east would be put in the Village's 5-year road improvement plan. She was concerned with the financial cost to improve the road. As a side note, Trustee Baum and Chairman Wolter agreed they would not support this development paying for Elm Lane from the east edge of the property to Wasaukee Road but said it wasn't for the Plan Commission to decide. Discussion continued. Chairman Wolter explained the extension of Elm Lane would alleviate congestion coming out of the subdivision and allow access to Mequon Road.

MOTION carried 6-1 (Wolter).

MOTION to Amend Baum second Shadid that the revised concept plan as sketched today be brought to the February 26th Plan Commission meeting for final approval.

MOTION to Amend carried unanimously.

Planner Retzlaff explained the rezoning and concept plan will come back to the Village Board on March 5th. Because a public hearing on the Rs-3 zoning was held on January 15th, another public hearing would not be required, but he will check with the Village Attorney. Chairman Wolter said residents will still be able to speak on the proposal during public input.

MOTION to Approve as Amended carried unanimously.

Zoning Code Amendments – Residential Accessory Uses, Buildings and Structures.
At their January 15, 2018 meeting, the Village Board tabled action on a series of amendments regarding the allowable location for a detached accessory building in the Rs-1: Residential Single-Family District and sent the amendments back to the Plan Commission for further consideration. The

it is important to the business. Discussion continued. Chairman Wolter explained the use needs to be in addition to the Speaker Corporation in its daily operation and cannot be a separate large warehouse and distribution facility.

MOTION to Amend carried (5-2 Williams, Gray)
MOTION to Approve as Amended carried unanimously.

Top Leaf Development LLC – 107 Acres South of Freistadt Road, North of Elm Lane and West of Wasaukee Road. Alan & Lynda Luther, property owners, are requesting approval of a rezoning application and concept plan for a 107-acre residential subdivision with 47 single family lots. Planner Retzlaff summarized the proposal. Pete Hurth, Baudhuin Surveying and Shari Waggoner, Top Leaf Development spoke on the project. Mr. Hurth said the wetland and soil work has been completed. He said all the wetland areas have been placed on separate lots, but they did not account for the 25-foot setback requirement and asked that the additional 25 feet not be required.

Discussion followed. Bruce Bernarde, commented on the plan and was concerned how and where water will drain. Mr. Hurth said they will modify the storm water plan to address those concerns. Discussion continued the road connections in both directions being beneficial for emergency access, traffic purposes and all development in the area. Mr. Hurth agreed to curve the north/south road to avoid headlights pointing directly at the existing house. Ms. Waggoner discussed the connection and upgrading of Elm Lane. She said adding 700 feet has a significant financial impact to the project and she doesn't want to foot the bill for all of Elm Lane. Trustee Baum wants the developer to fill the gap and leave the rest of the road improvements as part of the Village plan. He asked that the Public Works Department determine the suitability of the road and bring a recommendation to the Village Board. Chairman Wolter is appreciative of the contiguous roadway and feels any improvements beyond the reach of the subdivision falls on the Village.

MOTION Baum second Gray to Approve the proposed concept plan.

MOTION to Amend Baum second Shadid to slide the last 2 lots (#36 & #37) over to move the north/south road to the west slightly and to provide the Elm Street access east and west and the western new road can just go off at a straight tangent as opposed to curving back.

MOTION to Amend carried unanimously.

Planner Retzlaff commented on the 25-foot wetland setback requirement. He said this concept plan reflects the wetland delineation and boundaries and the subdivision code requirement that there is a wetland setback that the Village enforces needs to be dealt with. He said the Plan Commission doesn't have the authority to waive the requirement, but Village Board may grant a waiver to the subdivision regulations.

MOTION carried.

MOTION Baum second Shadid to Approve the proposed rezoning of approximately 107 acres from the A-1: Agricultural District to the Rs-3: Residential Single-Family district.

MOTION to Approve carried.

Ms. Waggoner asked when to request a waiver for the 25-foot wetland setback because it would significantly impact the plan and they would lose lots. Planner Retzlaff reviewed the code and said

the Plan Commission may grant a waiver to the wetland setback requirement under extraordinary circumstances or hardship conditions exist. He said he would not recommend waiving the requirement simply because they didn't know about it. Chairman Wolter suggested bringing forward the waiver request at the time the preliminary plat is brought forward. Mr. Hurth said maintaining the setback requirement would change the design of the plat. Chairman Wolter offered bringing the item back to the Plan Commission at the January 8th meeting for consideration. Planner Retzlaff advised them to submit a letter asking for the waiver for Plan Commission to consider.

Scott & Georgene Sommer – W148 N12696 Pleasant View Drive. The property owners of a 120-acre farm presented a proposal to operate a farm kitchen, brewery and sausage production facility on their property in the A-1 Agricultural Zoning District. Planner Retzlaff summarized their proposal.

Scott Sommer addressed questions. Plan Commission had the following comments and concerns.

- The use could be allowed with a Conditional Use Permit
- No livestock will be raised on property
- Commission members like the idea
- There are no current plans for weddings or corporate or special events. Plans are to be open for breakfast and lunch. Intend to work with other groups including the Sons of Norway, the Park & Recreation Department for classes and other organizations to use the facility for breakfast
- Likes the idea of going back to Germantown heritage and selling farm goods. It's not competitive against other businesses and the area is perfect for this type of operation.
- Mr. Sommer explained the sausage will be produced in their kitchen, in a way that is packaged and distributed through wholesale markets. He said they acquired an existing sausage shop a year ago and will be selling to those existing customers as well as in their store and will also promote the products on line. They are required to meet certain standards with state.
- Mr. Sommer said the business will need 3 phase power installed, a separate well and a 4,000 to 6,000 gallon holding tank. He estimates using approximately 400 gallons of water for beer production and another 30 gallons for cleanup, sanitary uses, kitchen and toilet facilities per week. Planner Retzlaff said more details will be needed on water consumption and water demand and may require an assessment on surrounding wells. A co-mingling variance from the County will be needed for the holding tank because of animal product and yeast going into the tank.
- Mr. Sommer looked at comparable business to study how much traffic will be generated. He estimates Saturday will be their peak time from 1:00 pm to 6:00 pm. Deliveries will be once a week for meat, but other products will be brought home.

This item was for discussion. No action was taken.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

ORDINANCE NO. 01-2018

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF GERMANTOWN ZONING CODE

(Alan & Lynda Luther, Property Owners)

THE VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1. That the zoning map of the Village of Germantown is amended by rezoning from the A-1: Agricultural District to the Rs-3: Single-family Residential District the following described property:

A parcel of land being Parcel 1 of CSM No. 3641, Washington County Records, and the SW 1/4 of the NE 1/4, and part of the NW 1/4 of the NE 1/4, all in Section 24, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin. More particularly described as follows:
Commencing at the SE corner of said Parcel1 of CSM No. 3641, said corner being at the intersection of the east line of the SE 1/4 of the NW 1/4 of said Section 24-9-20 and the northerly right of way line of Elm Lane, and the point of beginning of lands to be described; thence S. 87°58'17" W., along the southerly line of said Parcel1 (northerly right of way line of Elm Lane) to the SE corner of Parcel 2 of said CSM No. 3641; thence around the perimeter of said Parcel 2 as follows: N. 01°51'37" W., 433.00 feet to the NE corner of said Parcel 2; thence S. 87°58'17" W., 372.19 feet to the NW corner of said Parcel 2; thence S. 01°51'37" E., 433.00 feet to the SW corner of said Parcel 2; thence leaving said perimeter, S. 87°58'17" W., 290.04 feet along the aforementioned southerly line of said Parcel 1 to the SW corner of said Parcel 1, said corner being on the west line of the SE 1/4 of the NW 1/4 of said Section 24-9-20; thence N. 01°55'59" W.,1286.04 feet along the westerly line of said Parcel 1, said line also being the aforementioned west line of the SE 1/4 of the NW 1/4 of said Section 24-9-20 to the NW corner of said Parcel 1, said corner also being the NW corner of the SE 1/4 of the NW 1/4 of said Section 24-9-20; thence N. 88°11'13" E., 1327.99 feet along the northerly line of said Parcel 1, said line also being the north line of the SE 1/4 of the NW 1/4 of said Section 24-9-20 to the NE corner of said Parcel 1, said corner also being the NE corner of the SE 1/4 of the NW 1/4 of said Section 24-9-20; thence N. 01°46'35" W., 786.06 feet along the west line of the NW 1/4 of the NE 1/4 of said Section 24-9-20 to the SW corner of Parcel 1 of CSM No. 386, Washington County Records; thence N. 88°13'31" E., 663.08 feet along the southerly line of said CSM No. 386 to the SE corner of Parcel 3 of said CSM No. 386; thence N. 02°06'39" W., 528.00 feet along the easterly line of said Parcel 3 to the north line of the NW 1/4 of the NE 1/4 of said Section 24-9-20, said line also being the centerline of CTH “F”; thence N. 88°13'31" E., 676.98 feet along said north line (centerline) to the NE corner of the NW 1/4 of the NE 1/4 of said Section 24-9-20; thence S. 01°39'58" E., 2630.97 feet along the east line of the West 112 of the NE 1/4 of said Section 24-9-20 to the SE corner of the SW 1/4 of the NE 1/4 of said Section 24-9-20, said corner also being on the centerline of Elm Lane; thence S. 88°20'55" W., 1331.92 feet along the south line of the SW 1/4 of the NE 1/4 of said Section 24-9-20 (centerline of Elm Lane) to the Center of said Section 24-9-20; thence N. 01°46'35" W., 33.00 feet along the aforementioned

east line of the SE 1/4 of the NW 1/4 of said Section 24-9-20 to the point of beginning. Said parcel contains 107.92 acres and is subject to the rights of the public over those portions previously dedicated for the rights of way of Elm Lane and CTH “F”.

SECTION 2. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

Introduced by Trustee: _____
Adopted: _____, 2018

Vote: Ayes: _____
Nays: _____

_____
Dean Wolter, Village President

ATTEST:

_____
Deanna Boldrey, Village Clerk

APPROVED AS TO FORM:

_____
Brian Sajdak, Attorney

Published:

DRAFT

PLAN COMMISSION MINUTES
February 26, 2018

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:30 p.m.

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Bob Williams, Peter Nilles, Tony Laszewski, Bill Shadid and Mary Ellen Gray were present. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: The following residents spoke against extending Elm Lane to the west: Richard Boehlke- N116 W13321 Elm Lane, Todd Johnson-N116 W13444 Elm Lane, Ron Peterson-W132 N11267 Forest Drive, Steve Zainer-W132 N11290 Forest Drive, Vicki Worth-N116 W12711 Elm Lane, John Simerlein-N113 W12930 Crestview Drive, Dave Brobert-W132 N11533 Forest Drive, Garrett Bradley-W132 N11239 Forest Drive, Bruce Bernarde-N120 W13645 Freistadt Road (wetland concern).

APPROVAL OF MINUTES: ***MOTION Baum second Gray to Approve the minutes from February 12, 2018.***

MOTION carried unanimously.

Top Leaf Development LLC & Alan & Lynda Luther – 107-Acres south of Freistadt Road, North of Elm Lane and West of Wasaukee Road. The property owners are requesting approval of a revised rezoning application concept plan for a residential subdivision with 42 single-family lots. Planner Retzlaff summarized the proposal. He said the zoning can be developed in the Rs-3 zoning district. Chairman Wolter explained a new public hearing has been posted, but because the zoning will be in the Rs-3 zoning district, a new public hearing will not be required but it will appear on the Village Board agenda and the public will be able to give their comments.

MOTION Baum second Gray to Approve the revised concept plan as presented.

Discussion followed. Trustee Baum said the only thing in question at the last meeting was the 700-foot connection of Elm Lane. He said in general planning terms you don't want a lot of dead end streets. There will be additional development coming to the area that will add more congestion and traffic. Commissioner Shadid asked if it would be a problem for the west end of the subdivision if the 700 feet didn't connect. Chairman Wolter said he was in favor of the road extension when there were smaller lots on the west side, but now that the plan was changed to keep the wetlands out of the parcels and in out lot areas, the lots are now larger. He doesn't see the need to connect Elm at this time but wants to keep the right of way and easements on the property so when we are ready to connect we don't need to buy additional land.

MOTION to Amend Shadid second Baum to amend the concept plan by removing the 700 feet of connectivity of Elm Lane.

Commissioner Laszewski asked when Elm Lane would be connected. Planner Retzlaff said there is no specific development that would trigger the connection of Elm. It's a matter of practice to have developers build their roads to the end of their property to aid in traffic circulation and accessibility to the property. When the opportunity presents itself, the roads should be connected. He said there are

property owners interested in developing land to the east and to west that could benefit from an improved circulation system through the entire section of this area of the Village. Commissioner Williams asked if the road is developed in the future who is responsible for payment. Will the burden be on the taxpayers? Planner Retzlaff said the Village would ultimately be responsible for the cost. He said if the road is not required to be connected, the Village should at least require some paved pedestrian accessway to make the connection for accessibility to the lands north, south and west. Chairman Wolter explained some Village Board members will be in support of the road connecting because they feel this is the time to connect because the developer is responsible for the cost. Commissioner Gray said it makes sense to connect the road.

MOTION to Amend Failed 3-4 (Gray, Laszewski, Nilles, Williams).

MOTION to Approve carried unanimously.

DRAFT

FEBRUARY 26, 2018

SITE PLAN

LOCATED IN:
THE NW 1/4 OF THE NE 1/4, THE SW 1/4 OF THE NE 1/4,
AND THE SE 1/4 OF THE NW 1/4
ALL IN:
SECTION 24, TOWNSHIP 9 NORTH, RANGE 20 EAST,
TOWN OF GERMANTOWN,
WASHINGTON COUNTY,
WISCONSIN.

N

1" = 100'

0 50 100 200 300 400
FEET

SUBDIVISION DENSITY CALCULATIONS

Area of Parcel	=	107.74 acres
Number of Lots	=	42
Lots Per Acre	=	0.39
Total Acreage of Lots	=	62.35 acres
Average Lot Size	=	1.48 acres
Number of Outlots	=	11
Total Acreage of Outlots	=	38.96 acres
Average Outlot Size	=	3.54 acres
Area of Right of Way	=	6.43 acres

TYPICAL
SUBDIVISION LOT
(RS-3 ZONING)

#

BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI

MEETING DATE: March 5, 2018

AGENDA ITEM: Public Hearing & New Business **(CONDITIONAL USE PERMIT)**

ITEM TITLE: Scott & Georgene Sommer, Property Owners; Conditional Use Permit Application to operate a Farm Market on the property located at W148 N12696 Pleasant View Drive (Parcel GTNV#114-999, 141-995 & 141-996)

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:
Scott & Georgene Sommer, property owners of a 120-acre farm located at W148 N12696 Pleasant View Drive are requesting approval of a Conditional Use Permit (CUP) to operate a farm kitchen, brewery and sausage production facilities on their property in an A-1: Agricultural Zoning District.

the Sommer's intend to create a unique "agri-tourism" destination on their 120-acre "Old Germantown" farm that will include:

1. Construction of a new 6,000 sqft commercial-grade, metal-sided/roof barn-style building for use as a farm kitchen w/ sit-down restaurant, small retail shop, sausage production, micro-brewery;
2. Year-round operation w/ variable days & hours of operation depending on the season: May 15 to Oct 31 (Summer) Tuesday through Sunday, and Nov 1 to May 14 (Fall-Winter-Spring) Thursday through Sunday

The overall operation is intended to educate, display and promote local food production and historical traditions with locally produced grains, pastas, preserves, sausages, small-batch beer and sodas, wood-fire grill, oven and a smokehouse that will be available for sale and consumption on the premises.

ATTACHMENTS:

- 1/8/18 Staff Report
- 1/8/18 Plan Commission Meeting Minutes
- Draft CUP

PLAN COMMISSION RECOMMENDATION:

APPROVE a conditional use permit for Scott & Georgene Sommer to operate a farm kitchen, brewery and sausage production facilities from their 120-acre property located at W148 N12696 Pleasant View Drive subject to (14) conditions.

{see Draft CUP for all conditions recommended by the Plan Commission}

NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, March 5, 2018
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear all parties, their attorneys or agents, for or against the application filed by the following applicants for a CONDITIONAL USE PERMIT to operate a Farm Market pursuant to Section 17.12(2)(hh) of the Zoning Code and including a farm kitchen & cafe, small batch brewery and sausage production facilities on property located in an A-1: Agricultural Zoning District.

Applicants: Scott & Georgene Sommer, Property Owners
Property: W148 N12696 Pleasant View Drive (Tax Key: GTNV 114-998, GTNV 114-999, GTNV 141-995 & GTNV 141-996)

A total of 120 acres of land located in the South ½ of the SE ¼ and the S ½ of the SW ¼ of the SE ¼ of Section 11 and the NE ¼ of the NE ¼ and the NW ¼ of the NE ¼ of Section 14, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

A copy of the application is on file in the Planning & Zoning Division of the Community Development Department, N112 W17001 Mequon Road, and available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Deanna Boldrey, Village Clerk
Dated this 7th day of February 2018

To Be Published On: February 14 and February 21, 2018

CONDITIONAL USE PERMIT APPLICATION

2/12/18 Plan Commission Meeting

Scott & Georgene Sommer

Village Planner Report **Germantown, Wisconsin**

Summary

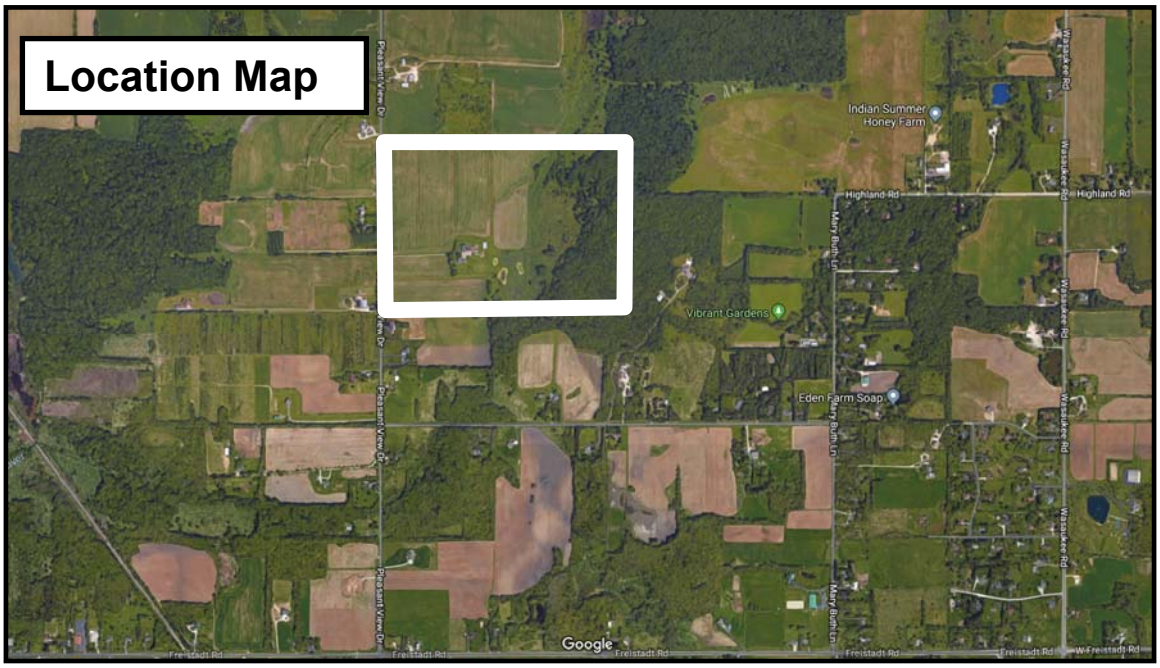
Scott & Georgene Sommer, property owners of a 120-acre farm located at W148 N12696 Pleasant View Drive are requesting approval of a Conditional Use Permit (CUP) to allow the operation of a farm kitchen, brewery and sausage production facilities on their property in an A-1: Agricultural Zoning District.

Location: W148 N12696 Pleasant View Drive

Applicant/
Property Owner: Scott & Georgene Sommer
W148 N12696 Pleasant View Drive
Germantown, WI

Current Zoning: A-1: Agricultural

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



Proposal

Scott & Georgene Sommer, property owners of a 120-acre farm located at W148 N12696 Pleasant View Drive are requesting approval of a Conditional Use Permit (CUP) to allow the operation of a farm kitchen, brewery and sausage production facilities on their property in an A-1: Agricultural Zoning District.

As presented to the Plan Commission in December 2017, the Sommer's intend to create a unique "agri-tourism" destination on their 120-acre farm. Highlights of the proposed "Old Germantown" include:

- Construction of a new 6,000 sqft commercial-grade, metal-sided/roof barn-style building for use as a farm kitchen w/ sit-down restaurant, small retail shop, sausage production, micro-brewery;
- Renovation of an existing 3,200 sqft shed for cold storage, produce and grain processing uses;
- Year-round operation w/ variable days & hours of operation depending on the season:
    - May 15 to Oct 31 (Summer) Tuesday through Sunday
    - Nov 1 to May 14 (Fall-Winter-Spring) Thursday through Sunday

The overall operation is intended to educate, display and promote local food production and historical traditions with locally produced grains, pastas, preserves, sausages, small-batch beer and sodas, wood-fire grill, oven and a smokehouse.

Staff Comments

The 120-acre Sommer property lies outside of the Village's Sanitary Sewer Area (SSA) and in an area designated on the 2020 Land Use Plan as "Agricultural/Conservation Residential". The land is currently zoned A-1: Agricultural. The land surrounding the Rivera property is currently used for agricultural and/or hobby farm-type uses. The surrounding zoning is either A-1: Agricultural, A-2: Agricultural or Rs-1: Single-Family.

While components of the Sommer's proposal are specifically identified as being permitted uses in the Village's A-1 Zoning District, e.g. retail sales of farm products, the café, small-batch brewery and sausage production components could be allowed under a conditional use permit as part of a "farm market".

Without question, this type of agri-tourism operation is the type of agricultural use that is more likely to be proposed in the future vs. traditional family or corporate farm operations and uses specifically called out in the A-1 District list of uses. However, as a relatively "new" use for Germantown, Staff is recommending specific conditions of approval intended to ensure compatibility with the surrounding agricultural area.

Fire Department

Approval recommended with following conditions/requirements:

1. Building shall be designed to meet all fire protection requirements under applicable IBC for A-3 occupancy and use classification.
2. Access driveway and new parking area shall meet NFPA 1 Chapter 18 access requirements.
3. Septic holding tank shall not be installed in a location where fire vehicles might need to drive over for emergency access purposes unless said tank is designed, constructed and approved for heavy vehicle loads.
4. Bi-annual fire safety inspections will be conducted by Germantown Fire Department.

Village Planner Recommendation

APPROVE a conditional use permit for Scott & Georgene Sommer to operate a farm kitchen, brewery and sausage production facilities from their 120-acre property located at W148 N12696 Pleasant View Drive subject to the following conditions:

1. The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit application (CUP) and supporting materials dated January 8, 2018. The physical facilities from which said uses and activities are permitted include the existing and proposed buildings specified in the CUP application and supporting materials. Days and hours of operation shall be limited to those specified in the CUP application and supporting materials dated January 8, 2018.
2. The brewery operation has been described as and is intended to be a “small batch” operation with production occurring within an approximate 1,100 sqft area located in the proposed “farm market” building. This CUP is granted with the understanding that the brewery will operate as a “nano brewery” and “brewpub” with production not to exceed 1,000 barrels/year with at least 25 percent of the beer produced sold in/from the farm market. The purpose for these limitations is to address concerns regarding water consumption and to ensure the brewery remains an accessory use and integral component to the overall farm market concept. In the event the owner/operator seeks to expand brewery production and/or add or eliminate other uses and activities to the overall farm market business plan for which this CUP has been issued, the owner/operator shall submit an amended plan of operation to the Village for review and consideration as part of an amendment to this CUP to be reviewed and processed following the typical CUP procedures.
3. Site Plan review and approval is required prior to construction of the new 60’ x 100’ (6,000 sqft) building in accordance with Village Zoning Code requirements.
4. A temporary use permit may be required for special events involving attendance by the public depending on the type and extent of activities, days, hours and duration of the event. The owner/operator is responsible for contacting the Community Development Department for information and permitting requirements (if any) prior to scheduling any special events involving special or extraordinary advertising or promotion, events occurring for 2 or more consecutive days, or when the number of visitors for an event is expected to exceed three-hundred (300) persons per day.

Village Planner Recommendation (cont.)

5. Building permits are required for all internal and external building renovation and improvements.
6. The No vehicle parking shall be permitted on or along Pleasant View Drive; all parking associated with the operation shall be accommodated on the property.
7. All permanent and temporary exterior signage along or facing Pleasant View Drive requires a sign permit and shall comply with all current sign regulations. Off-premise advertising and directional signage is regulated by the Village and requires a permit if/when allowed.
8. The owner/operator is required to obtain all applicable permits, approvals, licenses, etc. from the Village of Germantown, Washington County, State of Wisconsin and any federal agencies prior to commencing operations of the café/restaurant, meat production, and brewery, including, but not limited to: liquor licenses for the sale and consumption of alcohol; brewery/brewpub licenses for the production and distribution of alcohol; restaurant and food licensing for the production, sale and consumption of retail food products, sausage and other meat production; septic/holding tank and other waste processing permits for the storage, transportation and/or processing of wastewater and other by-products associated with the production of sausage, beer, soda, etc. The owner/operator shall provide copies of all required permits to the Community Development Department.
9. The processing and ultimate disposal of all wastewater and other by-products associated with the production, processing and packaging of meat, beer and other products should occur off-site and in a licensed facility. In the event the processing and/or disposal of wastewater and other by-products associated with meat and beer production is handled on-site, e.g. composting, the owner/operator shall prepare and submit a detailed plan addressing the processes and procedures that will be used, and, that specifies how concerns such as odor control, soil and groundwater contamination will be addressed and mitigated. Said plan shall be submitted to the Village of Germantown and any county and state agencies regulating said waste processing and disposal.
10. All new and renovated buildings shall be designed to meet all fire protection requirements under applicable IBC for A-3 (or applicable) occupancy and use classification.
11. The access driveway and new parking area shall meet NFPA 1 Chapter 18 access requirements.
12. The septic holding tank shall not be installed in a location where fire vehicles might need to drive over for emergency access purposes unless said tank is designed, constructed and approved for heavy vehicle loads.
13. Bi-annual fire safety inspections will be conducted by Germantown Fire Department.
14. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the permitted conditional uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.

Village of Germantown ...Willkommen

Fee must accompany application

☒ $1460 Paid [signature] Date 1-8-18

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

Georgene & Scott Sommer
W148N12696 Pleasant View Dr
Germantown, WI 53022

Phone (414) 322-5872
Fax ( )
E-Mail Sommer@012germantown.com

PROPERTY OWNER

Georgene & Scott Sommer
W148N12696 Pleasant View Dr
Germantown, WI 53022

Phone (414) 322-5872

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

Georgene & Scott Sommer

3 PROPERTY ADDRESS | **TAX KEY NUMBER**

W148N12696 Pleasant View Dr | 141-996

4 DESCRIPTION OF EXISTING OPERATION

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

Part of 120 acre Farm and home.

5 DESCRIPTION OF PROPOSED OPERATION

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

- Allow as A-1 property to invoke a restaurants, brewery, Farm Kitchen & Sausage Maker

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

Sausage Making, brewery, Farm Kitchen and Cafe in a new 6000 sq. ft. Farm style building. Two full-time employees, seasonally various number of part-time employees. New parking lot.

Hours: May 15 - Oct. 31: Tues & Wed. 3-7 pm, Thurs-Fri. 10 am - 8:30 pm, Sat. 8 am - 8:30 pm Sun. Noon - 6 pm

Nov 1 - May 14: Thurs-Fri. 4-8:30 pm, Sat 8 am - 8:30 pm, Sun Noon - 6 pm

* Community, club activities, classes, private meetings meet on Mondays - Wednesday nights, occasional private breakfast, lunches during weekdays, all closed to public, never open before 8 am, closed by 8:30 pm.

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY — REQUIRED

6

Attach pages as necessary.

Please See attached Site Map, describing Construction area of 40-acre parcel, Tax ID 141-996.

SUPPORTING DOCUMENTATION:

7

- ☑ Site plan and elevations for new construction (can be conceptual)
- ☐ Photos of existing use and/or proposed use operating elsewhere
- ☐ Previously Submitted Business Plan Presentation
- ☐ _____

READ AND INITIAL THE FOLLOWING:

8

_____ I understand that the Village is under no obligation to issue a Conditional Use Permit and will do so only if the applicant successfully demonstrates that the proposed use is harmonious with the neighborhood and the long range goals of the Village.

_____ I will notify the Village if any aspect of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.

_____ I understand that a Conditional Use Permit is valid only if the conditions and restrictions of the permit are met. I understand that failure to comply with any aspect of the permit may result in revocation.

SIGNATURES — ALL APPLICATIONS MUST BE SIGNED BY OWNER!

9

Scott M Sommer Jan 7, 2018
Applicant Date

Georgene Sommer 1/7/18
Owner Date

RECEIVED
JAN 08 2018
OFFICE OF THE VILLAGE PLANNER
VILLAGE OF GERMANTOWN

MISSION: PROMOTE LOCAL FOOD AND THE HISTORICAL TRADITIONS OF FARM-MADE AMERICAN HERITAGE PRODUCTS.

PROMOTE LOCAL PRODUCE, PROCESS FARM PRODUCTS, INCLUDING GRAINS, PASTAS, AND PRESERVES. MAKE SMALL BATCHES OF TRADITIONAL SAUSAGES, SODAS, LAGERS AND ALES. SERVE FARM TO TABLE CAFE MENU, USING WOOD FIRE GRILL, SMOKEHOUSE AND WOOD FIRE BRICK OVEN.

TRAVEL WISCONSIN .COM

Agricultural tourism, craft breweries, wine makers and specialty cheese makers are rapidly growing in both urban and rural areas.

Family-oriented, these destinations promote local traditions, history and educational experiences.

Something Special from Wisconsin

2017: Purchased European Homemade Sausage Shop, from Frank Jakubcza, Milwaukee's respected south side sausage maker of specialty European sausages including Polish Kielbasa, Kiszka, Slovenian and Krakowska. We plan to continue to serve the demand of his loyal customers.

More about Frank:

- History Channel Meat America

https://www.youtube.com/watch?v=aHU0Jg6lcUY

- Wisconsin Foodie

https://vimeo.com/35598156

- Radio Milwaukee

http://www.eurosausage.com/Pages/Media.aspx

- Edible Milwaukee

http://digitaleditions.sheridan.com/publication/index.php?i=158510&m=&l=&p=15&pre=&ver=html5#{"page":14,"issue_id":158510}

Old Germantown Farmstead will be a community partner

- Germantown Recreation Dept.: Offer classes in cooking, food preservation, sausage making, beer-making and other farm-crafts.
- Agricultural programs for local schools and clubs.
- Organizations such as the Sons of Norway for their annual Spring festival.
- Supporting local growers by providing a point of distribution outside the weekly farmer's market.
- Outdoor fairs for local artisans and producers.

Construction Plans:

- New 6,000 sq. ft. building to be built over 1,000 ft. from road. Visibility partially obscured by existing barn and ruins of a fallen barn.
- Existing 3,200 sq. ft. shed remodeled and modernized for cold storage, produce and grain processing.
- Existing driveway to be widened for two-way traffic. New access drive to be added near existing barn.
- Gravel parking lot added to the north of existing barn and new building.
- Produce and farm production accessible for public interaction.
- Three-phase electric power installed.
- Septic: Request for variance. Install 4-6,000 gallon holding tank due to processing meat and yeast products.
- Signage at entrance to comply with village guidelines.

Old Germantown Farmstead will operate in ways that are compatible with the community

No changes to the main vista of the farm.

No activities that create an environmental pollution risk.

No business activities that require late night or early morning commercial traffic.

Traffic increases to be seasonal and comparable to other area retail farm sales operations.

Distance from road to building site

1,067′

Distance to neighbor #1
1,148′

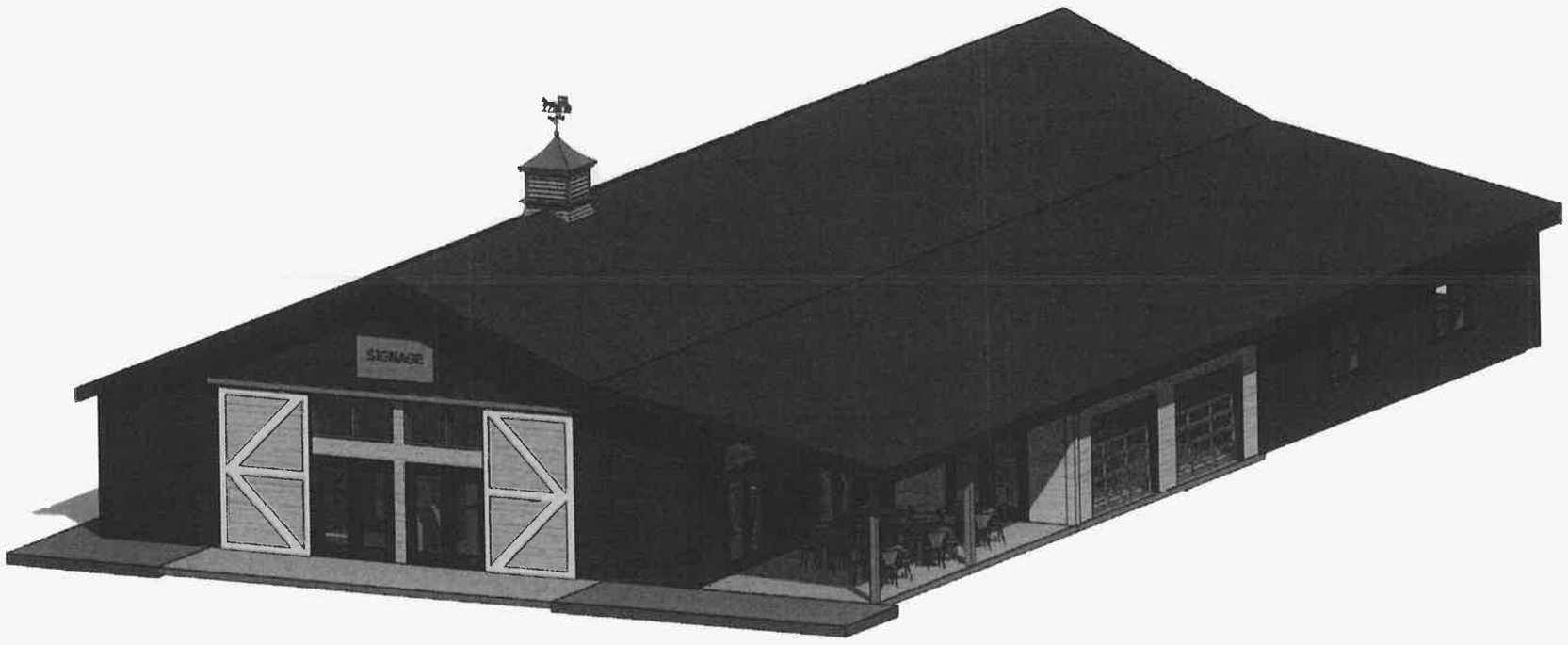
Distance to neighbor #2
1,324′

Distance to neighbor #3
1,398′

895′

Driveway length road to barn

West View: Main Entrance



Proposed hours of operation:

May 15 – Oct. 31:

Monday: Closed

Tuesday - Wednesday: 3 –7 pm

Thursday - Friday: 10 am-8:30 pm

Saturday: 8 am - 8:30 pm

Sunday: 12 - 6 pm.

Nov. 1 – May 14:

Monday-Wednesday: Closed

Thursday - Friday: 4 pm-8:30 pm

Saturday: 8 am - 8:30 pm

Sunday: 12 - 6 pm

Open New Years Eve until 8:30 pm.

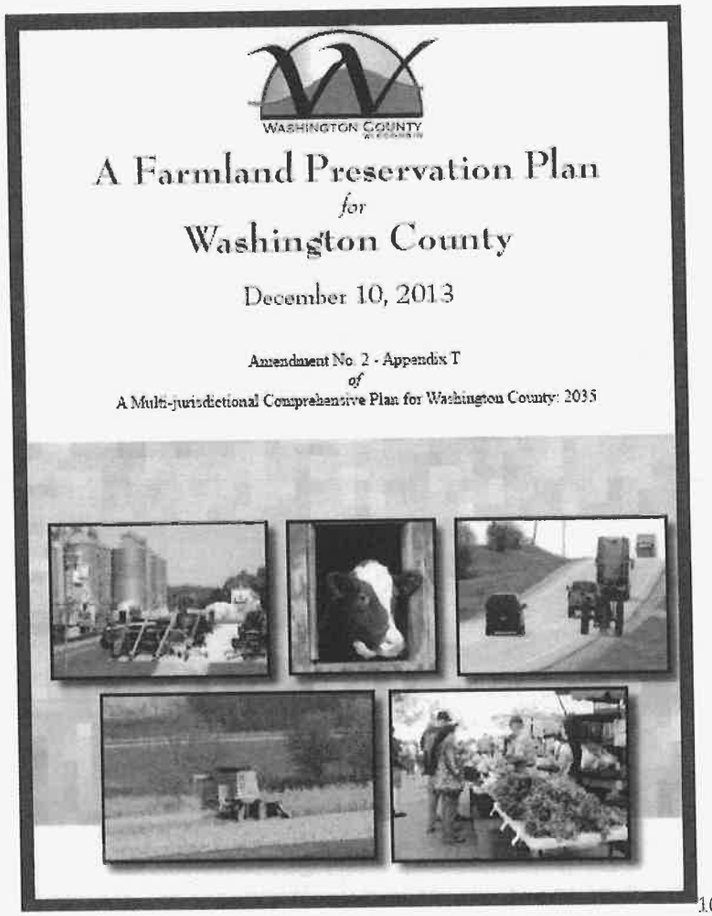
Closed: Thanksgiving, Christmas Eve, Christmas Day, New Years Day, Easter.

**Community or club meetings and/or classes may meet on Monday, Tuesday and Wednesday evenings, but will be closed to the public.*

How we comply to Germantown and Washington County planning

Germantown and Washington County have a plan for growth and the goal of preserving agricultural land.

The Farmland Preservation Plan includes the Working Lands Initiative



Agricultural, Natural, and Cultural Resources Element: Goals & Objectives

Goal: Promote the preservation of existing natural features of the Village which add to the community identity, historic ways of life, economic base, and unique character of Germantown.

Goal: Provide Village residents with access to natural areas and open spaces.

Goal: Promote the preservation of agricultural land use in those areas where the most favorable environmental features will prolong the use of the land for agriculture.

Objective: Encourage the use of any organization that promotes the preservation of natural features.

Objective: Preserve and promote the registration of historic structures and farmsteads, which contribute to the cultural heritage of the Germantown area.

Objective: Identify and preserve important scenic vistas that contribute to the authenticity of the Village's historic farmsteads and settlements.

Objective: Explore and promote the use of any techniques which facilitate the preservation of agricultural land uses and unprotected natural features from development pressure by creating a viable economic option for land owners.

<u>Goal:</u> Promote the preservation of existing natural features of the Village which add to the community identity, historic ways of life, economic base, and unique character of Germantown.

Old Germantown Farmstead will….

…be preserved for future generations

…continue to be a living example of an original Germantown farmstead.

…provide economic benefits through agricultural/historical tourism and value-added processing of local products.

<u>Objective:</u> Preserve and promote the registration of historic structures and farmsteads, which contribute to the cultural heritage of the Germantown area.

Old Germantown Farmstead will....

...preserve the original 1858 farmstead and return to the original purpose of the community farm. Maintain a living connection to the cultural and historical heritage of Germantown.

<u>Objective:</u> Explore and promote the use of any techniques which facilitate the preservation of agricultural land uses and unprotected natural features from development pressure by creating a viable economic option for land owners.

Old Germantown Farmstead will....

...follow other community models that support small farming practices. Produce quality locally produced products and open their property to the public.

Examples of similar operations

Brewery Terra Firma is a production brewery, tap room, and MAEAP-certified farm located on 10 acres in residential area of Traverse City, Michigan.

2959 Hartman Rd, Traverse City, MI 49685

breweryterrafirma.com

Hours:

- Mondays-Saturdays: 10 am to 10 pm
- Sundays: 2-9 pm.

Examples of similar operations

Hop Lot Brewery is a production brewery, tap room, and restaurant in Suttons Bay, MI, north of Traverse City.

2959 Hartman Rd, Traverse City, MI
http://hoplotbrewing.com/

Hours:

- Mon.-Wed. 12-9 pm
- Thurs.-Sat.: 12-10 pm
- Sundays: 12-8:30 pm

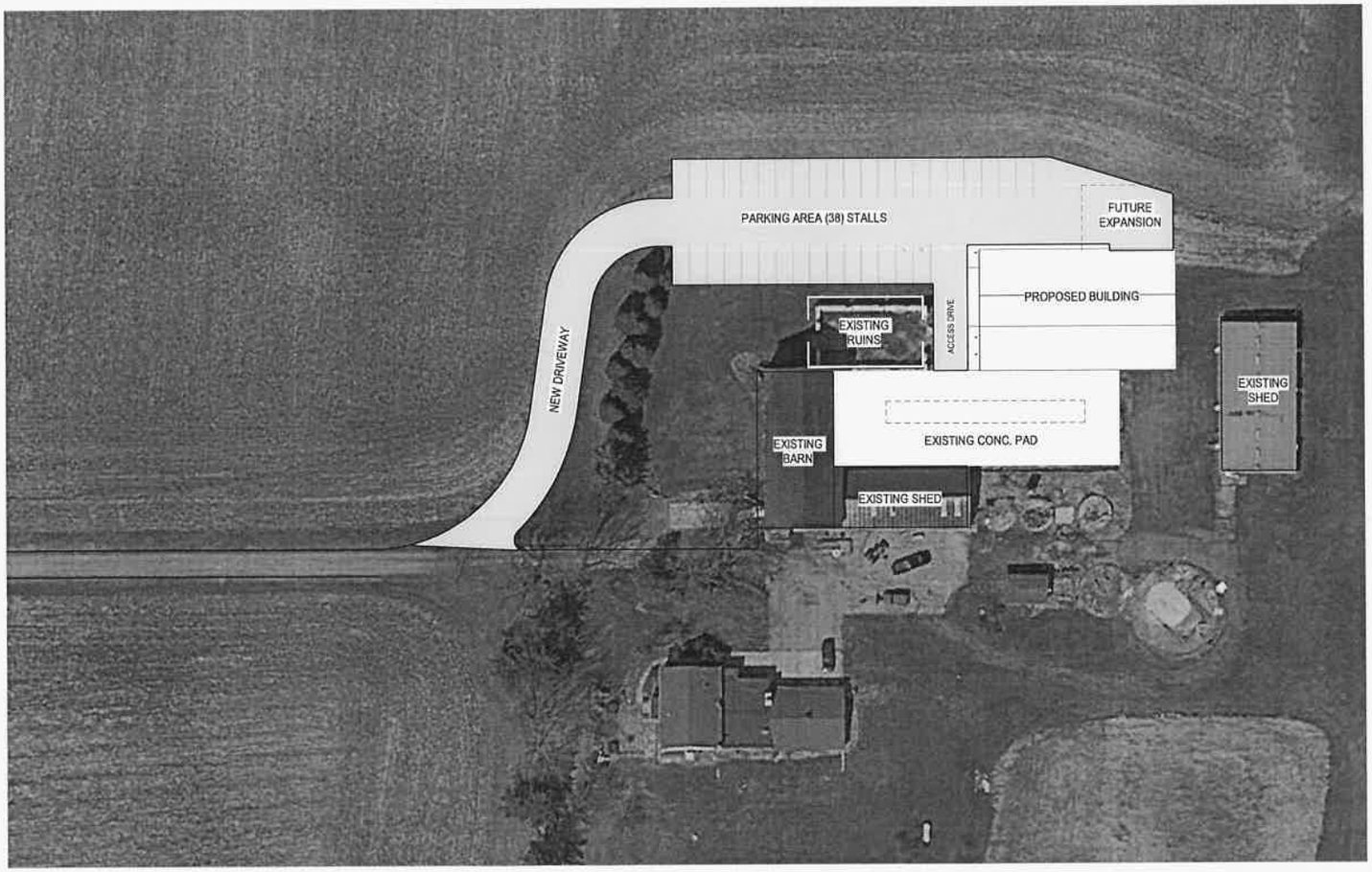
Old Germantown*

*Please note name change from earlier submission. "**Farmstead"** is a protected and registered trademark, not available for our use.

Farm Kitchen, sausage & Brewery

We promote local food and the traditions of farm-made American heritage products

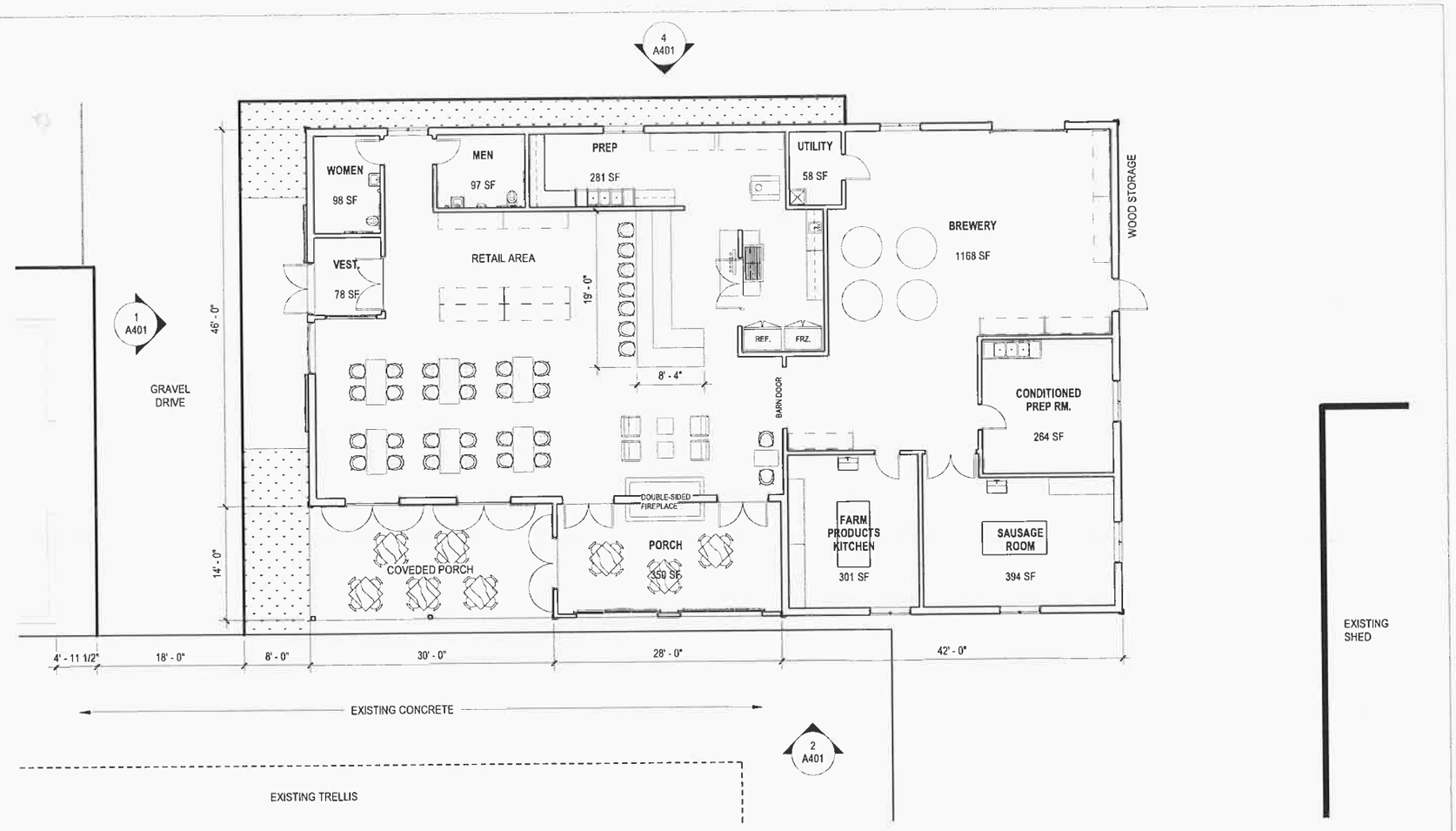
Old Germantown LLC W148N12696 Pleasant View Drive
Germantown, WI 53022



OLD GERMANTOWN FARMSTEAD

10/28/2017 Scale 1" = 50'-0"

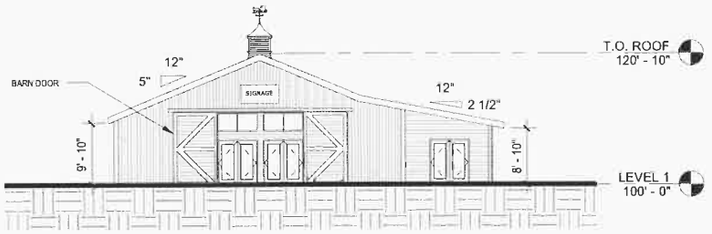
ARCHITECTURAL SITE PLAN



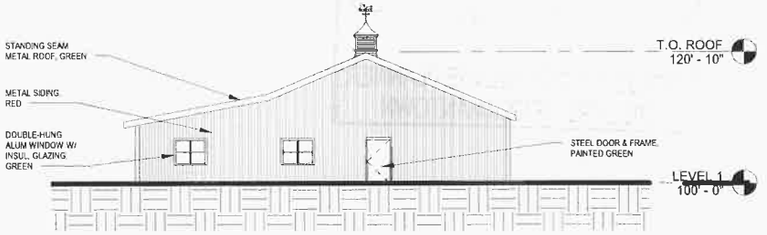
OLD GERMANTOWN FARMSTEAD

10/28/2017 Scale 3/32" = 1'-0"

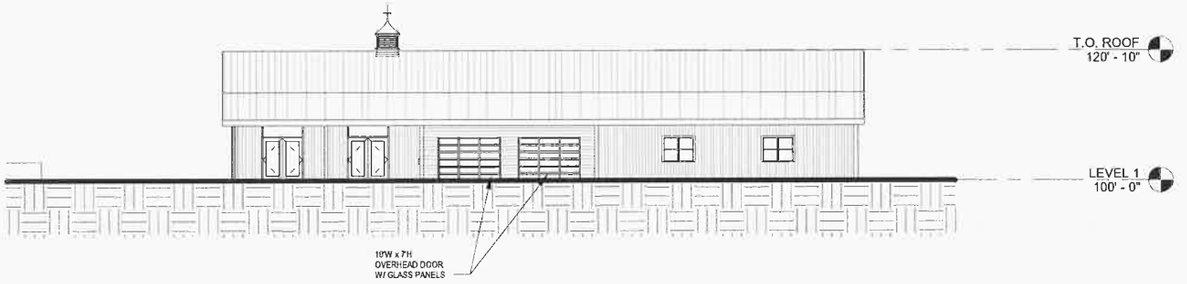
LEVEL 1 - OVERALL FLOOR PLAN



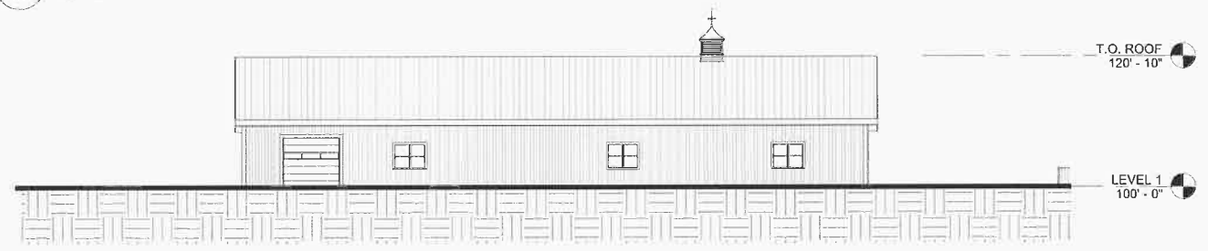
1 A401 EXTERIOR ELEVATION - WEST
1/16" = 1'-0"



3 A401 EXTERIOR ELEVATION - EAST
1/16" = 1'-0"



2 A401 EXTERIOR ELEVATION - SOUTH
1/16" = 1'-0"



4 A401 EXTERIOR ELEVATION - NORTH
1/16" = 1'-0"

OLD GERMANTOWN FARMSTEAD
10/28/2017 Scale 1/16" = 1'-0"

OVERALL EXTERIOR ELEVATIONS

PLAN COMMISSION MINUTES
February 12, 2018

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:30 p.m.

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Bob Williams, Peter Nilles, Tony Laszewski, Bill Shadid and Mary Ellen Gray were present. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT:
Bruce Bernarde, N120 W13645 Freistadt Road, said he had given his concerns at the Public Hearing for Top Leaf Development and wanted to see what changes were proposed.

APPROVAL OF MINUTES: ***MOTION Baum second Nilles to Approve the minutes from January 8, 2018.***

MOTION carried unanimously.

Scott & Georgene Sommer – W148 N12696 Pleasant View Drive. The property owners of a 120-acre farm are requesting approval of a Conditional Use Permit to allow the operation of a farm kitchen, brewery and sausage production facility on their property in the A-1 Agricultural Zoning District. Planner Retzlaff summarized the proposal. Scott Sommer said he estimates using approximately 350 gallons of water per day.

MOTION Baum second Shadid to Approve a Conditional Use Permit for Scott & Georgene Sommer to operate a farm kitchen, brewery and sausage production facilities from their 120-acre property located at W148 N12696 Pleasant View Drive subject to the following conditions:

1. ***The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit application (CUP) and supporting materials dated January 8, 2018. The physical facilities from which said uses and activities are permitted include the existing and proposed buildings specified in the CUP application and supporting materials. Days and hours of operation shall be limited to those specified in the CUP application and supporting materials dated January 8, 2018.***
2. ***The brewery operation has been described as and is intended to be a "small batch" operation with production occurring within an approximate 1,100 sqft area located in the proposed "farm market" building. This CUP is granted with the understanding that the brewery will operate as a "nano brewery" and "brewpub" with production not to exceed 1,000 barrels/year with at least 25 percent of the beer produced sold in/from the farm market. The purpose for these limitations is to address concerns regarding water consumption and to ensure the brewery remains an accessory use and integral component to the overall farm market concept. In the event the owner/operator seeks to expand brewery production and/or add or eliminate other uses and activities to the overall farm market business plan for which this CUP has been issued, the owner/operator shall submit an amended plan of operation to the Village for review and consideration as part of an amendment to this CUP to be reviewed and processed following the typical CUP procedures.***
3. ***Site Plan review and approval is required prior to construction of the new 60' x 100' (6,000 sqft) building in accordance with Village Zoning Code requirements.***
4. ***A temporary use permit may be required for special events involving attendance by the public depending on the type and extent of activities, days, hours and duration of the event. The owner/operator is responsible for contacting the Community Development Department for information and permitting requirements (if any) prior to scheduling any special events involving special or extraordinary advertising or promotion, events occurring for 2 or more consecutive days, or when the number of visitors for an event is expected to exceed three-hundred (300) persons per day.***

5. ***Building permits are required for all internal and external building renovation and improvements.***
6. ***The No vehicle parking shall be permitted on or along Pleasant View Drive; all parking associated with the operation shall be accommodated on the property.***
7. ***All permanent and temporary exterior signage along or facing Pleasant View Drive requires a sign permit and shall comply with all current sign regulations. Off-premise advertising and directional signage is regulated by the Village and requires a permit if/when allowed.***
8. ***The owner/operator is required to obtain all applicable permits, approvals, licenses, etc. from the Village of Germantown, Washington County, State of Wisconsin and any federal agencies prior to commencing operations of the café/restaurant, meat production, and brewery, including, but not limited to: liquor licenses for the sale and consumption of alcohol; brewery/brewpub licenses for the production and distribution of alcohol; restaurant and food licensing for the production, sale and consumption of retail food products, sausage and other meat production; septic/holding tank and other waste processing permits for the storage, transportation and/or processing of wastewater and other by-products associated with the production of sausage, beer, soda, etc. The owner/operator shall provide copies of all required permits to the Community Development Department.***
9. ***The processing and ultimate disposal of all wastewater and other by-products associated with the production, processing and packaging of meat, beer and other products should occur off-site and in a licensed facility. In the event the processing and/or disposal of wastewater and other by-products associated with meat and beer production is handled on-site, e.g. composting, the owner/operator shall prepare and submit a detailed plan addressing the processes and procedures that will be used, and, that specifies how concerns such as odor control, soil and groundwater contamination will be addressed and mitigated. Said plan shall be submitted to the Village of Germantown and any county and state agencies regulating said waste processing and disposal.***
10. ***All new and renovated buildings shall be designed to meet all fire protection requirements under applicable IBC for A-3 (or applicable) occupancy and use classification.***
11. ***The access driveway and new parking area shall meet NFPA 1 Chapter 18 access requirements.***
12. ***The septic holding tank shall not be installed in a location where fire vehicles might need to drive over for emergency access purposes unless said tank is designed, constructed and approved for heavy vehicle loads.***
13. ***Bi-annual fire safety inspections will be conducted by Germantown Fire Department.***
14. ***If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the permitted conditional uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***

Mr. Sommer indicated he read and will abide by the conditions of approval. Chairman Wolter asked for clarification of Condition #4 stating a temporary use permit may be required for special events. Planner Retzlaff explained a temporary use permit is intended for events that may attract a larger crowd, outside of the usual and customary events. He said the operator should contact the Village before such an event and ask if a permit is needed. Alerting the Village to certain events would allow notification to the Police and Public Works Departments and help with traffic control.

MOTION carried unanimously.

CUP # xx-18 Document No.	CONDITIONAL USE PERMIT Document Title

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

Whereas the Applicants:
Scott & Georgene Sommer, Property Owners & Business Operators

agree to comply with applicable Codes and Ordinances of the Village of Germantown, Wisconsin, and further agrees that all work done pursuant to the permission granted herewith will conform with the applications and drawings filed with and approvals granted by officials of the Village for obtaining this permit.

Now, therefore, this permit is issued to the Applicants to operate an "agri-tourism" farm market including a farm kitchen & café, small-batch brewery and sausage production facilities on the property located at W148 N12696 Pleasant View Drive pursuant to Section 17.12(2)(hh) of the Village Zoning Code.

Name & Return Address:
Village of Germantown
P.O. Box 337
Germantown, WI 53022

Parcel Identification No:
GTNV 114-999, 114-999, 141-995 & 141-996

On the following described property located in the Village of Germantown, Washington County, Wisconsin:
A total of 120 acres of land located in the South ½ of the SE ¼ and the S ½ of the SW ¼ of the SE ¼ of Section 11 and the NE ¼ of the NE ¼ and the NW ¼ of the NE ¼ of Section 14, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.
Tax Key No: GTNV 114-999, 114-999, 141-995 & 141-996
Address: W148 N12696 Pleasant View Drive

Pursuant to the following condition(s):

1. The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit application (CUP) and supporting materials dated January 8, 2018. The physical facilities from which said uses and activities are permitted include the existing and proposed buildings specified in the CUP application and supporting materials. Days and hours of operation shall be limited to those specified in the CUP application and supporting materials dated January 8, 2018.
2. The brewery operation has been described as and is intended to be a "small batch" operation with production occurring within an approximate 1,100 sqft area located in the proposed "farm market" building. This CUP is granted with the understanding that the brewery will operate as a "nano brewery" and "brewpub" with production not to exceed 1,000 barrels/year with at least 25 percent of the beer produced sold in/from the farm market. The purpose for these limitations is to address concerns regarding water consumption and to ensure the brewery remains an accessory use and integral component to the overall farm market concept. In the event the owner/operator seeks to expand brewery production and/or add or eliminate other uses and activities to the overall farm market business plan for which this CUP has been issued, the owner/operator shall submit an amended plan of operation to the Village for review and consideration as part of an amendment to this CUP to be reviewed and processed following the typical CUP procedures.

3. Site Plan review and approval is required prior to construction of the new 60' x 100' (6,000 sqft) building in accordance with Village Zoning Code requirements.
4. A temporary use permit may be required for special events involving attendance by the public depending on the type and extent of activities, days, hours and duration of the event. The owner/operator is responsible for contacting the Community Development Department for information and permitting requirements (if any) prior to scheduling any special events involving special or extraordinary advertising or promotion, events occurring for 2 or more consecutive days, or when the number of visitors for an event is expected to exceed three-hundred (300) persons per day.
5. Building permits are required for all internal and external building renovation and improvements.
6. The No vehicle parking shall be permitted on or along Pleasant View Drive; all parking associated with the operation shall be accommodated on the property.
7. All permanent and temporary exterior signage along or facing Pleasant View Drive requires a sign permit and shall comply with all current sign regulations. Off-premise advertising and directional signage is regulated by the Village and requires a permit if/when allowed.
8. The owner/operator is required to obtain all applicable permits, approvals, licenses, etc. from the Village of Germantown, Washington County, State of Wisconsin and any federal agencies prior to commencing operations of the café/restaurant, meat production, and brewery, including, but not limited to: liquor licenses for the sale and consumption of alcohol; brewery/brewpub licenses for the production and distribution of alcohol; restaurant and food licensing for the production, sale and consumption of retail food products, sausage and other meat production; septic/holding tank and other waste processing permits for the storage, transportation and/or processing of wastewater and other by-products associated with the production of sausage, beer, soda, etc. The owner/operator shall provide copies of all required permits to the Community Development Department.
9. The processing and ultimate disposal of all wastewater and other by-products associated with the production, processing and packaging of meat, beer and other products should occur off-site and in a licensed facility. In the event the processing and/or disposal of wastewater and other by-products associated with meat and beer production is handled on-site, e.g. composting, the owner/operator shall prepare and submit a detailed plan addressing the processes and procedures that will be used, and, that specifies how concerns such as odor control, soil and groundwater contamination will be addressed and mitigated. Said plan shall be submitted to the Village of Germantown and any county and state agencies regulating said waste processing and disposal.
10. All new and renovated buildings shall be designed to meet all fire protection requirements under applicable IBC for A-3 (or applicable) occupancy and use classification.
11. The access driveway and new parking area shall meet NFPA 1 Chapter 18 access requirements.
12. The septic holding tank shall not be installed in a location where fire vehicles might need to drive over for emergency access purposes unless said tank is designed, constructed and approved for heavy vehicle loads.
13. Bi-annual fire safety inspections will be conducted by Germantown Fire Department.

14. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the permitted conditional uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the _____ day of _____, 2018.

_____
Dean Wolter, Village President

ATTEST:

_____
Deanna Boldrey, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)
Personally came before me this _____ day of _____, 2018, the above named Dean Wolter, Village President, and Deanna Boldrey, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

_____
{type or print name of Notary on this line}

_____
{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

DRAFT

ACCEPTANCE OF TERMS AND CONDITIONS BY OPERATOR

As a property owner and business operator, Scott Sommer, I hereby accept the terms and conditions set forth in this Permit and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ___ day of _____, 2018

_____
Scott Sommer, Property Owner

_____
Georgene Sommer, Property Owner

STATE OF WISCONSIN) SS
_____ COUNTY)

Personally came before me this _____ day of _____, 2018, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
{type or print name of Notary on this line}

_____
{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

DRAFT

ACCEPTANCE OF TERMS AND CONDITIONS BY OPERATOR

As a property owner and business operator, Georgene Sommer, I hereby accept the terms and conditions set forth in this Permit and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ___ day of _____, 2018

_____
Georgene Sommer, Property Owner

STATE OF WISCONSIN) SS
_____ COUNTY)

Personally came before me this _____ day of _____, 2018, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
{type or print name of Notary on this line}

_____
{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

DRAFT

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

BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI

MEETING DATE: March 5, 2018

AGENDA ITEM: Public Hearing & New Business **[ORDINANCE & RESOLUTION]**

ITEM TITLE: Greg Nagel, Agent for Victory Center LLC, Property Owners; W140 N10385 & W10393 Fond du Lac Avenue (Parcels GTNV#351-972 & 351-964); Creation of the "Kuhburg District" a B-3 Planned Development District (PDD) & Rezoning Application

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:
Greg Nagel, President of Virtus Development and agent for Victory Center LLC, property owner, is requesting approval of a rezoning application to create a B-3: General Business Planned Development District (PDD), to be called the "Kuhburg District" to facilitate re-development of the existing vacant school house and 2-story tavern into a 4,220 sqft restaurant & coffee shop located in the southwest corner of the Donges Bay Road @ Fond du Lac Ave/STH145 intersection.

The Developer is proposing to create a new B-3/PDD zoning district called the "Kuhburg District", to modify some of the underlying B-3: General Business Zoning District requirements that would ordinarily apply and otherwise likely prohibit re-development of the site. The proposed "Kuhburg District" is based on the "standard" B-3: General Business District requirements with modifications to the following:

- Lot, Yard and Building Requirements
  - Reduce minimum Lot Area from 5,000 sqft to no minimum;
- Parking and Loading Requirements
  - Reduce the minimum parking lot setback in all yards from 8 feet to 0 feet;
  - Eliminate the 50' setback requirement between commercial parking lots and residential property;
  - Allow loading zone to be in the parking isles;
  - Specify that the number of parking stalls is at the discretion of the developer based on actual capacity; allow for additional parking off-site; and that additional parking may be created by the purchase of additional property;
- Signage
  - Allow for two (2) monument signs to be installed on the property along Fond du Lac Avenue;
  - Reduce the minimum sign setback from 5 feet to 0 feet.

Along with their recommendation to the Village Board to approve the proposed PDD and General Development Plan, the Plan Commission approved detailed site development & building plans subject to (14) conditions including being VB approval of the B-3/PDD rezoning).

#

ATTACHMENTS:

- 2/26/18 Staff Report
- 2/26/18 Plan Commission Meeting Minutes
- Draft B-3/PDD Zoning Ordinance
- Draft “Kuhberg District” Conditions & Restrictions Resolution

PLAN COMMISSION RECOMMENDATIONS:

APPROVE creating a B-3/PDD (the “Kuhberg District”) and rezoning proposed by Victory Center LLC for their .43-acre area located on Donges Bay Road subject to (5) conditions:

1. The B-3: General Business Zoning District regulations shall constitute the specific conditions and restrictions for the PDD as amended in the Developer’s PDD Application (dated January 8, 2018) and summarized herein;
2. Subject to revision required by the Plan Commission, plan sheet GD100 dated February 23, 2018 shall constitute the General Development Plan required under Section 17.27 of the Zoning Code;
3. The Developer shall provide one complete and accurate legal description for all the land to be included in the PDD boundary prior to review of the PDD application by the Village Board.
4. The PDD conditions & restrictions resolution shall contain a requirement that a certified survey map (CSM) land combination shall be completed and approved to combine the two subject parcels and adjust the property line along the west boundary prior to issuance of any building permit(s) for building renovation. The CSM will need to include all the parcels affected, including the residential parcel to the west.
5. The PDD boundary for the “Kuhberg District” shall be expanded in the future if the Developer acquires additional land to accommodate an expanded parking area. Said PDD boundary expansion shall be processed as a separate PDD application in accordance with all requirements and procedures at that time.

NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, March 5, 2018
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear all parties, their attorneys or agents, for or against applications to: (1) create a B-3: General Business Planned Development District (B-3/PDD) pursuant to Sections 17.27 and 17.30 of the Zoning Code; and (2) rezone the following described properties from the B-3: General Business District into the newly created B-3/PDD Zoning District:

Applicant: Greg Nagel, Agent, for Virtus Development and Victory Center LLC, Property Owner

Parcel #1 (north): W140 N10393 Fond du Lac Avenue (Tax Key #351-972)
Part of the NE 1/4 of the NE 1/4 of Section 35, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:
Commencing at the northeast corner of said Section 35; thence S 00°06'29" E, along the east line of said NE 1/4, 99.00 feet; thence S 89°43'31" W, parallel with the north line of said NE 1/4, 33.00 feet to a point in the west right of way line of Fond du Lac Avenue, being the point of beginning of lands herein described; thence continuing S 89°43'31" W, parallel with said north line,137.90 feet to a point in the east line of Lot 1of Certified Survey Map No. 4143 as recorded in the Washington County Register of Deeds Office in Volume 27 of Certified Survey Maps on pages 42-45, as Document No. 640922; thence N 00°06'23" W (recorded as N 01°26'22" W), 66.00 feet to a point in the south right of way line of Donges Bay Road;thence N 89°43'31" E, along said south right of way line of Donges Bay Road, 112.91feet; thence S 39°58'41" E, continuing along the south right of way line of Donges Bay Road, 38.99 feet to the intersection with said west right of way line of Fond du Lac Avenue; thence S 00°06'29" E, along said west right of way line of Fond du Lac Avenue, 36.00 feet to the point of beginning. Containing 8,799 sqft more or less.

Parcel #2 (south): W140 N10385 Fond du Lac Avenue (Tax Key #351-964)
Part of the NE 1/4 of the NE 1/4 of Section 35,Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:
Commencing at the northeast corner of said Section 35;thence S 00°06'29" E, along the east line of said NE 1/4, 99.00 feet;thence S 89°43'31" W, parallel with the north line of said NE 1/4,33.00 feet to a point in the west right of way line of Fond du Lac Avenue, being the point of beginning of lands herein described; thence S 00°06'29" E, along said west right of way line of Fond du Lac Avenue, 70.00 feet; thence S 89°43'31" W, parallel with said north line of the NE 1/4, 137.00 feet to a point in the east line of Lot 1 of Certified Survey Map No. 4143 as recorded in the Washington County Register of Deeds Office in Volume 27 of Certified Survey Maps on pages 42-45, as Document No. 640922; thence N 00°06'23" W (recorded as N 01°26'22" W), 70.00 feet;thence N 89°43'31" E, parallel with said north line of the NE 1/4, 137.00 feet to the point of beginning. Containing 9,590 sqft more or less.

A copy of the application is on file in the Village Planning Department office and is available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Deanna Boldrey, Village Clerk
Dated this 7th day of February 2018

To Be Published On: February 14th and February 21st, 2018

PLANNED DEVELOPMENT DISTRICT (PDD) & SITE PLAN REVIEW

2/26/18 Plan Commission Meeting

Virtus Development / Victory Center LLC

Village Planner Report **Germantown, Wisconsin**

Summary

Greg Nagel, President of Virtus Development, and agent for Victory Center LLC, property owner, is requesting approval of a rezoning application to create a Planned Development District (PDD) and a Site Plan for a 4,220 sqft restaurant & coffee shop located in the southwest corner of the Donges Bay Road @ Fond du Lac Ave/STH145 intersection.

Property Location: W140 N10385 Fond du Lac Ave (.21 acres)
W140 N10393 Fond du Lac Ave (.22 acres)

Applicant/
Property Owner:

Greg Nagel	Catherine Jahn, Member
Virtus Development	Victory Center LLC
13100 Watertown Plnk Rd	W222 N7364 Willowview Dr
Elm Grove, WI	Sussex, WI

Current Zoning: B-3: General Business

Adjacent Land Uses		Zoning
North	Business	B-3
South	Residential	Rs-6
East	Industrial	M-1
West	Residential	Rs-6

Background

As presented and discussed in November 2017, the Developer proposes to redevelop and renovate the two parcels and existing buildings (single-story school house and 2-story tavern) into a coffee shop and restaurant. Improvements include the construction of a covered portico between and serving both buildings with seasonal seating, interior and exterior building renovations, and reconstruction/expansion of the existing parking lot west of the buildings.

The development area is comprised of two (2) parcels totaling approximately .43 acres lying south of Donges Bay Road southwest of the new Fond du Lace Ave/STH145 roundabout. Current use of the properties includes the vacant, one-story school house and a 2-story tavern.

Proposal

Greg Nagel, President of Virtus Development, and agent for Victory Center LLC, property owner, is requesting approval of a rezoning application to create a Planned Development District (PDD) and a Site Plan for a 4,220 sqft restaurant & coffee shop located in the southwest corner of the Donges Bay Road @ Fond du Lac Ave/STH145 intersection.

Planned Development District (PDD)

To facilitate the planned redevelopment, the Developer is proposing to create a new B-3/Planned Development District ("i.e. "Kuhberg District") in order to "flex" some of the underlying B-3: General Business Zoning District requirements that would ordinarily apply, e.g. parking lot setback, building setback, parking stall size, landscaping, percent of lot coverage/impervious area, etc.

Attached to the PDD application is a set of proposed zoning district regulations for the "Kuhberg District". These regulations use the B-3: General Business District as a starting point or base set of regulations with modifications to the following:

- Lot, Yard and Building Requirements:
  - Reduce minimum Lot Area from 5,000 sqft to no minimum;
- Parking and Loading Requirements:
  - Reduce the minimum parking lot setback in all yards from 8 feet to 0 feet;
  - Eliminate the 50' setback requirement between commercial parking lots and residential property;
  - Allow loading zone to be in the parking isles;
  - Specify that the number of parking stalls is at the discretion of the developer based on actual capacity; allow for additional parking off-site; and that additional parking may be created by the purchase of additional property;
- Signage:
  - Allow for two (2) monument signs to be installed on the property along Fond du Lac Avenue;
  - Reduce the minimum sign setback from 5 feet to 0 feet.

[NOTE: A separate PDD Conditions & Restrictions resolution containing these development-specific allowances, references to the detailed general development plan, and any other conditions of approval deemed appropriate by the Village, will be prepared by Village staff at the time the PDD is considered by the Village Board].

Site Plan

The applicant has submitted site development and building plans for redevelopment of the .43-acre site and two buildings that are to be renovated. As presented in the plan set, the Developer proposes the following improvements:

- Renovate the existing one-story 784 sqft school house into a coffee shop with a pervious pavement open-air patio for outdoor seating & service;
- Renovate the existing 2,177 sqft two-story tavern into a two-story restaurant with 1st and 2nd floor dining areas and a 1,256 sqft covered & screen patio for outdoor seating & service (seating also available for the coffee shop;
- Expand and pave the parking lot to include a total of 25 parking stalls; two existing access driveways to Donges Bay Road (north access) and to Fond du Lac Ave/STH 145 (south access) will be reconstructed and paved;
- Relocate the west property line with the adjoining residential lot to accommodate a 6' wood privacy fence.

The two businesses will be operated as separate businesses within a shared venue. The coffee shop will provide indoor and outdoor seating (no drive-thru service) with indoor dining and carry-out service. Hours will be 7:00 am to 7:00 pm, Sunday through Saturday. The coffee shop is expected to have 2-3 employees and the restaurant 5-8 employees.

The two existing buildings will be renovated both inside and out as presented in the elevation and floor plans (see attached). As discussed in the application, the intent is to renovate and remodel the two buildings "…in a manner that respects their original condition without necessarily trying to be a true historic renovation". For the existing school house, the exterior limestone walls will be cleaned and repaired; the exterior wood trim and roof replaced (metal); and new windows and doors installed. For the restaurant, the 4" exterior wood siding and trim will be repaired or replaced; a new metal roof will be installed; and new windows and doors installed. A new front porch matching the original design will be installed on the east side of the restaurant.

The two existing buildings will be connected by way of a screened porch or portico consisting of a concrete floor, steel beams and columns, and wood decking. The portico will be enclosed with an anodized aluminum screen system around the perimeter. See elevation plans.

Parking, Access and Traffic Circulation

As previously discussed, the existing gravel parking area will be reconstructed and paved with 25 parking stalls to be shared by both businesses. Under the Village's Zoning Code parking guidelines, approximately 33 parking stalls should be provided.

The developer has developed two alternative plans for additional parking along the south side of the property (see enclosed plan sheets). One alternative (Option 1) provides an additional 9 parking stalls. The second alternative (Expanded Parking Plan) provides an additional 35 stalls. Both alternatives require the acquisition of addition land, either all or some of the property to the south (which is also currently zoned B-3: General Business).

Access to the property will be by way of two (2) access driveways to/from Donges Bay Road (two-way traffic) and Fond du Lac Ave/STH145 (one-way enter-only).

Utilities

Public water and sanitary sewer lateral lines will be extended to/within the site from existing mains in Donges Bay Road (water) and Fond du Lac Ave/STH 145 (sanitary sewer). All other essential utility services are existing, including gas, electric, phone, will be replaced and installed underground. Water and sewer will be extended to the restaurant building with connections to the coffee shop.

Storm Water Management

Impervious area on the .43 acre area (after combination of the two parcels) will be 15,545 sqft (85%) leaving 15% open space (maximum allowed is 90% under B-3 District). Under both of the alternative plans for additional parking, both the parcel size and total impervious surface will increase: 84% impervious under Option 1 and 89% under the full expanded parking plan.

As shown on the Grading & Erosion Control plan (Sheet C102), the parking area will be will be graded to re-route storm water run-off from the site to proposed inlets and storm sewer located within the Donges Bay Road and Fond du Lac Ave/STH145 rights-of-way (connecting to existing storm sewer).

Landscaping

A detailed landscaping plan shows landscape items comprised of ornamental trees, shrubs, perennials, and grasses installed around the north and east perimeter of the two buildings. A 6’ high wood privacy fence will be installed along the west property line running the length of the property.

Lighting

External lighting is provided for the parking area and on the buildings:

- Two (2) 49W LED pole-mounted fixtures (with back light control) mounted at 23’ on steel light poles (20’ pole height on 3’ concrete base) located along the west property line of the parking lot;
- Four (4) 49W LED wall-mounted fixtures located on the west side of the coffee shop (1) and the west and south side of the restaurant (3);

Trash/Recycling

A single dumpster pad is proposed with a wood, cedar-sided enclosure to be located in the southwest corner of the parking lot.

Signage
Three (3) two-sided monument signs are proposed. Three different alternative designs (shapes) are presented, each with sign area not exceeding 80 sqft per side and mounted on a base per code requirements. All three signs are proposed to be located at the property line; one on the north side of the coffee shop along Donges Bay Road east of the driveway entrance, the second along the east property line along Fond du Lac Ave/STH 145 in front of the coffee shop and portico, and the third along the property line along Fond du Lac Ave/STH 145 south of the driveway entrance.

Staff Comments
Planning & Zoning
Both parcels are designated on the 2020 Land Use Plan as "Commercial" and currently zoned B-3: General Business. The proposed coffee shop and restaurant uses are permitted uses in the B-3 District, however, given the small size of the parcels (.43 acres combined) and current development regulations, the creation of a PDD zoning district for this small area is likely the only way to facilitate redevelopment.

Although there is an apparent agreement between the Developer and the neighbor to the west, the only way the code-required 50' setback can be modified (eliminated in this case) is by the granting of a variance by the Board of Zoning Appeals (BOZA) or the creation of a planned development district (PDD) overlay for the property. Consequently, the proposed PDD does just that would enable the owner to work with the Village (and adjacent owners as necessary) to "flex" one or more of the zoning code requirements that would ordinarily apply to development of these parcels, e.g. parking lot setback, building setback, parking stall size, landscaping, percent of lot coverage/impervious area, etc. Given the small size of the parcels (.44 acres combined) and current development regulations, one might argue that the only way to re-develop these two parcels is through the creation of a unique PDD zoning district.

The vacant "Victory Center" schoolhouse was constructed in 1874 and is listed in the Wisconsin Historical Society's Architecture and History Inventory (AHI). However, the listing is simply that… a description of the building and property location as a sample of a historic (which is to say "old") structure located in the State of Wisconsin. Moreover, neither the site nor building are contained in any protected "register" such as the National or State Register of Historic Places or a part of the Village's own Historic Designation program.

As discussed in November, another important approval that is required is a certified survey map (CSM) land division application. A CSM will be required to combine the two parcels into one parcel, and, to adjust the property line along the west. The CSM will need to include all the parcels affected, including the residential parcel to the west. Development (issuance of building permits) should not occur until the CSM is approved and recorded.

Although the Developer has plans for additional parking, the Developer does not

currently own the land to the south upon which the additional parking could be constructed. For that reason, the PDD boundary and Site Plan subject of these applications are limited to the "base" Site Plan shown. In the future, if the Developer acquires the additional land needed to expand the parking area, the PDD boundary will need to be expanded and a new Site Plan reviewed and approved by the Village.

The Developer has also indicated that off-site parking may be another option for obtaining additional parking for employees and/or patrons. The Zoning Code does allow off-site parking with a conditional use permit provided that it meets the minimum requirements in the Code.

The basic parameters for the proposed monument signs has been provided; however, more detail is required before a sign permit can be reviewed and approved by the Plan Commission (e.g. final design, sign cabinet type and materials, lighting, landscaping, base mount materials, address coordinates, etc.).

While only two external light poles are proposed, they are located along the common property line with the residence to the west. The LED light fixtures include some type of back light control. However, from experience, residential areas this close to commercial parking lots with pole-mounted fixtures 20+ feet high tend to complain about such lighting not because of the direction of the light as much as having a direct view of the light source itself and glare from it. Even though existing vegetation along the common property line will be removed and a 6' high privacy fence installed, the possibility remains that the pole-mounted lights may not provide sufficient shielding from view by the adjacent residence. Therefore, the Developer should be held responsible for making necessary adjustments to the lights to reduce/eliminate any glare or view of the light source after installation in the event the neighbor is seriously affected.

Finally, the landscaping plan proposed is weak. Understandably so, there's not a lot of open spaces to install landscaping other than those where new landscaping is shown. However, what limited vegetation (albeit low quality) that exists on the property is likely to be removed during renovations and reconstruction of the parking area. A previous landscaping plan did show a prominent landscaped entrance on Donges Bay Road; however, to make that plan work the landscaping would have to be installed in the Donges Bay Road right-of-way. Staff's opinion is that some additional landscaping is necessary along the north side of the property. Therefore, staff encourages the Developer to work with the Village Public Works Department and/or WisDOT to investigate the possibility of obtaining an easement for landscaping materials to be located in the right-of-way adjacent to the property and submit a revised plan for staff review and approval (if feasible). As an alternative, if landscaping cannot be installed in the ROW, the Developer should remove the two northernmost parking stalls on either side of the driveway entrance and replace them with landscaping if/when additional parking is constructed along the south side of the property in the future.

Fire Department

1. An emergency access Knox Box shall be installed at a location determined in cooperation with and approved by the Germantown Fire Department.
2. Any fire protection equipment to be installed or relocated shall be installed at a location in cooperation with and approved by the Germantown fire Department.
3. Bi-annual fire safety inspections will be conducted by the Germantown Fire Department.

Public Works/Engineering

The following comments are provided following our latest review of the site plans (see February 23, 2018 memo):

1. The north drive apron is very, very flat and should probably be re-graded to provide a positive flow to prevent icing and ponding situations.
2. In addition, the storm structure (CB#1) at the north apron area is very shallow at about a 1' of cover over the pipe. It may be might be easier to re-grade the ROW area slightly to direct the runoff via a swale to the existing Storm Inlet to eliminate the shallow storm and save money. This would be a topic that needs to be coordinated and permitted directly with WisDOT given that it's located within WisDOT ROW;
3. Removal limits and details for the WisDOT sidewalk are recommended;

There are also a few items that were recommended by engineering staff in earlier review comments that the Developer has indicated they will comply with, including:

4. Televising and sharing the sewer lateral to Village to make sure it's appropriate to connect into before subjecting it to flow from a more intense use (this could be accomplished as part of the plumbing permit submittal to ensure code compliance);
5. DSPS permits for site plumbing will be required;
6. WisDOT permit approval for site grading, storm sewer as well as sanitary service will be required. This should be received prior to issuance of a building permit, or at a minimum prior to issuance of a plumbing permit. Village storm structure detail should be inserted into the plans.

Village Planner Recommendation:

PDD Rezoning

APPROVE creating a B-3/PDD (the "Kuhberg District") as proposed by Victory Center LLC for their .43-acre parcels located on Donges Bay Road subject to the following requirements and conditions:

1. The B-3: General Business Zoning District regulations shall constitute the specific conditions and restrictions for the PDD as amended in the Developer's PDD Application (dated January 8, 2018) and summarized herein;
2. Subject to revision required by the Plan Commission, plan sheet GD100 dated February 23, 2018 shall constitute the General Development Plan required under Section 17.27 of the Zoning Code;
3. The Developer shall provide one complete and accurate legal description for all the land to be included in the PDD boundary prior to review of the PDD application by the Village Board.
4. The PDD conditions & restrictions resolution shall contain a requirement that a certified survey map (CSM) land combination shall be completed and approved to combine the two subject parcels and adjust the property line along the west boundary prior to issuance of any building permit(s) for building renovation. The CSM will need to include all of the parcels affected, including the residential parcel to the west.
5. The PDD boundary for the "Kuhberg District" shall be expanded in the future if the Developer acquires additional land to accommodate an expanded parking area. Said PDD boundary expansion shall be processed as a separate PDD application in accordance with all requirements and procedures at that time.

Village Planner Recommendation:
Site Development & Building Plans

APPROVE the site development and building plans for the coffee shop and restaurant development proposed by Victory Center LLC on their .43-acre parcels located on Donges Bay Road subject to the following:

1. Subject to further revisions required by the Plan Commission, approval is granted for the site development and building plans dated January 8, 2018 (including Sheets GI001, C101, E001, E002, E003, A101, A102, A103, A300 and A700), February 20, 2018 (including Sheets C102, C103, C104, AS100, AS101, A200, A201), and Sheet L100 (Planting Plan) dated February 16, 2018. Separate Site Plan review and approval by the Plan Commission is required for any additional or expanded parking lot improvements.
2. Site Plan approval is subject to creation of the "Kuhberg District" Planned Development District as proposed by Victory Center LLC.
3. All landscaping, parking lot, screening, and lighting 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.
4. An emergency access Knox Box shall be installed at a location determined in cooperation with and approved by the Germantown Fire Department.
5. Any fire protection equipment to be installed or relocated shall be installed at a location in cooperation with and approved by the Germantown fire Department.
6. Bi-annual fire safety inspections will be conducted by the Germantown Fire Department.
7. 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.
8. State approved plans and a $20,000 occupancy bond are required by the Building Inspection Department prior to the issuance of a building permit application for either of the proposed building renovation projects.
9. A certified survey map (CSM) land combination shall be completed and approved by the Village to combine the two subject parcels and adjust the property line along the west boundary prior to issuance of any building permit(s) for building renovation. The CSM will need to include all of the parcels affected, including the residential parcel to the west.
10. Any off-site parking intended to serve the coffee shop and restaurant development shall be reviewed and approved in accordance with all applicable Zoning Code requirements and procedures.
11. All temporary and permanent exterior signs require a permit. A permit for the three (3) proposed monument signs shall be reviewed and approved by the Plan Commission in accordance with all applicable Zoning Code requirements and procedures.

Village Planner Recommendation:
Site Development & Building Plans

-- continued –

12. The Developer shall install additional landscaping along the north side of the property. The Developer should work with the Village Public Works Department and/or WisDOT to investigate the possibility of obtaining an easement for landscaping materials to be located in the right-of-way adjacent to the property and submit a revised plan for staff review and approval (if determined to be feasible). As an alternative, if landscaping cannot be installed in the ROW, the Developer should remove the two northernmost parking stalls on either side of the driveway entrance and replace them with landscaping if/when additional parking is constructed along the south side of the property in the future. A revised or supplemental landscaping plan shall be submitted to the Village Planner for review and approval prior to installation of additional landscaping not already subject of an approved landscape plan.
13. The Developer shall be responsible for making any necessary adjustments to the exterior, pole-mounted light fixtures after installation to eliminate any glare or view of the light source affecting the residential neighbor to the west. The Developer shall contact and coordinate with said neighbor to resolve any complaints or issues with said lights impacting the residential property.
14. All technical corrections and issues raised in the Public Works Department/ Village Engineer's February 23, 2018 memo shall be addressed and, if necessary, reflected in a revised plan set and/or other supporting documents submitted to the Village Engineer for review/approval prior to issuance of a building permit.

Engineering Department Memorandum

To : Jeffrey W. Retzlaff, AICP, Planning Director/Zoning Administrator

From : Lawrence Ratayczak, PE; Director of Public Works

Date : ~~January 31, 2018;~~ February 23, 2018

Re : Donges Bay Restaurant Site Plan Review #2 (Virtus Development); REVIEW #3

CURRENT REVIEW COMMENTS IN BLUE

Items Reviewed:

1. C101, C102, C103 Dated: 01/08/2018
2. AS100 Dated: 01/08/2018

General Comments:

1. Please respond to each item below. **A written response addressing each item shall be included in your submittal**.
2. The submitted plans have been reviewed for general conformance with State and Village design guidelines. The items listed below will need to be fully resolved before the Engineering Dept. can recommend a formal approval of the plans and permit for construction.
3. This project will likely require DSPS (State site plumbing review and permitting). Please submit a copy of the approved permit prior to final approval.
4. As-builts prepared to Village standards shall be prepared and provided to the Village post-construction (for all applicable items).
5. A professional engineer's original seal is to be affixed, signed and dated on the final set of construction plans.
6. Contact Frank Rosecky, 262-250-4722 for a utility permit.
7. Contact Bob Beilfuss, 262-250-4721 for a driveway permit.
8. *Provide an existing site survey showing property boundaries, existing utilities, contours & topography, etc for the property and at least 50' past property lines.*
9. All final plans are required to be stamped by a professional engineer.
10. *It is understood that plans are currently at a very conceptual level, further review of detailed plans will likely generate additional comments.*
11. As a guide to the review response: Items in *italics* are resolved or acknowledged, items in regular font are to be addressed yet, items in **Bold** are additional feedback to remaining original comment.

AS100 Architectural Site Plan

1. *This plan is difficult to review as it has no label, notes, or dimensions. Update the plan to include labels for the proposed site features, dimensions, pavement types, etc.*

2. Provide dimensions between the pavement/curb and the property line. Confirm required parking setbacks are met. Dimensions are shown. The south property is not parallel to the building, but the drive is, so this dimension varies Current zoning setback are not met - This is part of the PDD request.

3. *Show ADA parking locations.*

4. *Show trash enclosure location.*

5. Site plan doesn't appear to match the site layout shown on the civil plans. Civil plans show steps at the southwest corner of the building. Site plan calls for a retaining wall on the south property line, but the grading plan shows no retaining wall and buildings do not appear to match. Update the plans to be consistent. Plans are now consistent. The "retaining wall" noted is simple a slightly higher curb as needed to meet adjacent grades.

6 Locations of curbs are not clear and do not appear to match the civil plan. Update the site plan to clearly shown curb types, locations, and details. Plans match. Curb details provided on civil drawings.

7. Provide either curb and gutter or parking stops at all parking spaces. Parking stops now shown

8 Show ADA parking signs and truncated domes. ADA parking signs shown. Truncated domes not needed as grades from paving to sidewalks are less than 2%

9 Provide details for pavement, concrete, ADA signs, truncated domes, curb, etc. appropriate details shown on sheet C-104

C102 Grading and Erosion Control Plan

1. *It is understand this is a conceptual plan, but it is difficult to review as it is not to scale and does not have any existing or proposed contours. Please update the grading plan to clarify.*

2. *Details on the retaining wall are not clear. Clearly show the location and height on the plans. Is water from the parking lot planned to just drain over the top of the wall?* **1.5:1 slope shown is too steep, adjust to 3:1 max or provide a retaining wall.** Grade has been adjusted

3. The parking lot appears to be draining directly to the roadway. There is storm sewer in this area. The plan should be revised to include on-site storm sewer and have minimal runoff draining directly to the roadway. **An inlet was added to the north. If this inlet is to remain in the ROW it will need to be designed to Village standards and be constructed of RCP pipe. Storm sewer also needs to be added to pick up runoff from the site at the south east driveway location.** Storm inlet and sewer added to southeast drive. Inlets will be designed to Village standards and constructed of RCP pipe.

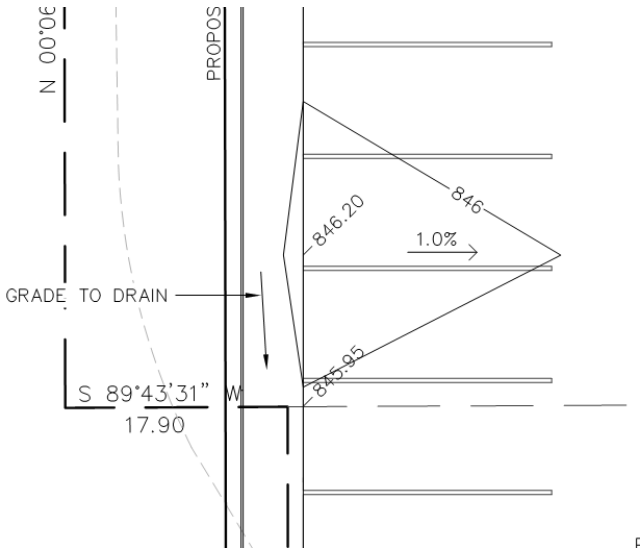
4. Show ADA parking locations and detailed grading for the ADA spaces and ADA routes to the building. Shown on plan

5. Show grading for patio area and remainder of the site. Spot elevations and/or contours shown on patio and across site.

6. Portions of the parking lot are at less than 1% slope. Update the grading plan to provide a minimum of 1% slope. Plans are updated and pitches shown.

7 Storm Sewer in this area is owned by WisDOT. Provide WisDOT approval of the storm sewer connections. Will do

8 It's not clear how this area will drain. Provide additional details showing positive drainage in this area. Some additional information added to grading plan showing swale.



9 Add inlet protection to all inlets. Add a detail for inlet protection. Detail shown on C-104

10. Provide addition details on the three steps shown on the southwest corner of the building and 6 steps on the east side of the building. Show riser heights, tread widths, elevations, and handrails. A landing is required at the botton of the steps. Concrete step on southwest corner better defined with landing at bottom. There will no longer be concrete steps on the east side – just two wood steps leading down from the wood porch deck.

11 Provide ground grades around the building. It appears the south side of the proposed restaurant will be partially exposed. Grades shown.

C103 Utility Plan

1. Grease Traps will be required. Provide locations and details of proposed grease traps. Grease trap will be internal to the restaurant operation, most likely located in the basement
2. It appears the restaurant is getting a new water service. Will the Coffee shop be getting a new water service? New 11/2" service should be HDPE pipe w/ tracer wire pursuant to Village Specifications All utility services will enter and leave the restaurant building and then feed the coffee shop building. Service will meet Village requirements.
3. Existing sewer lateral servicing existing Bar shall be televised prior to construction. Provide Village with condition report for review after televising. This will be part of our spec's

   How is the Coffee Shop to be served by sanitary sewer? See above

   Sanitary laterals servicing commercial facilities are required to have "Sampling Manholes" per Village Code. Specifications will meet Village requirements

4. Revise Utility note for separation distance to require a minimum of 12" vertical separation when watermain crosses over sewer per DSPS requirements. Changed

A few additional responses to Jeff Retzlaff Comments on email dated Feb 7, 2018:

1. Revisions to the landscaping plan have been made. We will only seed the ROW as discussed, since it is unsightly right now.
2. The neighbor to the west currently have evergreens or arborvitaes as a buffer between their home and the property. Further to the north on what is currently the tavern property (close to Donges Bay), there is a clump of box elder trees and overgrown brambles, which will all be removed during site excavation. The neighbors intended to keep their evergreens/arbs along their home, and plant more once the site construction is completed. They were very pleased with the thought of having a wood privacy fence along that edge, and they were not requesting more landscaping, as they intend to landscape as they saw fit. We will work to maintain the landscaping to the north of the lot, along Donges Bay.
3. Since the patio area will be unused in the winter, and there is an existing catch basin in that area, we could store snow there. Right now, we are looking at pervious pavement options for the patio, which could help with snow melt, also.
4. We have adjusted the new property line from the additional 5' to an additional 4' leaving the required 12' set back.
5. Please send the proposed legal description revisions you advertised.
6. CSM's will be completed after the village approval process.

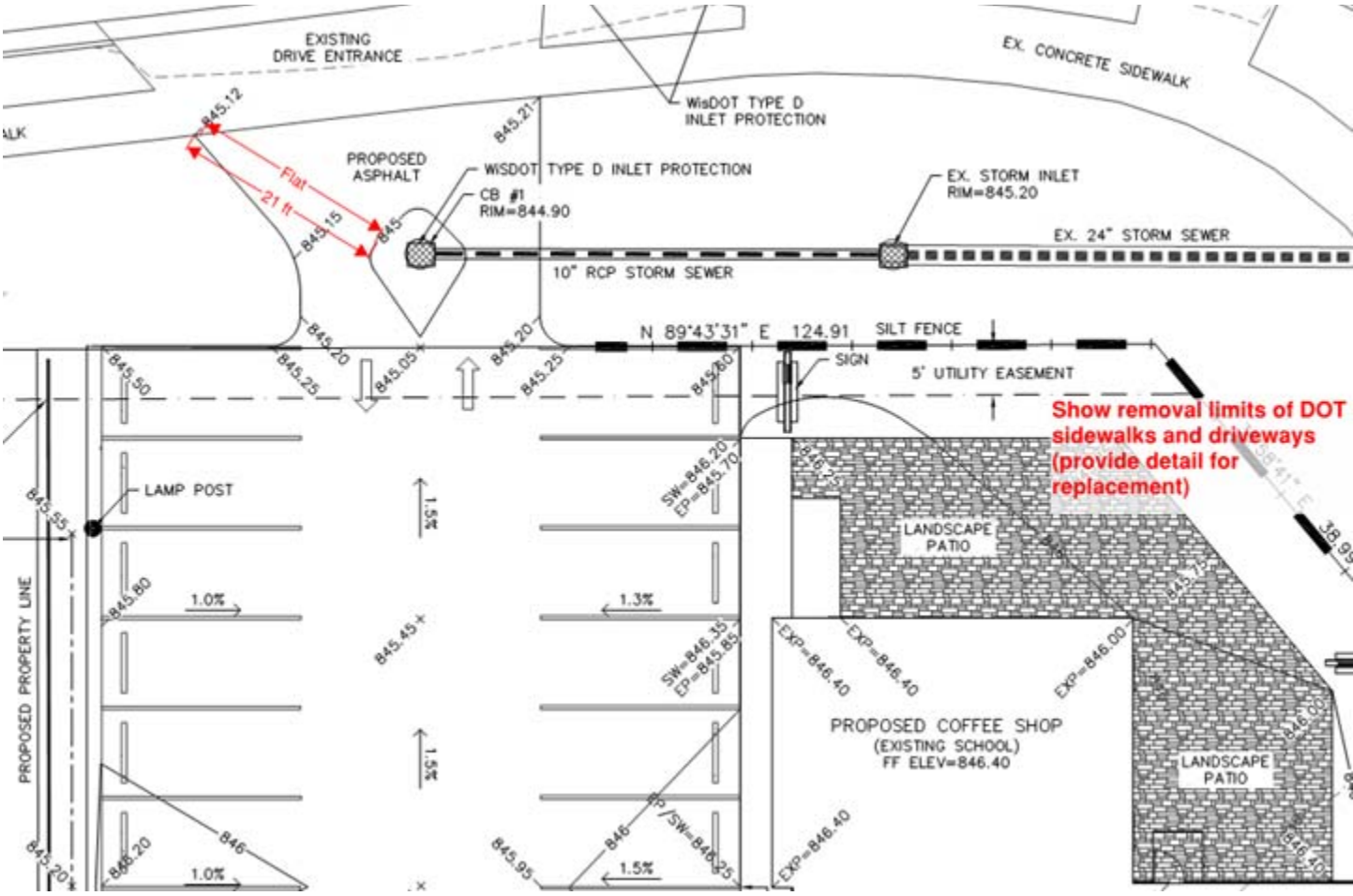
Storm Sewer in this area is owned by WisDOT. Provide WisDOT approval of the storm sewer connections.
Will do.

Current review comments in BLUE:

The north apron is very, very flat and should be re-graded to provide a positive flow to prevent icing and ponding situations.

In addition, the storm structure (CB #1) at the north apron area is very shallow….about 1 foot of cover over the pipe. It may be easier to re-grade the ROW area slightly to direct the runoff via a swale to the existing Storm inlet 9eliminating the shallow storm and saving the owner some money). This would be a topic that would need to be coordinated and permitted directly with the State DOT as it's in their ROW. (see sketch below)

Removal limits and details for the DOT sidewalk are recommended



Common water and Sanitary laterals serving both buildings will require State Plumbing approval

WDOT permit approval for site grading, storm sewer as well as sanitary service will be required. Suggestion; this should be received prior to building permit, or at a minimum prior to the plumbing permit. Village storm structure detail should be inserted into the plans.

LOT COVERAGE - SITE PLAN		
Name	Area	% of Total
Building	4020 SF	22%
Green Space	2749 SF	15%
Paving & Concrete	11524 SF	63%
Total Area	18294 SF	

LOT COVERAGE - ADDITIONAL PARKING OPTION 1		
Name	Area	% of Total
Building	4020 SF	18%
Green Space	3317 SF	15%
Paving & Concrete	14700 SF	67%
Total Area	22037 SF	

LOT COVERAGE - PROPOSED PARKING EXPANSION		
Name	Area	% of Total
Building	4020 SF	12%
Green Space	3468 SF	11%
Paving & Concrete	25229 SF	77%
Total Area	32717 SF	

17031
2/23/2018

LOT COVERAGE

GERMANTOWN RESTAURANT
GERMANTOWN, WI

nagel
architects + engineers

Village of Germantown
...Willkommen

FEES MUST BE PAID AT TIME OF APPLICATION

- ☐ $200 Plan Commission Consultation
- ☐ $1,085 Rezoning
- ☒ $1,240 PDD < 5 acres
- ☐ $2,095 PDD 5-20 acre site
- ☐ $3,460 PDD > 20 acre site

Date Paid: 01/08/2018 Received by: LJ

REZONING & PDD APPLICATION

Pursuant to Section 17.51 of the Municipal Code

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

1 APPLICANT OR AGENT

Virtus Development

Gregory Nagel

13100 Watertown Plank Road

Elm Grove, WI 53122

Phone (262) 641-0746

Fax ( )

E-Mail greg.nagel@nagel.us

PROPERTY OWNER

Victory Center LLC

Catherine Jahn, Member

W222 N7364 Willowview Dr.

Sussex, WI 53089

Phone (414) 890-1158

E-Mail cljaaj@gmail.com

2 PROPERTY ADDRESS OR GENERAL LOCATION

W140N10385 and W140N10393 Fond du Lac Avenue

TAX KEY NUMBER

GTNV 351964 and GTNV 351972

3 REZONING REQUEST

FROM	TO
B-3	B-3/"Kuhberg District"

4 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

See attached

5

PURPOSE OF REZONING REQUEST

Briefly describe why the applicant is rezoning the property. Include a description of the proposed use, including any new construction and number of employees, if applicable.

The current properties contain a vacant historic single-story school and a two-story tavern with a residence above. There is an unimproved gravel lot behind the buildings. These buildings have been in existence for over 100 years. Our intention is to renovate the buildings for use as a coffee shop and restaurant, respectively, and to connect them with a semi-protected portico for indoor/outdoor dining as weather permits. The coffee shop will have a paved outdoor patio area to the north and east. The existing parking lot will be expanded to the south and paved.

We are requesting a PDD to address several issues that are inherent in the renovation of an older existing property such as this. These issues include the parking lot non-compliance with current local ordinances for setbacks and green space, the proposed signage not meeting setback requirements, and the reconstruction of the front porch, which would be kept within the limit of the existing porch that currently does not meet the setback requirement.

6 SUPPORTING DOCUMENTATION:

- ☒ Plat of Survey (1:100)
- ☒ Site Plan and elevations for new construction (can be conceptual)
- ☒ Landscape Plan
- ☐ _____

7 READ AND INITIAL THE FOLLOWING:

GVN I understand that the Village is under no obligation to rezone property and that density and lot coverages provided in the Zoning Code are maximums. Actual build out will depend on myriad factors including topography and other natural conditions, surrounding neighborhood context and the detailed design of a project.

GVN I understand that Village Staff, Plan Commission and/or Village Board may request additional information to properly evaluate this request and failure to provide such information may in itself by sufficient cause to deny the petition.

GVN I am aware that this rezoning shall go into effect immediately upon the final approval of the Village Board and its execution of the rezoning ordinance

8 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Applicant 1/7/2018 Date

Owner 1/7/18 Date

DESIGN INTENT

The two historic buildings at the Kuhburg Junction property, the existing two-story, wood-framed tavern and the single-story, limestone school house, are proposed to be renovated and remodeled to become a restaurant and coffee shop respectively. They will be restored in a manner that respects their original condition, without necessarily trying to be a true "historic renovation". This includes restoration of the stone walls, brick chimney, stamped tin ceilings and walls, and wood trim on the school house, and the wood siding and wood trim on the restaurant. A new "front porch" that matches the original porch, long since removed, is proposed on the east side of the restaurant. Roofing will be replaced with asphalt or metal shingles in a manner that represents the original design intent.

These two buildings will then be visually connected as a single facility by a more contemporary screened porch structure, or portico. This portico will consist of a concrete floor, steel columns and beams, and wood joists and decking. It will be enclosed for weather and insect control with an anodized aluminum screen system along the perimeter.

The northeast corner, facing the traffic circle, will have a landscaped, paved patio to accommodate outdoor seating.

OPERATIONS

The intent is for this project to run as two businesses within one venue.

The proposed hours of operation for the coffee shop are 7:00am to 7:00pm, 7 days per week. It will have approximately 2 - 3 employees.

The proposed hours of operation for the restaurant are 11:00am to 11:00pm, 7 days per week. It will have approximately 5 - 8 employees on average, fluctuating during the day, week, and year with patronage.

Homeland Surveying

2079 Cold Springs Rd. Saukville, WI 53080 Phone:(262)689-6885 Email: homeland2079@gmail.com

January 3, 2018

Description of lands for north parcel

(GTNV_351972)

Part of the NE 1/4 of the NE 1/4 of Section 35, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:

Commencing at the northeast corner of said Section 35; thence S 00°06'29" E, along the east line of said NE 1/4, 99.00 feet; thence S 89°43'31" W, parallel with the north line of said NE 1/4, 33.00 feet to a point in the west right of way line of Fond du Lac Avenue, being the point of beginning of lands herein described; thence continuing S 89°43'31" W, parallel with said north line, 149.90 feet to a point in the east line of Lot 1 of Certified Survey Map No. 4143 as recorded in the Washington County Register of Deeds Office in Volume 27 of Certified Survey Maps on pages 42-45, as Document No. 640922; thence N 00°06'23" W (recorded as N 01°26'22" W), 66.00 feet to a point in the south right of way line of Donges Bay Road; thence N 89°43'31" E, along said south right of way line of Donges Bay Road, 124.91 feet; thence S 39°58'41" E, continuing along the south right of way line of Donges Bay Road, 38.99 feet to the intersection with said west right of way line of Fond du Lac Avenue; thence S 00°06'29" E, along said west right of way line of Fond du Lac Avenue, 36.00 feet to the point of beginning.

Containing 9,519 square feet more or less.

Homeland Surveying

2079 Cold Springs Rd. Saukville, WI 53080 Phone:(262)689-6885 Email: homeland2079@gmail.com

January 3, 2018

Description of lands for south parcel

(GTNV_351964)

Part of the NE 1/4 of the NE 1/4 of Section 35, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:

Commencing at the northeast corner of said Section 35; thence S 00°06'29" E, along the east line of said NE 1/4, 99.00 feet; thence S 89°43'31" W, parallel with the north line of said NE 1/4, 33.00 feet to a point in the west right of way line of Fond du Lac Avenue, being the point of beginning of lands herein described; thence S 00°06'29" E, along said west right of way line of Fond du Lac Avenue, 70.00 feet; thence S 89°43'31" W, parallel with said north line of the NE 1/4, 132.00 feet to a point in the east line of Lot 1 of Certified Survey Map No. 4143 as recorded in the Washington County Register of Deeds Office in Volume 27 of Certified Survey Maps on pages 42-45, as Document No. 640922; thence N 00°06'23" W (recorded as N 01°26'22" W), 70.00 feet; thence N 89°43'31" E, parallel with said north line of the NE 1/4, 132.00 feet to the point of beginning.

Containing 9,240 square feet more or less.

17.xx – KUHBURG DISTRICT PPD.

The Kuhburg District is intended to provide for the creative revitalization of the historic buildings known as the Kuhburg Property. Years of street widening has left these parcels little room to comply with current zoning ordinances. This district allows for restoration and development in keeping with the intent of its base zoning classification of B-3 Community Business District. It is the intent of this district to provide minimum requirements for all new uses of land within the district and a guide for the redevelopment or revitalization of existing uses of land within the district.

(1) **PERMITTED PRINCIPAL USES.**

(a) All uses permitted in B-3 Community Business district

(2) **PERMITTED ACCESSORY USES.**

(a) All uses permitted in B-3 Community Business district

(3) **CONDITIONAL USES.**

(a) All uses permitted in B-3 Community Business district

(3a) **TEMPORARY USES.** Any use listed as a permitted use within the district of a limited duration as established in section 17.07(2a) of this chapter and as defined in section 17.08(83) of this chapter.

(4)**LOT, YARD AND BUILDING REQUIREMENTS.**

Lot frontage at setback	Minimum 50 ft.
Lot area	None
Principal buildings:	
Front yard	None
Side yards	None, except as required in section 17.07 of this chapter.
Rear yard	Minimum 25 ft.
Number of stories	Maximum 2½
Accessory building:	
Front yard	Minimum 5 ft.
Side yards	Minimum 5 ft.
Rear yard	Minimum 5 ft.
Building height:	

Principal building	Maximum 45 ft.
Accessory building	Maximum 15 ft.
Percent of lot coverage	Maximum 90%, including parking and loading
Floor area per store	No minimum, Maximum 50,000 sq. ft.

(5) **PARKING AND LOADING REQUIREMENTS.** See section 17.45 of this chapter with the following exceptions:

(a) Parking setbacks on all yards may be 0.

(b) Loading zone may be in parking aisles.

(c) Spaces provided are at the discretion of the developer based on actual capacity achieved. Additional offsite parking may be used. Additional spaces may be created by purchase of additional property.

(6) **SITE PLAN APPROVAL REQUIRED.** See sections 17.43 and 17.44 of this chapter.

(7) **SCREENING REQUIREMENTS.** Same as for B-3 District. All outdoor storage and trash areas shall be screened from view by an enclosure or by landscape screening, or by a combination of both methods.

(6) **SIGNAGE.** See section 17.46 of this chapter with the following exceptions:

(a) Two ground signs may be placed on the Fond Du Lac Avenue frontage.

(b) The minimum setback of signage from the property line may be 0.

ORDINANCE NO. 05-2018

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF GERMANTOWN ZONING CODE
("Kuhburg District", Victory Center LLC, Property Owner)

THE VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1. That the Zoning Code and zoning map of the Village of Germantown is amended by the creation of a B-3: General Business Planned Development District (B-3/PDD) to be known as the "Kuhburg District" which shall include the following described properties:

Parcel #1 (north): W140 N10393 Fond du Lac Avenue (Tax Key #351-972)
Part of the NE 1/4 of the NE 1/4 of Section 35, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:

Commencing at the northeast corner of said Section 35; thence S 00°06'29" E, along the east line of said NE 1/4, 99.00 feet; thence S 89°43'31" W, parallel with the north line of said NE 1/4, 33.00 feet to a point in the west right of way line of Fond du Lac Avenue, being the point of beginning of lands herein described; thence continuing S 89°43'31" W, parallel with said north line,137.90 feet to a point in the east line of Lot 1of Certified Survey Map No. 4143 as recorded in the Washington County Register of Deeds Office in Volume 27 of Certified Survey Maps on pages 42-45, as Document No. 640922; thence N 00°06'23" W (recorded as N 01°26'22" W), 66.00 feet to a point in the south right of way line of Donges Bay Road; thence N 89°43'31" E, along said south right of way line of Donges Bay Road, 112.91feet; thence S 39°58'41" E, continuing along the south right of way line of Donges Bay Road, 38.99 feet to the intersection with said west right of way line of Fond du Lac Avenue; thence S 00°06'29" E, along said west right of way line of Fond du Lac Avenue, 36.00 feet to the point of beginning. Containing 8,799 sqft more or less.

Parcel #2 (south): W140 N10385 Fond du Lac Avenue (Tax Key #351-964)
Part of the NE 1/4 of the NE 1/4 of Section 35,Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:

Commencing at the northeast corner of said Section 35;thence S 00°06'29" E, along the east line of said NE 1/4, 99.00 feet; thence S 89°43'31" W, parallel with the north line of said NE 1/4,33.00 feet to a point in the west right of way line of Fond du Lac Avenue, being the point of beginning of lands herein described; thence S 00°06'29" E, along said west right of way line of Fond du Lac Avenue, 70.00 feet; thence S 89°43'31" W, parallel with said north line of the NE 1/4, 137.00 feet to a point in the east line of Lot 1 of Certified Survey Map No. 4143 as recorded in the Washington County Register of Deeds Office in Volume 27 of Certified Survey Maps on pages 42-45, as Document No. 640922; thence N 00°06'23" W (recorded as N 01°26'22" W), 70.00 feet;thence N 89°43'31" E, parallel with said north line of the NE 1/4, 137.00 feet to the point of beginning. Containing 9,590 sqft more or less.

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SECTION 2. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

Introduced by Trustee: _____
Adopted: _____, 2018

Vote: Ayes: _____
Nays: _____

_____
_____
Dean Wolter, Village President

ATTEST:

_____
Deanna Boldrey, Village Clerk

APPROVED AS TO FORM:

_____
Brian Sajdak, Attorney

Published:

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RESOLUTION NO. R 16-18

ADOPTING CONDITIONS AND RESTRICTIONS FOR THE KUHBURG DISTRICT PLANNED DEVELOPMENT DISTRICT ("KUHBURG DISTRICT PDD")

WHEREAS, Victory Center LLC, property owner (hereinafter the "Developer") has applied for a B-3: General Business Planned Development District (B-3/PDD) to be applied to the subject parcels located in the Village of Germantown as generally described in Exhibit A attached hereto; and

WHEREAS, Section 17.27(4) of the Village of Germantown Municipal Code allows for the adoption of conditions and restrictions for Planned Development Districts (PDD) that modify the basic allowances, limitations, and bulk regulations of the underlying zoning district, as well as, allow for the establishment of specific uses, bulk regulations, density standards, yard setbacks, etc. to ensure proper development, operation and maintenance of the proposed development in the General Development Plan; and

WHEREAS, the Village of Germantown Plan Commission on February 26, 2018, reviewed the B-3/PDD rezoning application and forwarded a positive recommendation regarding both the rezoning and General Development Plan to the Village Board;

NOW, THEREFORE BE IT RESOLVED that the Village Bard of the Village of Germantown hereby adopts the following specific conditions and restrictions that shall apply to all development on and the use of property within the PDD:

1. **PURPOSE AND INTENT.** The Kuhburg District PDD is intended to provide for the orderly and attractive re-development and operation of commercial retail uses where such activities are conducted within the two existing buildings located at the Donges Bay Road @ Fond du Lac Ave/STH145 intersection, including a vacant school house and 2-story tavern. The Kuhburg District PDD will be comprised of a 1-story coffee shop building and a 2-story restaurant building connected by a covered/screened portico providing seasonal seating for patrons of the coffee shop and restaurant operations. The re-development is intended to be compatible with adjacent and surrounding residential development and enhance the economic stability and quality of life in the Village of Germantown.

2. **GENERAL DEVELOPMENT PLAN (GDP)**. The General Development Plan (Exhibit B on Sheet GD100 dated February 23, 2018) establishes the basic parameters for development within the Kuhburg District PDD including the approximate size and orientation of buildings, density of development, setbacks, location of access roadways and driveways, and the general location and extent of landscaping and buffering. While all re-development within the PDD shall be generally consistent with the GDP, the GDP does not grant specific site development or building approval. Proposed modifications and/or revisions to the GDP shall be reviewed consistent with Section 17.27(9) of the Zoning Code.

3. **PERMITTED LAND USES**. Permitted Principal, Accessory, Conditional and Temporary Uses allowed within the Kuhburg District PDD shall be as set forth in Section 17.30 of the Zoning Code.

4. **SITE PLAN APPROVAL REQUIRED.**
   a. Consistent with the requirements of Section 17.27(5) through (7), all development within the Kuhburg District PDD shall be subject of detailed site development and building plans submitted for review and approval by the Plan Commission in accordance with the requirements and procedures in Section 17.43 prior to issuance of a building permit. Unless otherwise amended by the Plan Commission, development shall be consistent with the site development and building plans approved by the Plan Commission on February 26, 2018, including the plans dated January 8, 2018 (including Sheets GI001, C101, E001, E002, E003, A101, A102, A103, A300 and A700), February 20, 2018 (including Sheets C102, C103, C104, AS100, AS101, A200, A201), and Sheet L100 (Planting Plan) dated February 16, 2018.
   b. Separate Site Plan review and approval by the Plan Commission is required for any additional or expanded parking lot improvements.

5. **LANDSCAPING & BUFFER PLAN REQUIRED.**
   The Developer shall install additional landscaping along the north side of the property. The Developer should work with the Village Public Works Department and/or WisDOT to investigate the possibility of obtaining an easement for landscaping materials to be located in the right-of-way adjacent to the property and submit a revised plan for staff review and approval (if determined to be feasible). As an alternative, if landscaping cannot be installed in the ROW, the Developer should remove the two northernmost parking stalls on either side of the driveway entrance and replace them with landscaping if/when additional parking is constructed along the south side of the property in the future. A revised or supplemental landscaping plan shall be submitted to the Village Planner for review and approval prior to installation of additional landscaping not already subject of an approved landscape plan.

6. **ACCESS**.
   Access to development within the Kuhburg District PDD shall be to/from Donges Bay Road and Fond du Lac Avenue as shown on GDP.

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7. **SITE DEVELOPMENT AND BUILDING REQUIREMENTS.**
Unless otherwise set forth below, all site development and building shall be in accordance with the lot, building and other applicable bulk requirements set forth in the underlying B-3: General Business Zoning District and other applicable Zoning Code regulations.
    a. LOT AND BUILDING REQUIREMENTS
        i. Lot Area (minimum) 0 acres
        ii. Principal Building Setbacks (minimum)
            1. Front/Street yard 0 feet
        iii. Parking Setbacks (minimum)
            1. Front/Street yard 0 feet
            2. Side yard 0 feet
            3. Rear yard 0 feet

8. **PARKING**. (see Section 17.45).
    a. Setback Buffer (minimum) 0 sqft
    b. Loading zones to be combined with parking lot aisle area
    c. Stall Number (minimum) to be determined; discretion of developer based on actual stall count achievable; off-site parking can satisfy on-site parking demand subject to requirements under Section 17.45(5) of the Zoning Code.

9. **BUILDING MATERIALS.**
The development sites and buildings will be designed, located and constructed with a consistent architectural theme, high-quality materials, landscaping, and in a manner that protects and preserves the existing environmental features consistent with current buildings located on the same site.

10. **WASTE AND RECYCLING FACILITIES & ENCLOSURES.**
All waste and recycling dumpsters shall be screened from all residential areas, public rights-of-way or adjacent properties.

11. **EXTERIOR LIGHTING.**
The Developer shall be responsible for making any necessary adjustments, including supplemental shielding or fixture replacement, to the exterior pole-mounted light fixtures after installation to eliminate any glare or view of the light source affecting the residential neighbor to the west. The Developer shall contact and coordinate with said neighbor to resolve any complaints or issues with said lights impacting the residential property.

12. **SIGNAGE.**
    a. One (1) monument sign shall be permitted to be installed along Donges Bay Road as shown on the GDP. Two (2) monument signs shall be permitted to be installed along Fond du Lac Avenue/STH145. As shown on the GDP. All signs shall comply and be approved in accordance with the Village’s sign regulations and reviewed and

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approved by the Plan Commission.

b. The minimum setback for all signs shall be 0 feet from the nearest point of the sign or sign mounting structure; no part of any sign shall extend into or over a public right-of-way or utility easement.
c. Other signage, e.g. temporary signs, wall signs, etc. may be approved for each business operation consistent with the Village’s sign regulations.

13. **APPLICABILITY OF MUNICIPAL CODE.**
Unless otherwise set forth herein, all other applicable zoning and development regulations contained in the Germantown Municipal Code (e.g. Shoreland-Wetland Zoning, Floodplain Zoning, Subdivision) shall apply to development and land use within the SC-PDD. In the event a requirement, restriction or limitation set forth herein conflicts with a similar requirement, restriction or limitation found in another section of the Municipal Code, the most stringent requirement, restriction or limitation shall apply.

14. **PARCEL COMBINATION REQUIRED.**
A certified survey map (CSM) land combination shall be completed and approved to combine the two subject parcels and adjust the property line along the west boundary prior to issuance of any building permit(s) for building renovation. The CSM will need to include the parcels affected, including the residential parcel to the west. In the future, a CSM land combination may also be required to add additional land to the Kuhburg District for additional parking.

15. **PARKING LOT/PDD BOUNDARY EXPANSION.**
At the time the Kuhburg District was created, the Developer presented two alternatives for providing additional parking to the south; both alternatives requiring the acquisition of additional land not included in the original Kuhburg District. Consequently, the Kuhburg District PDD boundary will need to be expanded in the future if the Developer acquires additional land to accommodate an expanded parking area. Said PDD boundary expansion shall be processed as a separate PDD application in accordance with all requirements and procedures at that time

Introduced by: _____

Adopted: _____, 2018

Vote: Ayes: ___ Nays: ___

_____
Dean Wolter, Village President

ATTEST:
_____, Village Clerk

EXHIBIT A

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Kuhburg District Planned Development District (PDD)
Boundary Legal Description

Parcel #1 (north): W140 N10393 Fond du Lac Avenue (Tax Key #351-972)
Part of the NE 1/4 of the NE 1/4 of Section 35, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows: Commencing at the northeast corner of said Section 35; thence S 00°06'29" E, along the east line of said NE 1/4, 99.00 feet; thence S 89°43'31" W, parallel with the north line of said NE 1/4, 33.00 feet to a point in the west right of way line of Fond du Lac Avenue, being the point of beginning of lands herein described; thence continuing S 89°43'31" W, parallel with said north line,137.90 feet to a point in the east line of Lot 1of Certified Survey Map No. 4143 as recorded in the Washington County Register of Deeds Office in Volume 27 of Certified Survey Maps on pages 42-45, as Document No. 640922; thence N 00°06'23" W (recorded as N 01°26'22" W), 66.00 feet to a point in the south right of way line of Donges Bay Road; thence N 89°43'31" E, along said south right of way line of Donges Bay Road, 112.91feet; thence S 39°58'41" E, continuing along the south right of way line of Donges Bay Road, 38.99 feet to the intersection with said west right of way line of Fond du Lac Avenue; thence S 00°06'29" E, along said west right of way line of Fond du Lac Avenue, 36.00 feet to the point of beginning. Containing 8,799 sqft more or less.

Parcel #2 (south): W140 N10385 Fond du Lac Avenue (Tax Key #351-964)
Part of the NE 1/4 of the NE 1/4 of Section 35, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows: Commencing at the northeast corner of said Section 35;thence S 00°06'29" E, along the east line of said NE 1/4, 99.00 feet; thence S 89°43'31" W, parallel with the north line of said NE 1/4,33.00 feet to a point in the west right of way line of Fond du Lac Avenue, being the point of beginning of lands herein described; thence S 00°06'29" E, along said west right of way line of Fond du Lac Avenue, 70.00 feet; thence S 89°43'31" W, parallel with said north line of the NE 1/4, 137.00 feet to a point in the east line of Lot 1 of Certified Survey Map No. 4143 as recorded in the Washington County Register of Deeds Office in Volume 27 of Certified Survey Maps on pages 42-45, as Document No. 640922; thence N 00°06'23" W (recorded as N 01°26'22" W), 70.00 feet; thence N 89°43'31" E, parallel with said north line of the NE 1/4, 137.00 feet to the point of beginning. Containing 9,590 sqft more or less.

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EXHIBIT B

Kuhburg District Planned Development District (PDD)
General Development Plan

{Attach General Development Plan Dated February 23, 2018}

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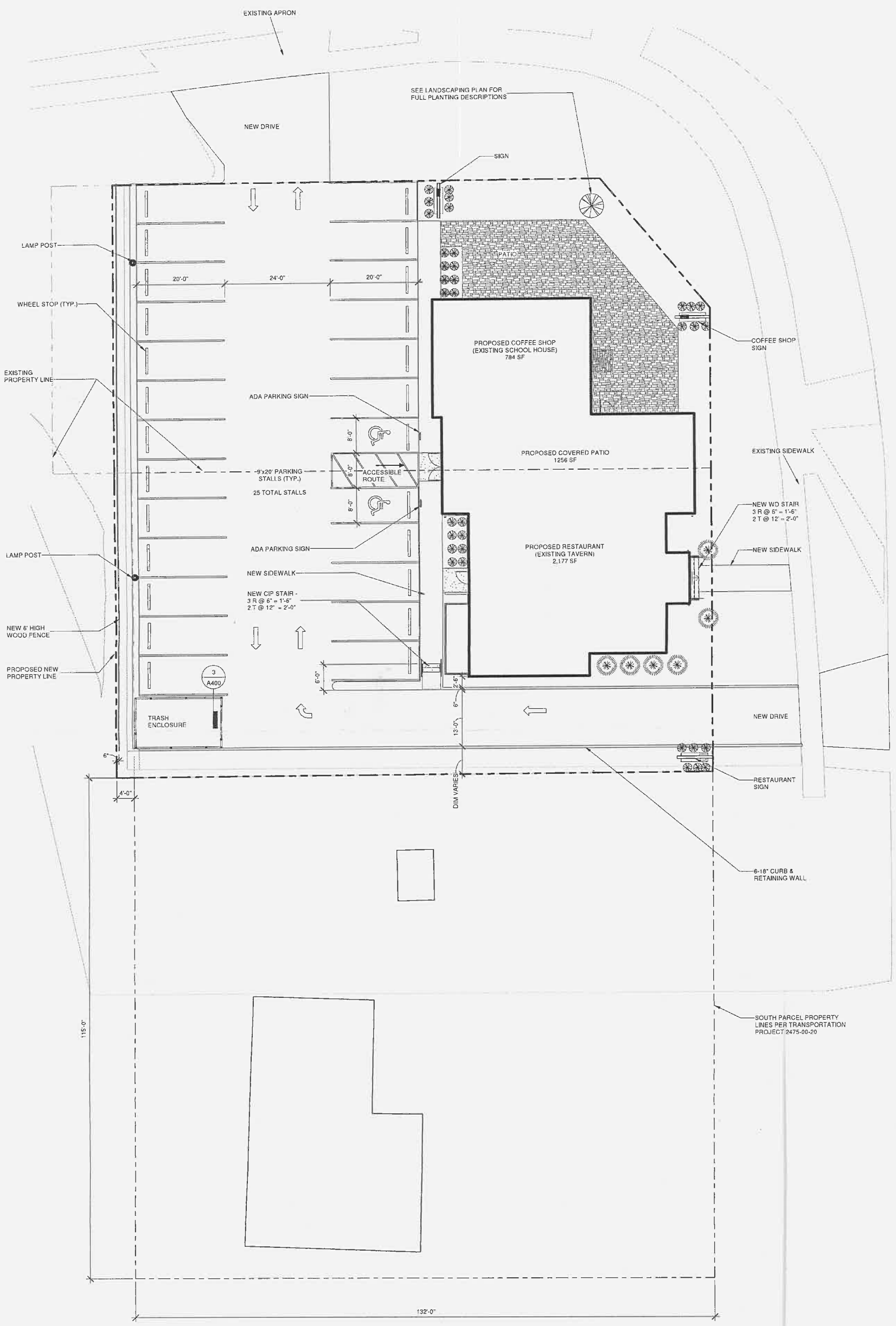
2/23/2018 12:31:17 PM



1 GD100 General Development Plan
3/32" = 1'-0"

NORTH

0' 8' 16' 32'
SCALE 1/16" = 1'-0"

LOT COVERAGE - SITE PLAN		
Name	Area	% of Total
Building	4020 SF	22%
Green Space	2749 SF	15%
Paving & Concrete	11524 SF	63%
Total Area	18294 SF	

DESIGN DEVELOPMENT

DRAWING NUMBER: GD100

© Nagel Architects + Engineers

DRAWING TITLE: GENERAL DEVELOPMENT PLAN

CHECKED: GN

DRAWN BY: TMO

ISSUE DATE: 2/23/2018

PROJECT NUMBER: 17031

Rev. No.	Revisions:	Date:

GERMANTOWN RESTAURANT

W140N10385 & W140N10393 FOND DU LAC AVE
GERMANTOWN, WI, 53022

PROJECT TITLE

STAMPS

nagel
architects + engineers
13100 watertown plank road
suite 200
elm grove, wi 53122
262.641.0746

#

BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI

MEETING DATE: March 5, 2018

AGENDA ITEM: New Business (**CERTIFIED SURVEY MAP**)

ITEM TITLE: Zoromski Construction LLC, Agent for M&J Donges Bay LLC, Property Owner, N104 W15825 Donges Bay Road; 2-lot Certified Survey Map (CSM)

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:
M&J Donges Bay LLC is the owner .73-acre residential parcel located on Donges Bay Road at Mohawk Drive. They are requesting approval of a 2-lot Certified Survey Map (CSM) to divide the property into two equal-sized parcels for purposes of redeveloping one residential property into two.

ATTACHMENTS:

- 2/26/18 Staff Report
- 2/26/18 Plan Commission Meeting Minutes
- Preliminary CSM

PLAN COMMISSION RECOMMENDATIONS:

APPROVE the 2-lot Certified Survey Map (CSM) as proposed with (4) conditions.

CERTIFIED SURVEY MAP (CSM) APPLICATION

2/26/18 Plan Commission Meeting

M & J Donges Bay LLC / Zoromski Construction LLC

Village Planner Report **Germantown, Wisconsin**

Summary

Zoromski Construction LLC, agent for M & J Donges Bay LLC, property owner of a .73-acre parcel on Donges Bay Road is seeking approval of a 2-lot Certified Survey Map (CSM) to divide the parcel into two (2) parcels for single-family residential redevelopment.

Location: N144 W15825 Donges Bay Road (east of Mohawk Drive)

Applicant/
Property Owner: Robert Zoromski
Zoromski Const LLC
1350 Sunnydale Circle
West Bend, WI 53090

M&J Donges Bay LLC
W149 N9977 Still Water Ct
Germantown, WI 53050

Current Zoning District: Rs-5: Single-Family

Adjacent Land Uses		Zoning
North	Residential	Rs-6
South	Residential	Rs-4
East	Residential	Rs-3
West	Residential	Rs-5

Proposal

Zoromski Construction LLC, agent for M & J Donges Bay LLC, property owner of a .73-acre parcel on Donges Bay Road is seeking approval of a 2-lot Certified Survey Map (CSM) to divide the parcel into two (2) parcels for single-family residential redevelopment.

As indicated in the Applicants January 29 letter, the owners intend to demolish the existing, vacant dwelling and construct two (2) new dwellings.

Staff Comments

Consistency with the Rs-4 Zoning District & Village's 2020 Land Use Plan.
The Land Use Plan map classifies this property as "Low Density Residential" (maximum 2 dwellings per acre and minimum 20,000 sqft lots). However, the existing zoning is Rs-5 (maximum 2.9 dwellings per acre and minimum 15,000 sqft lots). While not necessarily consistent with the "Low Density Residential" LUP map classification, both proposed parcels are consistent with the existing Rs-5 Zoning District regulations.

The Engineering Department has identified issues concerning access and utilities that are significant and, while not necessarily an issue affecting the proposed land division, will affect development on the two parcels being created (see February 22 memo; copy attached).

First, the existing access driveway to Donges Bay Road will be allowed to be used for access to Lot 2; however, access to Lot 1 is being restricted to Mohawk Drive. Any access driveway to Lot 1 is also required to be located not less than fifty (50) feet south of the northwest corner of the Lot 1 parcel along Mohawk south of Donges Bay Road.

Second, the extension of water and sewer laterals to Lot 2 is somewhat complicated. As indicated in the February 22 memo, the existing water and sewer laterals may be re-used to serve Lot 1 (under certain conditions). For Lot 2, a new water lateral could be installed from either Donges Bay Road or Mohawk Drive. If water is extended from Mohawk Drive and across Lot 1, an easement across Lot 1 will be required. A new sewer lateral serving Lot 2 is required from the existing service in Mohawk Drive, but would also require an easement across Lot 1, or, if that's not feasible, the existing sewer in Mohawk Drive would have to be extended further north to the right-of-way for Donges Bay Road with a new sewer lateral extended in the ROW to the east to the frontage of Lot 2. A note should be added to the CSM indicating that the extension of both water and sewer service to Lot 1 and Lot 2 will be at the owner's expense and subject to review and approval by the Public Works Department.

The Village Surveyor has also identified a number of technical corrections in a February 6, 2018 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 .73-acre M & J Donges Bay LLC property located on Donges Bay Road subject to the following conditions:

1. All technical corrections identified by the Village Surveyor as summarized in the February 6, 2018 memo shall be made prior to recording the CSM by the Village Board.
2. A note shall be added to the CSM indicating that access to Lot 1 is restricted to Mohawk Drive with the nearest point of a driveway located not less than fifty (50) feet south of the northwest corner of Lot 1 along Mohawk Drive.
3. A note shall be added to the CSM indicating that access to Lot 2 is restricted to the existing access driveway location on Donges Bay Road.
4. A note shall be added to the CSM indicating that the extension of water and sewer service to Lot 1 and Lot 2 will be at the owner's expense and subject to the requirements of and approval by the Public Works Department, and, a plan for extending water and sewer services to both Lot 1 and Lot 2 shall be prepared by the Applicant and submitted for review and approval to the Public Works Department prior to issuance of a building permit for new construction on either lot. If service is extended across Lot 1, an easement shall be granted to Lot 2 prior to issuance of a building permit for new construction on either lot.

Engineering Department Memorandum

To: Jeff Retzlaff Village Planner

CC:

From: Bob Beilfuss, PLS, Village Surveyor

Date: February 6, 2018

Re: M&J Donges Bay LLC CSM

Jeff,

Here are my review comments for the Concept CSM received 1-29-2018.

Certified Survey Map-Rezoning-PDD

Applicant or Owner: M&J Donges Bay LLC
Land Surveyor/Firm: Rick Hillmann, PLS, Continental Surveying Services LLC

1. A driveway permit for the new entrance is required.

2. Proposed Lot 2 not currently served with either sanitary or water main laterals. There is a sanitary sewer main and water and water main located in Mohawk Drive. Extension of these two utilities to serve proposed Lot 2 would have to be by extending the main lines or thru an easement across proposed Lot 1.

   If the easement method is used, then the location of the easement needs to be shown on the map sheet and terms and conditions need to be included for the use of the easement.

3. No private utility easements on this property have been shown.

4. Grid Bearing basis is incorrect. The bearing of the north line of the NE ¼ of Section 34 is North 88°26'53" East. All bearings on Sheet 1 and in the legal description in the Surveyor's Certificate need to be adjusted.

5. Coordinates (NAD 1927 Grid) are missing for the point of commencement monument.

6. Bearings of the exterior boundary lines on Sheet 1 do not coincide with the legal description in the Surveyor's Certificate.

7. Building setback lines for current zoning are missing and need to be mapped, dimensioned and date stamped..

8. Legend incomplete. Section corner monument symbol missing.

9. Monument type for section corners missing.

10. Owner's name address and telephone number missing.

11. Drive access to proposed Lot 1 is restricted to Mohawk Drive

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 2016 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.

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.

Engineering Department Memorandum

To : **Jeff Retzlaff**

From : **Larry Ratayczak, P.E.**

Date : **February 22, 2018**

Re : **Review of Zoromski Construction Submittal-N104 W15825 Donges Bay Rd.**

The Engineering Department has reviewed the documents submitted for the above referenced location and offers the following comments:

1) Proposed Lot #1 driveway to be onto Mohawk Drive no access onto Donges Bay Rd to be permitted. In addition, said driveway onto Mohawk Dr. shall be a minimum of 50 feet south of the NW property corner

2) Water Service's; Lot #1 shall have access from the water main on Mohawk Dr. If Lot #1 has a new home set to be built in the same year of razing, the existing water lateral should be determined if it can handle the GPM needed to satisfy its demand, if it can the Water Utility would approve using it but the lateral would need to be relayed from and including the curb stop to the proposed home. If the existing curb stop is in working order, then it can be used.; Lot #2 can access water main on Donges Bay Rd. (no open cut construction allowed across Donges Bay Rd.) or from Mohawk Dr. which would most likely require an easement across Lot #1.

3) Sanitary Lateral's: Lot #1 can utilize the existing lateral; Lot #2 will not be allowed to connect directly into the interceptor sewer on Donges Bay Rd and must connect into the sanitary sewer on Mohawk Dr. This would most likely require an easement across Lot #1 or possibly extension of the sanitary main on Mohawk Dr.

Respectfully submitted:

Lawrence Ratayczak, P.E.
Director of Public Works

Village of Germantown ...Willkommen

Fee must accompany application
☐ $2,900 with public improvements
☒ $1,960 no public improvements
Paid [signature] Date 1-29-18

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

Zoromski Construction LLC
1350 Sunnydale Rd.
West Bend, WI 53090

Phone (262) 707-4334
Fax (262) 365-0020
E-Mail rzoromski@charter.net

PROPERTY OWNER

M & T Donges Bay LLC
W149 N9977 Still Water Ct.
Germantown, WI 53022

Phone (414) 323-0400

2

PROPERTY ADDRESS OR GENERAL LOCATION	TAX KEY NUMBER
N104 W15825 Donges Bay Rd.	GTNU-341987

3 PURPOSE OF LAND SPLIT

	Will the land split require rezoning?	
Demolition of current home upon approval of land split, To build 2 new homes starting spring 2018	NO	
	From	To

4 READ AND INITIAL THE FOLLOWING:

[initials] 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.

[initials] 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.

[initials] 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.

[initials] I understand all delinquent property taxes on any of the properties involved shall be paid prior to recording.

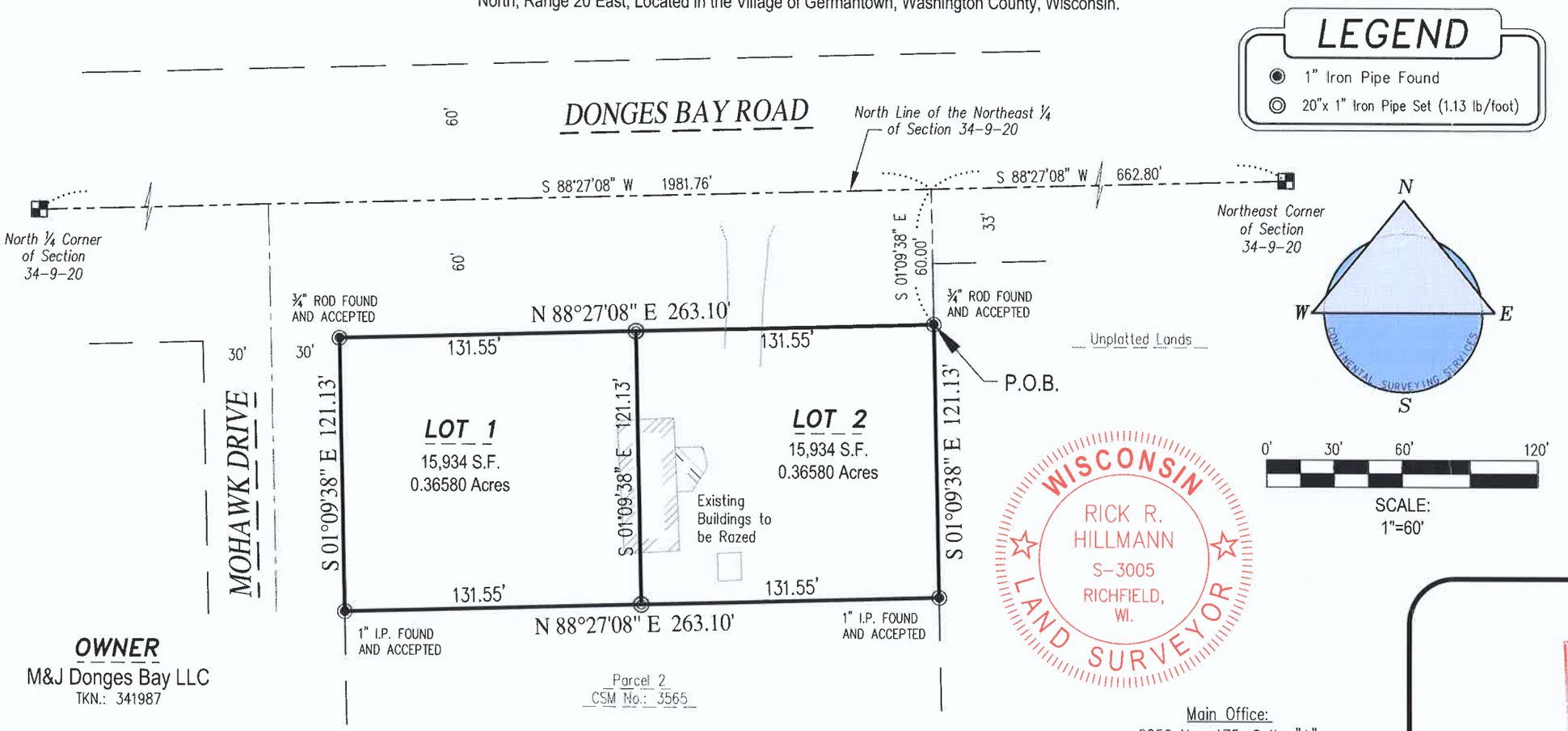
5 SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

[signature] 1/26/18
Applicant Date

[signature] 1/26/18
Owner Date

Certified Survey Map_____

Parcel 1 of Certified Survey Map No. 3565, being a part of the Northeast ¼ of the Northeast ¼ of Section 34, Township 9 North, Range 20 East, Located in the Village of Germantown, Washington County, Wisconsin.



OWNER
M&J Donges Bay LLC
TKN.: 341987

WISCONSIN
RICK R. HILLMANN
S-3005
RICHFIELD, WI.
LAND SURVEYOR

NOTE: All bearings are referenced to the North line of the NE ¼ of Section 34, Township 09 North, Range 20 East bears S 88°27'08" W.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 29th day of January, 2018 Sheet 1 of 4

CONTINENTAL SURVEYING SERVICES LLC

Main Office:
2059 Hwy 175, Suite "A"
Richfield WI. 53076
Phone: (262) 389-9200
Alt Phone: (262) 628-1409
Alt. Phone: (262) 338-3600
Milwaukee: (414) 425-2060
Website: www.csssurveys.com
Email: survey@csssurveys.com

RECEIVED JAN 29 2018 OFFICE OF THE VILLAGE PLANNER VILLAGE OF GERMANTOWN

Project No.: 20181207_CSM0002

Certified Survey Map_____

Parcel 1 of Certified Survey Map No. 3565, being a part of the Northeast ¼ of the Northeast ¼ of Section 34, Township 9 North, Range 20 East, Located in the Village of Germantown, Washington County, Wisconsin.

SURVEYOR'S CERTIFICATE:

I Rick R. Hillmann, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a parcel of land located in a part of the Northeast ¼ of ther Northeast ¼ of Section 34, Township 9 North, Range 20 East, located in the Village of Germantown, Washington County, Wisconsin, bounded and described and follows:

Commencing at the Northeast corner of said ¼ Section; thence South 88°27'08" West on and along the North Line of said ¼ Section 662.80 feet to a point; thence South 01°09'38" East, 60.00 feet to the Northeast Corner of Parcel 1 of Certified Survey Map No.: 3565 and the South Line of Donges Bay Road, said point is also the Point of Beginning of lands hereinafter described;

Thence South 01°09'38" East on and along the East Line of Parcel 1, 121.13 feet to the Southeast Corner of said Parcel , thence South 88°27'08" West on and along the South Line of said Parcel 1, 263.10 feet to the Southwest Corner of said Parcel 1 said Point is also on the East Line of Mohawk Drive; thence North 01°09'38 West on and along the West Line of Parcel 1 and the East Line of Mohawk Drive, 121.13 feet to the Northwest Corner of Parcel 1 and also on the South Line of Donges Bay Road; thence North 88°27'08" East on and along Parcel 1 and Donges Bay Road, 263.10 feet to the place of beginning of this description.

The gross area of said parcel contains 31,868 Square feet or 0.73159 Acres of land more or less.

That I have made such survey, land division and map by the direction of M&J Donges Bay LLC, owner of said land. That such map is a correct representation of all exterior boundaries of land surveyed and land division made thereof. That I have fully complied with the provision of chapter 236 of the Wisconsin Statutes and the Platting ordinance of the Village of Germantown in surveying, dividing and mapping same.

Dated this_____ day of _____, 20_____.

_____

Rick R. Hillmann PLS
Professional Land Surveyor S-3005

WISCONSIN
RICK R. HILLMANN
S-3005
RICHFIELD, WI.
LAND SURVEYOR

CONTINENTAL SURVEYING SERVICES LLC

Main Office:
2059 Hwy 175, Suite "A"
Richfield WI. 53076
Phone: (262) 389-9200
Alt Phone: (262) 628-1409
Alt. Phone: (262) 338-3600
Milwaukee: (414) 425-2060
Website: www.csssurveys.com
Email: survey@csssurveys.com

NOTE: All bearings are referenced to the North line of the NE ¼ of Section 34, Township 09 North, Range 20 East bears S 88°27'08" W.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 29th day of January, 2018

WCBA NSPS

Certified Survey Map_____

Parcel 1 of Certified Survey Map No. 3565, being a part of the Northeast ¼ of the Northeast ¼ of Section 34, Township 9 North, Range 20 East, Located in the Village of Germantown, Washington County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE:

M&J Donges Bay LLC, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation caused the land described on this map to be surveyed, divided, mapped, as represented on this Certified survey Map.

M&J Donges Bay LLC, does further certify that this Certified Survey Map is mapped as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin State Statutes and requirements and ordinances of the Village of Germantown, this _____ day of _____, 20_____.

_____
Joseph Gioffer - Managing member

In the presence of:
M&J Donges Bay LLC
Joseph Gioffer - Managing member

STATE OF WISCONSIN)
)ss.
County of _____)
Personally came before me this_____ day of_____, 20_____, Joseph Gioffer, Managing member of the above named corporation, to me known as the person(s) who executed the foregoing instrument, and to me known to be the Managing member of the corporation, and acknowledged that he executed the foregoing instrument and acknowledged the same.

_____
Print Name_____
Notary Public, _____ County, WI.
My Commission Expires: _____

WISCONSIN
RICK R. HILLMANN
S-3005
RICHFIELD, WI.
LAND SURVEYOR

CONTINENTAL SURVEYING SERVICES LLC

Main Office:
2059 Hwy 175, Suite "A"
Richfield WI. 53076
Phone: (262) 389-9200
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Alt. Phone: (262) 338-3600
Milwaukee: (414) 425-2060
Website: www.csssurveys.com
Email: survey@csssurveys.com

NOTE: All bearings are referenced to the North line of the NE ¼ of Section 34, Township 09 North, Range 20 East bears S 88°27'08" W.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 29th day of January, 2018

Certified Survey Map_____

Parcel 1 of Certified Survey Map No. 3565, being a part of the Northeast ¼ of the Northeast ¼ of Section 34, Township 9 North, Range 20 East, Located in the Village of Germantown, Washington County, Wisconsin.

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 _____, 20_____.

_____

Dean Wolter, Chairman

_____

Laura A. Johnson, Secretary

VILLAGE OF GERMANTOWN BOARD APPROVAL:

Parcel 1 of Certified Survey Map No. 3565, being a part of the Northeast ¼ of the Northeast ¼ of Section 34, Township 9 North, Range 20 East, Located in the 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 _____, 20_____.

_____

Dean Wolter, Village President

_____

Deanna Boldrey, Village Clerk

WISCONSIN
RICK R. HILLMANN
S-3005
RICHFIELD, WI.
LAND SURVEYOR

CONTINENTAL SURVEYING SERVICES LLC

Main Office:
2059 Hwy 175, Suite "A"
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Website: www.csssurveys.com
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NOTE: All bearings are referenced to the North line of the NE ¼ of Section 34, Township 09 North, Range 20 East bears S 88°27'08" W.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 29th day of January, 2018

WCBA NSPS

PLAN COMMISSION MINUTES
February 26, 2018

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:30 p.m.

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Bob Williams, Peter Nilles, Tony Laszewski, Bill Shadid and Mary Ellen Gray were present. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT:
Bruce Bernarde, N120 W13645 Freistadt Road,

APPROVAL OF MINUTES: ***MOTION Baum second Gray to Approve the minutes from February 12, 2018.***

MOTION carried unanimously.

DRAFT

Zoromski Construction LLC, agent for M&J Donges Bay LLC, property owner – N144 W15825 Donges Bay Road. The request is for approval of a 2-lotCertified Survey Map (CSM) to divide the parcel into two (2) lots for single-family residential development. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the 2-lot Certified Survey Map land division for the .73-acre M & J Donges Bay LLC property located on Donges Bay Road subject to the following conditions:

1. ***All technical corrections identified by the Village Surveyor as summarized in the February 6, 2018 memo shall be made prior to recording the CSM by the Village Board.***
2. ***A note shall be added to the CSM indicating that access to Lot 1 is restricted to Mohawk Drive with the nearest point of a driveway located not less than fifty (50) feet south of the northwest corner of Lot 1 along Mohawk Drive.***
3. ***A note shall be added to the CSM indicating that access to Lot 2 is restricted to the existing access driveway location on Donges Bay Road.***
4. ***A note shall be added to the CSM indicating that the extension of water and sewer service to Lot 1 and Lot 2 will be at the owner's expense and subject to the requirements of and approval by the Public Works Department, and, a plan for extending water and sewer services to both Lot 1 and Lot 2 shall be prepared by the Applicant and submitted for review and approval to the Public Works Department prior to issuance of a building permit for new construction on either lot. If service is extended across Lot 1, an easement shall be granted to Lot 2 prior to issuance of a building permit for new construction on either lot.***

MOTION carried unanimously.

#

BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI

MEETING DATE: March 5, 2018

AGENDA ITEM: New Business (**CERTIFIED SURVEY MAP**)

ITEM TITLE: Quarles & Brady LLP, Agent for SMV Germantown LLC, Property Owner, W173 N10915 Bernies Way; 2-lot Certified Survey Map (CSM)

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:
SMV Germantown LLC is the owner of the Virginia Highlands skilled nursing facility and 15.6-acre property. They are requesting approval of a 2-lot Certified Survey Map (CSM) to divide the 15.6-acre property into two parcels to detach the undeveloped land east of the nursing facility.

As discussed before the Plan Commission by the owner's agent, Quarles & Brady LLP, the purpose for dividing the property is to facilitate refinancing of the property. No specific development proposal is being presented at this time. As discussed in the staff report, dividing the land will not affect the requirement that the undeveloped parcel (Lot 2 on the CSM) develop under the current Elderly Housing (EH) District general development plan adopted in 1997 (unless that plan is amended by the Village).

ATTACHMENTS:
- 2/26/18 Staff Report
- 2/26/18 Plan Commission Meeting Minutes
- Preliminary CSM

PLAN COMMISSION RECOMMENDATIONS:

APPROVE the 2-lot Certified Survey Map (CSM) as proposed with (3) conditions.

CERTIFIED SURVEY MAP (CSM) APPLICATION

2/26/18 Plan Commission Meeting

SMV Germantown LLC / SMV Management Company LLC

Village Planner Report **Germantown, Wisconsin**

Summary

Quarles & Brady LLP, agent for the SMV Germantown LLC and SMV Management Company LLC, property owner, is requesting approval of a 2-lot Certified Survey Map (CSM) land division to divide their 15.6-acre Virginia Highlands property located on Virginia Avenue @ Division Road.

Property Location: Virginia Ave @ Division Road

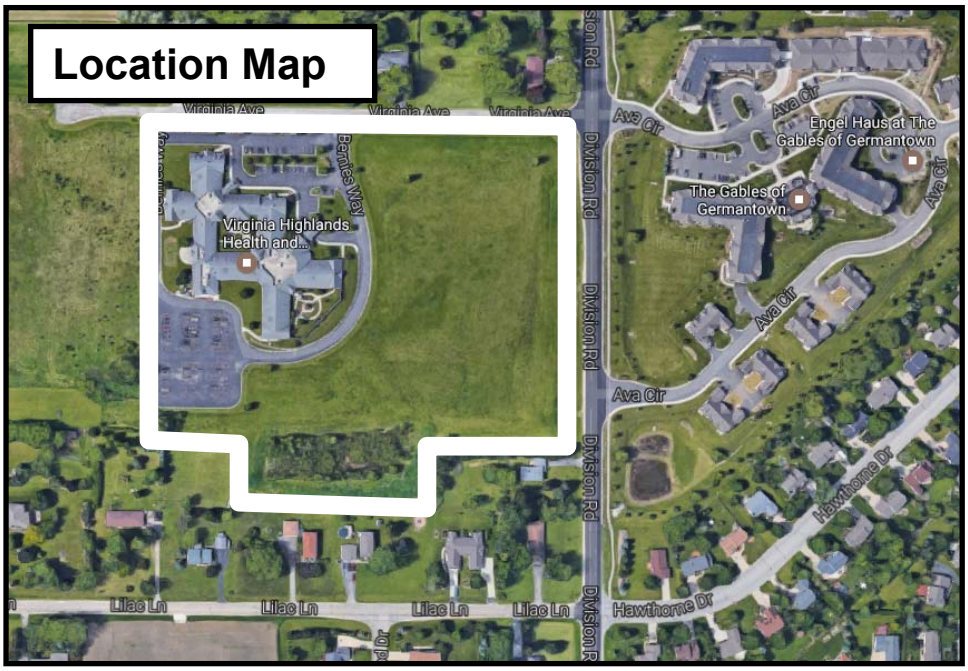
Owner/Applicant:

Quarles & Brady LLP
411 East Wisconsin Ave
Milwaukee, WI 53202

SMV Mgmt Company LLC
45 Broadway Suite 520
New York, NY 10006

Current Zoning: EH: Elderly Housing

Adjacent Land Uses		Zoning
North	Residential	Rs-2
South	Residential	Rs-4
East	EH	EH
West	EH (Virginia Highlands)	EH/Rs-1



Background

In 1995, Dennis Wilm, agent for the Bernard Wilm Family Trust, and (then) owner of the 15.6-acre parcel located at the Virginia Ave @ Division Road intersection, approached the Village with a proposal to develop a new senior residential campus on the property. In cooperation with Heartland Retirement Services Inc., the "Virginia Highlands Senior Community" was proposed with a mix of uses, including a nursing home, "Wovenheart" community-based residential facilities (CBRF), independent senior apartments and "fourplex" independent senior condominiums. After considerable discussion about how such a development might fit within the framework of the Village's Zoning Code, an application to rezone the property into a Planned Development District (PDD) with an underlying Rm-3: Multi-family Zoning District was discussed but eventually tabled pending the creation of a new zoning district specifically designed to accommodate this type of senior housing development. In the fall of 1995, the Village developed and adopted the EH: Elderly Housing Zoning District. In November 1995, an amended rezoning application for the 15.6-acre parcel was approved and the property rezoned into the first EH District in the Village.

As required under the EH District regulations, at the time of rezoning a "general development plan" was adopted for the EH District. The code requires that specific, detailed site plans be submitted prior to actual development for Plan Commission review and approval prior to commencing construction and issuing building permits. The code requires the site plans "…*to conform substantially to the general development plan…"* in order to be approved.

After rezoning and general development plan approval in 1995, the general development plan was revised as the proposal moved from the original senior community concept to actual development. In 1997, the Village approved conditional use permits for a 121-bed nursing home (the existing Virginia Highlands skilled nursing facility) and a 56-unit CBRF and daycare facility (never constructed). The latest and most current general development plan was also approved in late 1997 (see copy attached dated December 22, 1997). The current general development plan for the Virginia Highlands EH District includes:

- 121-bed skilled nursing facility (existing)
- 56-unit CBRF & adult daycare (never constructed)
- 56-unit independent senior apartments (never constructed)

In early 2017, SMV Management Company LLC & Tarantino & Company LLC, proposed revisions to the current EH general development plan that included dividing the 15.6-acre property into a separate 6.25-acre parcel containing the Virginia Highlands skilled nursing facility, and, developing the remaining 9.4 acre parcel with a 128-unit senior care complex comprised of 56 independent senior living apartments, 48 "RCAC" assisted living units, and a 26-unit memory care "CBRF" facility. Ultimately, the Village Board denied the conditional use permit (CUP) that was needed for the CBRF component and the applicant withdrew the application EH amendment application.

Proposal

At this time, SMV Germantown LLC and SMV Management Company LLC, property owner of the 15.6-acre property, is requesting approval of a 2-lot Certified Survey Map (CSM) land division to divide the 15.6-acre property as was originally proposed (No EH general development plan or other application for any specific development has been submitted at this time).

Staff Comments

The Village's EH: Elderly Housing Zoning District is intended to function like a "planned development district" in that it provides for a variety of residential, commercial, and institutional uses within an overall district (vs. per parcel). The current “general development plan” for the 15.6-acre property and entire EH District is the only plan to which development of Lot 2 can be developed unless the property owner(s) submit an application to amend the general development plan to and approved by the Village. The current owner must understand this and reveal that requirement to any prospective purchasers of Lot 2. To that end, staff recommends adding a note to the CSM that indicates “the development of Lot 2 must be consistent with the adopted Virginia Highlands EH District General Development Plan and comply with all applicable requirements, allowances and limitations of the EH Zoning District”.

Another issue that needs to be addressed through the CSM is an existing storm water management basin located on the south side of the property on what will be Lot 2. Currently, the Virginia Highlands skilled nursing facility has storm sewer that collects run-off from what will be Lot 1 and conveys it to the basin on Lot 2. That basin was originally constructed and sized to handle additional run-off from the planned (but never constructed senior housing development on what is proposed as Lot 2. While it remains to be seen if this basin will meet all future storm water management regulations that will apply to future development, or, if future development alters the location and manner in which storm water run-off is collected, treated and released from Lot 1 and Lot 2, the fact remains that some sort of easement agreement between the owners of Lot 1 and Lot 2 is required to address the existing basin and run-off from Lot 1 to Lot 2 (assuming the CSM is approved). Consequently, staff recommends adding a separate note to the CSM that addresses the need for a storm water easement & maintenance agreement.

Public Works/Engineering

The Village Surveyor has identified a few technical corrections in a February 6, 2018 memo (copy attached) that will have to be addressed and/or corrected prior to recording the CSM.

Village Planner Recommendation

APPROVE the 2-lot Certified Survey Map land division for the 15.6-acre property owned by SMV Germantown LLC subject to the following conditions:

1. All technical corrections and issues raised by the Village Surveyor in the February 6, 2018 memo shall be addressed and/or corrected prior to recording the CSM.
2. A note shall be added to the CSM indicating that “Development of Lot 2 shall be consistent with the adopted Virginia Highlands EH Zoning District General Development Plan and comply with all applicable requirements, allowances and limitations of the Village’s EH Zoning District”.
3. A note shall be added to the CSM indicating that a storm water easement & maintenance agreement to be recorded along with the CSM shall be submitted to the Village for review and approval prior to recording the CSM.

Engineering Department Memorandum

To: Jeff Retzlaff Village Planner

CC:

From: Bob Beilfuss, PLS, Village Surveyor

Date: February 6, 2018

Re: SMV Germantown LLC CSM

Jeff,

Here are my review comments for the CSM received 1-11-2018.

Certified Survey Map

Applicant or Owner: SMV Germantown LLC
Land Surveyor/Firm: David Cheney, PLS, Sarko Engineering Inc.

1. Building setback lines for current zoning are missing. Due to the variable uses allowed for the EH district, this requirement is waived.

2. The secretary's name in the Planning Commission certificate is Laura A. Johnson.

3. The Village Clerk's name has changed to Deanna L. Boldrey, WCMC/CMC in the Village of Germantown Board Approval certificate.

4. Prior to the land being split, the current facility was discharging all storm water to the detention pond. The proposed land division separates the contributing stormwater generator (buildings, parking lots and paved drives) on proposed Lot 1 from the detention pond located on proposed Lot 2.

   The current Stormwater Management plan needs to be revised to reflect the land division and that now the future owners of Lot 2 will need to share in the maintenance and upkeep of the detention pond.

5. The current detention pond is overgrown with brush and mature trees which need to be removed and the pond area restored to its design capacity.

6. The outline of the pond should be shown on Sheet 1

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 2016 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.

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 3-23-17

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

SMV Germantown LLC
c/o Quarles & Brady LLP - Noelle Granitz
411 East Wisconsin Ave., Ste 2350
Milwaukee, WI 53202
Phone (414) 277-5133
Fax (414) 978-8299
E-Mail noelle.granitz@quarles.com

PROPERTY OWNER

SMV Germantown LLC
c/o SMV Management Company LLC
45 Broadway, Suite 250
New York, NY 10006
Phone (212) 284-3781
Attn: Wayne Craig

2

PROPERTY ADDRESS OR GENERAL LOCATION	TAX KEY NUMBER
W173 N10915 Bernies Way, Germantown, WI 53022	281990

3 PURPOSE OF LAND SPLIT

For the sale and subsequent development of the portion of the real property to be known as Lot 2 for Gables of Germantown.	Will the land split require rezoning? No.**	
	From --	To --

** The zoning relevant to the subsequent development of Lot 2 is being handled by separately from but simultaneously with this Certified Survey Map Application.

4 READ AND INITIAL THE FOLLOWING:

NG 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.

NG 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.

NG 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.

NG 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!

Noelle Granitz 3/16/17
Applicant Date

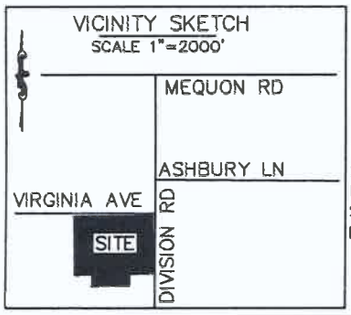
Owner WAYNE CRAIG CFO 3/16/17
Date

RECEIVED
JAN 11 2018
OFFICE OF THE VILLAGE PLANNER
VILLAGE OF GERMANTOWN

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4936, BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

VICINITY SKETCH
SCALE 1"=2000'



PREPARED FOR:
SMV GERMANTOWN LLC
45 BROADWAY 25TH FLOOR
NEW YORK, NY 10006

ALL BEARINGS SHOWN REFER TO THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 28, TOWN 9 NORTH, RANGE 20 EAST, WHICH HAS A WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD-27) BEARING OF NORTH 01° 12' 48" WEST

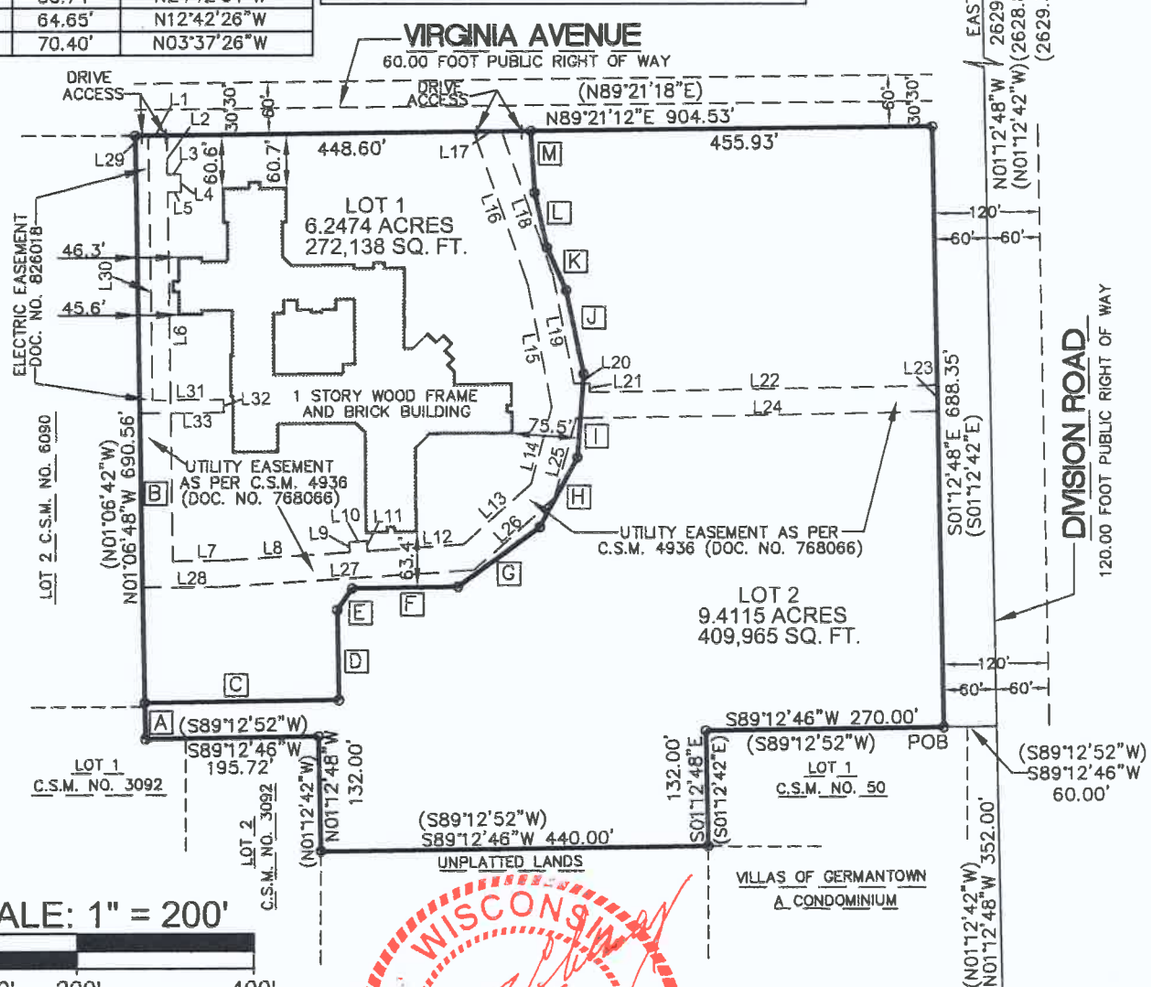
SEE SHEET 2 OF 5 FOR EASEMENT LINE TABLE

LOT LINE TABLE		
LINE	LENGTH	BEARING
A	41.58'	N01°06'48"W (N01°06'42"W)
B	648.98'	N01°06'48"W (N01°06'42"W)
C	219.89'	N89°12'46"E
D	103.70'	N01°12'48"W
E	29.90'	N34°22'49"E
F	120.00'	N89°12'46"E
G	115.00'	N53°55'55"E
H	89.79'	N28°17'04"E
I	96.08'	N04°01'37"E
J	98.02'	N11°51'10"W
K	53.74'	N24°12'04"W
L	64.65'	N12°42'26"W
M	70.40'	N03°37'26"W

THE SUBJECT PROPERTY IS ZONED EH, ELDERLY HOUSING DISTRICT. VARIABLE MINIMUM BUILDING SETBACKS WILL APPLY DEPENDING ON TYPE OF DEVELOPMENT AND ACTUAL LAND USE AS PER SECTION 17.241 OF THE ZONING CODE.

LEGEND
- ○ INDICATES SET 3/4" X 24" REBAR 1.13 lbs/Linear Foot
- ■ INDICATES FOUND ALUMINUM CAP MONUMENT
- ⊞ INDICATES FOUND 6"X6" CONC. MONUMENT W/BRASS CAP
- XX.XX' INDICATES DISTANCE FROM BUILDING SIDEWALL TO PROPERTY LINE
- (XX.XX) INDICATES RECORDED DATA
- ////// DENOTES BUILDING SIDEWALL
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING

NE CORNER NE 1/4
SECTION 28-9-20
ALUMINUM CAP MONUMENT
N. 450,613.41
E. 2,500,321.84



SCALE: 1" = 200'

0' 100' 200' 400'

SE CORNER NE 1/4
SECTION 28-9-20
6"X6" CONC. MONUMENT
WITH BRASS CAP
N. 447,985.20
E. 2,500,377.50

Performed By:
Sarko Engineering Inc.
847 County Highway JG
Mount Horeb, WI 53572
Phone: 608-832-6428
Fax: 608-848-3859
Email: rsarko@tds.net

WISCONSIN
DAVID R CHENEY
S-45
MADISON
1/9/18
LAND SURVEYOR

THIS INSTRUMENT DRAFTED BY DAVID CHENEY

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4936, BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
SS
DANE COUNTY)

I, David Cheney, Wisconsin Registered Land Surveyor No. S–45, do hereby certify:

That I have surveyed, divided and mapped a redivision of Parcel 1 of Certified Survey Map No. 4936, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of the said Northeast 1/4 Section; thence North 01° 12' 48" West along the East line of said Northeast 1/4 Section, 352.00 feet to a point; thence South 89° 12' 46" West, 60.00 feet to a point in the West line of Division Road and the point of beginning of lands hereinafter described;

Thence South 89° 12' 46" West, 270.00 feet; thence South 01° 12' 48" East, 132.00 feet; thence South 89° 12' 46" West, 440.00 feet; thence North 01° 12' 48" West, 132.00 feet; thence South 89° 12' 46" West, 195.72 feet; thence North 01° 06' 48" West, 690.56 feet to a point in the South line of Virginia Avenue; thence North 89° 21' 12" East along the South line of Virginia Avenue, 904.53 feet to a point in the West line of Division Road; thence South 01° 12' 48" East along the West line of Division Road, 688.35 feet to the point of beginning.

The area of said parcel of land contains 682,103 square feet or 15.6589 acres of land.

That I have made such survey, land division and map by the direction of SMV Germantown LLC, a Delaware limited liability company, Owner of said lands.

That such map is a correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Subdivision Regulations of the Village of Germantown in surveying, dividing and mapping the same.

DATE: 1/9/18

David Cheney
Registered Land Surveyor No. S–45
State of Wisconsin

WISCONSIN
DAVID R. CHENEY
S-45
MADISON, WI
LAND SURVEYOR

EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
L1	35.97'	N89°21'12"E (N89°21'18"E)
L2	44.08'	S01°00'17"E (S01°00'11"E)
L3	15.00'	N88°59'43"E (N88°59'49"E)
L4	20.00'	S01°00'17"E (S01°00'11"E)
L5	15.00'	S88°59'43"W (S88°59'49"W)
L6	421.96'	S01°00'17"E (S01°00'11"E)
L7	55.59'	N89°20'30"E (N89°20'36"E)
L8	144.87'	N86°18'38"E (N86°18'44"E)
L9	11.53'	N03°41'22"W (N03°41'16"W)
L10	20.00'	N86°18'38"E (N86°18'44"E)
L11	11.53'	S03°41'22"E (S03°41'16"E)
L12	108.75'	N86°18'38"E (N86°18'44"E)
L13	103.46'	N48°08'30"E (N48°08'36"E)
L14	90.61'	N14°49'55"E (N14°50'01"E)

EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
L15	142.52'	N11°05'27"W (N11°05'21"W)
L16	185.80'	N19°29'36"W (N19°29'30"W)
L17	31.70'	N89°21'12"E (N89°21'18"E)
L18	177.77'	S19°29'36"E (S19°29'30"E)
L19	123.38'	S11°05'27"E (S11°05'21"E)
L20	17.67'	N89°17'44"E (N89°17'50"E)
L21	9.80'	S00°42'16"E (S00°42'10"E)
L22	394.32'	N88°54'38"E (N88°54'44"E)
L23	30.00'	S01°12'48"E (S01°12'42"E)
L24	410.53'	S88°54'38"W (S88°54'44"W)
L25	93.91'	S14°49'55"W (S14°50'01"W)
L26	122.82'	S48°08'30"W (S48°08'36"W)
L27	284.79'	S86°18'38"W (S86°18'44"W)
L28	91.19'	S89°20'30"W (S89°20'36"W)

EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
L29	15.00'	N89°21'12"E
L30	302.50'	S01°06'48"E
L31	80.00'	N89°21'12"E
L32	15.00'	S01°06'48"E
L33	95.00'	S89°21'12"W

Performed By:
Sarko Engineering Inc.
847 County Highway JG
Mount Horeb, WI 53572
Phone: 608–832–6428
Fax: 608–848–3859
Email: rsarko@tds.net

THIS INSTRUMENT DRAFTED BY DAVID CHENEY

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4936, BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN

CORPORATE OWNER'S CERTIFICATE

SMV Germantown LLC, a company duly organized and existing under and by virtue of the laws of the State of Delaware, as Owner, does hereby certify that said company caused the lands described on this plat to be surveyed, divided and mapped as represented on this plat in accordance with provisions of the Ordinances of the Village of Germantown and Chapter 236 of the Wisconsin Statutes.

IN WITNESS THEREOF, the said SMV Germantown LLC, has caused these presents to be signed by Wayne Craig, Chief Financial Officer

_____
Witness

_____
Wayne Criag
Chief Financial Officer

STATE OF NEW YORK)
SS
_____ COUNTY)

PERSONALLY came before me this _____ day of _____, 2018, the above named Wayne Craig to me known to be the person who executed the foregoing instrument, and to me known to be such Chief Financial Officer of said company and acknowledged that he executed the foregoing instrument and acknowledged the same.

_____(SEAL)
Notary Public State of New York

My Commission expires _____

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4936, BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN

CONSENT OF CORPORATE MORTGAGEE:

WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY IN ITS CAPACITY AS TRUSTEE FOR THE REGISTERED HOLDERS OF COMM 2016-SAVA MORTGAGE TRUST COMMERCIAL MORTGAGE PASS THROUGH CERTIFICATES, mortgagee of the above described lands identified in this Certified Survey Map, through their Authorized Agent, being KeyBank National Association, does hereby consent to the surveying, dividing and mapping of the land described in this Certified Survey Map, and does hereby consent to the above Owner's certificate.

In witness whereof, the said WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY IN ITS CAPACITY AS TRUSTEE FOR THE REGISTERED HOLDERS OF COMM 2016-SAVA MORTGAGE TRUST COMMERCIAL MORTGAGE PASS THROUGH CERTIFICATES, mortgagee, through their Authorized Agent, being KeyBank National Association, has caused these presents to be signed by KeyBank National Association, its Authorized Agent, and its corporate seal to be hereinto affixed this _____ day of _____, 2018.

By: KeyBank National Association
as Authorized Agent

_____
Name (Signature)

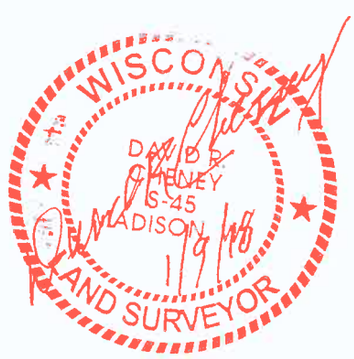
_____(Seal)
Title

_____
Printed Name

STATE OF _____)
SS
_____ COUNTY)

PERSONALLY came before me this _____ day of _____, 2018, _____ of the above named organization, to me known as the person who executed the foregoing instrument and to me known to be the _____ of said organization, and acknowledged that they executed the foregoing instrument as such officer as the deed of the organization, by its authority.

_____
Notary Public State of _____
My Commission expires _____



CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4936, BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN

VILLAGE OF GERMANTOWN PLANNING COMMISSION APPROVAL

This Certified Survey Map is hereby approved by the Planning Commission of the Village of Germantown on the _____ day of _____, 2018.

_____ _____
Dean Wolter, Chairman Date

_____ _____
Lori Johnson, Secretary Date

VILLAGE OF GERMANTOWN BOARD APPROVAL

This Certified Survey Map, a redivision of Parcel 1 of Certified Survey Map No. 4936, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Town 9 North, Range 20 East, in the 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 the _____ day of _____, 2018.

_____ _____
Dean Wolter, Village President Date

_____ _____
Barbara K.D. Goeckner, Village Clerk Date

THIS INSTRUMENT DRAFTED BY DAVID CHENEY

Quarles & Brady LLP, agent for SMV Germantown LLC, property owner, Virginia Avenue & Division Road. The request is for approval of a 2-lot Certified Survey Map (CSM) land division to divide their 15.6-acre Virginia Highlands property. Planner Retzlaff summarized the proposal.

Eric Van Schyndle, Quarles & Brady, commented that there were no plans for developing the site at this time.

MOTION Baum second Shadid to Approve the 2-lot Certified Survey Map land division for the 15.6-acre property owned by SMV Germantown LLC subject to the following conditions:

1. ***All technical corrections and issues raised by the Village Surveyor in the February 6, 2018 memo shall be addressed and/or corrected prior to recording the CSM.***
2. ***A note shall be added to the CSM indicating that "Development of Lot 2 shall be consistent with the adopted Virginia Highlands EH Zoning District General Development Plan and comply with all applicable requirements, allowances and limitations of the Village's EH Zoning District".***
3. ***A note shall be added to the CSM indicating that a storm water easement & maintenance agreement to be recorded along with the CSM shall be submitted to the Village for review and approval prior to recording the CSM.***

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

DRAFT