

MEETING: REGULAR MEETING OF THE PLAN COMMISSION

DATE & TIME: Monday, November 11, 2024 at 6:30 PM

LOCATION: Germantown Village Hall Board Room
N112 W17001 Mequon Road

Any member of the body and/or citizen also attend the meeting virtually through the WebEx platform, Meeting #: **2553 216 2843** Password: **qRNIkJrY345** which can be accessed by phone at **408-418-9388** or by logging on at <https://villageofgermantown.my.webex.com/villageofgermantown.my/j.php?MTID=m3e60c9657945a5ad89155bdbfd3c356f>

Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to comments@germantownwi.gov by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration.

Previously recorded Village Board Meeting Videos can be viewed at https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyHQ.

AGENDA

- 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. **APPROVAL OF MINUTES:**
 - A. PC Minutes 10/14/24
- IV. **UNFINISHED BUSINESS:**
 - A. Neumann Developments, Agent for Wrenwood North LLC, Property Owner, property south of Freistadt Road and Pleasant View Drive. Final Subdivision Plat for the Wrenwood North Addition No. 1 Subdivision (Wrenwood North-Phase 2 containing 26 single-family lots). (ACTION)
 - B. OneEnergy Development, LLC, Agent for Wayne Lutynski, Property Owner. Certified Survey Map (CSM) to combine parcels and Site Plan Review for a 30-acre Solar Energy Facility located at approximately N132W18100 Rockfield Road. (ACTION)
- V. **NEW BUSINESS:**
 - A. Harter's Lakeside Disposal Agent for Skyline Development Corp./Lakeside Property Mgmt Current & New Property Owner, on the corner of FDL Ave. and Spaten Ct. Rezone from M1 to M2 and Conditional Use Permit (CUP) for a new Solid Waste Disposal, Collection and Transportation Operations business. (PUBLIC HEARING & ACTION)
 - B. Village of Germantown Community Development Department - Proposed Text Amendments to Chapter 17.41 (Accessory Use, Building & Structures), Section 17.43 (Site Plan Approval Requirements), Section 17.45 (Traffic, Parking, Loading & Access), and Section 17.46 (Signs) of the Village of Germantown Municipal Code. (PUBLIC HEARING & ACTION)
 - C. Shaun Bowe, FCH Germantown LLC Agent for Stube Land LLC, Property Owner - N116W15841 Main Street. Sign Review for Two Wall Signs for the Relish Supper Club (ACTION)

- D. Lisa Wakeman, Property Owner - W151N11811 Mistletoe Road. Zoning Permit Application to Install 4' Fence in Storm Sewer & Drainage Easement. (ACTION)
- E. James Bengtson, Property Owner - W151N11793 Mistletoe Road. Zoning Permit Application to Install 4' Fence in Storm Sewer & Drainage Easement. (ACTION)
- F. Virtus Development LLC, Agent for District One LLC, Property Owner of W140 N10363 Fond du Lac Avenue and the Robert & Mary Elizabeth Hacker Trust, Property Owners of a .66-Acre Lot on Fond du Lac Avenue. Site Plan Approval Deadline Extension Request. (ACTION)

VI. CITIZEN INPUT/PUBLIC APPEARANCE: *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.)*

VII. ANNOUNCEMENTS:

VIII. ADJOURNMENT:

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)250-4745 at least 2 days prior to the meeting. Notice is given that a majority of the Village Board may attend this meeting to gather information about an item over which they have decision-making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v Greendale Village Board, even though the Village Board will not take formal action at this meeting.

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, October 14, 2024 6:30 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

- 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.*
President Wolter called the meeting to order at 6:30pm.
- II. **ROLL CALL:**
Chairman Wolter and Committee Members Baum, Tarantino, Shadid, Henk and Ewert were present. Committee Member Williams was absent excused. Also present were Community Development Director Retzlaff and Associate Planner Jordan Yanke.
- III. **APPROVAL OF MINUTES:**
 - A. PC Minutes 9/9/24
Motion: Approve as presented
Motioned By: David Baum
Seconded By: William Shadid
Yes: Dean Wolter, David Baum, Josh Tarantino, William Shadid, Bridget Henk
No: None
Abstain: None
Motion Passed (Yes 5, No 0, Abstained 0)
- IV. **NEW BUSINESS:**
 - A. Presentation on the Wisconsin Farmland Preservation Program, Draft Washington County Farmland Preservation Plan, and Draft "Farmland Preservation Areas" Map for the Village of Germantown; Adam Christensen, Washington County Community Development Department. NOTE: Public comments will be received following the presentation.
Director Retzlaff introduced Adam Christensen from Washington County Community Development Department who presented the Wisconsin Farmland Preservation Plan for the Village of Germantown.
Discussion Followed. Director Retzlaff asked Adam if the Village passed the resolution, and we agreed to add this Farmland Preservation map to our 2050 plan. Can we then subsequently not adopt a farmland preservation zoning district? Yes, that would leave it up to landowners if they want to create an agricultural enterprise area which could cross boundaries. Retzlaff stated that we passed the resolution in 2013, but we opted not to create the Farmland Preservation District because there were alot more bumps in the road. This time around, there is more flexibility. The fees and

penalties no longer exist and this is more conducive to landowners wanting to be a part of it, but we also don't want to force them into it. This information was sent out by Washington County to about 90 property owners. We could potentially follow up with a short survey asking if they would like to participate. This will be discussed again at the November 11th, 2024 Plan Commission meeting.

Comments were received from:

Scott Hefle who lives on Old Farm Road.

Melanie Smyth who lives on Cedar Lane.

Jan Miller who lives on Windsong Circle West.

Presentation Only.

- B. Everett Frenz, Agent for the Anton Frenz Trust & SA Technologies LLC, Property Owners - 65.2 acres located east of Fond du Lac Avenue/STH145 and north of Donges Bay Road. Application to Rezone 65.2 acres from the M-1: Limited Industrial Zoning District to an Rm-3: Multi-Family & B-1: Neighborhood Business Planned Development District (PDD) for purposes of developing a 570 dwelling unit & 24,000 sqft retail commercial mixed-use development called "ArborVillage". (PUBLIC HEARING & ACTION)

Director Retzlaff went over the location of the 65 acre parcel and stated that it comprises 3 separate parcels which are located in the Victory Center Corridor with commercial use being preferred, but there are many other allowable uses. He introduced Bob Arnold to speak on behalf of the developer. Mr Arnold gave a full presentation on the proposed development for Arbor Village. Retzlaff asked if this was a condominium development only, so there are no apartments? Yes. He also asked about the school-age children issue and stated that they are implying that the number of school-year-aged children would be lower in this than in apartments or single-family homes. Yes, that is what they have found in their other developments.

Public Hearing opened at 7:45pm.

President Wolter read aloud several emails he received from:

Diane Kingery who lives on Gatewood Place was opposed due to the large number of units and increased traffic.

John & Katie Figie who lives on Fond du Lac Avenue were opposed due to increased traffic and noise levels.

Todd Plichta who lives on White Pine Court, was opposed due to increased traffic, reduction in property values, increased safety concerns for his family, decrease in wildlife in the area, an increase in the number of citizens who do not have a vested interest in Germantown because they are not purchasing a single family home and may see this as a temporary residence and the population density of that area would not be proportionate to the rest of the Village.

Jan Miller who lives on Windsong Circle West was opposed because no traffic study was done and would like the development to resemble the surrounding subdivisions, single family or side by side condos, not large multifamily 3-story units and the large number of units.

Kevin & Donna Nash who live on Country Aire Drive were opposed due to the large number of units, infrastructure costs to accommodate it, egress points not thought out, increased traffic as well as school-year-aged children.

Comments were received from:

Lynn Bednarz who lives on Pawney Court, was opposed due to the proposed buildings not being aesthetically attractive and increased traffic and the project is too large for

that area.

Brad Piete of Wisconsin Southern Railroad was opposed, commenting that they like to keep development around railroad tracks industrial due to inevitable noise complaints. Doug Loman who lives on Rivers Bend Circle West wanted to know if this condo association would prohibit investors from buying up the units and renting them out by proxy, and he wanted to know what the Village's responsibility would be for the proposed public pickleball court.

Patrick Braun who lives on Magnolia Drive is opposed due to the number of units. He would like to see single family homes built there and the 15-year timeframe to finish the project is unreasonable.

Sandy Dobrogowski who lives on Wilson Drive questioned the safety of the egress on Country Aire, wants to know the effect on Fire & Police Departments. And felt the public basketball court should be reconsidered because the court in Kinderberg Park was a problem due to non-residents using it and playing loud music.

Tom Barney who lives on Old Farm Road and is a school board member, feels that the student projections are flawed and the potential increase in school-year-aged children will cause problems.

Melanie Smythe who lives on Cedar Lane stated that the density is fine, and they are all condos which are good, the design levels need work and variety. This is a 15-year project which is realistic, and she hears from staff and trustees that we are in need of density for growth to attract development.

Scott Hefle who lives on Old Farm Road stated that this was presented as 700 units, and they have reworked the plan. There was another development early on that was approved for this location. He is cautiously optimistic but would not commit to being for or against the proposal.

George Liberatore who lives on Santa Fe Drive is opposed to the project because of infrastructure costs and road congestion.

Public Hearing closed at 8:11pm.

Director Retzlaff recommends denial of this proposal. He believes this property is more suited to industrial and/or business. And stated that the density they are proposing is too large.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: Josh Tarantino

Discussion Followed:

Trustee Baum stated that he has been clear from the beginning that he does not support this development. He believes that the eastern 2/3 of the property should be industrial and the western 1/3 should be residential. He also doesn't like the architecture or the layout and the density is way too high. And he agrees with the railroad representative that the area by the railroad tracks should be industrial. Tarantino and Shadid both stated that they agree with Trustee Baum. Ewert stated that he liked that there was a school study done. His concerns come from the 2 schools to the south with the highest populations of students, and he said this would impact their ability to function. Henk stated that she appreciated the level of the presentation and stated that it answered the reason why this is being brought before us. She also agrees that it's too dense for this location and that traffic, utilities, police, fire and schools would all be impacted. Baum also stated that single family wouldn't fit in this location either, with it being next to the business park and the railroad. And he feels the public aspects of the basketball and pickleball courts will be a problem with people using them without permission. Shadid also stated that this is the same as their last proposal. He would like to see something radically different with mixed development.

Yes: None

No: Dean Wolter, David Baum, Josh Tarantino, William Shadid, Bridget Henk

Abstain: None

Motion Failed (Yes 0, No 5, Abstained 0)

- C. Village of Germantown Community Development Department - Proposed Text Amendments to Chapter 17.41 (Accessory Use, Building & Structures), Section 17.43 (Site Plan Approval Requirements), Section 17.45 (Traffic, Parking, Loading & Access), and Section 17.46 (Signs) of the Village of Germantown Municipal Code. (STAFF REQUEST TO TABLE PRESENTATION & PUBLIC HEARING TO NOVEMBER 11, 2024)

Motion: Approve tabling until November 11th, 2024 meeting

Motioned By: David Baum

Seconded By: William Shadid

Yes: Dean Wolter, David Baum, Josh Tarantino, William Shadid, Bridget Henk

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

- D. OneEnergy Development, LLC, Agent for Wayne Lutynski, Property Owner. Certified Survey Map (CSM) to combine parcels and Site Plan Review for a 30-acre Solar Energy Facility located at approximately N132W18100 Rockfield Road. (ACTION)

Associate Planner Jordan Yanke gave a short summary of the proposal, stating it is a permitted use in the A-1 district and complies with all development standards and setbacks. Yanke referenced the conditions of approval and introduced Peter Murphy from OneEnergy who went over the proposal in detail.

Discussion Followed:

Retzlaff asked about the construction process, what kind of traffic to expect and would trucks cause damage to the road? Peter stated that construction typically takes 4-6 months, starting in Spring and finishing up in Fall 2025. The process begins with civil work including laying down the access road, which consists of truck traffic for a few days to bring in aggregate shipments, then light grading to preserve existing drainage paths with a 2' pile reveal window onsite consisting of additional steel so they don't have to do much earthwork in order to maintain the land as close as possible to how it exists today. Civil work lasts for about 4 weeks, including an earthmover with a crew of 4-5. Then deliveries will start with piles of i-beams, transformers and solar modules. They limit deliveries to 1-2 a day due to a small staff and that continues through the summer and early fall. The height of construction will be in mid-summer. Retzlaff stated that Rockfield Road which will serve this project is under the jurisdiction of the Town of Germantown and there is concern that the road will get beat up and there could be a road bond requirement that states that any damage to the road would be restored by OneEnergy. That is reasonable and acceptable to OneEnergy. Yanke stated that would have to be added as a condition addressing a road use agreement or bond with the Town of Germantown and OneEnergy.

Comments were received from:

Jennifer Guslick with the Town of Germantown
Lynn Bednarz who lives on Pawney Court
Jan Miller who lives on Windsong Circle W
Kimberly Anderson who lives on Rockfield Road
Susan Holmes who lives on Rockfield Road
Karl Griffiths who lives on Rockfield Road

Scott Hefle who lives on Old Farm Road
Katie Wiedmeyer who lives on Rockfield Road
Kevin Olson who lives on Rockfield Road
Jennifer Hetzel who lives on Rockfield Road
Chairman Wolter read two emails regarding this topic as well.

Baum would like to address some of the issues:

Could they break down deliveries to smaller trucks? Yes, within reason per Murphy
If Rockfield Road had a substantial number of parked cars, can you work around that?
Yes, they submitted an alternate delivery route from Division Road that doesn't go past the school and most of the deliveries will be made in the summer when school is out.

Peter gave answers to the questions that were asked:

There are no batteries proposed.

They don't use any anti-freeze on sites they construct for the local climate.

The units do not produce electricity in the dark.

The site is agricultural use, which presumably will switch to commercial use and the tax burden on the land would increase and that would be OneEnergy's responsibility to cover. Neighboring properties could pass along their increased taxes to them for reimbursement if that occurred.

Any electromagnetic pulses would cause all electrical grids to go down, which has nothing to do with the solar project.

Warranty period is 30 years with 0.5% degradation per year, which is standard. Solar modules are rated to degrade at that rate.

Property values at the beginning of 2024, there was a meta analysis done of 1.8 million homes within a mile of a solar project. 1/3 of the property values went up and 2/3 went down by an average of 1.5%. The most recent study that includes Wisconsin properties showed values going up 2%. If there is a change, it is very small.

They are waterproof.

Solar heat and solar island effect are not something they have ever experienced. Nor have they seen anything credible online regarding either of those.

The noise they make is similar to a refrigerator that isn't heard at a distance of 150-160 ft. They place their transformers/inverters in the center of the project so you cannot hear the sound above ambient and with this project the nearest neighbor is 500' away. There is a vegetation barrier on the west and south sides and a farm field to the east.

Erosion control is kept in mind as they are also required to get a permit from the DNR where they evaluate their erosion and stormwater management practices. Many of these projects all over the state, including the town of Jackson, hydrophobic ground soil suggest that the soil would not absorb water. Plants wouldn't grow if that were the case. But he's seen proof of it with tons of living foliage.

Recycling modules. They work with Retrofit Company to collect any broken or old modules for recycling. These modules are made of aluminum, glass, silicon and a little bit of silver ribbon. All of which are recyclable.

The vegetation screen around the project includes trees that are planted at 4' in the center. There are a handful of species they are proposing that grow to 15' in diameter for a consistent cover. The 4' tall trees have the best survival rate they have found.

This is not a community solar project which would build a project and sell subscriptions to use the solar generated. In this instance, one of two things has to happen either: a. the incumbent utility buys all the electricity and resells it or b. they buy the asset, and

they sell all the electricity generated from it. In either scenario, the utility has a vested interest in keeping the facility in working order. This is the cheapest kilowatt value on the grid.

The assessor will reassess the property for improvements when they change the property to commercial use, which in turn increases the tax burden on the property. In Wisconsin, we do not produce any natural commodities to create our own power, including coal and natural gas. The benefit to everyone here is that you will be generating your own power within your own community to be used in your own home. Will electric bills go down? If we as a grid do not put these types of assets on over time, we will not be able to keep up with the increase in electrical demand that is widely reported across the entire country. Electrical demand is skyrocketing and this is the cheapest electrical power source on the grid, so generating power within your own community should eventually lower electrical costs and help keep up with demand.

Staff recommends approval of the proposed 1-lot Certified Survey Map (CSM) for OneEnergy Renewables solar project located at approximately N132 W18100 Rockfield Road, subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor (see September 14, 2024, memo from Bob Beilfuss, PLS) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. The CSM be revised to denote a front setback of 60' in accordance with the A-1 District. Any pre-existing structures found to be within this setback shall be noted as "nonconforming" on the CSM.

Staff also recommends the approval of the site development plan submitted by OneEnergy Development, LLC for a solar energy facility approximately 30 acres in size containing bifacial solar panels, inverters and transformers, access drive (16' width), perimeter 8' fencing, and vegetative screening for property located at approximately N132 W18100 Rockfield Road, subject to the following conditions:

1. This approval is for the plan sheets that comprise the site plan set as noted below and is subject to compliance with all the conditions and requirements set forth herein and subsequently adopted and/or revised by the Plan Commission. Approval is granted for the following unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission: *a. Site Development Plan dated October 2, 2024. b. Vegetative Screening Plan dated August 26, 2024.* If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.
2. The Vegetative Screening Plan shall be subject to final acceptance by the Village Forester and Community Development staff prior to commencement of construction.
3. The technical issues and plan revisions identified in the September 25, 2024, memo from the Village Engineer shall be addressed in revised plan sheets and/or supplemental documents as necessary prior to commencing construction activities (excluding early start site preparation).
4. Site operations are limited to the proposed activity by the applicant per the submitted/attached "Solar Generating Facility Operations Plan".
5. State agency (DSPS) approved plans and a \$20,000 bond are required by Inspection Services. The Village of Germantown is an authorized delegated agent of DSPS and may be used as an alternative to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.
6. A gate shall be installed providing another ingress/egress point into the solar array facility on the northeast side of the development site. The gate installation and specifications shall

- be approved and inspected by the Fire Department prior to commencement of facility operations.
7. The maximum height of the solar array panels (i.e. structures) shall be 10' from established grade.
 8. All temporary and permanent exterior signs require a permit and shall comply with all current Village sign regulations and requires a permit if/when allowed.
 9. Applicant shall provide a commitment to the Village including provisions to ensure that there is adequate financial security set aside to perform the specified decommissioning of the project and any restoration needed to be performed to the shared access drive after construction of the project, or decommissioning. Said commitment shall be reviewed and approved/accepted by the Village Attorney.

Yanke also stated that there should be another condition added regarding the road agreement as discussed. Plan Commission discussed tabling. Retzlaff asked what the Plan Commission is looking for exactly? They want to see the road agreement. Henk thinks it would also be beneficial to reach out to the sewer district that is nearby for a discussion. Baum would like the language in the agreement that if WE Energies doesn't approve the project, then we revoke our approval of the project.

Town of Rockfield Representative, Jennifer Guslick also stated that a semi's weight would be over the weight limit for Rockfield Road. So that needs to be looked at as well.

Motion: Postpone topic until November 11th meeting to gather information and get the road agreement created

Motioned By: David Baum

Seconded By: William Shadid

Yes: Dean Wolter, David Baum, Josh Tarantino, William Shadid, Bridget Henk

No: None

Abstain: None

Motion (Yes 5, No 0, Abstained 0)

- E. Truck Country of Wisconsin Inc., Agent for RA Steinman Legacy LLC, property owner, - N128W21795 Hwy 167; Site Plan Review for a 37,700 sqft commercial truck sales & service facility on a 15.9 acre parcel located in the southeast corner of the Holy Hill Road @ I-41 interchange in the "Holy Hill Gateway District". (ACTION)

Director Retzlaff gave an overview of the proposed site plan and stated that this facility will be a relocation from its current location on 107th Street in Milwaukee. There are currently 5 buildings on the site and rail siding, all of which will be razed as part of the site improvements, as well as construction of one primary driveway, paved parking for 76 vehicle and 130 trucks, onsite stormwater basin, landscape and lighting around the building and parking area and removal of the existing billboard on the southwest corner of the site to be replaced with new signage to be determined. Truck Country was founded in 1958 for truck sales and service and 28 facilities. The rezoning needed for B5 business and the CUP were both granted in November 2023. The proposed 37,700 sqft building includes 16,000 sqft of service area, just under 15,000 sqft of parts warehouse and about 7,000 sqft of office area. He showed renderings of the buildings with elevations, site & landscape plans. This development is dependent upon the extension of sewer and water utilities as well as the construction of the frontage road called High Point Pass. He showed the proposed utilities and grading as well as the landscaping plan and there are a handful of wetlands on the property, all of which were deemed to be artificial except for one. The rest are proposed to be filled and there is a DNR permit currently under review for that with a decision expected soon. Construction is expected to be completed in 2025 to coincide with the opening of the facility in the late summer.

Staff recommends approval of the site development and building plans for Truck Country of Wisconsin Inc. for the development and operation of a 37,700 sqft commercial truck sales & service facility on a 15.9-acre parcel located at N128 W21795 Holy Hill Road in the southeast corner of the Holy Hill Road @ I-41 interchange subject to the following conditions:

1. This approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:
 - a. *Architectural, Building & Elevation plans dated August 16, 2024*
 - b. *Civil Engineering plans dated September 26, 2024*
 - c. *Landscaping plans dated September 26, 2024*
 - d. *Lighting plans (photometric plan) dated November 13, 2023*
 - e. *Stormwater Management Plan September 26, 2024*
2. This approval is conditional and subject to the DNR approving the proposed filling of 6,378 sqft of wetland as shown on Sheet C-100. Except for demolition and/or early start permits for footings and foundations, no permits authorizing site improvement construction or building permits shall be issued until the wetland fill application has been approved. If the DNR does not approve the proposed wetland fill, in whole or only in part, a revised set of site development plans may need to be reviewed and approved by the Plan Commission (or Village staff if only minor site plan adjustments are required).
3. Consistent with Section 17.43(6) of the Zoning Code (Site Plan Requirements), the Village and Truck Country have entered into a Development Agreement regarding the need for and timing of construction of certain public improvements, including roadway infrastructure, water, and sanitary sewer facilities, as well as, other Truck Country and Village obligations as set forth therein. This approval is conditional and subject to the execution and satisfactory performance of and compliance with the terms and requirements of said Development Agreement.
4. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs is reviewed and approved by the Village as deemed necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit for the shell building.
5. All exterior doors (except primary entrance) shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.
6. This approval is conditional and subject to final review and approval by the Village Engineer of the responses provided in the JSD Professional Services letter dated September 26, 2024 and the revised stormwater management plan, civil engineering plans, utility plans, and other general responses contained therein.
7. Truck Country shall coordinate with the Village of Germantown regarding the design and construction of High Point Pass and the new driveway intersection thereon serving the Truck Country facility and property. Site improvements related to the construction of High Point Pass not specifically addressed or included in the site plan set that will require coordination include the installation of street lighting and street trees along the public road frontage of High Point Pass pursuant to Section 17.43(5) of the Zoning Code and Village's Comprehensive Tree Plan.
 - a. Section 17.43(5) requires the installation of a minimum of thirteen (13) deciduous street trees along High Point Pass in an amount, type and manner set forth in the Village's Comprehensive Tree Plan and approved by the Village Forester in a supplemental landscaping plan submitted for review and approval prior to the issuance of occupancy for the Truck Country facility. As provided therein, Tuck Country may provide a payment in lieu of installing street trees in an amount deemed appropriate by the Village Forester and the Village Public Works & Highway Committee.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: William Shadid

Yes: David Baum, Josh Tarantino, William Shadid

No: None

Abstain: Bridget Henk

Motion Passed (Yes 3, No 0, Abstained 1)

F. Neumann Developments, Agent for Wrenwood North LLC, Property Owner, property south of Freistadt Road and Pleasant View Drive. Final Subdivision Plat for the Wrenwood North Addition No. 1 Subdivision (Wrenwood North-Phase 2 containing 26 single-family lots). (ACTION)

Associate Planner Yanke went over the final subdivision plat proposal.

Staff recommends approval of the final subdivision plat for Wrenwood North Addition No. 1/Phase 2 containing 26 single-family residential lots located south of Freistadt Road, west of Pleasant View Drive, subject to the following conditions:

1. A letter of "no objection" from the WI Department of Administration (DOA) shall be submitted to the Village prior to recording the final plat.
2. All technical issues and revisions identified in the "Punch List Report" provided on R.A. Smith, Inc. letterhead, dated October 11, 2024, shall be fulfilled/completed prior to recording of the final plat, unless otherwise specified in the applicable Development Agreement, or prior to release of the Letter of Credit (LOC) on file with the Village.
3. All technical issues and plat corrections identified by the Village Surveyor (see September 30, 2024, memo from Bob Beilfuss, PLS) shall be addressed and reflected in a revised final plat reviewed and approved by Village staff prior to recording.
4. The landscape and buffer plan for Outlots 7 and 8 be approved and accepted by the Village Forester prior to issuance of any building permits.

First Motion: Approve as presented

Motioned By: David Baum

Seconded By: William Shadid

Discussion Followed:

Baum stated that a resident has reached out to him several times stating that the subdivision is being constructed incorrectly. Retzlaff stated that the punchlist has not indicated that the road is in the wrong place, there are things that need to be cleaned up, it's a typical list of things that need to be corrected before the Public Works Committee will accept the improvements as required by the Development Agreement. That process is ongoing. The approval of the final plat is a multistep process, this being the first one, and typically we want the subdivision to be completed up to a point where we feel comfortable recommending approval to the Village Board subject to final things being done with assurance from the developer that they will be done in addition to the letter of credit. As far as the berm in question is concerned, it's located in the outlot 8 along the eastside, it's 16.5' wide by about 100' long. It was originally intended to be a ROW for the benefit of the property owner to the east. Going back to 2021 when the North Wrenwood plat was being discussed, there was concern that the ROW was for her benefit, but she couldn't use it for access to her property further south, 20 acres. At the time, what was presented was a layout of Wrenwood North that would include the construction of 2 public roads that, if extended through the Bernard property, would provide access to future development there, one being Mistletoe Road and one further south that would be constructed as part of phase 3. The Village Forester is requiring an

assessment of the existing trees that may or may not have been damaged in the recent construction along the berm. Tarantino stated that they took a lot of trees down, and he would not call that a berm. It's too small and any plants they put in there are just going to get lost. The plants they took out blocked it 100%, but a shin high berm in a couple of places isn't going to do anything. The berm needs to be higher. Retzlaff wants to know what the Plan Commission wants us to tell the developer because the berm was not a specific requirement of the original plat approval in the first place. And it's unfortunate that the existing tree line albeit full of invasive species has been removed because Ms. Bernhard is just interested in there being a visual screening. Since 2021, we have had conversations with the developer asking them to reach out to Ms. Bernhard and with Ms. Bernhard asked her to reach out to them as well to discuss what she would like to see done there, but none of that took place. So, the developer decided that since the Village wasn't going to accept responsibility for the 16.5' strip, they went in and cleaned it up and proposed this berm and said this is what we are willing to do. Chairman Wolter stated that it's not at all what we talked about initially to make sure that Ms. Bernhard's access to her property was provided, and her needs were met with what she wanted on that side of her property. He remembers the developer stating that they would take care of it and they have not. We need to put pressure on the developer to do what they said they were going to do for this resident.

Susan Bernhard who lives on Friestadt Road described the issues she is having:

Removal of a lot of nice tall trees that were nice

Noise from development is causing accidents.

They drag their arena once a week, which causes a lot of dust and that will not make these new residents happy.

She wants to build a large berm along her property to block her riding arena and horse pasture.

She has an electric fence for her pasture. Sometimes a deer will break the fence and her horses can get out and into the new subdivision.

She will construct her berm in 3 phases and will plant it properly with native flowers.

She thought the outlot that used to be called ROW, was supposed to delineate the property line between the subdivision and her property and was to be taken care of by the HOA.

She spoke with the contractor, and they told her they were going to be planting trees this week. She wants them to be called off.

Wrenwood roads were supposed to give her access to her landlocked back 20 acres.

Baum stated the road is stubbed to her back property, so a developer in the future would complete the road to gain access.

Baum stated that she can hammer all this out with the developer at the next meeting on November 11th. Tarantino asked about the street tree requirements for that subdivision. Retzlaff stated that the developer is responsible for the street trees. Henk asked if we required grading certifications for the grading of the lots. Yes, as part of the as-built drawings per Retzlaff.

Second Motion: Postpone this until November 11th

Motioned By: David Baum

Seconded By: Josh Tarantino

Yes: Dean Wolter, David Baum, Josh Tarantino, William Shadid, Bridget Henk

No: None

Abstain: None

Motion Passed

- V. **CITIZEN INPUT/PUBLIC APPEARANCE:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.)*

The following residents spoke:

Melanie Smythe who lives on Cedar Lane.

- VI. **ANNOUNCEMENTS:**

None.

- VII. **ADJOURNMENT:**

Chairman Wolter adjourned the meeting at 11:50pm.

FINAL SUBDIVISION PLAT
11/11/24 Plan Commission Meeting

Nuemann Developments / Wrenwood North, LLC

Village Staff Report & Recommendation

Germantown, Wisconsin

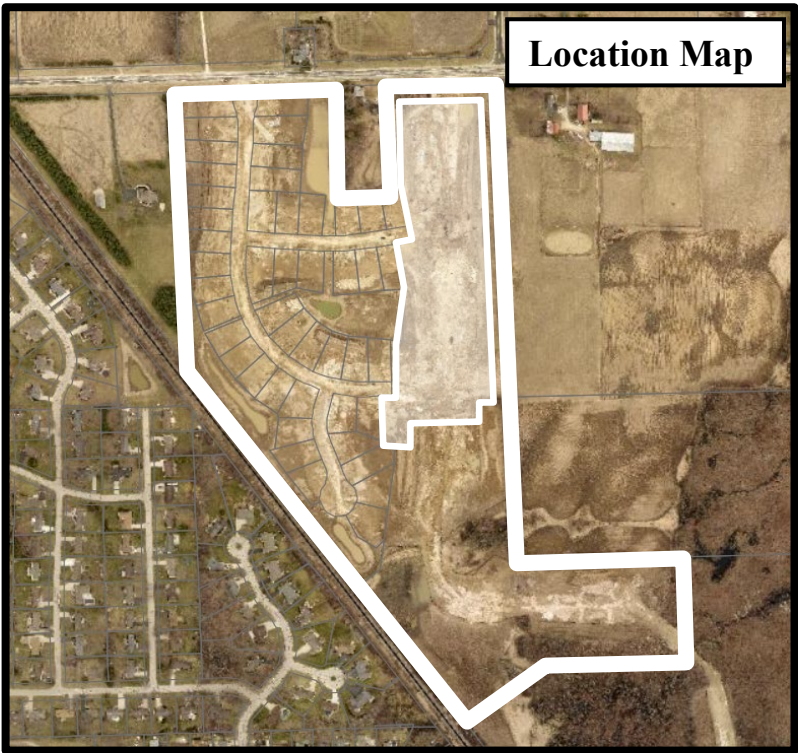
SUMMARY

Neumann Developments, agent for Wrenwood North, LLC, property owner, is requesting approval of a Final Subdivision Plat for Wrenwood North Addition No. 1/Phase 2 (26 out of 95 total single-family lots) in the Wrenwood North Subdivision located south of Freistadt Road, west of Pleasant View Drive (GTNV_232280).

Location: South of Freistadt Road, west of Pleasant View Drive
Applicant/
Property Owner: Neumann Developments Wrenwood North, LLC
N27W24025 Paul Ct, Suite 100 N27W24025 Paul Ct, Suite 100
Pewaukee, WI 53072 Pewaukee, WI 53072

Zoning: Wrenwood Planned Development District (RS-5/PDD)

Adjacent Land Uses		Zoning
North	Agricultural/Residential	A-2/RS-1/RS-4
South	Residential	RS-5/PDD
East	Agricultural	A-1
West	Agricultural/Residential	A-2/RS-5



Background/Proposal

Neumann Developments, agent for Wrenwood North, LLC, property owner, is requesting approval of a Final Subdivision Plat for Wrenwood North Addition No. 1/Phase 2 (26 out of 95 total single-family lots) in the Wrenwood North Subdivision located south of Freistadt Road, west of Pleasant View Drive.

The overall preliminary subdivision plat for both the Wrenwood South and Wrenwood North residential development was approved by the Village Board on August 6, 2018.

As summarized in Table 1, both Wrenwood North and South has the following overall characteristics:

**TABLE 1.
Wrenwood Preliminary Plat Summary**

Gross Area (Ac)	145.36
Wetland Area (Ac)	20.69
Right-of-Way (Ac)	18.04
Net Density Area (Total Ac)	106.63
Net Density Area (SF Ac)	92.77
Net Density Area (MF Ac)	13.86
# Single-Family Lots/DU's	142
#Multi-Family Lots/Du's	60
SF Net Density (SF DU/Acre)	1.53
MF Net Density (MF DU/Acre)	4.33
Open Space (Outlot Total Ac)	59.88
SF Avg Lot Size (Ac)	17,779 sq ft
SF Lot Size Range (Ac)	15,005 to 26,507 sq ft

This development has and will continue to be completed in phases. Wrenwood South is complete and includes 47 single-family lots and 44 condominium-style duplex and 4-plex units located in the southern half of the overall development with access to Country Aire Drive. The developer is now requesting final plat approval for Addition No. 1/Phase 2 of Wrenwood North, which is comprised of 26 out of 95 total single-family lots located in the northern area of the development with access to Freistadt Road. Note that Wrenwood North Phase 1 contained 46 single-family lots and was final platted in 2022.

Recap/Update – 10/14/24 Plan Commission Meeting

This case was heard by the Plan Commission at its October 14 meeting, and the case was tabled/continued by the Plan Commission. During the meeting Plan Commission members raised questions about the construction and implementation status of the subdivision. The Commission also heard public comment from the adjacent neighbor to the east, who brought up several concerns regarding the project. For a summary of the discussion please refer to the meeting minutes from the 10/14 meeting, but for a condensed list including the main concerns brought up please see below:

- *Progress and acceptability of the improvements associated with the subdivision*

(e.g. roads and utilities).

- *Progress and adequacy of the landscape berm/outlot area on the eastern edge of the subdivision, adjacent to the property owner to the east.*
- *Clarification on “access” from the subdivision to the adjacent land to the east after construction is complete.*

Staff responded to the above-mentioned points during the meeting and advised the Plan Commission that the Developer is continuing to work through a “punch list” of project implementation items identified by staff prior to the Village accepting the public improvements. Due to the concerns raised during the meeting and the Developer not being present, the Plan Commission tabled/continued the case until November so all parties can be involved in a discussion that works toward resolving any remaining issues.

Staff Comments

Community Development: Planning & Zoning

To be eligible for approval by the Village, Wis. Stats. 236.11(1)(b) requires a final plat to “substantially conform” to the approved preliminary plat. Staff has determined that the final plat substantially conforms to the approved preliminary plat.

The Developer entered into a Development Agreement with the Village, which was approved by the Village Board in August 2022. A subsequent amendment to the Development Agreement was approved by the Village Board in May 2024.

In accordance with the Village's Subdivision Code, the Plan Commission is responsible for reviewing the final plat and forwarding a recommendation to the Village Board along with comments received from the official "objecting agencies". A letter from the Department of Administration was received that stated three (3) corrections that are needed on the final plat. Compliance with the DOA's stated corrections is reflected as a condition of approval in this memo. As of October 2023, Washington County discontinued their objecting authority for subdivision plats within the incorporated areas of the county.

Finally, the Declaration of Covenants, Conditions, and Restrictions of Wrenwood North was recorded in September 2022. A copy of the recorded document is attached.

Village Surveyor

The Village Surveyor reviewed the proposed Final Plat and provided comments in a memorandum dated September 30, 2024. These revisions have been added as a condition of approval prior to the recording of the final plat.

Public Works/Village Engineer

Public Works has completed the inspections of the improvements associated with the development and a “punch list” of outstanding work items was formulated, as illustrated in the attached punch list report on R.A. Smith, Inc. letterhead dated October 11, 2024. A condition of approval has been added by staff requiring the Developer to fulfill/complete the punch list items prior to recording of the final plat, unless otherwise specified by the applicable Development Agreement, or prior to release of the Letter of Credit (LOC) on file with the Village.

According to Public Works/Village Engineer, the “punch list” of items identified in the October 11, 2024 document remains the same as of publication of this memo.

VILLAGE STAFF RECOMMENDATION

APPROVE the final subdivision plat for Wrenwood North Addition No. 1/Phase 2 containing 26 single-family residential lots located south of Freistadt Road, west of Pleasant View Drive, subject to the following conditions:

1. A letter of “no objection” from the WI Department of Administration (DOA) shall be submitted to the Village prior to recording the final plat.
2. All technical issues and revisions identified in the “Punch List Report” provided on R.A. Smith, Inc. letterhead, dated October 11, 2024, shall be fulfilled/completed prior to recording of the final plat, unless otherwise specified in the applicable Development Agreement, or prior to release of the Letter of Credit (LOC) on file with the Village.
3. All technical issues and plat corrections identified by the Village Surveyor (see September 30, 2024, memo from Bob Beilfuss, PLS) shall be addressed and reflected in a revised final plat reviewed and approved by Village staff prior to recording.
4. The landscape and buffer plan for Outlots 7 and 8 be approved and accepted by the Village Forester prior to issuance of any building permits.



**Fee must accompany application
Preliminary & Final Plat Fees Combined**

Under 10 lots \$4,575
11-25 lots \$5,600
26-50 lots \$6,625
Over 51 lots \$7,650

Received 2/1/24

Paid \$



SUBDIVISION PLAT APPLICATION

Pursuant to Section 18.04 and 18.05 of the Municipal Code

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

1

APPLICANT OR AGENT

Neumann Developments

N27 W24025 Paul Court, #100

Pewaukee, WI 53072

Phone (262) 542-9200

Fax ()

E-Mail kevin@neumanncompanies.com

PROPERTY OWNER

Wrenwood North, LLC

N27 W24025 Paul Court, #100

Pewaukee, WI 53072

Phone (262) 542-9200

2

PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER(S)

South of Freistadt Road, west of Pleasant View Drive

GTNV 232280 & 234987

3

READ AND INITIAL THE FOLLOWING:

KA I understand that the Subdivision Plat 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.

KA If technical corrections to the Plat are required, I understand that the document will not be recorded until all corrections are made and approved by the Village.

KA I understand that all applicable impact fees must be paid prior to recording. Failure to pay fees will delay recording and may ultimately result in the revocation of Village approval. 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.

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

KA I understand that a Developer's Agreement will be required prior to recording of the plat.

4

SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Kevin Anderson

01-24-24

Applicant

Date

Project Manager, Neumann Dev.

Kevin Anderson

01-24-24

Owner

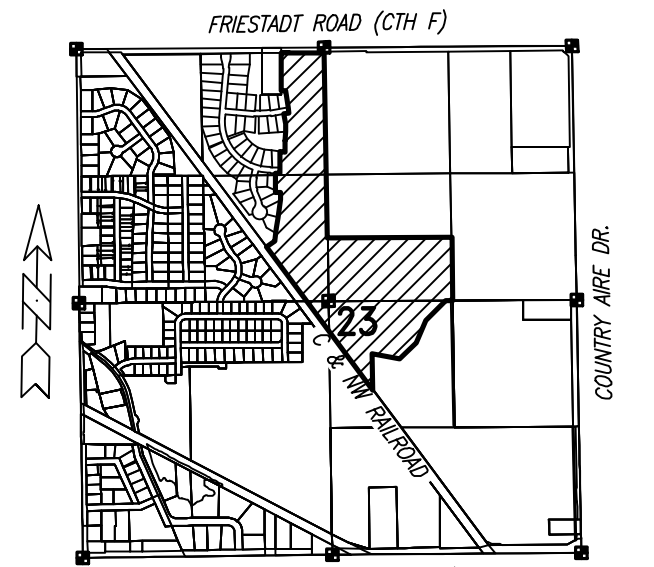
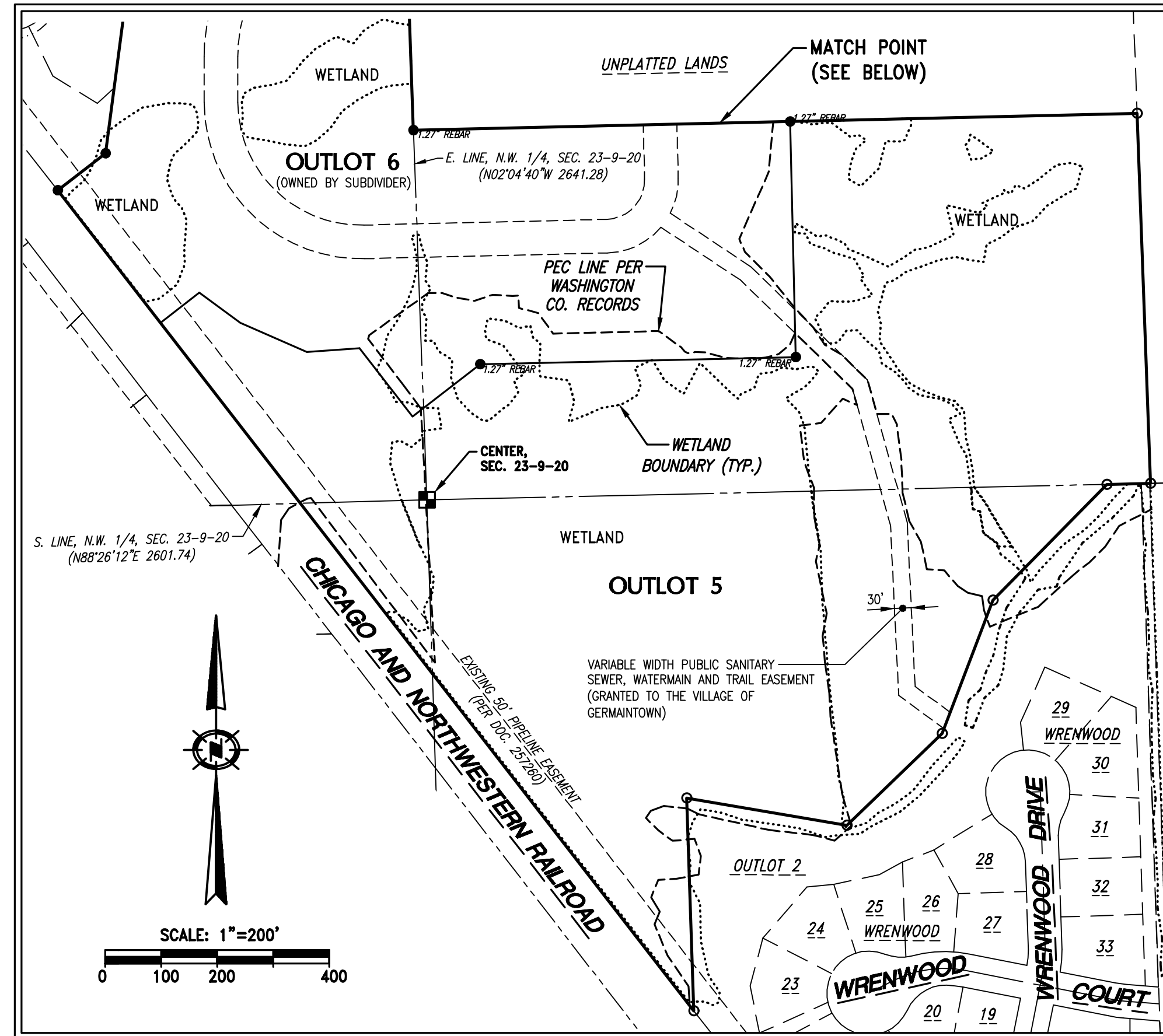
Date

As agent for Owner

WRENWOOD NORTH ADDITION NO. 1

BEING A REDIVISION OF OUTLOT 4 OF "WRENWOOD NORTH" AND LOT 3 OF C.S.M. #6890, BEING LOCATED IN A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4, THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

OVERALL DETAIL SHEET



LOCALITY MAP:

SECTION 23,
T. 9 N., R. 20 E.
SCALE: 1"=2000'

OWNER:

WRENWOOD, LLC
N27W24025 PAUL COURT, STE. 100
PEWAUKEE, WI 53072
PHONE: (262) 542-9200
FAX: (262) 349-9324

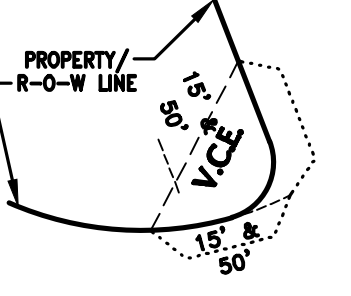
BUILDING SETBACK SUMMARY

DEVELOPMENT:
RS-5 SINGLE FAMILY
RESIDENTIAL DISTRICT w/PDD
OVERLAY (LOTS 47-72)
MIN. FRONT SETBACK: 35 FT.
MIN. REAR SETBACK: 35 FT.
MIN. SIDE SETBACK: 12 FT.

VILLAGE VISION CORNER EASEMENT DETAIL (V.C.E.)

V.C.E. APPLIES TO:

Lots 47, 51, 52, 56, 59, 60, 62 and
Outlot 9 are herein subject to a Vision
Corner Easement as shown on this plat in
that nothing may be grown, stored or
erected to a height more than two feet
above the intersection elevation.



GENERAL NOTES:

- — Indicates Set 1.270" outside diameter x 18" long Reinforcing Bar weighing 4.303 lbs. per lineal foot. All other Lot and Outlot corners are staked with 0.750" outside diameter x 18" long Reinforcing Bar weighing 1.502 lbs. per lineal foot.
- — Indicates Found 0.750" outside diameter Reinforcing Bar (unless otherwise noted).
- All linear measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to nearest second and computed to the nearest half-second.
- All bearings are referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone (NAD-27), in which the East line of the N.W. 1/4 of Section 23, Town 9 North, Range 20 East, bears North 02°04'40" West.
- The Variable Width Public Sanitary Sewer, Watermain and Trail Easement is herein granted to the Village of Germantown.
- The 25' wide Landscape Easements are herein granted to the Subdivision's Homeowners Association for installation, repairs and maintenance.
- The Owners of the residential Lots 1 through 46 within the "Wrenwood North" Subdivision and the Owners of the residential Lots 47 through 72 of this subdivision, shall each own an equal undivided fractional interest in Outlots 5, 7, 8 and 9 of this Subdivision. Washington County shall not be liable for fees or special charges in the event they become the owner of any Lot or Outlot in the Subdivision by reason of tax delinquency.
- Outlot 6 to be retained by the owner for future development.
- Outlots 7 and 8 are to be preserved as a landscape area.
- All Wetland shown hereon was field delineated and field located by STANTEC in 2017.
- All Primary Environmental Corridor (PEC) shown hereon is per available Washington County records.
- Stormwater Management Facilities are located on Outlots 5 and 9 of this Subdivision. The Owners of the residential Lots within this Subdivision and any previous and future additions to this Subdivision shall each be liable for an equal undivided fractional share of the cost to repair, maintain or restore said Stormwater Management Facilities within this Subdivision. Said repairs, maintenance and restoration shall be performed by the Owners of all Lots within this Subdivision and any previous and future additions to this Subdivision.

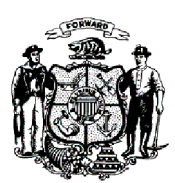


4100 N. Calhoun Road
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481

There are no objections to this plat with respect to
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),
Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration

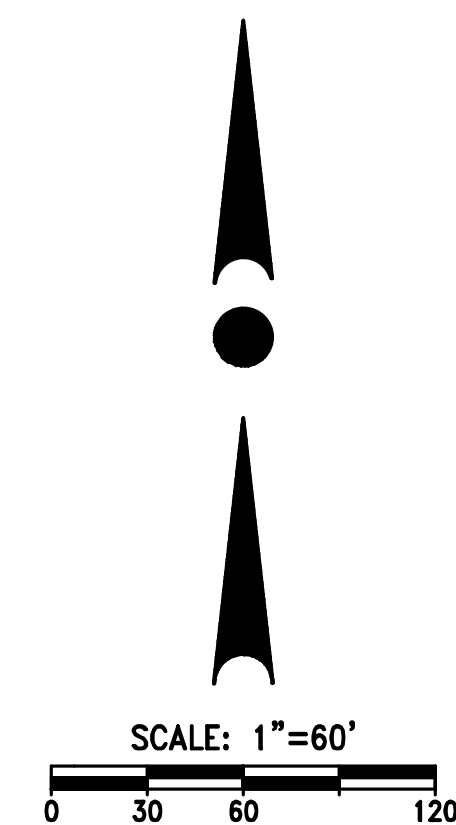


THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, P.L.S. (S-2972)

REVISED THIS 23RD DAY OF JULY, 2024
DATED THIS 1ST DAY OF FEBRUARY, 2024

SHEET 1 OF 5

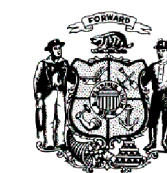
BEING A REDIVISION OF OUTLOT 4 OF "WRENWOOD NORTH" AND LOT 3 OF C.S.M. #6890, BEING LOCATED IN A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4, THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



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Certified _____, 20____

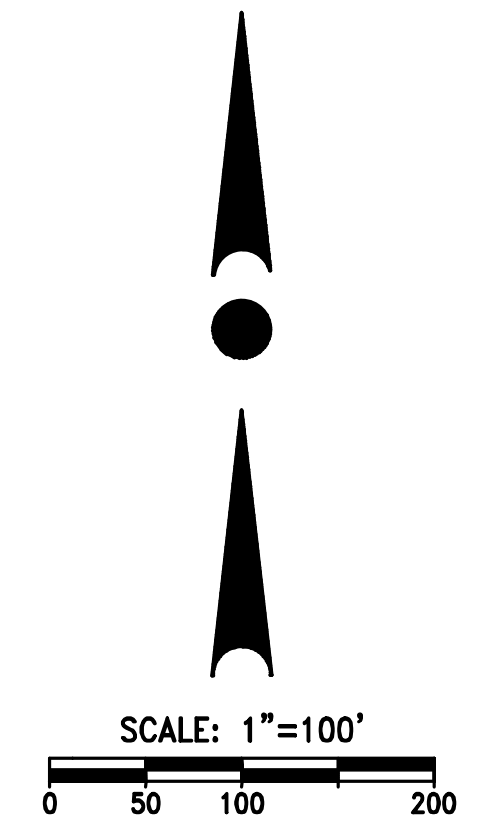


Department of Administration

REVISED THIS 23RD DAY OF JULY, 2024
DATED THIS 1ST DAY OF FEBRUARY, 2024

SHEET 3 OF 5

BEING A REDIVISION OF OUTLOT 4 OF "WRENWOOD NORTH" AND LOT 3 OF C.S.M. #6890, BEING LOCATED IN A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4, THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



WRENWOOD NORTH ADDITION NO. 1

BEING A REDIVISION OF OUTLOT 4 OF "WRENWOOD NORTH" AND LOT 3 OF C.S.M. #6890, BEING LOCATED IN A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4, THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

I, Grady L. Gosser, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a redivision of Outlot 4 of "Wrenwood North", recorded in the Office of the Register of Deeds for Washington County on September 21, 2022, in Book 53 of Subdivision Plats, at Pages 88 through 93 inclusive, as Document No. 1568669, and Lot 3 of Certified Survey Map No. 6890, recorded in the Office of the Register of Deeds for Washington County on May 14, 2019, in Volume 53 of Certified Survey Maps, at Pages 193 through 202 inclusive, as Document No. 1471674, all being located in a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4, the Southwest 1/4 of the Northeast 1/4, the Northeast 1/4 of the Southwest 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 23, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

Said Parcel contains 2,659,897 Square Feet (or 61.0628 Acres) of land, more or less.

That I have made such survey, land division, and map by the direction of WRENWOOD, LLC, owner of said lands.

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

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the Subdivision Regulations of the Village of Germantown, Washington County, Wisconsin in surveying, dividing and mapping the same.

Dated this ____ Day of _____, 20 ____.

Grady L. Gosser, P.L.S.
Professional Land Surveyor, S-2972
TRIO ENGINEERING, LLC
4100 N. Calhoun Road, Suite 300
Brookfield, WI 53005
Phone: (262)790-1480 Fax: (262)790-1481

CORPORATE OWNER'S CERTIFICATE OF DEDICATION:

WRENWOOD, LLC, a Wisconsin Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner, certifies that said Limited Liability Company has caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat. As Owner, I hereby dedicate that part of "Mistletoe Road", "Red Holly Drive" and "Ivy Lane" to the Village of Germantown for public Road purposes as represented on Sheets 1, 2 and 3 of 6 of this Plat. I also certify that this plat is required by S.236.10 or S.236.12 to be submitted to the following for approval or objection.

APPROVING AGENCIES:

1. Village of Germantown

AGENCIES WHO MAY OBJECT:

1. State of Wisconsin, Department of Administration

Witness the hand and seal of said Owner this ____ day of _____, 20 ____.

WRENWOOD, LLC

Bryan Lindgren, President of
Neumann Developments, its Sole Member

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

Personally came before me this ____ day of _____, 20____, the above named Bryan Lindgren, President of Neumann Developments, its Sole Member of the above named Limited Liability Company, to me known to be the person who executed the foregoing instrument, and to me known to be such President of said Limited Liability Company, and acknowledged that he executed the foregoing instrument as such officer as the deed of said Limited Liability Company, by its authority.

Print Name: _____
Public, Waukesha County, WI
My Commission Expires: _____

CONSENT OF CORPORATE MORTGAGEE:

MIDLAND STATES BANK, a corporation duly organized and existing by virtue of the laws of the State of Illinois, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping, and dedicating of the land described on this Plat, and does hereby consent to the above certificate of WRENWOOD, LLC, owner, this ____ day of _____, 20 ____.

MIDLAND STATES BANK

Dave Sobojinski, Senior Commercial Relationship Manager

STATE OF ILLINOIS)
) SS
COUNTY OF _____)

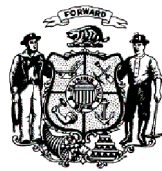
Personally came before me this ____ day of _____, 20____, the above named Dave Sobojinski, Senior Commercial Relationship Manager of the above named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such Senior Commercial Relationship Manager of said corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

Print Name: _____
Public, _____, IL
My Commission Expires: _____

There are no objections to this plat with respect to
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),
Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20 ____

Department of Administration



4100 N. Calhoun Road
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481

CERTIFICATE OF COUNTY TREASURER:

STATE OF WISCONSIN)
) SS
WASHINGTON COUNTY)

I, Scott M. Henke, being the duly elected, qualified and acting Treasurer of the County of Washington, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of the ____ Day of _____, 20 ____ affecting the lands included in the plat of "WRENWOOD NORTH ADDITION NO. 1".

Dated this ____ Day of _____, 20 ____.

Scott M. Henke, County Treasurer

CERTIFICATE OF VILLAGE TREASURER:

STATE OF WISCONSIN)
) SS
WASHINGTON COUNTY)

I, Matthew Uselding, being the duly elected, qualified and acting Treasurer of the Village of Germantown, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of the ____ Day of _____, 20 ____ affecting the lands included in the plat of "WRENWOOD NORTH ADDITION NO. 1".

Dated this ____ Day of _____, 20 ____.

Matthew Uselding, Village Treasurer

UTILITY EASEMENT PROVISIONS:

An easement for electric, natural gas, and communications service is hereby granted by

WRENWOOD, LLC, Grantor, to

WISCONSIN ELECTRIC POWER COMPANY and WISCONSIN GAS, LLC, Wisconsin corporations doing business as We Energies, and WISCONSIN BELL, INC. doing business as AT&T Wisconsin, a Wisconsin corporation, and SPECTRUM MID-AMERICA, LLC, Grantee, AND

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

VILLAGE OF GERMANTOWN PLAN COMMISSION APPROVAL:

This Plat, known as "WRENWOOD NORTH ADDITION NO. 1", is hereby approved by the Village of Germantown Plan Commission as being in conformance with the Village's Subdivision Ordinance. The Village of Germantown Plan Commission also hereby approves and accepts all dedications shown thereon, this ____ day of _____, 20 ____.

APPROVED AND SIGNED:

Dean Wolter, Chairman

Dated this ____ Day of _____, 20 ____.

Lori Johnson, Secretary

VILLAGE BOARD APPROVAL:

Resolved, that the plat of "WRENWOOD NORTH ADDITION NO. 1", in the Village of Germantown having been recommended by the Plan Commission, and being the same, is hereby approved and the dedication herein accepted by the Village Board of Trustees of the Village of Germantown, on this ____ Day of _____, 20 ____.

Dean Wolter, Village President

I hereby certify that the foregoing is a copy of a resolution adopted by the Village Board of Trustees of the Village of Germantown.

Donna Ott, Village Clerk



ex. box elder
ex. spruce (5)
above leaning spruce)

ex. elm

ex. black cherry

[209' START BERM]

[FROM ROW]

OUTLOT #8

ex. pine
ex. spruce
(5)
ex. ch

ex. pine
boxelder
maple

ex. elm

The diagram shows a portion of a hexagonal lattice. A central node is labeled 'AA' and '1'. To its right is a node labeled 'PA' and '1'. The lattice is drawn with solid lines, and a dashed line extends from the top left towards the 'AA' node.

ex. black
cherry

ex. elm

ex. black
cherry
(2)

OR DUPLICATION IS IN VIOLATION OF

– ex. black cherry

A botanical illustration of a black cherry branch. A red vertical line is drawn next to the branch, with the text "2'-7\"" written vertically in red. The branch has several leaves and a cluster of small, round fruits. The number "896" is written in the bottom left corner.

– OUTLOT #8

**+/-3' HIGH
UNDULATING
BERM**

- ex. hawthorn

– OUTLOT #7

- ex. hawthorn

ex. hawthorn

ex. black
cherry = 9

ex. elm

ex. oak
+/-3' HIGH
UNDULATING
BERM

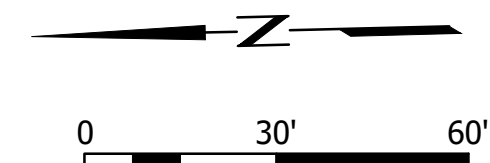
NOTE:

- ALL BERM CONTOURS ARE LOCATED WITHIN OUTLOT 8 BOUNDARY
- PLACE FIELD RUN TOPSOIL FOR FILL MATERIAL
- PLACE MIN. 12" TOPSOIL AS COVER MATERIAL

Outlot #8 Buffer Trees Plant Schedule

Key	Botanical Name	Common Name		Size	Root	Spacing
SHADE TREES						
AS	Acer saccharum	Sugar Maple	1	2.5-3" Cal.	B&B	as shown
AA	Acer x freemanii 'Armstrong'	Armstrong Maple	2	2.5-3" Cal.	B&B	as shown
LT	Liriodendron tulipifera	Tulip Tree	1	2.5-3" Cal.	B&B	as shown
UR	Ulmus 'Valley Forge'	Valley Forge Elm	2	2-2.5" Cal.	B&B	as shown
ORNAMENTAL TREES						
MD	Malus 'Donald Wyman'	Donald Wyman Crab	1	1.5-2" Cal.	B&B	as shown
EVERGREEN TREES						
JM	Juniperus chinensis 'Mountbatten'	Mountbatten Juniper	3	5' High	B&B	as shown
JP	Juniperus x JNBlue Select	Star Power Juniper	3	6' High	B&B	as shown
PA	Picea abies	Norway Spruce	14	6'-7' High	B&B	as shown
PO	Picea omorika	Serbian Spruce	3	6'-7' High	B&B	as shown

BUFFER PLANTING PLAN: OUT LOT#8 LOTS 61-72



PLANTINGS, STRUCTURES AND OTHER REPRESENTATIONS SHOWN ON THIS PLAN ARE FOR THE PURPOSE OF CONVEYING LANDSCAPE DESIGN FEATURES. REFER TO PREPARED CONTRACT DOCUMENTS FOR SPECIFIC ITEMS INCLUDED IN ANY PARTICULAR PHASE OF LANDSCAPE CONSTRUCTION.

Plat Review Comments

Department of Administration

Plat Review – DOA

PO Box 1645, Madison WI 53701

plat.review@wi.gov

<https://doa.wi.gov/platreview>

608-266-3200

Date: March 05, 2024

From: Sime, Don R - DOA

To: Grady Gosser, TRIO ENGINEERING, LLC

4100 N CALHOUN RD SUITE 300, BROOKFIELD WI 53005-2000, 262/790-1480, ggosser@trioeng.com

Subject: Wrenwood North Addition No. 1, File No **121833**

We have reviewed your plat and the changes listed below must be made. If you have questions, please contact us at the number listed above. Please refer to file number **121833**. Thank you!

COMMENTS:

s. 236.20 (2) (c) The 676.00' block length must be shown along the east line of Outlot 6/Outlot 7 on sheet 3.

The portion of the public storm sewer/drainage easement crossing lot 54 must be dimensioned and ties to a lot corner.

s. 236.21 (1) (b) The plat name should be shown as Wrenwood North Addition No. 1 in the Surveyor's certificate.

NOTES TO SURVEYOR:

-To help us, and other review authorities, track revised drawings, **please include a revision date on each Sheet of your revised drawing.**

To: Kevin Driscoll, Village Engineer
CC: Jeff Retzlaff Village Planner
From: Bob Beilfuss, PLS
Date: September 30, 2024
Re: Wrenwood North Addition 1 Plat review

Kevin and Jeff,

Here are my review comments for the CSM received from Wrenwood North, LLC received 9/19/2024.

Certified Survey Map

Applicant or Owner: Neumann Developments
Land Surveyor/Firm: Grady Gosser, PLS – Trio Engineering

1. The secretary of the Planning Commission is Deborah J. Remich. Please correct the Village Planning Commission approval certificate accordingly. Page 5 of 5.
2. On Sheet 5, in the Corporate Owners Certificate of Dedication, there is a sheet reference "3 of 6" which should read "3 of 5" as there is no sheet 6 in this plat.
3. There were no professional seals and signatures of the professional land surveyor affixed to any of the 5 sheets of the document.
4. The bearing basis for the plat is incorrect. The bearing basis for the plat references the North American Datum of 1927 instead of the required North American Datum of 1983. The bearing of the east line of the NW ¼ is North 02°04'41" West according to SEWRPC control data sheet. The digital CADD file will need to be translated into the correct datum.
5. The State Plane Coordinates for the section and quarter section monuments will need to be revised to reflect the correct Datum.
6. The wetland delineation performed by Stantec in 2017 has exceeded the 5-year time limit and has expired.

No further review comments.

Document Approval and Recording

Professional Land Surveying and Mapping Services
W174 N9467 Joper Road, Menomonee Falls, Wisconsin, 53051
262-250-8003 office pointlandsurveying@gmail.com email

For this CSM to be approved by the Village Board and recorded at the Washington County Register of Deeds, the document must be provided to the Village Clerk's office in a completed format including all original signatures of the owner and lending institution, original seals and signature of the professional land surveyor on the recordable media the Wednesday prior to the scheduled Village Board meeting.

This includes the CADD file.

Any documents or digital files not submitted by the due date or contain outstanding technical review comments that have not be addressed, will be moved to the next scheduled Village Board meeting agenda.

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 or Subdivision Plat

The professional land surveyor is responsible for submitting a copy of the AutoCAD drawing file (.dwg) of the document in version 2023 via email to the Village Surveyor for mapping purposes.

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

Sincerely,

Point Land Surveying & Mapping

Bob Beilfuss

Bob Beilfuss, P.L.S.
Principle

PUNCH LIST REPORT

Project: Wrenwood North Ph. 2

Page: 1 of 2

Date: 10/11/2024

Item No:	Punch List Items:	Date Complete:	Accepted By:
1	Connect blue tracer wire and red wire inside 3" tracer wire access box with a winged wire nut filled with silicone gel at all hydrants. Raise all tracer wire access boxes to proposed grade elevation as shown in plan detail C7.02		
2	Install extension for hydrant at approximate plan STA 33+41. Nozzle elevation to be 18-24" above top of curb (C3.00).		
3	Rotate hydrant at PH. 1/ PH. 2 limits of Mistletoe Rd. so that the pumper nozzle is perpendicular to the roadway.		
4	Re-plumb water box for the west most isolation valve at the intersection of Red Holly and Freistadt.	With surface	
5	Re-plumb water box for the south most isolation valve at the intersection of Red Holly and Freistadt. Top section of water box appears to be on the last thread and may need an extension as it may not reach surface.	With surface	
6	Re-plumb water box for the north most isolation valve at the intersection of Red Holly and Freistadt.	With surface	
7	Re-plumb water box for the east most isolation valve at the intersection of Red Holly and Freistadt.	With surface	
8	Re-plumb water box for the gate valve for hydrant at approximate plan STA 42+40.	with surface, If in pavemnt	
9	Remove and replace cracked concrete curb and gutter panel in the southeast radius of the intersection of Red Holly and Freistadt.	With surface	
10	Remove and replace cracked concrete curb and gutter panel at approximate plan STA 31+55 on the west side of the road.	With surface	
11	Clean asphalt out of all interim inlets and reset inlet protection. (Note: Inlets were not opened at this time and will require additional punchlist inspection once cleaned as noted).		
12	Clean construction debris/ sediment out of all storm and sanitary MH's.		
13	Remove temporary plugs in Sanitary MH #14.		
14	Final adjust and install internal external seal for Sanitary MH #37.	With surface	
15	Place stop bar markings and signage at the intersection of Red Holly and Freistadt (C6.02)		
16	Place pavement markings on Freistadt Road per plan sheet C6.02		
17	Install signage at the end of the temporary tee turn-around (C7.01)		
18	Install 2' wide gravel shoulder along the north bypass lane (westbound traffic) on Freistadt (C6.01).		
19	Final grade and restoration. Implement erosion measures noted on plan sheet C2.00 until final stabilization has been reached.		
20	Perform continuity testing on all tracer wire.		

PUNCH LIST REPORT

Project: Wrenwood North Ph. 2

Page: 2 of 2

Date: 10/11/2024

21	Adjust interim inlets to final grade before paving surface course.	With surface	
22	Perform walkthrough before paving surface course with all parties present (Village of Germantown, Neumann Developments, and raSmith).	Prior to surface	
23	At Freistadt near outlot 7, 8" South main line valve-Needs a gate valve box extension-Top section is screwed out to the full extent and is shifted badly. See drawing		
24	Hydrant at Lot 70/71, Hydrant gate valve box top section is shifted-dig and reset top section to be able to key the valve.		
25	Lot 62, Hydrant gate valve box needs a complete dig and reset down to the valve. See drawing		
26	At Mistletoe and Red Holly Drive, East valve needs a complete dig and reset down to the valve. See Drawing		
27	CCTV Sanitary		
28	Stripe Freistadt		
29	Lot Corners		
30	As-builts		
31	Replace temporary asphalt curb with Concrete Curb at inlet catch basins		

Sharon A. Martin
SHARON A MARTIN
WASHINGTON COUNTY
REGISTER OF DEEDS
Fee: **\$30.00**

***The above recording information verifies
this document has been electronically recorded***

Returned to **Wisconsin Title, Closing and Credit Ser**
Pages: **31**

**DECLARATION OF
PROTECTIVE COVENANTS
FOR
WRENWOOD NORTH
SUBDIVISION**

THIS DECLARATION OF PROTECTIVE COVENANTS FOR WRENWOOD NORTH SUBDIVISION (the "**Declaration**") is made this 21 day of September, 2022, by Wrenwood, LLC, a Wisconsin limited liability company ("**Declarant**").

RECITALS

WHEREAS, Declarant owns the real estate located in the Village of Germantown, Washington County, Wisconsin, as more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "**Property**").

WHEREAS, as shown on the plat for the Subdivision (as hereinafter defined), the Subdivision consisting of forty-six (46) single-family lots and four (4) outlots ("**Phase I**"), as more particularly described on Exhibit A and as depicted on Exhibit B, (the "Final Plat"), recorded in the Register of Deeds office of Washington County on September 21, 2022 as document #1568669; as attached hereto and incorporated herein.

WHEREAS, at the time of this Declaration, the Declarant desires to subject Phase I of the Subdivision to the covenants, conditions, restrictions, reservations and easements hereinafter set forth, for the benefit of the Subdivision as a whole, and for the benefit of each Lot Owner (as hereinafter defined).

DECLARATION

NOW, THEREFORE, Declarant, as fee owner of the Property, hereby declares that Phase 1 of the Subdivision and all portions thereof shall be used, held, leased, transferred, sold, and conveyed subject to the covenants, conditions, restrictions, reservations and easements hereinafter set forth, which shall inure to the benefit of and shall pass with each Lot (as hereinafter defined) as covenants running with the land and shall apply to and bind all successors in interest, users and owners.

The general purpose of this Declaration is to: (1) promote the harmonious development of the Subdivision into a high quality residential community while protecting the natural beauty and quality of the environment; (2) help ensure that the Subdivision will become and remain an attractive community; (3) guard against the erection of poorly designed or poorly proportioned structures; (4) require harmonious use of building materials; (5) promote the highest and best

Name and Return Address:

Wrenwood, LLC
c/o Neumann Developments, Inc.
N27 W24025 Paul Court, Suite 100
Pewaukee, WI 53072

Tax Key No(s):

residential development of the Subdivision; (6) require the erection of attractive homes in appropriate locations on building sites; (7) be in compliance with Municipal (as hereinafter defined) codes and ordinances; and (8) provide for the expansion of the Subdivision consistent with this Declaration.

ARTICLE 1. DEFINITIONS

Capitalized terms not otherwise defined in this Declaration shall have the assigned definitions:

1.1 “**Association**” shall mean Wrenwood North Homeowners Association, Inc., the members of which shall be all Owners (as hereinafter defined) of Lots (as hereinafter defined) in the Subdivision.

1.2 “**ACC**” shall mean the Architectural Control Board as established by the Declarant.

1.3 “**Amenity Area**”, if any, shall mean that area as more particularly described in Article 7.5. The area shall be a Common Area and any improvements which may be constructed in the Amenity Area shall be Common Improvements.

1.4

1.5 “**Association Insurance**” shall mean all policies of insurance as may be maintained by the Association under this Declaration.

1.6 “**Board**” or “**Board of Directors**” shall mean the governing body of the Association, elected according to the Bylaws.

1.7 “**Building**” shall mean any freestanding structure located in the Subdivision. A “**dwelling**” or a “**home**” is a Building intended for occupancy in accordance with Article 6.

1.8 “**Bylaws**” shall mean the Bylaws of the Association as adopted by the Board.

1.9 “**Common Areas**” shall mean the easements, Outlot(s) [other than the Expansion Area], and those areas identified on that certain Plat of Subdivision as recorded in the Register’s Office. Each Owner shall have an equal undivided interest in the Common Areas, and all deeds and other conveyances of any Lot shall be deemed to include such interest in the Common Areas, whether or not so specifically stated in any such deed or other conveyance.

1.10 “**Common Improvements**” shall mean all personal property, fixtures, structures, improvements, signs, Storm Water Facilities, landscaping, utilities, Mailbox CBUs, Buildings or other improvements made by the Developer or the Association in the Common Areas, cul-de-sac islands and medians.

1.11 “**County**” shall mean the County of Washington, Wisconsin.

1.12 “**Declarant**” shall mean Wrenwood, LLC and its successors and assigns pursuant to Section 15 of this Declaration.

1.13 “**Declaration**” shall mean this Declaration as the same may be amended from time to time.

1.14 “**Developer**” shall mean Neumann Developments, Inc.

1.15 “**Director**” shall mean a member of the Board.

1.16 “**Documents**” shall mean the Articles of Incorporation of the Association, the Bylaws, the Rules, and this Declaration, as they may be amended from time to time.

1.17 “**Easement**” or “**Landscape Easement**” shall mean an area on a Lot or in the Subdivision to which has been granted the right of use to an Owner, the Association or a third party for a limited purpose and shall be identified as shown on the Plat. An Owner shall not build, plant or create any obstruction on, over, under or through an Easement or Landscape Easement, except as consistent with the express, written grant of said Easement rights and approval by the HOA and/or ACC.

1.18 “**Expansion Area**” shall mean Outlot #4 as depicted and described on Exhibit A and any land in general physical proximity to the Subdivision as described in Section 11.2.5.

1.19 “**Lot**” shall mean a platted lot intended for construction of a home as shown on the Plat. The reference to a Lot by a number shall mean that particular Lot as shown on the Plat. The term “Lot” will also include any platted lot intended for construction of a home as shown on any amendment to the Plat or additional plat of any Outlot, which lots are included in any amendment expanding the jurisdiction of this Declaration under Article 11.

1.20 “**Mortgage**” shall mean a recorded first lien mortgage against a Lot or the vendor’s interest under a recorded first lien land contract relating to a Lot.

1.21 “**Mortgagee**” shall mean the holder of a Mortgage.

1.22 “**Municipality**” or “**Municipal**” shall mean the Village of Germantown, Washington County, Wisconsin.

1.23 “**Natural Materials**” shall mean any building material that is naturally forming or generally composed of natural materials. Examples shall include, but not be limited to wood, masonry, stone, cement board, or LP SmartSide Siding or other as determined by the ACC. Materials specifically excluded in this definition include, but are not limited to, vinyl, aluminum, fabricated wood panel wall sheathing or other materials as determined by the ACC.

1.24 “**Occupant**” shall mean the Owner and any other person residing in a Building.

1.25 “**Owner**” shall mean each fee simple owner or land contract vendee of a Lot. The Declarant is an Owner with respect to Lots to which it holds title.

1.26 “**Outlot**” or “**Outlots**” shall mean an outlot as shown on the Plat, and any subsequent plats. The reference to an Outlot by a number shall mean that particular Outlot as shown on such Plat.

1.27 “**Pet**” shall mean a domestic cat, a domestic dog, service animal and emotional support animal, a single caged bird or common small tank fish.

1.28 “**Plat**”, “**Plat of Subdivision**”, or “**Final Plat**” shall mean the Plat of Wrenwood North Subdivision, as recorded with the Register’s Office and attached hereto as Exhibit B.

1.29 “**Register’s Office**” shall mean the office of the Register of Deeds for County in which the project is located.

1.30 “**Rules**”, if any, shall mean rules established by the Association governing the administration of the Common Areas and Common Improvements.

1.31 “**Storm Water Facilities**” shall mean the private storm water basins, including but not limited to storm water ponds and structures, installed in the Outlot(s) together with the easements as shown on the Final Plat.

1.32 “**Storm Water Management Agreement**” shall mean that certain Storm Water Management Practice Maintenance Agreement executed by Declarant and recorded with the Register’s Office.

1.33 “**Storm Water Permit**” shall mean the permit as issued by the Municipality, as shall be assigned to the Association, for the maintenance and upkeep of the Storm Water Facilities.

1.34 “**Subdivision**” shall mean all of the Lots and Outlots, as more particularly described on Exhibit A and as depicted on the Plat attached hereto as Exhibit B.

ARTICLE 2. ARCHITECTURAL CONTROL

2.1 Architectural Controls; Restrictions on Development.

2.1.1 Architectural Control Committee. So long as Declarant has title to any Lot subject to this Declaration, including the Expansion Area, the ACC shall consist of three (3) members appointed in writing by Declarant. The Declarant appointed members are not required to be Lot Owners in the Subdivision. All members of the ACC shall serve at the pleasure of the Declarant. The Declarant shall surrender the selection of the members of the ACC upon the earlier of: (a) thirty (30) days from the final Lot Owner being granted an occupancy permit and Declarant’s conveyance of the final Lot, including any Lots which may be platted within the Expansion Area as provided in this Declaration; (b) ten (10) years from the date of this Declaration; or (c) Declarant’s election to waive its rights to control the ACC. Upon Declarant’s surrender of the ACC as provided above, the members of the ACC shall be elected by the Board, provided, however, that if selected by the Board, a representative of Declarant may serve on the ACC. Notwithstanding the election of the new members of the ACC, the approval of Drawings for the initial construction of a home on a Lot shall not be effective without the express prior

consent of the Declarant; approval of Drawings for other matters will not require Declarant's approval. For the avoidance of doubt, for purposes of this Section a "bulk" or multi-Lot conveyance to a party who is not intending to occupy the property conveyed shall not be considered a conveyance for purposes of (a) above.

2.1.2 No Development Without Prior Approval. Not less than ten (10) days prior to each time any of the following is proposed to occur:

- (a) commencement of construction of any Building or other improvements or alteration on any Lot; or
- (b) the reconstruction of any Building or other improvements on any portion or portions of such property following a casualty loss thereto; or
- (c) the demolition of any Building or other improvements on any portion or portions of such property; or
- (d) the initial painting, or subsequent decoration or alteration of the exterior of any Building or other improvement on such property; or
- (e) the installation of items such as, but not limited to, solar panels, wind-driven energy devices, awnings, enclosure, hot tub, deck, swimming pool, mailboxes, fences, berms or other features on any such property;

the Owner(s) of such property shall submit to the ACC for consideration as described below three (3) copies of written information, which shall include a survey of such property prepared by a licensed surveyor or the equivalent, as approved by the ACC for the particular submission, ("**Drawings**") showing:

- (1) the location, size, elevations and type of Building(s) and other improvements, including, but not limited to, homes, garages and fences or other matters proposed to be erected or reconstructed on such property,
- (2) detailed plans and specifications for construction or reconstruction, including building material, type and color, and plans to screen the demolition, construction or reconstruction from view,
- (3) the proposed landscaping, including any fences or walls, and
- (4) the proposed location and specifications for utilities servicing such improvements.

The Drawings shall be submitted in 11x17 format and reflect the proposals in (1) through (4) above, which are appropriate to be shown on the survey. Any of the actions described in clauses (a) through (e) above may be taken (subject to Section 2.1.3 below) on or after the date on which the ACC approves or does not object or is deemed to have done so as provided in

Section 2.1.3 below, unless such time periods are waived by the ACC in its sole discretion where the ACC believes that such earlier commencement is consistent with the purposes of this Declaration. No action described in paragraphs (a) through (e) above shall take place without the approval by the ACC of the Drawings for such action, except if the action is the repair or replacement of previously approved exterior features with features that are identical or if the action is the repainting of an exterior surface with paint of the same color.

The Municipality may also require permits prior to proceeding with the development activities for the items listed above.

2.1.3 Standards and Procedural Matters of Consideration. The ACC shall not unreasonably refuse to consider submitted Drawings provided that any fees imposed for review have been paid. In considering any Drawings, the ACC shall consider, among other factors, whether all of the improvements and the lighting, exterior finishes (such as materials, decorations, and paint color), landscaping, the placement and protection of trees and such other matters proposed in such Drawings comply with the terms of this Declaration and the Municipality's ordinances and otherwise are, in the ACC's sole opinion, in keeping with and do not detract from the harmony of the external design of, or depreciate any portion of the Property, whether then undeveloped, developed or in the process of development, even if the Drawings otherwise do not breach any other standard set forth in this Declaration. The ACC may approve Drawings (absolutely or conditionally), may object to Drawings (absolutely or conditionally), or may state that it has no objection to Drawings (absolutely or conditionally). Approval must be express and in writing. The failure of the ACC to approve, object to, or acquiesce conditionally as provided above within thirty (30) business days after submittal of the complete Drawings and payment of any review fees shall be deemed to be the ACC's acceptance of the Drawings as submitted. If the ACC objects to Drawings in whole or in part for any reason, the submitting Owner shall thereafter resubmit Drawings to the ACC with such revisions as are required. Each time an Owner so submits the Drawings, the ACC shall have the right to approve, acquiesce conditionally or object to the Drawings as described above in the time periods as measured from the last submittal. Following the ACC's approval of the Drawings, the improvements described therein shall be developed strictly in accordance with the approved Drawings and requirements. If the approved improvements are not completed within one (1) year of their initial approval, then such approval shall be deemed withdrawn and the same or different Drawings required to be submitted or resubmitted, as the case may be; provided that the ACC may, in its discretion, extend such period by up to an additional six (6) months if it reasonably determines that delay has been primarily caused by factors outside of the control of the Owner; and provided further that the initial driveway need not be completed until the time period specified.

2.1.4 Prior Approval for Changes. If after the completion of the improvements to an affected Lot, the Owner thereof desires to construct any additional improvements or to substantially alter the then existing improvements or the grade of the affected Lot, the Owner shall comply with the provisions of Section 2.1.2 above. A proposed alteration will be deemed substantial if it affects the grade of the affected Lot or the location or exterior appearance of the approved improvements.

2.1.5 Procedures and Budget. The ACC may set its own operating procedures consistent with this Declaration and any limitations hereafter imposed by the Board. The costs

of operating the ACC shall be assessed by the Association as common expenses, except as permitted below. The ACC may, but need not, require the payment of a review fee in connection with the submittal of any Drawings pursuant to a written policy. The ACC may engage consultants (e.g., architects, engineers or attorneys) either on a general or on a case-by-case basis, and the costs thereof may be charged to the applicant. The members of the ACC shall not draw any compensation for serving thereon, but may be reimbursed for expenses incurred in performing their duties. All funds relating to the ACC shall be handled by the treasurer of the Association.

2.1.6 Separate Municipal Approval. Matters which require approval of the ACC may also require the approval of the Municipality. Obtaining approval from the ACC and from the Municipality is the sole responsibility of the Owner desiring approval. Approval of Drawings by the ACC shall not be deemed approval by the Municipality, and approval by the Municipality shall not be deemed approval by the ACC. ACC interpretations of Municipal ordinances are not binding on the Municipality.

2.1.7 Uniformity Standards. Certain standards of architectural control are set forth below. The ACC may adopt additional written standards of uniformity, setback, grading, landscaping, basements, roofing, or exterior, whether generally or for certain types of improvements. The ACC may enforce any standard even if it has, expressly or by acquiescence, permitted previous deviations from such standard.

2.1.8 Indemnification. Each member or former member of the ACC, together with the personal representatives and heirs of each such person, shall be indemnified, defended, and held harmless by the Association from and against any and all claims, actions, suits, proceedings (including criminal proceedings), losses, costs, damages and expenses, including, without limitation, reasonable attorneys' fees and costs, asserted against, incurred by, imposed in connection with, related to, or resulting from service as a member of the ACC, except as to matters resulting in a final determination of negligence or willful misconduct on the part of such member. In the event of settlement of such proceeding, indemnification shall be provided only in connection with such matters covered by the settlement as to which the Association is advised by counsel that the person to be indemnified has not been guilty of negligence or willful misconduct in the performance of such person as a member in the matter involved. This right of indemnification shall be in addition to all other rights and defenses. All liability, loss, damage, cost and expense incurred or suffered by the Association in connection with this indemnification shall be a common expense. Nothing in this subsection shall be deemed an indemnification of such person with respect to such person's status as an Owner, Occupant or otherwise.

2.2 Antennas. No antenna, aerial, satellite dish or cable for television or radio reception which is greater than 36" in diameter shall be erected or installed on or in any roof or any other portion of a Building, on any Lot, or on the unimproved portions of such properties, except as erected or installed by Declarant, the Association, or any individual Owner with written approval of the ACC, and, in each case, in compliance with Municipal ordinances.

2.3 Minimum / Maximum Home Size Requirements. Only one single-family home not to exceed two stories in height may be constructed on each Lot. The following types of homes on Lots shall have the following minimum sizes:

HOME TYPE:**MINIMUM SIZE:**

One story

1,900 square feet

More than one story

2,200 square feet

For purposes hereof, “more than one story” includes homes referred to as one and a half story, two-story, split level or bi-level. The type of home and the number of square feet shall be determined on a uniform basis by the ACC and shall not include basement, attic, garage, porch or patio areas in the computation.

2.4 Garages / Driveway / Curbing & Roadways.

2.4.1 Garages. Each residence shall have a garage for not less than two cars attached to the residence containing a minimum of 440 square feet. All garage doors facing the street shall be decorative garage doors (raised panels alone shall not be considered decorative); doors shall have glass inserts or other architectural design such as carriage style or similar.

2.4.2 Driveways. All drives shall be asphalt or concrete or some other hard surface as approved by the ACC and shall be installed no later than twelve (12) months from occupancy. No permanent gravel drive will be permitted.

2.4.3 Curbing & Roadways. Lot Owner shall be responsible for repairing and/or replacing any curbing damaged during construction of the home. Damaged curbing shall be removed and replaced per municipal requirements as part of the driveway installation if allowed by the Municipality. The Declarant is responsible for placing the surface course of asphalt on the public roadways; the Lot Owner is hereby notified that is may occur after the structure is built on the Lot. Prior to installing the surface course of paving, the Municipality will inspect the roadways and curbing, if the Declarant is notified by the Municipality that curbing needs replacement, the owner of the Lot shall be responsible for costs associated with the replacement of the damaged curbing.

2.5 Certain Exterior Features. With respect to the construction of a Building on a Lot or other improvement to a Lot:

2.5.1 Exterior Siding. Exterior siding of the Buildings may consist of cement board, natural stone, cultured stone, brick, Dryvit, stucco and/or stucco panels; provided, however, that fascia and soffit may be aluminum. A minimum of one hundred (100) square feet of the front of the residences must have a stone/masonry architectural feature. Stone or brick must terminate at an inside corner or have an acceptable termination point, as determined by the ACC. Window and door wraps shall be at least four inch (4”) nominal in width and used on all locations except on windows with shutters. All corners shall be six inch (6”) trim boards. Side elevations must have at a minimum two (2) architectural elements for a ranch elevation and three (3) architectural elements for each two-story elevation. Architectural elements may include any window, door, closed shutter (false window), fypon, horizontal trim, or break in elevation or foundation. The ACC shall be acting reasonably if it disapproves the Drawings, or any portion

thereof, for a home because such home would be similar in appearance, or color, to other homes in close proximity, as determined by the ACC. .

2.5.2 Roof. A residence shall have a roof made of dimensional shingles, or better, with a minimum pitch ratio of 6:12, 8:12 for front facing gables, or such other pitch as is specifically approved by the ACC. “3-tab” shingles shall not be allowed.

2.5.3 Fences. All fences are subject to review and approval by the ACC and are subject to applicable Municipal ordinances, governmental easements and building codes. Fences shall not exceed forty-eight inches (48”) in height, shall be constructed of ornamental/decorative metal (wrought iron or aluminum) which is black in color. Stone or masonry columns may be used at corners and in lieu of posts. Chain-link, natural wood, stockade fences, white vinyl fencing and other fencing materials are not allowed. Subject to ACC approval, fencing may be permitted in the front yard in limited quantities subject to the other provisions of this Declaration. Fences shall be installed no closer than twenty-four inches (24”) from any property line. Fences shall not be located on a public easement area, drainage area, right of way, or the Common Areas.

2.5.4 Grading. No soil shall be removed from any Lot nor may excess soil stored on any Lot (except for prompt use for backfilling, finish grading or landscaping) unless in either case contemplated by the approved Drawings. Even if so approved, the final grades (sometimes called a “finish grade” or “master grade”) of a Lot must conform to grading plans approved by the Municipality. The ACC shall be acting reasonably if it requires that, on Lots with significant grades as determined by the ACC, portions of basement walls be exposed to allow for a more natural transition between homes. Any such exposed basement or foundation walls shall be covered with suitable material consistent with the overall architecture of the home.

2.5.5 Pools. Only in-ground pools may be installed on a Lot (above-ground pools are not allowed) and only with approval of the ACC, which approval shall not be construed as a review of conformance to the Municipal or other regulatory bodies’ requirements. Pools shall be completely enclosed by a wall or fence of a minimum of four foot (4’) elevation, with a self-closing or self-latching gate or door (at the top of such gate or door) with at least four feet (4’) clearance between the fence and the pool. Owner is responsible to insure conformance to applicable Municipal and State of Wisconsin codes and ordinances to insure conformance to size, setbacks and any other requirements.

2.5.6 Cluster Box Units & Lamppost:

(a) Cluster Box Units (“CBU”). The United States Postal Service requires the use of Cluster Box Units (“CBUs”) within the subdivision. At each lot closing, Buyer will pay a \$450.00 fee to cover the costs of installation of the CBUs for the subdivision. The Association shall be responsible for all costs associated with the CBUs, including contracting and payment for the materials and installation. The Association will be responsible for coordinating maintenance and repairs of the CBUs along with initial distribution of the mailbox keys to the initial lot owners. The Association will be responsible for providing a clear path free of snow or debris to the CBUs for the mail delivery carrier and residents. Upon the initial request from an

Owner, the Association shall turn over all of the mailbox keys for that respective unit to the initial Owner in exchange for a signed agreement from the Owner. In the event keys are damaged, lost or not transferred to subsequent Owners; the current Owner shall have sole responsibility for coordinating obtaining keys to their box in the CBU and payment of all costs incurred.

(b) Lamppost. The term “*lamppost*” shall mean the post and lantern combination including lamps and other devices. The lamppost shall consist of a black post that is 96 inches in height with a tapered base and a black post mounted lantern above with a minimum lantern width/diameter of 12 inches and a minimum lantern height of 24 inches. The lamppost shall be purchased and installed by Owner, or Owner’s contractor. The lamppost must be located in the front yard, generally ten feet (10’) from the edge of the driveway and no more than fifteen feet (15’) from the front of the house or sidewalk, on the front door side of the driveway. Each lamppost shall be fitted with a photocell that automatically energizes the lamps at dusk and de-energized the lamps at dawn. Owner shall maintain the lamppost in operational condition and shall not tamper with such lantern controls

(c) Installation by Declarant. If Declarant, in its discretion, installs, any mailbox or mailbox post, or performs or pays for any other matter required herein on behalf of any Owner, it shall not be deemed a waiver of any of the requirements herein as to any other Lot or Owner and shall not obligate Declarant to perform the same action on any other Lot, for any other Owner, or on any subsequent occasion.

2.5.7 Utilities. All utilities servicing the Lot shall be installed underground.

2.5.8 Alternative Energy. No solar collectors, wind turbines, or other exterior energy producing devices shall be erected or installed unless approved by the ACC.

2.5.9 Dog Kennels. Dog kennels shall not be allowed on any Lot even one would otherwise be permitted by Municipal ordinance or code.

2.5.10 Play Equipment. If an Owner chooses to install a play set of any size, whether temporary or permanent, said playground equipment must be approved in advance by the ACC and conform to Municipal codes and ordinances. Play equipment shall be located a minimum of ten feet (10’) away from any property lines.

2.5.11 Outbuildings. Storage sheds or outbuildings of any size, temporary or permanent, shall not be permitted under any circumstance.

2.6 Grading and Landscaping.

2.6.1 Master Grading Plan.

(a) Declarant has established a master surface drainage plan consistent with the master grading plan on file with the Municipality (the “*Master Grading Plan*”) designating the manner in which each Lot shall drain in relation to all other Lots. Compliance of all grading and construction work to the Master Grading Plan is important

to the effective drainage of all Lots and affects the value of all Lots. Within sixty (60) days after substantial completion of a dwelling on any Lot, the Owner shall grade the Lot to conform to the Master Grading Plan. Each Owner will take such action as is reasonably necessary to maintain the grading and landscaping of the Owner's Lot in accordance with the Master Grading Plan, and shall refrain from taking actions which would cause the grading or landscaping to not conform to the Master Grading Plan without Municipal and ACC approval. Declarant and the Association shall each have the right to enter upon any Lot at any time for the purpose of inspection, maintenance, correction of any drainage condition, and the Owner shall be responsible for the cost thereof. Despite Declarant's efforts to prepare a Master Grading Plan which will achieve the effective and efficient drainage of storm water from and within the Subdivision, Declarant does not warrant or represent that the Master Grading Plan will achieve any particular effect. Building envelopes are shown on the Plat. Any deviations to the Master Grading Plan shall require review and approval by the Municipal Engineer prior to the issuance of the building permit.

(b) No Owner shall or will at any time alter the grade of any Lot from that which is naturally occurring on that Lot at the time the site development improvements have been completed by the Declarant unless and until the Owner shall first obtain the written approval of the Municipal Engineer for such grade alteration. In order to obtain this approval, it shall first be necessary for the Owner, at the Owner's expense, to have prepared a grading plan which shows in detail the area to be re-graded, the existing and proposed topography, analyzes the effects of site drainage, states that the effects on site drainage will not be in violation of law as to alteration of natural drainage courses, and is a plan which does not unreasonably affect an adjacent property owner with respect to drainage or their viewing of unreasonable slope treatment. The Municipal Engineer's approval, if granted shall not relieve the Owner from the ultimate responsibility for the design, performance, and function of the grade alteration and/or drainage condition, and the Owner by requesting the alteration, and/or altering the grade, thereby agrees to indemnify and hold harmless the Municipality and its agents, employees and independent contractors regarding the same. The Declarant and/or the Municipality and/or their agents, employees or independent contractors shall have the right to enter upon any Lot, at any time, for the purpose of inspection, maintenance, correction of any drainage condition, and the property owner is responsible for the cost of the same.

2.6.2 Landscaping.

(a) Plantings. In addition to Street Tree Plantings performed by the Association per below, each Lot with a home in the Subdivision must plant and maintain a minimum of one (1) – 2" caliper ornamental tree located in the front yard. Additionally, there must be a minimum of twelve (12) foundation plantings and mulched bed along the front foundation wall.

(b) Street Tree Plantings. A Street Tree Planting Plan has been required by the Village of Germantown and available from the Declarant upon request. The Homeowners Association will plant the required street trees as identified on the

Street Tree Plan. A fee of \$600 will be collected by the Association at each Lot closing for installation of the required trees for each lot.

(c) Vegetative Cover. Each individual Lot Owner shall be responsible for installing and maintaining vegetative cover (a lawn or landscaping) on all exposed soil on their Lot to prevent erosion of the soil into unwanted locations. This vegetative cover must be installed within one hundred twenty (120) days of obtaining occupancy of the home or, in the case of winter occupancy as outlined below. Note that other materials are allowable around the foundation and paved surfaces including, but not limited to gravel, mulch, brick or any other material that will reduce erosion and permanently stabilize the disturbed areas of soil. If the Owner of any Lot, after reasonable written notice from the Association, fails or refuses to install vegetative cover as described herein, or maintain it as required above, the Association, through its duly authorized agents or employees, shall have the right to enter upon said Lot at reasonable hours to perform said landscaping and/or maintenance. The costs of the materials and labor to perform such landscaping and/or maintenance shall be assessed against said Lot in accordance with Municipal codes or ordinances, or the Wisconsin State Statutes. This restriction for vegetative cover does not apply during the winter months when growing conditions will not allow the establishment of vegetation cover. In such an event the Owner shall be required to establish vegetative cover within one hundred twenty (120) days of proper growing conditions which is anticipated to be from mid-April to mid-October.

2.6.3 Irrigation. Irrigation systems for lawns and planting beds, if installed, shall utilize irrigation controllers and components that are water conservation models. Controllers shall be equipped with a soil moisture sensor and rain sensor, as minimum components. Controllers and equipment shall be installed, programmed and maintained according to manufacturer's recommendations.

2.6.4 Easements. Plantings in the public and private easements may not be permitted by terms of the easement and should be avoided. Plantings within easements will be at-risk for removal by the Municipality and may be subject to damage or removal for maintenance and/or repair operations.

2.7 Municipal Codes and Ordinances. All items in this Article 2 shall be subject to Municipal codes and ordinances, as may be modified from time to time.

ARTICLE 3. ASSOCIATION OF OWNERS

3.1 Administration. Declarant shall establish the Association, which shall be incorporated as a Wisconsin nonstock corporation, and shall adopt Bylaws for its governance and administration of the Common Areas and Common Improvements. The Board may, but need not, from time to time adopt and amend Rules that are binding on all Owners and Occupants. The Board shall administer and enforce the Common Areas, the provisions of this Declaration and the Bylaws, the Rules, and all other uses of and restrictions on the Property such as easements. Until the establishment of the Association, all powers of the Association shall be exercised by Declarant.

3.2 Membership and Voting. Effective as of the date of purchase or creation of a Lot, each Owner shall be a member of the Association. In the Association, the Owner(s) of each Lot shall be entitled to one vote for each Lot owned. If one or more Lots change their status to some other form of ownership, the votes appurtenant to each original Lot shall not be changed. No member shall be permitted to vote if such member is more than thirty (30) days delinquent in the payment of any amount due to the Association under Article 4 of this Declaration.

3.3 Control of Association. Declarant shall have the right to appoint and remove Directors of the Association and to exercise any and all powers and responsibilities assigned to the Association, the Board, or its officers, by the Articles of Incorporation, Bylaws, this Declaration or the Wisconsin Nonstock Corporation Law (as amended from time to time), which rights shall expire upon the earlier of: (a) thirty (30) days from Declarant's conveyance of the final Lot, including any Lots which may be platted within the Expansion Area as provided in this Declaration, to an Owner who has been granted an occupancy permit and intends to reside on the Lot; (b) fifteen (15) years from the date of this Declaration; or (c) Declarant's election to waive its rights to control the Association. Upon Declarant's surrender of its rights to control the Association as provided above, the Directors shall be elected by the majority vote of the Owners within the Subdivision. For the avoidance of doubt, for purposes of this Section a "bulk" or multi-Lot conveyance to a party who is not intending to occupy the property conveyed shall not be considered a conveyance for purposes of (a) above.

3.4 Management. The Association may employ a professional management agent or company to assist in carrying out its duties regarding the Common Areas, the Common Improvements, and this Declaration, with such experience and qualifications and on such terms and conditions as are acceptable to the Board. Any such agreement must be terminable by the Board, without cause, upon 90-day notice without payment of any penalty.

ARTICLE 4. ASSESSMENTS

4.1 Budget and Assessments.

4.1.1 Deposit. In addition to the Lot purchase price, each Owner will deposit an initial fee with the Association as an initial assessment; amount as stated in the purchase documents. The deposit must be made at the time of closing of the initial purchase of the Lot by an Owner intending to occupy a home on such Lot.

4.1.2 Assessments. The Association shall have the power to levy an annual assessment against each Lot for the purpose of defraying, in whole or in part, the costs incurred by the Association, including costs to operate the Amenity Area improvements and to fund capital accounts. Such annual assessment shall be levied by the Association as of March 1st of each year, for all platted lots in the subdivision as of January 1st of that year, and a statement for such amount shall be mailed to the owner of each Lot as of such date and shall be payable on or before March 31st of each year. The Association may from time to time permit the payment of the annual assessment on a monthly or other basis, but the entire assessment remains due.

4.1.3 Budget. The Association shall annually adopt a budget of common expenses and levy assessments on the Lots based on such budget as provided above, allocating

such assessments equally to each Lot, subject to the limitations herein. The budget shall include amounts representing assessments that are bad debts, and a reserve for contingencies and replacements for the Amenity Area as provided in Section 7.5, and may include a replacement reserve for any other purpose determined by the Board in its reasonable discretion, which in each case shall constitute part of the general assessments. Until a new budget is adopted, the prior year's budget shall remain in effect.

4.1.4 Collection. The Association may delegate to a third party manager or collection agent the authority to collect any assessments.

4.1.5 Special Assessments; Fines. The Association may also levy: (a) special assessments on all Lots for any purpose for which a general assessment or special assessment may be levied; or (b) fines on particular Owners for the purpose of collecting any amounts due the Association or enforcing compliance by such Owners with any provision of this Declaration, the Bylaws or any Rules. The Board may adopt a Rule to impose uniform charges for services which the Association provides related to transfer of Lots, review of proposals under Article 2, and the like. The Board may adopt an initial budget showing the anticipated amounts necessary to cover common expenses.

4.2 Installments; Late Payments. General assessments shall be levied on an annual basis, but shall be due and payable on March 31st, or as determined by the Board from time to time and as set forth herein. Special assessments shall be due and payable at such time and in such manner as the Board may determine. If an assessment is not paid when due then such assessment shall become delinquent and shall accrue interest at the rate of twelve percent (12%) per annum until the assessment is paid in full. Any assessment or installment of an assessment not paid within ten (10) days of its due date may also be subject to a late charge and/or interest as set forth in the Bylaws and/or in the Rules.

4.3 Enforcement; Liens. All general and special assessments which are not paid when due shall constitute a lien on the Lot; and shall be collectible and enforceable by the Association by suit against the Lot Owner, by foreclosure of the lien, and/or in any other manner or method provided under this Declaration or laws of the State of Wisconsin. The lien granted hereunder shall also cover and include all interest accruing on delinquent assessments, plus costs, expenses and attorneys' fees for collection. The Association shall have the exclusive right and power to collect or enforce collection of all general and special assessments and shall further have the exclusive right to bring any and all actions and proceedings for the collection thereof and/or the enforcement of liens arising therefrom. The Association may bring an action at law against any Lot Owner personally to collect such assessments and/or to foreclose the lien for such assessments against the Lot (in the same manner and method as an action to foreclose a real estate mortgage). The Association may purchase a property upon foreclosure of its lien. Under Section 3.2 an Owner delinquent in payments may in some cases not be permitted to vote on matters before the membership of the Association.

4.4 Association Statements. Within five (5) business days of written request from an Owner or a Mortgagee, the Association shall provide a letter stating the existence and amount of outstanding general or special assessments against the Owner's property, if any. Notwithstanding anything to the contrary in the preceding sentence, all property conveyed by

Declarant shall be deemed conveyed free from outstanding general, special or working capital assessments and no such letter shall be required or given as to such property.

4.5 Common Expenses and Surpluses. Common expenses and surpluses shall be allocated in the same manner as general assessments are allocated. All common surpluses for each fiscal year shall be retained for common expenses for the next succeeding fiscal year.

4.6 No Fees or Assessments in Event of Tax Forfeiture. Neither the County nor the Municipality shall be liable for any fees or special assessments in the event that the County or the Municipality become the owner of one or more Lots by reason of tax delinquency.

ARTICLE 5. MAINTENANCE AND ALTERATIONS

5.1 Owner Responsibility. Each Owner or Occupant shall reimburse the Association for the cost of the Association's repair or replacement of any portion of the Common Areas, Landscape Easements or Common Improvements (including the Amenity Area, if any) damaged through the fault or negligence of such Owner/Occupant or such Owner's/Occupant's family, guests, invitees or tenants. Each Owner shall, at the Owner's cost, even if no home has been constructed by such Owner, maintain the yard, including the cutting of grass and snow removal from driveways and, if any, sidewalks, in an orderly and neat manner and shall maintain all structures on the Lot in good repair and condition.

5.2 Association Responsibility. The Association shall maintain in good condition and repair, including but not limited to snow removal, replace and operate all of the Common Areas, Landscape Easements and Common Improvements, including but not limited to the landscaping and plantings on the Landscape Easement on Lots 1 & 37 along Freistadt Road, landscaping, trees and plantings in the Common Areas and trimming, removal and replacement of such landscaping. The Association may, in its discretion, install additional Common Improvements in the Common Areas. Each Owner shall be responsible for its share of the cost for such activities. The Association shall release and indemnify the Municipality for any maintenance responsibilities with respect to same.

5.3 Municipal Responsibility. The Municipality shall have no responsibility for maintenance or alteration under this Article 5. If the Association fails to maintain the Common Area as set forth herein, the Municipality, after proper notice to the Association, may cause such maintenance to be accomplished and may invoice the Association for the cost thereof. If such invoice is not paid in accordance with the period of time customary for the Municipality, the costs may be apportioned among the Owners of all Lots in the subdivision and placed on the next tax bill of each Lot.

5.4 Alterations and Maintenance. Landscaping, berms, grading, drainage pathways, Common Improvements, or other improvements in the Amenity Area, Landscape Easements or Common Areas may not be removed or substantially altered without written approval by the Association, Municipal engineer and the Municipal plan commission, as may be required. Maintenance and minor alterations of these improvements are allowed, such as the removal/repair of damage structures, pruning of trees, replacement of ground cover, and repair or

replacement of the fencing and other structures. Owners are encouraged to remove trash and debris and should report any unauthorized use within the Common Areas, Landscape Easements or Common Improvements to the Association. Declarant and or the Municipality are able to provide a copy of the plans for the Common Area upon request by the Association.

ARTICLE 6. RESTRICTIONS ON USE AND OCCUPANCY

6.1 Permitted Uses.

6.1.1 Single-Family Residential. Each Lot shall be occupied and used only for single family residential purposes, except as provided in Section 6.1.2. The term “*residential purposes*” includes only those activities necessary for or normally associated with the use and enjoyment of a home site as a place of residence and limited recreation. No garage or other mobile or accessory structure shall be used for temporary or permanent living or sleeping for family or guests without prior approval of the ACC.

6.1.2 Home Business. A home may be used for a home-business if it obtains the prior written approval of the ACC. A home-business shall only be approved if the home-business has no (zero) employees other than immediate family members, and the home-business has no outside client, vendor or customer sales occurring at the home. No trade or business shall be carried on anywhere in the Subdivision, except for (1) the incidental use of a Lot for personal business conducted by mail and telecommunications which does not burden the use of the Subdivision by frequent visits by business service providers or customers, subject to any Rules relating to such burdens, or (2) the sale of Lots, subject to the other provisions hereof and any Rules related thereto, or (3) the establishment of offices by Declarant or its agents for sales of Lots or by the Association for conducting its affairs. These uses may require specific approval by the Municipality and must be in compliance with all Municipal ordinances and regulations or receive a temporary use permit as authorized by the Municipality. Approval of a use by the ACC does not constitute approval by the Municipality or certification that the use complies with Municipal ordinances and regulations.

6.2 Pets. Subject to Municipal Ordinances, and applicable federal or state statutes, rules, regulations, or orders to the extent they supersede the restrictions of this Declaration, no animals, livestock or poultry shall be raised, bred or kept on any Lot, except that Pets shall be permitted providing they are not raised, bred and/or kept for commercial purposes and service animals and emotional support animals shall be permitted to the extent permitted by applicable municipal ordinances and applicable federal or state statutes, rules, regulations, or orders to the extent they supersede the restrictions of this Declaration. An Owner or Occupant may keep no more than three (3) Pets per Lot on the conditions that:

- (a) the Pet is not permitted on any of the Common Areas while unattended or unleashed; and
- (b) the Pet is licensed by the Municipality or appropriate licensing authority, if required under applicable ordinances; and
- (c) no reptiles or un-caged birds shall be permitted; and

(d) the Pet must immediately and permanently be removed from the Property if, in the sole judgment of the Board or Municipality, the Pet is or becomes offensive, a nuisance or harmful in any way to the Property or any Owner or Occupant, or otherwise violates the terms of this Section or any Rules adopted relating to Pets; and

(e) the Pet is subject to such Rules as the Association may adopt from time to time on the subject; and

(f) possession of Pets is a privilege which may be revoked and shall not be considered a property right.

6.3 Vehicles. No outdoor parking of vehicles shall be permitted on the Lots for more than twenty-four (24) consecutive hours, without the express prior consent of the Board. No person shall occupy, park or otherwise use a vehicle so as to block access to a Lot. Storage or parking of trailers, campers, camping trucks, boats or other marine craft, horse or boat trailers, motorcycles, mopeds, motorized bicycles, vehicles licensed as recreational vehicles or commercial vehicles, snowmobiles, all-terrain vehicles, inoperative or unlicensed vehicles or the like shall not be permitted on a Lot, except (i) in a garage, (ii) in the case of recreational vehicles, commercial vehicles, campers, trailers, and boats, outside of a garage for no longer than one twenty-four (24) hours in a one week period; or (iii) outside parking on a case-by-case basis as approved by the ACC.

6.4 Waste. Accumulations of waste, litter, excess or unused building materials or trash other than in appropriate receptacles is prohibited. Garbage containers stored outside during initial construction or remodeling shall be situated only in locations designated by the Association. Lots shall be kept free of debris during construction of improvements thereon by maintenance of a dumpster on-site. The refuse and garbage receptacles for each occupied home shall be stored in the home or garage, except for a period of twelve (12) hours prior to and following the scheduled garbage pickup. All incinerators and other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

6.5 Temporary Structures. No structure, trailer, shack or barn, temporary or otherwise, shall be placed or maintained on any portion of a Lot or Common Area without written approval of the ACC, except for construction trailers maintained by Declarant and its successors and assigns, or the Association.

6.6 Quiet Enjoyment. Each Owner shall have the right to use its property in accordance with this Declaration and applicable law, free from unreasonable interference from any other Owner, Occupant and other invitee. No person shall cause or permit the Common Areas to be used so as to deny any Owner or Occupant the full use of the Common Areas except as permitted by the Association under Article 3 or in accordance with rules established by the Association with respect to the Amenity Area.

6.7 Noxious Activity. No use or practice shall be allowed in the Subdivision or the Common Areas which is immoral, improper or offensive in the opinion of the Board or which is in violation of the Documents. By way of example and not limitation, offensive activity shall include excessive amplification of musical instruments and/or audio or audio visual equipment.

6.8 Patios and Balconies. Patios, decks and balconies of Buildings on Lots shall be kept in good condition and maintained in a quality similar to that of any Building on the Lot.

6.9 Signs. No Owner or Occupant may erect, post or display posters, Signs or advertising material on the Common Areas or at locations within a Building which are visible from the public streets or Common Areas without the prior written consent of the Board, except (a) Declarant may do so without such approval, and (b) an Owner may erect or post a temporary sign of customary and reasonable dimension relating to the sale of a Lot. The Board may at its discretion, in particular circumstances or in general, delegate its right to consent under this Section to the ACC described in Article 2. Where Board consent is sought and obtained, the permitted Signs will be erected and maintained in accordance with all ordinances, rules, regulations and conditions applicable thereto. “*Signs*” as used herein shall be construed and interpreted in the broadest possible sense, and shall include any placard, posters or other such devices as may be affixed to the interior of any exterior windows so as to be visible from the exterior of the Building. All Signs placed within easements or the public right-of-ways shall also require Municipal approval and/or permits.

6.10 Compliance with Laws; Environmental Matters. Each Owner and Occupant shall comply with all applicable governmental or Association statutes, ordinances, regulations or rules, including but not limited to, Municipal ordinances. Such applicable laws include, but are not limited to, those relating to the storage, transport and release to, from, on or in such Lot of any substance or compound governed by any one or more State of Wisconsin Statutes; Comprehensive Environmental Response, Compensation and Liability Act (“*CERCLA*”); Toxic Substances Control Act (“*TOCSA*”); Resource Conservation and Recovery Act (“*RCRA*”); Municipal ordinances; and similar laws relating to the storage, transport or release of substances, compounds or recyclable materials, all as in effect from time to time.

6.11 Obstructions. Unless installed by the Declarant or the Association, no playground equipment, bicycle racks or other equipment or material may be placed on the Common Areas.

6.12 No Further Divisions. No Lot may be further subdivided without the approval of the Municipality and the Association and/or the ACC.

ARTICLE 7. SPECIAL FEATURES

7.1 Storm Water Facilities. The Storm Water Facilities shall be fractionally owned by the Lot Owners and managed by the Association. The Association shall have the ability to impose assessments for the inspection, maintenance, and repair of the Storm Water Facilities. The Common Areas include storm sewer and surface water drainage systems. The Storm Water Facilities are located in commonly owned outlots as shown on the Final Plat and are Common Areas maintained by the Association in accordance with the Storm Water Agreement and shall be used solely for drainage and storm water purposes and not for recreational purposes. The Association has no duty to ensure the safety of persons using the drainage areas, or to warn of dangers concerning them. Neither the Declarant nor the Association is responsible for the safety of any drainage area for use by humans or Pets, and neither represents nor warrants that any drainage area is safe for any such use.

7.2 Easements. As provided on the Plat, there are easements located on various Lots for storm water utilities, overland storm water flow, underground utilities, and other items. These easements allow access by the Municipality, Association, ACC or other entity to maintain, repair and access the Lots as may be required from time to time.

7.3 Parade of Homes. Declarant discloses that Declarant may arrange for the Subdivision to be included in the Metropolitan Builders Association (the “*MBA*”) Parade of Homes or similarly titled event in which members of the public are invited to inspect a number of Lots improved with homes constructed by one or more contractors. Such events may result in temporary periods of significant construction activity, traffic slowdowns and large crowds, and may continue for a period of several weeks. A Lot Owner is deemed to acknowledge the possibility of said event and is deemed to have waived any objection to the issuance of any Municipal permits required for such event. Declarant is not, however, required to include the Subdivision in any such event, and may base its decision on the Declarant’s individual needs, if any. While the Parade of Homes is open and during the one-hour period before the Parade opens and the one-hour period after the Parade closes, for the entire duration of the Parade of Homes, purchaser/owner and/or Non-Parade Builders agree that:

- 1) No construction work or sales activities of any kind (including work of subcontractors, trades, deliveries, inspections, showings, realtor activity, open houses, signage, advertising, sales activity or tours of any kind) shall be performed on, in or adjacent to any home built on any lot;
- 2) No advertising, marketing, signage, sales activities or tours (including virtual tours) of any kind shall be permitted or take place, directly or indirectly, on or adjacent to the lot;
- 3) The lot or any home constructed thereon may not be opened as a model home;
- 4) That no contractor, subcontractor, supplier or realtor signs, advertising materials, or placards shall be placed on the lot, on the home, or in the windows of any home on the lot, or adjacent to the lot, or in the road abutting the lot and shall not use or permit any rolling or mobile advertising, vehicles, or trailers.

7.4 Amenity Area. The Declarant or, after the period of Declarant control has ended, the Association, may, in its sole discretion, construct various recreational amenities (which may include, without limitation, a playground, sport court, fire pit, and paved pathways) in certain Common Areas determined by Declarant or paved pathways) on those improvements on the Association, as applicable. Each Owner shall have the right to use the Amenity Area as with any other Common Area, subject to the Rules. Nothing herein is a representation or warranty that any particular amenity will ever be installed or constructed, or as to the quality of any amenity which is installed or constructed. In addition to the Amenity Area, the Declarant or Association (under the conditions above) may install amenities and Common Improvements in any other Common Area.

7.4.1 Rules and Regulations. The Association shall, through its Board of Directors, establish all rules and regulations regarding the use of the Amenity Area, including

without limitation rules related to hours of use and permitted and prohibited activities and conduct.

7.4.2 Maintenance, Repair, and Replacement. Subject to other applicable provisions of this Declaration, the Association shall maintain, repair and replace the Amenity Area to the extent determined necessary or advisable by the Association and as required by law.

7.4.3 Insurance. The Association shall insure the Amenity Area against direct loss or damage occasioned by fire, extended coverage perils and other hazards in amounts and with insurers reasonably chosen by the Association. Such insurance shall be issued in an amount without co-insurance at least equal to the full value any Building(s) and other improvements erected thereon. The Association shall also maintain general public liability insurance and such other insurance with coverages, in amounts and with insurers that the Association reasonably requires from time to time.

7.4.4 Annual Budget. The Association shall include in its annual budget an estimate of the total amount necessary to pay the costs for the following calendar year of operating, maintaining, repairing and replacing the Amenity Area. Expenses shall include without limitation all costs of employees, payroll taxes, materials, parking costs, insurance, services, management fees, supplies, maintenance, repair, landscaping, fuel and power, together with a reasonable amount considered by the Board to be necessary for a reserve for contingencies and replacements.

7.4.5 Reserves. The Association, by its Board, shall establish, fund, and maintain a reasonable reserve for contingencies and replacements for the Amenity Area. The Association shall first charge against such reserve all extraordinary expenditures for the Amenity Area not originally included in the annual estimate which may become necessary during the year. If the annual budget proves inadequate for any reason (other than as a result of the failure by one or more unit owners in the Association to pay their assessments), the Board may, at any time, levy a further assessment, which shall be assessed in the same proportion as other general assessments.

ARTICLE 8. INSURANCE

8.1 Association Insurance. The Association shall obtain and maintain comprehensive general public liability insurance for occurrences on the Common Areas and with respect to Common Improvements not in the Common Areas, all-risk casualty insurance coverage on all Common Improvements, and such other policies and/or coverage as the Board deems necessary or advisable, such as fidelity insurance for Association officers handling fund of the Association.

8.2 Coverage of Association Insurance. The casualty insurance coverage shall be in an amount equal to the maximum insurable replacement value, with an "agreed amount" and a "replacement cost" endorsement, without deduction or allowance for depreciation. This coverage amount shall be annually reviewed and shall insure against loss or damage by fire and other hazards as commonly covered by a standard extended coverage endorsement and such other hazards as customarily covered with respect to buildings similar in construction, location

and use. Commercial general liability coverage shall be in such amounts as the Board determines annually, but not less than \$1,000,000 per occurrence.

8.3 Proceeds. Association Insurance proceeds for casualty loss shall be for the benefit of the Association in order to finance construction of damaged Common Areas or Common Improvements. Liability coverage and other insurance proceeds shall be applied as the Association directs.

8.4 Cost. All premiums for Association Insurance and other insurance obtained by the Association shall be a general assessment.

8.5 Waiver. The Association and, by acceptance of a conveyance to a Lot or the use thereof, or any portion thereof or interest therein, each Owner or Occupant acting both for themselves and for their respective insurers, waive any claim it or they may have against the other for any loss insured under any policy obtained by either to the extent of insurance proceeds actually received, however the loss is caused, including such losses as may be due to the negligence of the other party, its agents or employees. All policies of insurance shall contain a provision that they are not invalidated by the foregoing waiver, but such waiver shall cease to be effective if the existence thereof precludes the Association from obtaining any policy of insurance at a reasonable and customary rate.

8.6 Acts Affecting Insurance. No Owner or Occupant shall commit or permit any violation of covenants or agreements contained in any of the Association Insurance, or do or permit anything to be done, or keep or permit anything to be kept, or permit any condition to exist, which might (a) result in termination of any such policies, (b) adversely affect the right of recovery thereunder, (c) result in reputable insurance companies refusing to provide such insurance, or (d) result in an increase in the insurance rate or premium over the premium which would have been charged in the absence of such violation or condition, unless, in the case of such increase, the Owner or Occupant responsible for such increase shall pay the same. If the rate of premium payable with respect to the Association Insurance shall be increased by reason of (1) the size, design or composition of a Building, or (2) anything done or kept in a property subject to this Declaration, or (3) the failure of an Owner or Occupant to comply with Association Insurance requirements, or (4) the failure of any such Owner or Occupant to comply with this Declaration or the Bylaws, then the particular Owner or Occupant shall reimburse the Association for the resulting additional premiums. The Association reimbursement right is without prejudice to any other Association remedy, and may be enforced by special assessment against the particular property involved.

8.7 Exclusions from Coverage. Association Insurance coverage shall exclude (a) coverage on any home or personal property located within or pertaining to the exclusive use of an Owner except to the extent included as a standard coverage in the policy of Association Insurance; and (b) liability coverage on an Owner or Occupant, its guests, invitee, employees or tenants, arising out of any occurrences within a Lot and/or relating in any way to an Owner's or Occupant's personal property. It is the sole responsibility of each Owner or Occupant to obtain such insurance coverage as are excluded from Association Insurance.

ARTICLE 9. AMENDMENT OF DECLARATION

9.1 General. Except as otherwise provided herein, this Declaration may be amended only by the written consent of at least sixty-seven percent (67%) of the total votes of the Association then entitled to vote. Regardless of the manner of adoption, no amendment shall adversely affect a special right or easement reserved to Declarant under this Declaration, or the rights of Mortgagees under Article 10, without the express written consent of Declarant or Mortgagee, as applicable. Notwithstanding the foregoing, Declarant reserves the right to unilaterally amend the Declaration until one (1) year after one hundred percent (100%) of the then existing Lots (inclusive of any Lots added to the Expansion Area by Declarant in its discretion or vacant land in the Expansion Area that is not developed) have been sold to an Owner intending to reside thereon and occupancy permits have been granted for each Lot. During such period, Declarant may also enter into other agreements on behalf of the Association or Lot Owners for purposes of easements and/or other items necessary for the orderly operation and maintenance of the Subdivision and/or Association, provided however, that any amendments to the restrictions where the Municipality is involved or has an interest may require the approval by the Municipality.

9.2 Procedures. Except with respect to an amendment by Declarant, amendments to this Declaration shall be prepared and executed by the president of the Association and shall become effective when recorded in the office of the Register of Deeds. No action to challenge the validity of an amendment shall be commenced more than one (1) year after the amendment is recorded.

ARTICLE 10. RIGHTS OF MORTGAGE HOLDERS

10.1 Notice. Any Mortgage holder, insurer or guarantor of a Mortgage encumbering a Lot that submits a written request to the Association, identifying the name and address of such holder, insurer or guarantor and the Lot involved, will be entitled to timely written notice of:

(a) Any thirty (30) day delinquency in the payment of assessments owed by the Owner of the Lot on which it holds a Mortgage or any breach of the provisions of any of the Documents which is not cured by such Owner within thirty (30) days of such Owner's receipt of notice of such breach;

(b) A lapse, cancellation or material modification of any Association Insurance; and

(c) Any proposed action that requires the consent of a Mortgage holder.

10.2 Mortgagee Acquisition of Lot. A Mortgagee acquiring title to a Lot pursuant to remedies provided in its Mortgage, or by a deed in lieu of foreclosure following an Owner's default under the Mortgage, shall not be liable for such Lot's unpaid assessments under this Declaration accruing prior to the Mortgagee's acquisition of title to such Lot (except to the extent unpaid assessments are included in subsequent budgets generally), but shall ensure that any such prior delinquent assessments are paid upon transfer of the Lot to a third party.

ARTICLE 11. RIGHTS OF DECLARANT

11.1 Reserved Rights. Prior to the sale of all Lots by Declarant and occupancy permits granted for all Lots, Declarant:

(a) may use the Common Areas or Amenity Area, and any unsold Lots in any manner as may facilitate the sale of Lots including, but not limited to, maintaining a sales and/or rental offices, model homes and signs and/or showing the Lots. Declarant may from time to time also delegate such rights (on a non-exclusive basis and subject to such conditions as Declarant may impose) to persons desiring to construct Buildings on particular Lots as model homes. In delegating such rights to other persons, Declarant's delegates shall not have the right, without Declarant's express written consent, to locate a general sales office operation in any such model home, although use of a model home to facilitate sales of Lots or sales of Buildings on Lots may be permitted for a period not to exceed forty-eight (48) months from the date of issuance of the certificate of occupancy therefor; provided, however, that once a model home is used as a home for an Occupant, it may not thereafter be used as a "model home". Notwithstanding the foregoing, any such use must be in compliance with all Municipal ordinances and regulations and may require a use permit granted by the Municipality.

(b) shall have the right to (1) grant easements upon, over, through and across the Lots (limited to the ten (10) feet area adjacent to each Lot line), which rights shall expire one (1) year after conveyance of a Lot by Declarant. Additionally, the right to grant easements upon, over, through and across the Common Areas as may be required in Declarant's sole opinion for furnishing any kind of utility services, maintenance and replacement thereof, drainage, grading, communications or public purposes including, which easements may be granted to itself or its nominee and as may be necessary for excavation and construction of any Buildings or for ingress and egress and maintenance and replacement thereof, to, from, and within, the Property and other real property adjacent to it.

(c) shall have the right to veto any proposed amendment to this Declaration for any reason or no reason, in which case it shall not be deemed approved or effective.

For purposes of this Section, a "bulk" or multi-Lot conveyance to a party who is not intending to occupy the property conveyed shall not be considered a "sale" for purposes of this Section.

11.2 Addition to or Subtraction from the Subdivision. Declarant reserves the right, at any time during the term of this Declaration and in its sole discretion, from time to time to subject portions of the Expansion Area to this Declaration in accordance with this Section. Each time Declarant subjects a portion of the Expansion Area to this Declaration it is known as an "*Expansion*".

11.2.1 Expansion. Declarant reserves the right, at any time, and from time to time, during the term of this Declaration and in its sole discretion, to subject additional real estate

outside the Subdivision to this Declaration by recording a document imposing on such real estate the provisions of this Declaration (as amended from time to time). The additional real estate shall be located in the Municipality and shall be adjacent to the Subdivision (ignoring streets, railroads and navigable waters which may separate the additional real estate from the Subdivision). The additional real estate will be subject to the provisions of this Article 11 as though it were a part of the original Subdivision.

11.2.2 Procedure for Expansion. Declarant shall add to the Subdivision by recording with the Register of Deeds one or more amendments to this Declaration setting forth the legal description of the area so affected. An amendment creating an Expansion need be executed only by the Declarant and does not require consent from or notice to any other person.

11.2.3 Contents of Expansion Amendment. An Expansion amendment will (a) state the legal description of the land being subjected to this Declaration; (b) set forth such other limitations on such future Lots as Declarant may desire not inconsistent with this Declaration; and (c) set forth such other information as is reasonable to facilitate the Expansion and the integration of the area into the Association. All other provisions of the Declaration shall apply to the Lots or Outlots included in any Expansion.

11.2.4 Procedure for Subtraction of Land. For so long as the Declarant is in control of the Association, the Declarant may also, in its sole discretion, by recorded document, remove the Expansion Land or any Lots not yet sold, from the effect of this Declaration and thereby reduce the extent of the Subdivision, without the consent of the Lot Owners within the Subdivision, subject to the amendment procedures of Section 9.1.

11.2.5 Other Lands. Declarant also reserves the right, at any time, and from time to time, during the term of this Declaration and in its sole discretion, to subject additional real estate outside the Subdivision to this Declaration by recording a document imposing on such real estate the provisions of this Declaration (as amended from time to time), subject to the amendment procedures of Section 9

11.2.6 Modification of Budget and Assessments. Upon each such Expansion, the Association will amend the annual Budget and annual assessments as appropriate to account for the effects of any Expansion or subtraction. Any assessments prior to the addition or subtraction of the area affected by the Expansion or subtraction will be pro-rated and adjusted by the Association accordingly. Each Owner in the Expansion Area shall have the same rights and obligations as if such Owner was an Owner under the initial Declaration. All Owners acknowledge that the proportionate share of expenses and the corresponding assessments will be revised to reflect the presence of additional Lots. Each Owner also acknowledges that assessments could increase or decrease based on the facts and circumstances in effect at the time of such addition or subtraction.

11.2.7 Effective Date of Expansion. The Subdivision shall be deemed expanded when an amendment to this Declaration, executed by Declarant, is recorded with the Register's Office.

11.2.8 Effect of Expansion or Reduction on Outlots. To the extent that Owners have a tenancy in common interest in Outlots prior to an Expansion, the interests of such Owners will be deemed adjusted, upon the recording of an Expansion or reduction amendment and without more, to equally allocate ownership among all Owners, both pre-existing and new. The interest of any Mortgagee in Outlots by virtue of this tenancy in common interest, shall attach, by operation of law, to the new percentage interests in the Outlots appurtenant to the Lot on which it has its lien. Tenancy in common ownership rights in Outlots are extinguished for Lots removed from the Declaration pursuant to Section 11.2.3.

11.2.9 Reserved Easements. Declarant reserves easements over the Common Areas for the benefit of all portions of the Subdivision not yet included in this Declaration, for the purposes of vehicular and pedestrian access; installation, repair, maintenance and replacement of utilities to serve the Expansion Areas; marshaling of construction materials and personnel for improvements made to the Expansion Area; and the use of Common Improvements and Common Areas for recreational purposes consistent with those uses granted to Owners.

ARTICLE 12. REMEDIES

12.1 General Remedies. If any Owner or Occupant fails to comply with this Declaration, the Bylaws, or the Rules, such Owner or Occupant shall be liable for damages, subject to injunctive relief (including an order requiring the removal at the Owner's expense of Buildings constructed without ACC approval), subject to any other remedy provided by the Bylaws or at law, or all of the above, as a result of such noncompliance. The Association or, in a proper case, an aggrieved Owner, may bring an action because of such noncompliance.

12.2 Owner or Occupant Violation; Association Right to Cure. In addition to any other remedies provided herein, if any Owner or Occupant fails to comply with this Declaration, the Bylaws, or the Rules, which failure continues for a period of fifteen (15) days following written notice from the Association, the Association shall have the right, but not the obligation, to perform or cause to be performed such maintenance, replacement, restoration or commence litigation, arbitration or other proceeding or other action as the Association deems necessary or appropriate, in its sole discretion. Expenses incurred therefor by the Association shall be assessed against the Owner or Occupant and shall be subject to all rights and remedies reserved under this Declaration with respect to collection, expense, late payment penalties or interest, filing of a lien and/or foreclosure as reserved at Article 4 of this Declaration. Once the Association has taken such an action, it shall not be obligated to take any other or further action with respect to the same, similar or subsequent failure by the same or a different Owner or Occupant.

ARTICLE 13. EASEMENTS

13.1 Right of Entry. A right of entry to each Lot or Common Area is reserved to the Association to service utility installations located on, in or under such Lot or Common Area provided request for entry is made in advance and such entry is limited in scope so as to extend only as is reasonably necessary to service such utility installations. In case of emergency, entry by the Association onto any such Lot or Common Area may be made immediately, whether the Owner or Occupant of such Lot or Common Area is or is not present and without liability of the

Association or its agents if such entry is necessary for the safety or welfare of persons or property. Any damage or loss caused as a result of such emergency entry shall be the sole expense of the Owner or Occupant if, in the reasonable judgment of those authorizing the entry, such entry was for emergency purposes.

13.2 Common Area Easements. The Association may grant easements over and through the Common Areas for such purposes as the Board deems reasonable for the benefit of the Owners.

ARTICLE 14. TERMINATION

14.1 Termination. This Declaration shall be in effect for a period of twenty-five (25) years and automatically renewed for successive periods of ten (10) years each, unless terminated at the end of the original or any extended term by: (i) Declarant (if during the period of Declarant control of the Association), or (ii) the written consent of the owners of not less than ninety percent (90%) of the aggregate then existing Lots provided that no vote shall effect an amendment to or termination of any provision hereof conferring on or reserving a special right or easement to Declarant without the express written consent of Declarant, as appropriate. Voluntary termination of this Declaration must be express and shall be effective upon recording a written instrument to such effect in the office of the Register of Deeds. If the Owners decide to terminate the Association, a maintenance and operation plan for the Common Areas and Storm Water Facilities, if any, may need to be presented and approved by the Municipality prior to such termination. Nothing provided in this Section, by itself, terminates or shall be interpreted to authorize termination of any drainage easements, common area maintenance requirements, or other restriction herein that affects an interest in real estate while the record title to the real estate or an interest in the real estate remains in the State of Wisconsin or a political subdivision or municipal corporation of the State of Wisconsin, including the Municipality, and the duration of any such restriction shall be unlimited and perpetual, unless terminated by the benefitted political subdivision by record document.

ARTICLE 15. CONSTRUCTION AND EFFECT

15.1 Number and Gender. Whenever used herein, unless the context shall otherwise provide, the singular shall include the plural, the plural shall include the singular, and the use of any gender shall include all genders.

15.2 Including. Whenever used herein, the term “including” preceding a list of one or more items shall indicate that the list contains examples of a general principle and is not intended as an exhaustive listing.

15.3 Captions. The captions and article and section headings in this Declaration are intended for convenience and reference only and in no way define or limit the scope or intent of the various provisions hereof.

15.4 Severability. If any portion of this Declaration or its application to any person or circumstance is held to be invalid or unenforceable, the remainder of this Declaration, or the application of such provision, or any part thereof, to persons or circumstances other than those to

which it is held invalid or unenforceable, shall not be affected thereby. The remainder of this Declaration shall be valid, and enforced, to the fullest extent permitted by law.

15.5 Remedies. All remedies herein are cumulative.

15.6 Waivers. Whenever a waiver, consent or approval is required or permitted herein, it must be express and in writing; no waiver, consent or approval shall be implied. A waiver, consent or approval to any one matter shall not be deemed a waiver, consent or approval to any subsequent matter whether similar or not.

15.7 Assignment of Declarant's Rights. Declarant may from time to time assign any or all of the rights and benefits conferred on or reserved herein for Declarant in its status as such (as opposed to those rights or benefits conferred on or reserved for all Owners or groups thereof), by an instrument in writing specifically identifying the rights and benefits so assigned which is recorded in the Register's Office.

15.8 Other Regulation. Nothing herein shall preclude or restrict Declarant recording other covenants, conditions or restrictions which further regulate portions of the Subdivision which Declarant owns at the time of recordation.

15.9 Conflict. In the event any covenant or provision of this Declaration is in conflict with any ordinance, code or law of the Municipality or other governmental authority having jurisdiction, the governing authority shall control and supersede that provision of the Declaration. All remaining covenants and provisions of this Declaration shall remain in full force and effect

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, this Declaration has been duly executed as of the date first above written.

DECLARANT:

Wrenwood, LLC,
a Wisconsin limited liability company

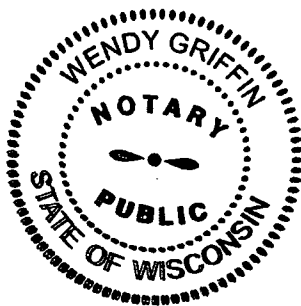
By: Neumann Developments, Inc., sole Member

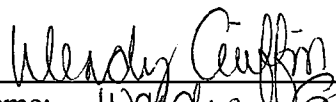
By: 
Steve DeCleene, President

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

Personally came before me this 21 day of September, 2022, the above named Steve DeCleene, President of Neumann Developments, Inc. sole member of Wrenwood, LLC, by its authority, and to me known to be the person who executed the foregoing instrument and acknowledged the same.

[SEAL]




Name: Wendy Griffin
Notary Public, State of Wisconsin
My commission: 2/5/25

This instrument was drafted by:
Kevin Anderson
Neumann Developments
N27 W24025 Paul Court, #Suite 100
Pewaukee, WI 53072

EXHIBIT A

Legal Description of the Subdivision

1. The Subdivision, being a redivision of Lot 4 of CSM No. 6890, being located in a part of the Northwest $\frac{1}{4}$, Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 23, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

2. Consisting of the following portions of the Subdivision:

Lots 1 thru 4 and Outlots 1, 2 & 3

Specifically excluding: Outlot #4 which shall be retained by Developer as an Expansion Area.

EXHIBIT B

Final Plat recording page attached for reference

WRENWOOD NORTH

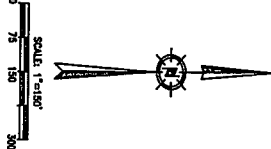
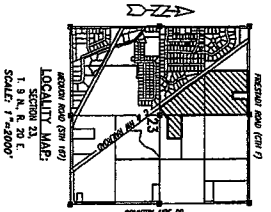
BEING A REDVISION OF LOT 4 OF CERTIFIED SURVEY MAP NO. 6890, BEING LOCATED IN A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANIA, WASHINGTON COUNTY, WISCONSIN.

OVERALL DETAIL SHEET

Document # 1586666
2022-09-21 11:16:00 AM
Amanda M. Matus
SOUTH HANCOCK
REGISTERED PROFESSIONAL
FEE \$600.00
Page: 6

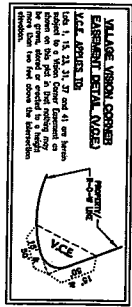
OWNER:
WRENWOOD NORTH, LLC
142724222 PAUL COURT, STE. 100
GERMANIA, WI 54940
PHONE: (920) 542-0000
FAX: (920) 540-5824

BUILDING SETBACK SUMMARY
MIN. FRONT SETBACK: 35 FT.
MIN. SIDE SETBACK: 12 FT.
MIN. REAR SETBACK: 12 FT.



TRIO
4100 N. Calhoun Road
Suite 200
Brookfield, WI 53005
Phone: (262) 799-4444
Fax: (262) 799-4444

GRADY L. GOSSETT
LAND SURVEYOR
4/15/12
5/12/12
6/19/12



GENERAL NOTES:

- 1. Indicates 3/4" 120" outside diameter x 1/8" long Polystyrene Bar with 1/2" dia. per lineal foot. All other lot and Outlot corners are staked with 0.750" outside diameter x 1/8" long Polystyrene Bar weighing 1.250 lbs. per lineal foot.
- 2. Indicates Found Monumentation (See Plat).
- 3. All linear measurements have been made to the nearest one-hundredth of a foot.
- 4. All angle measurements have been made to nearest second and compiled to the nearest half-second.
- 5. All bearings are referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone (NAD-83) in which the East line of the 1/4 of Section 25, Town 9 North, Range 20 East, bears North 02°04'40" West.
- 6. The Easements for Utility Street, Watermain, Storm Sewer and Driveway are herein granted to the Village of Germania.
- 7. The 25' wide Landscape Easements are herein granted to the Subdivision's Homeowners Association for installation, repairs and maintenance.
- 8. The Owners of the residential Lots 1 through 46 within the "Wrenwood North" Subdivision and any future additions to this subdivision, shall each own an equal undivided fractional interest in Outlots 1, 2 and 3 of the subdivision, which shall be subject to the same terms and conditions as the original subdivision, and the owner of any lot or Outlot in the Subdivision by reason of the subdivision.
- 9. Outlot 4 is to be retained by the Owner for future development.
- 10. All Wetland shown herein was field delineated and field located by STANTEC in 2017.
- 11. All Wetland Environmental Corridor (WEC) shown herein is per available Washington County records.
- 12. Stormwater Management Facilities are located on Outlots 1, 2 and 3 of this Subdivision. The Owners of the equal undivided fractional interest in this Subdivision shall each be liable for an equal undivided fractional interest in the cost of the construction, operation, maintenance and restoration of all facilities within this Subdivision. Said reports, maintenance and restoration shall be performed by the Owners of all lots within this Subdivision and any future additions to this Subdivision.

There are no objections to this plan with respect to Subdivision 236.15, 236.20 and 236.21 (1) and (2), Wis. Stats. as amended by 236.12, Wis. Stats.
Certified August 31, 2022
Renwick P. Pabst
Department of Administration

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSETT, P.L.S. (S-2972)

REVISED THIS 18TH DAY OF AUGUST, 2022
REVISED THIS 23TH DAY OF MAY, 2022
DATED THIS 13TH DAY OF APRIL, 2022

CERTIFIED SURVEY MAP (CSM) & SITE PLAN REVIEW

11/11/24 Plan Commission Meeting

OneEnergy Development, LLC / Wayne Lutynski

Village Staff Report & Recommendation

Germantown, Wisconsin

SUMMARY

OneEnergy Development, LLC, agent for Wayne Lutynski, property owner, is seeking approval of a Certified Survey Map (CSM) and site development plan to allow for an approximate 30-acre solar energy facility (i.e. "solar farm"). The site is zoned Agricultural (A-1) and is located at approximately N132 W18100 Rockfield Road in the Rural Preservation District.

Location: N132 W18100 Rockfield Road (Approximate Address)

Applicant/

Owner: OneEnergy Development, LLC
10 N Livingston Street, Suite 201
Madison, WI 53703

Wayne Lutynski
W167 N11183 Queens Court
Germantown, WI 53022

Zoning: A-1: Agricultural

Adjacent Land Uses		Zoning
North	Agricultural	A-1/A-2
South	Residential (Village & Town of Germ.)	RS-3/RS-4
East	Agricultural	A-1
West	Agricultural (Equestrian Center)	A-1



Background/Proposal

OneEnergy Development, LLC, agent for Wayne Lutynski, property owner, is seeking approval of a Certified Survey Map (CSM) and site development plan to allow for an approximate 30-acre solar energy project. The site is zoned Agricultural (A-1) and is located at approximately N132 W18100 Rockfield Road in the Rural Preservation District. As designated in the Comprehensive Plan institutional type uses are allowable in the Rural Preservation District, and the proposed use is a permitted use within the A-1 District requiring site plan review and approval.

As presented in the application, the proposed solar energy facility will consist of solar modules and associated collection equipment that delivers power to the electric grid serving local We Energies customers. The solar facility will have a capacity of six (6) megawatts (MW) capable of serving 1,400 average Wisconsin households. The on-site equipment will consist primarily of solar modules mounted on single-axis tracking racking. These panels generate direct current (DC) electricity. Approximately 24 inverters, situated throughout the array area, convert the DC electricity to alternating current (AC) electricity to allow it to be delivered to the existing electric distribution system. Two (2) transformers increase the AC voltage produced by the inverters to the grid voltage of the existing 3-phase distribution line to which the project connects.

The facility will be an unmanned plant that will operate through local and remote control and monitoring. The solar photovoltaic (PV) system will be monitored remotely through the Utility Energy Management System and the integrated Data Acquisition System (DAS), which signals alerts for any irregular operating condition. Scheduled maintenance will occur once annually to inspect all elements of the project to ensure optimal performance. After construction is complete (typically 4-6 months from start date and targeted for late 2025), there will be limited access to the site for periodic inspections (monthly), maintenance and vegetation management. Per submittal documents, the following are additional details associated with the proposal:

- Hours of Operation: The solar facility will operate during daylight hours. This facility will not be continuously staffed and will not be open to the public. It is anticipated that once construction is complete, operations and maintenance personnel (one or two people) will access the site once or twice per month for inspection or minor maintenance.
- Number of Employees: There will be no employees stationed at the facility. As noted in Item No. 1 above, one or two people will visit the site a once or twice each month for inspection and minor maintenance, as needed.
- Anticipated Customers: No customers will be served at the facility, and there will be no traffic associated with such customers. The renewable electricity generated from the facility will be used to serve the needs of local utility customers.
- Outside Storage: None proposed.
- Outdoor Activities: Inspection of the solar electric system and periodic maintenance as described above.
- Outdoor Lighting: No permanent outdoor lighting is proposed.
- Outside Loudspeakers: None.

-
- Proposed Signs: The site will only include necessary safety signage with contact information for the Project Operations team and an entrance sign.
 - Trash Removal: There will not be trash generated at this site.

As it pertains to this proposal, the expected useful lifespan of the project is 30-50 years, meaning the project will be decommissioned and the site restored after there is no longer an economical reason for the solar facility to keep operating. Note that a Solar Generating Facility Decommissioning Plan was provided by the applicant and is attached. During the project's existence the property owner intends to continue farming the portion of land unaffiliated with the solar facility.

According to their website ([link](#)), *"OneEnergy is a Public Benefit Corporation with a mission to fight climate change by making clean energy the number one source of electricity for consumers and utilities."* The company has five (5) listed office locations with a regional office in Madison, WI. OneEnergy has a portfolio that includes implementation of solar energy projects across the country, including 42 projects in the Midwest and 31 of those being in Wisconsin. More information on the company and their profile statistics are included in the attachments section.

Certified Survey Map (CSM)

The development site is currently comprised of four (4) parcels totaling 54 acres. The applicant submitted a Certified Survey Map (CSM) to combine the parcels to create one (1) lot for development purposes (i.e. applicable setbacks and development standards). Below are the parcels that would be combined into an individual lot:

- GTNV_091986 (10.0 Acres) – Vacant
- GTNV_091987 (8.37 Acres) – Vacant
- GTNV_092979 (20.0 Acres) – Vacant
- GTNV_092994 (16.0 Acres) – Existing Barn Structure

Site Plan

As indicated in the application and site plan, the proposed solar energy facility is approximately 30 acres in size and will contain the primary components of bifacial solar panels, inverters and transformers, access drive (16' width), perimeter 8' fencing, and vegetative screening. These components and additional details are spelled out further in this section.

Site & Land Use Summary

Total property acreage:	54.25
Solar facility acreage:	27.69
Access road acreage:	0.61
Module count:	11,960
Inverter count:	24
Solar Array Height:	8' (Average); 10' (Maximum)

Landscape and Buffering

The applicant submitted a landscape plan that includes vegetative screening along the

southern boundary of the solar facility, running parallel to and on the outside of the perimeter fence/enclosed area. The screening is shown to run the entire width of the property with evergreen trees planted every 25'. It is understood the screening is proposed along the southern boundary of the facility as there are nearby homes, although several hundred feet away, to the south of the facility. The property to the west, which contains an equestrian center, is buffered by a natural tree line between the properties, while the properties to the north and east are large undeveloped plots of land. Finally, an 8' tall agricultural (i.e. deer-exclusion style) fence will enclose the site where the solar array panels are located.

Access and Traffic Circulation

Access to the site will be provided through a private driveway entrance (existing) from Rockfield Road. The drive will extend several hundred feet straight north from Rockfield Road until its terminus in the center of the solar panel area. The drive is proposed at 16' in width and made of aggregate material. Note that a separate property owner shares access to the driveway from Rockfield Road to gain entry into his/her private property where their home is located. The entry to this resident's property is roughly 80-100 feet north of Rockfield Road, meaning shared access is for that distance until the separate property owner's drive breaks off to the west.

Minimal traffic is anticipated in relation to the solar energy facility, as the applicant states the facility will not be continuously staffed and will not be open to the public. It is anticipated that once construction is complete, operations and maintenance personnel (one or two people) will access the site once or twice per month for inspection or minor maintenance. There will be no employees stationed at the facility and no customers will be served at the facility.

Vegetation Installation and Stormwater Management

The project proposal includes the installation of native prairie plants on site. A vegetation plan was submitted specifying that the site will be managed for native pollinator habitat after the construction of the solar arrays. According to the submitted vegetation plan, there are several benefits of pollinator habitats with native plantings on solar sites, including but not limited to the following:

- Restores soil by preventing erosion.
- Improves soil structure and fertility.
- Increases carbon storage.
- Diversifies microbial communities.
- Increase value of soil for future agricultural production.

In order to implement the pollinator habitat, the plan lays out site preparation tasks, temporary/permanent seeding timing, management and monitoring guidelines, which includes invasive species management. While native prairie plants are known to prevent stormwater runoff and improve surrounding water quality, the applicant is required to supplement the submitted vegetation plan with a stormwater management plan.

Utilities

As the purpose of this project is for the solar facility to produce and deliver power to the

electric grid, there is a proposed point of connection with the electric grid at the site's entrance at Rockfield Road. Sanitary and water utilities are not needed/required to serve the proposed solar energy facility.

Signage Plan

Staff understands the only signage proposed is safety/wayfinding signage that includes contact information for the Project Operations team and an entrance sign.

Lighting

According to the application, no permanent outdoor lighting is proposed.

Recap/Update – 10/14/24 Plan Commission Meeting

This case was heard by the Plan Commission at its October 14 meeting, and the case was tabled/continued by the Plan Commission. During the meeting there was an abundance of questions from the Plan Commission, Town of Germantown, and the public, which the applicant responded to. For a summary of the discussion please refer to the meeting minutes from the 10/14 meeting, but for a list of the main questions brought up and the response provided by the applicant please see below:

- **Town of Germantown Road (Rockfield Road) and Potential Damages from Use**
"We often have a road agreement with jurisdictions in which we work, committing us to repair any damage caused by construction traffic. As part of this, we often have a haul route that all deliveries must follow, which usually minimizes traffic along subject Town roads... The haul route I drafted keeps trucks to the east of the project and uses about 0.5 miles of town road before turning onto county and state roads..."
- **Noise/Traffic During Construction and Consideration of the Nearby School**
"Project construction takes 4-6 months, and the majority of our work takes place over 2 months in the summer when school is not in session. We have natural limits to how many deliveries we can accept because of the number of staff on site. We can receive one or two trucks that are similar in size to a grain hauler delivering equipment per day. The greatest amount of traffic would be at the very beginning, with dump trucks hauling aggregate in to build the access drive, similar to constructing the access to a home that's set back a ways from the road. Long term, the project would have maybe one truck per month on the high side."
- **Power Route and Ending Location**
"The electricity produced by the solar project would be used by the nearest load (i.e. the people who live and work near to the project). The electricity will connect to the existing distribution lines along Rockfield Road with minimal upgrades. The plan shows an underground medium voltage line connecting from the project to an existing pole just west of the existing driveway."
- **Chemical Use to Clean Solar Panels and Potential Impact**
"The solar panels do not get cleaned because it rains frequently enough in this area that they do not experience significant soiling. Chemicals are not applied to the solar panels."

-
- Glare from Solar Panels
"The Glare Analysis we submitted shows no glare. The solar panels track the sun, and any reflection would therefore be angled back at the sun and not at neighboring properties."
 - Site Remediation Plan after Lease Contract
"The project is required to be decommissioned at the end of its useful life or after any period of 12 months that it is not operational. This is guaranteed in the lease as well as our permit application materials. The Decommissioning Plan details the process for removal. These obligations are required of any future owner of the project, if for example OneEnergy went out of business or if the project was purchased by the utility company."

After the public comment period and applicant responses to the questions asked, the Plan Commission tabled/continued the case and directed staff to engage with the Town of Germantown regarding a Road Use Agreement for Rockfield Road in consideration of the project implementation process. The direction provided by the Plan Commission was that all parties (Village, Town, and OneEnergy) shall be involved during discussion on the Road Use Agreement. Since the 10/14 Plan Commission meeting, staff and the applicant have reached out to Town officials and provided a draft Road Use Agreement for review. Currently though, no meeting has taken place between the aforementioned parties.

Staff Comments

Community Development: Planning and Zoning

The project site is in the "Rural Preservation District" under the Village's 2050 Comprehensive Plan and is zoned A-1 Agricultural. The Comprehensive Plan designation lists institutional type uses as allowable and the A-1 District is intended to provide for the continuation of general farming and related uses in those areas of the Village that are not committed to urban development. It is further the intent of the district to protect rural lands in the Village from urban development until their orderly transition into urban-oriented districts is required. Therefore, the proposed use of "solar energy conversion system" is a permitted use within the A-1 District.

Wisconsin has enacted statutes that protect solar development and limit municipal oversight. Wisconsin Statute § 66.0401 explicitly limits the authority of municipalities to regulate solar energy systems. Under Wis. Stat. § 66.0401(1m), municipalities may not place any restriction on the installation or use of solar energy systems unless the restriction satisfies one of the following conditions:

- Serves to preserve or protect the public health or safety;
- Does not significantly increase system cost or decrease efficiency; or
- Allows for an alternative system of comparable costs and efficiency.

The above-mentioned statute is not superseded by municipal zoning powers. As proposed, however, the project complies with the A-1 District zoning standards. The solar array structures comply with setbacks, building height, and the proposed agricultural fence complies with code. While there is no applicable lot coverage standard in the A-1 District, there is little change to the amount of impervious surface

quantity through implementation of the project.

OneEnergy has committed through its lease agreement with the landowner to remove the system at the end of the project life, including provisions to ensure that there is adequate financial security set aside to perform such decommissioning. When the project is decommissioned, all infrastructure will be removed, and the site will be restored to predevelopment conditions for continued agricultural use with rested and restored soils. Please see attached Decommissioning Plan.

Additionally, the applicant submitted a Glare Analysis performed by ForgeSolar. According to the analysis there was no glare found for all photovoltaic (PV) solar arrays.

Community Development: Inspection Services

State agency (DSPS) approved plans and a \$20,000 bond are required by Inspection Services. The Village of Germantown is an authorized delegated agent of DSPS to provide all commercial plan review and inspection services through SAFEBuilt of Wisconsin and the Village of Germantown.

Public Works/Village Engineer/Village Surveyor

The Village Engineer and Village Surveyor have identified technical issues and plan revisions that need to be resolved or otherwise addressed by the applicant prior to commencing construction activities. Staff is recommending a condition requiring all outstanding items and issues identified in the following review memos be resolved and reflected in additional information and/or revised plans submitted to staff for further review, comment, and approval prior to commencing any site construction:

- September 14, 2024 – Review Memo from Village Surveyor
- September 25, 2024 – Review Memo from Village Engineer

Village Forester

After review of the landscape screening and vegetation plan, the Village Forester had one comment for the applicant to address as follows: "Include evergreen tree species selection, nursery stock selection, and caliper sizes. Additionally, include planting/tree installation specifications."

The applicant acknowledged this review comment and has submitted a response and revised plan for staff review.

Fire and Police Departments

The Fire Department is requiring an additional ingress/egress point to the solar facility on the northeast side. The additional access point can be provided by installing a gate per the Fire Department, which the applicant since has acknowledged and agreed to. No comments were made by the Police Department.

VILLAGE STAFF RECOMMENDATIONS

APPROVE the proposed 1-lot Certified Survey Map (CSM) for OneEnergy Renewables solar project located at approximately N132 W18100 Rockfield Road, subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor (see September 14, 2024, memo from Bob Beilfuss, PLS) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. The CSM be revised to denote a front setback of 60' in accordance with the A-1 District. Any pre-existing structures found to be within this setback shall be noted as "nonconforming" on the CSM.

APPROVE the site development plan submitted by OneEnergy Development, LLC for a solar energy facility approximately 30 acres in size containing bifacial solar panels, inverters and transformers, access drive (16' width), perimeter 8' fencing, and vegetative screening for property located at approximately N132 W18100 Rockfield Road, subject to the following conditions:

1. This approval is for the plan sheets that comprise the site plan set as noted below and is subject to compliance with all the conditions and requirements set forth herein and subsequently adopted and/or revised by the Plan Commission. Approval is granted for the following unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:
 - a. *Site Development Plan dated October 2, 2024.*
 - b. *Vegetative Screening Plan dated August 26, 2024.*If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.
2. The Vegetative Screening Plan shall be subject to final acceptance by the Village Forester and Community Development staff prior to commencement of construction.
3. The technical issues and plan revisions identified in the September 25, 2024, memo from the Village Engineer shall be addressed in revised plan sheets and/or supplemental documents as necessary prior to commencing construction activities (excluding early start site preparation).
4. Site operations are limited to the proposed activity by the applicant per the submitted/attached "Solar Generating Facility Operations Plan".
5. State agency (DSPS) approved plans and a \$20,000 bond are required by Inspection Services. The Village of Germantown is an authorized delegated agent of DSPS and may be used as an alternative to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.

-
6. A gate shall be installed providing another ingress/egress point into the solar array facility on the northeast side of the development site. The gate installation and specifications shall be approved and inspected by the Fire Department prior to commencement of facility operations.
 7. Applicant shall install the agricultural/wildlife perimeter fence with openings at the bottom (i.e. at-grade) to allow greater wildlife movement.
 8. The maximum height of the solar array panels (i.e. structures) shall be 10' from established grade.
 9. All temporary and permanent exterior signs require a permit and shall comply with all current Village sign regulations and requires a permit if/when allowed.
 10. Applicant shall provide a commitment to the Village including provisions to ensure that there is adequate financial security set aside to perform the specified decommissioning of the project and any restoration needed to be performed to the shared access drive after construction of the project or its decommissioning. Said commitment shall be reviewed and approved/accepted by the Village Attorney.
 11. Applicant shall enter into a road use/maintenance agreement with the Village and Town that is reviewed and approved by the Village Attorney prior to the issuance of any building permits.
 12. Pursuant to Section 17.47 of the Zoning Code, if the Village observes and/or receives complaints regarding negative impacts associated with and/or created by construction activities or the facility's day-to-day operation on the property, including but not limited to glare, noise, or dust, among other things, the Property Owner/Operator shall work with the Village to identify the source of such impact(s), evaluate alternative mitigation measures, and implement a mutually-agreeable solution to mitigating the impact(s).



Village of



Fee must accompany application

☐ \$2,900 with public improvements

☒ \$1,960 no public improvements

Paid OR Date 8/9/24
CHK # 004856

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

OneEnergy Development, LLC

PROPERTY OWNER

Wayne Lutynski

Phone (262) 573-3089

Fax ()

E-Mail peter@oneenergyrenewables.com

Phone (414) 659-8901

PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

2

Approximately 43.257821, - 88.131597

091986, 091987, 092979, 092994

3

PURPOSE OF LAND SPLIT

Combine parcels

Will the land split require rezoning?

No

From

To

4

READ AND INITIAL THE FOLLOWING:

X

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.

X

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.

X

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.

X

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!

Applicant

8/6/2024

Date

Owner

8/6/24

Date

OFFICE OF THE VILLAGE PLANNER
VILLAGE OF GERMANTOWN
Page 70 of 308



Fee must accompany application

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

PAID

DATE

QR 8/9/24
CHK #004856

SITE PLAN REVIEW APPLICATION

Pursuant to Section 17.43 of the Municipal Code

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

1

APPLICANT OR AGENT

OneEnergy Development, LLC

Phone (262) 573 - 3089

E-Mail peter.murphy@oneenergyrenewables.com

PROPERTY OWNER

Wayne Lutynski

Phone (414) 659 - 8901

E-Mail

2

PROPERTY ADDRESS

To be assigned. Approximately 43.257821°, -88.131597°

3

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

North Saddle Up LLC, A-2, Agricultural
(Horse Stable),
MARLENE KASTEN, MARY LYNN
PROST ET AL, A-1, Agricultural

South
Residential homes, RS-3 & RS-4

East
Milwaukee Metropolitan
Sewerage District, A-1,
Agricultural

West
Saddle Up LLC, A-1,
Agricultural (Horse
Stable)

4

READ AND INITIAL THE FOLLOWING:

- ☒ I am aware of the Village of Germantown ordinance requiring fire sprinklers in most new construction.
- ☒ I understand that all new development is subject to Impact and/or Connection Fees that must be paid before building permits will be issued.
- ☒ I understand that an incomplete application will be withdrawn from the Plan Commission agenda and that all resubmissions to the Plan Commission are subject to a new application fee.

5

SIGNATURES – ALL APPLICATION MUST BE SIGNED BY OWNER!

Peter Murphy

8/6/2024

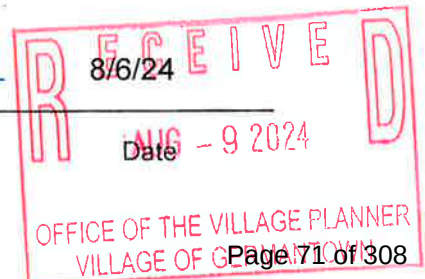
Applicant

Date

Wayne Z

Wayne Lutynski (Aug 6, 2024 13:28 CDT)

Owner





GERMANTOWN SOLAR Project Overview

OneEnergy Renewables is in the process of developing a 6 MW solar project in the Village of Germantown, Washington County, WI. The project is located north of Rockfield Road (Please see site plan on reverse). OneEnergy Renewables will develop, design, and construct the solar project, and electricity from the project will serve local We Energies customers.

The project will occupy approximately 30 acres, and has an expected useful life of 30-50 years, providing clean, local renewable energy for years to come. At the height of construction, roughly 30 people will be employed on this project. *Solar installer* is one of the fastest growing jobs in the USA.

SYSTEM STATISTICS

6 Megawatts
~30 acres
~12,000,000 kWh per year

MAIN SYSTEM COMPONENTS

- Single-axis tracker (tracks the sun from east to west throughout the day)
- Bifacial solar panels
- Inverters
- Transformers

12,000,000 kWh of electricity per year, equivalent to...



1,400

AVERAGE WISCONSIN
HOUSEHOLDS



9,241

TONS OF CO₂ AVOIDED,
LIKE TAKING 1,600+
CARS OFF THE ROAD*



9,787

ACRES OF U.S.
FOREST CARBON
SEQUESTRATION*

Sustainable Design and Construction

The area beneath and around the panels will be planted to a low-growing perennial pollinator mix. This increases water infiltration relative to conventional row-cropping. Water that flows off solar panels is safe for people and wildlife.

The project area will be fenced within an 8' tall deer-exclusion style fence, similar to what one might find around an orchard. The area surrounding the project will continue to be farmed.

When the project is decommissioned, all infrastructure will be removed, and the site restored to pre-development conditions for continued agricultural use with rested and restored soils.

Contact

PETER MURPHY
PROJECT MANAGER

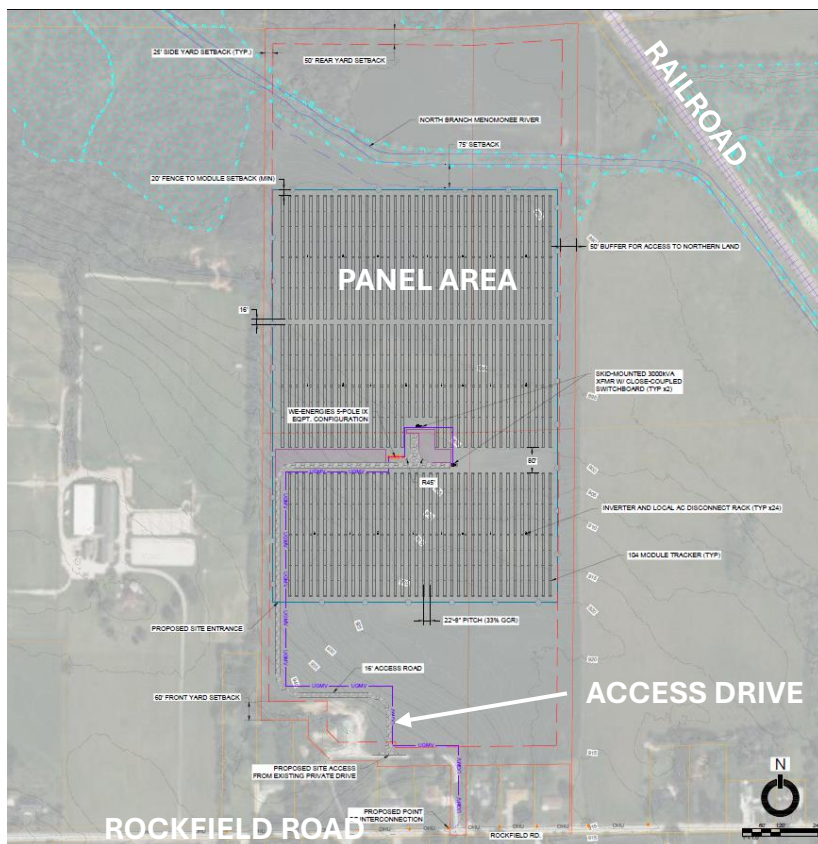
(414) 768-2590 |C

peter@oneenergyrenewables.com

10 N. Livingston St, Suite 201
Madison, WI 53703



PROPOSED GERMANTOWN SOLAR PROJECT SITE PLAN



Village of Germantown, WI

Germantown Solar Project

Applicant:

**OneEnergy Development, LLC
10 N. Livingston St., Suite 201
Madison, WI 53703**

Contents

A. General Land Use Description.....	3
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E. Wetland and Drainage Facilities	7
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G. Operations & Vehicular Traffic Description	8
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Exhibits

Exhibit A – Site Plan

Exhibit B – Operations Plan

Exhibit C – Vegetation Management Plan

Exhibit D – Project Profile

Exhibit E – Decommissioning Plan

Exhibit F – Survey Map

Exhibit G – Glare Analysis



Background

The Germantown Solar Project (the “Project”) is a proposed 6 Megawatt solar generation facility. OneEnergy Development, LLC (“OneEnergy” or “the Applicant”) will develop, engineer, and construct the Project.

The Applicant will complete all environmental studies and surveys required to construct the Project, including the following: wetland delineation, Phase I Environmental Site Assessment, soil analysis, Wisconsin State Historical Preservation Office, and endangered resources review. The Project is not expected to impact natural resources.

The Applicant intends to start construction on the Project in the spring of 2025, pending receipt of all required permits and approvals and availability of key equipment for the project. Construction of the project is expected to take approximately 4-6 months. If construction starts in spring of 2025, the Project is expected to be completed by the end of 2025. If construction is delayed due to key equipment availability or other issues until spring of 2026, the project is expected to be constructed and operational by the end of 2026. Once complete, the Project will generate local power for local customers within We Energies’ service territory.



Strobus Solar Project in Black River Falls, WI

A. General Land Use Description

Location

The Project is located on approximately 30 acres of vacant land in the Village of Germantown known as parcels 092994, 092979, 091987, and 091986 at the north of Rockfield Road and east of Maple Road. The land is part of a larger 54-acre group of parcels owned by Wayne Lutynski.

Zoning

The proposed Project is situated on land that is zoned A-1 Agricultural Preservation District. Adjacent parcels are farms, several homes, and a horse training facility, zoned A-1, A-2, RS-4, and RS-3.

Setbacks

OneEnergy commits to following all applicable Setbacks (please see Village of Germantown Ordinance 17.12(5) and 24.04)

- (a) Front Setback. 60 feet, minimum.
- (b) Side Yards. 25 feet, minimum, except that bee hives and buildings used for keeping livestock and poultry, and all new buildings constructed after the effective date of this Code shall have yards of not less than 50 feet.

(c) Rear Yard. 50 feet, minimum.

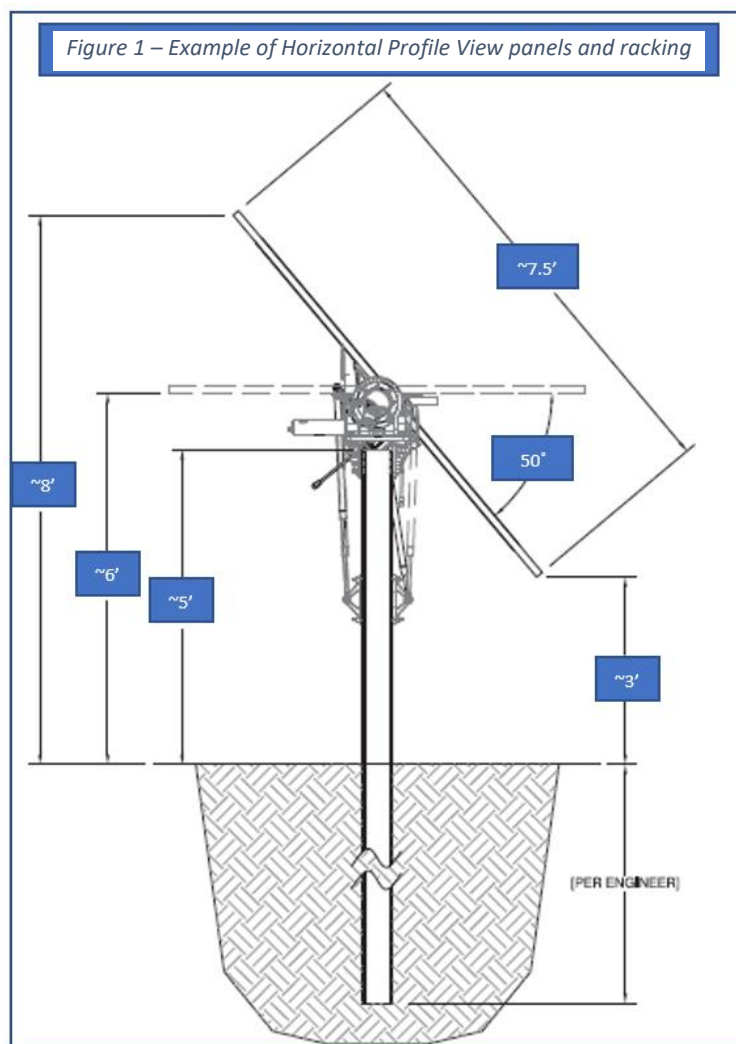
Setback from navigable waterway located to the north: 75'

Description of Equipment

Racking and Panels

The racking for the proposed project consists of driven steel I-Beams that are embedded approximately 10' into the ground, and extend approximately 5' above ground. A torque tube connects to the top of the I-Beams, and the panels are mounted to the top of the torque tube. All components of the racking system are galvanized steel.

Below is a depiction of the horizontal profile view of the panels and racking, which will run in rows from north to south throughout the site and will track the sun from east to west throughout the day. At their maximum angle in morning and evening, the panels are 50 degrees from horizontal facing either east (morning) or west (evening). At mid-day, the panels are flat. At their maximum tilt angle in morning and evening, the tallest part of the panel is ~8' above ground level.



Solar Panels

Crystalline silicon solar PV panels, which represent ~95% of the installed solar panels in the US, consist primarily of tempered glass, silicon wafers, anodized aluminum, and wiring, all of which can be recovered and recycled at the end of their useful life. PV panels are extremely durable and built for long service life, as indicated by their 30-year warranty.

Inverters, Transformer, Electrical Rack

The inverters, electrical panels and transformers will be located in the middle of the project as depicted in the site plan. Most equipment (inverters, electrical panel, etc.) will be mounted on driven pilings similar to the pilings that support the solar panels and racking with a maximum height of 8 feet. The transformers and disconnects will be mounted on a concrete pad. These pieces of electrical equipment look similar to what you would see at a large load service like a grocery store.

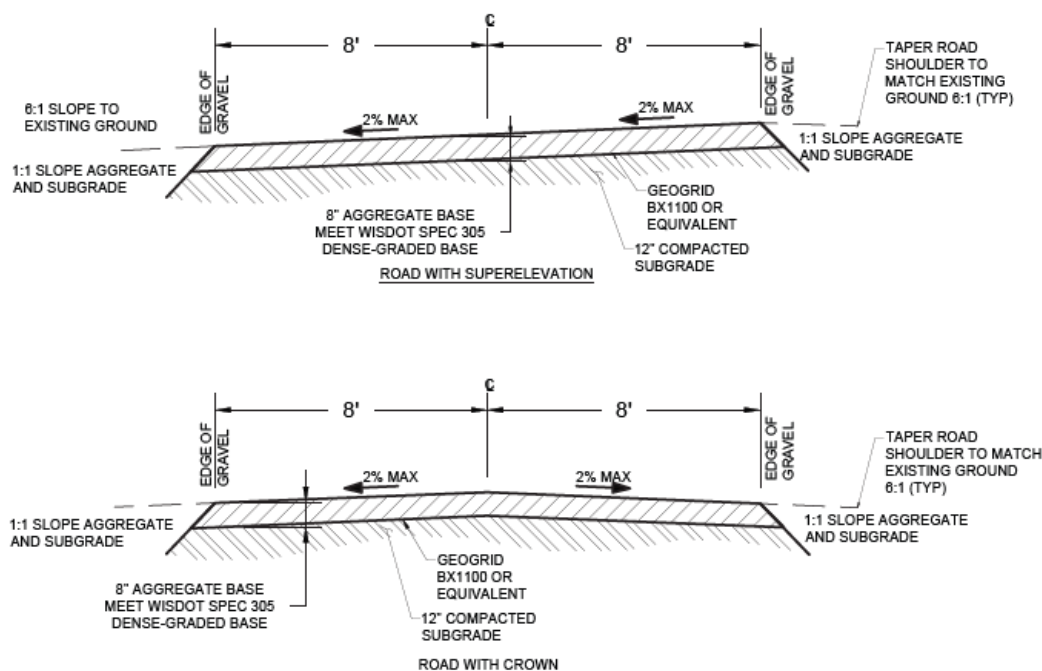


Image 3 - Hodag Solar Project in Rhinelander, WI

Access Drive

The access drive is proposed to be 16' wide and will come off of Rockfield Road. The access drive will be installed below depending on the slope. The access drive is installed at-grade to minimize changes to existing drainage patterns.

Figure 2 – Example of Access Drive Design Detail



Fence

A fence will surround the solar project and will be an 8' tall agricultural-style fixed knot wildlife exclusion fence similar to what you might see around an orchard. The fence will have either wood or steel posts.



Image 4 – Fence at Rushford Village Solar Project in Rushford Village, MN



Image 5 – Fence at Blue Prairie Solar Project in Black River Falls, WI

B. Scale Map of the Project Site

Please see **Exhibit A - Proposed Site Plan** for dimensions and location of proposed facilities. OneEnergy designs our projects using highly efficient bifacial solar panels and single-axis tracking racking. Using this equipment, a 6 Megawatt solar system can be located on approximately 30 acres of relatively flat topography and, most importantly, consistent elevations in the north-south direction.

The proposed project is expected to produce enough electricity for approximately 1,400 average Wisconsin residences, or almost 17% of the electricity needs of the Village of Germantown's approximately 8,280 households.

C. Landscaping

The Project will be developed in a manner that complements the agricultural setting by using an agricultural-style fence, either a pasture for grazing sheep or a pollinator seed mix to attract bees and birds. Topsoil integrity will be preserved throughout construction by pre-seeding a cover crop prior to construction to minimize erosion and compaction, as well as by minimizing grading within the site. The permanent seeding will



take place after construction is complete, and will conform with Wisconsin DNR recommendations for solar projects. The final landscape plan will be developed in partnership with the Wisconsin DNR and in compliance with all applicable stormwater requirements. By planting dense perennial vegetation beneath and around the solar panels, the project provides ecosystem services associated with pollinator benefits, soil building, increased water infiltration and reduced stormwater runoff compared to regularly tilled farmland. Please see **Exhibit C –Vegetation Management Plan**.

D. Wetland and Drainage Facilities

The project is designed to minimize soil disturbance and drainage alterations as much as possible. OneEnergy anticipates limited ground disturbance for the installation of the solar array and will ensure all grading is done in compliance with recommended best practices for stormwater and sediment erosion control. Because the project will occupy more than one acre, OneEnergy will be required to comply with the Wisconsin Department of Natural Resources NPDES Construction General Permit, which has the following requirements:

- Implement Best Management Practices to control sedimentation during construction, i.e. silt fencing, fiber logs, temporary stabilization, etc.
- Submittal of a Water Resource Application for Project Permits (WRAPP)
- Develop a Stormwater Management Plan approved by the Wisconsin DNR prior to commencement of construction

Sedimentation will be controlled from leaving the project area after construction by changing the land use of the project area from cultivated agricultural land to nearly 100% vegetated ground cover. The pollinator meadow growing beneath and around the solar panels acts as a vegetative buffer that covers ~95% of the site. Runoff from the access roads and concrete pads will travel through the vegetative cover prior to leaving the project area. Water that runs off panels into the proposed dense pollinator planting below will act as a natural vegetative buffer which will increase infiltration and act as erosion control to help the site meet required standards.

OneEnergy solicited records from the landowner on any known drain tile on the property, reviewed aerial photographs available on Google Earth, and studied the Project Area for evidence of drain tile. OneEnergy then contracted environmental resource specialists Emmons & Olivier Resources (EOR), to evaluate the Project site for evidence of drain tile. Based on all available information and EOR's expert opinion, there is not expected to be drain tile within the project area

E. Construction Schedule

OneEnergy's goal is to finalize engineering in the winter of 2024-2025, to enable purchasing of long-lead equipment in early 2025 and construction during the months of May to October, 2025. If construction is delayed due to key equipment availability or other issues until spring of 2026, the project is expected to be constructed and operational by the end of 2026.

A project of this size typically takes 4-6 months to construct. The Project is intended to start construction in the summer of 2025 and be complete by the end of 2025. A tentative construction schedule is as follows:

Civil Work and Fencing Install	5/1/2025	5/31/2025
Pile Installation	6/1/2025	7/1/2025
Racking and Module Installation	7/1/2025	9/1/2025
Wiring and Transformer Installation	9/1/2025	10/15/2025
Pollinator Seeding and Revegetation	10/15/2025	11/1/2025
Target In-service Date	11/1/2025	

F. Operations & Vehicular Traffic Description

During operation, the Facility will be an unmanned plant that will operate through local and remote control/monitoring. Please see **Exhibit B –Operations Plan**. During construction, we anticipate that there will be between 5 and 30 construction workers on-site for the 6-month period (May-October) during which the bulk of construction will take place. Adequate provision for parking of such construction staff has been included in the design of the laydown area within the site perimeter. Additionally, deliveries will be expected during business hours. It is not expected that more than 3-4 delivery trucks will arrive at the site per day during construction. Following construction, traffic will be very limited. We typically expect approximately one pickup truck to visit the site per month during the operational period for routine site maintenance and mowing.

G. Decommissioning and Removal

OneEnergy has committed through its lease agreement with the landowner to remove the system at the end of the project life, including provisions to ensure that there is adequate financial security set aside to perform such decommissioning. When the Project is decommissioned, all infrastructure will be removed, and the site will be restored to predevelopment conditions for continued agricultural use with rested and restored soils. Please see **Exhibit E – Decommissioning Plan**.

H. About OneEnergy

OneEnergy is the leading developer of community-scale solar projects in Wisconsin, having developed 42 projects in Wisconsin and adjacent states totaling 155 MW, and 31 projects totaling 125 MW in Wisconsin that are currently operating or under construction. Our regional team, consisting of developers, engineers, legal and construction managers based out of our Madison office, completed development, engineering and in 2023 managed the construction of 16 projects in Wisconsin, including:

- A series of four 7.5 Megawatt projects for WE Energies located in Kenosha, Washington, Walworth and Shawano Counties
- A portfolio of 10 projects for rural electric cooperatives in Western Wisconsin.

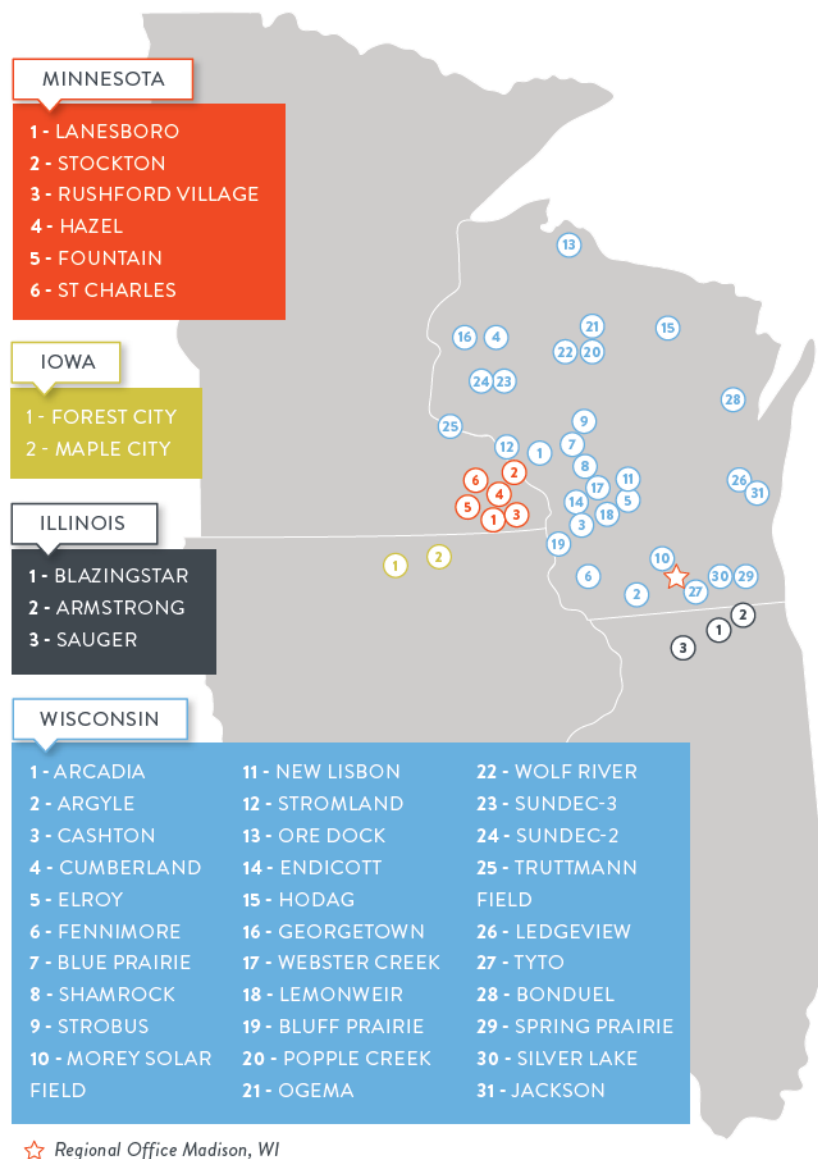


Figure 3 – OneEnergy Midwest Solar Projects

OneEnergy Renewables

Germantown Solar Project

Solar Generating Facility Operations Plan

Type of Activity Proposed: OneEnergy Development, LLC is proposing to build a solar generation project (the “Facility” or “Project”) located on approximately 30 acres, consisting of solar modules and associated collection equipment that delivers power to the electric grid. The Facility will have a maximum capacity of 6 MW AC. The on-site equipment at the Facility will consist primarily of solar modules mounted on single-axis tracking racking. These panels generate direct current (DC) electricity. Approximately 24 inverters, situated throughout the array area, convert the DC electricity to alternating current (AC) electricity to allow it to be delivered to the existing electric distribution system. Two transformers increase the AC voltage produced by the inverters to the grid voltage of the existing three-phase distribution line to which the Project connects.

The Facility will be an unmanned plant that will operate through local and remote control and monitoring. The PV system will be monitored remotely through the Utility Energy Management System and the integrated Data Acquisition System (DAS), which signals alerts for any irregular operating condition. Scheduled maintenance will occur once annually to inspect all elements of the project to ensure optimal performance. After construction is complete, there will be limited access to the site for periodic inspections (monthly), maintenance and vegetation management.

The Facility will provide solar electricity to serve the needs of local utility customers.

1. **Hours of Operation:** The solar facility will operate during daylight hours. This Facility will not be continuously staffed and will not be open to the public. It is anticipated that once construction is complete, operations and maintenance personnel (one or two people) will access the site once or twice per month for inspection or minor maintenance.
2. **Number of Employees:** There will be no employees stationed at the Facility. As noted in Item No. 1 above, one or two people will visit the site a once or twice each month for inspection and minor maintenance, as needed.
3. **Anticipated Customers:** No customers will be served at the Facility, and there will be no traffic associated with such customers. The renewable electricity generated from the Facility will be used to serve the needs of local utility customers.
4. **Outside Storage:** None proposed.
5. **Outdoor Activities:** Inspection of the solar electric system and periodic maintenance as described above.
6. **Outdoor Lighting:** No permanent outdoor lighting is proposed.
7. **Outside Loudspeakers:** None.
8. **Proposed Signs:** The site will only include necessary safety signage with contact information for the Project Operations team and an entrance sign.
9. **Trash Removal:** There will not be trash generated at this site.

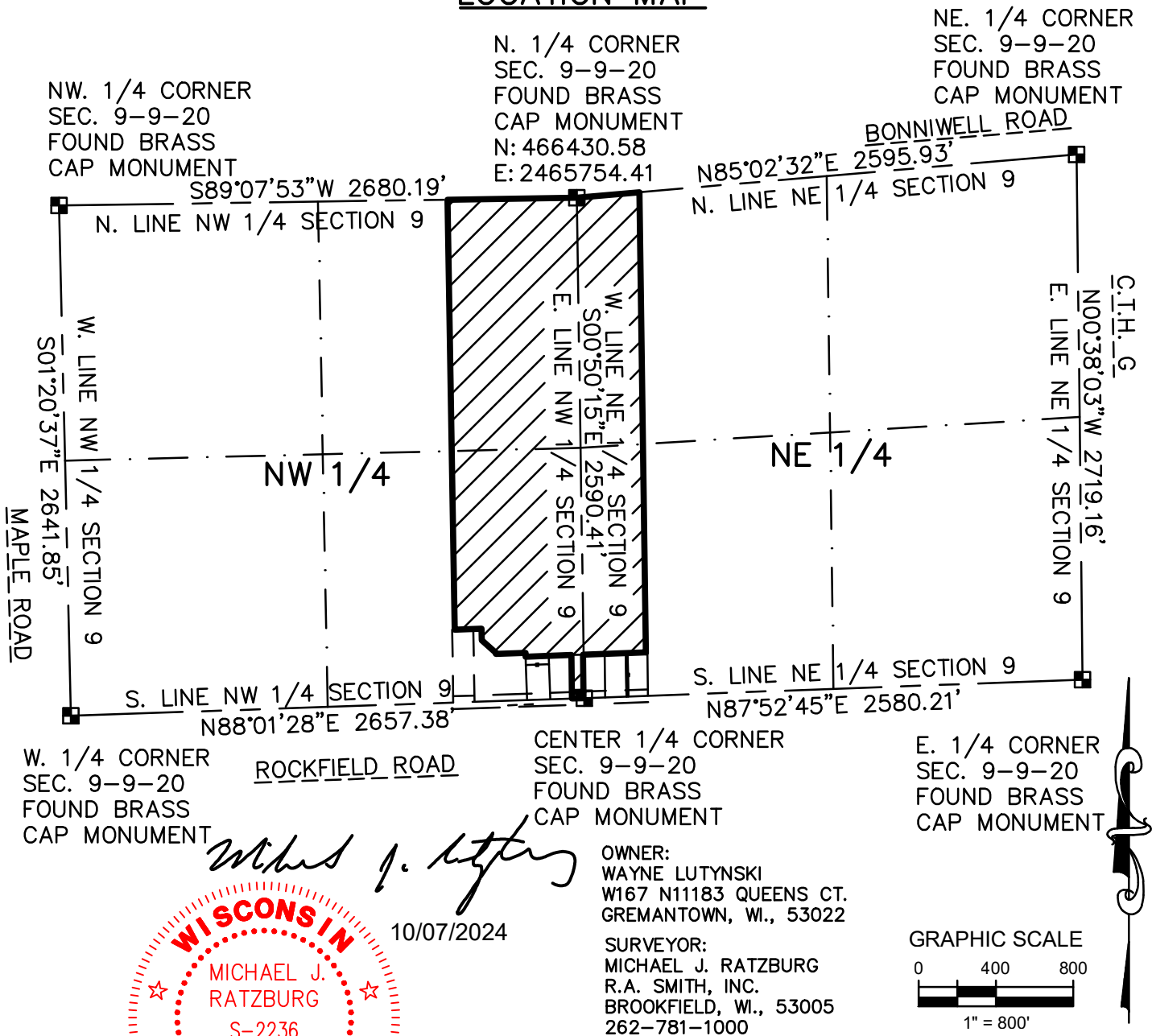
CERTIFIED SURVEY MAP NO. _____

A division of a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 9, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

- ▲ INDICATES FOUND 3/4" IRON ROD, UNLESS NOTED
- INDICATES FOUND 1" IRON PIPE, UNLESS NOTED
- △ INDICATES SET MAG NAIL
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.
- ⓓ INDICATES DEDICATED TO THE VILLAGE OF GERMANTOWN FOR PUBLIC ROAD PURPOSES

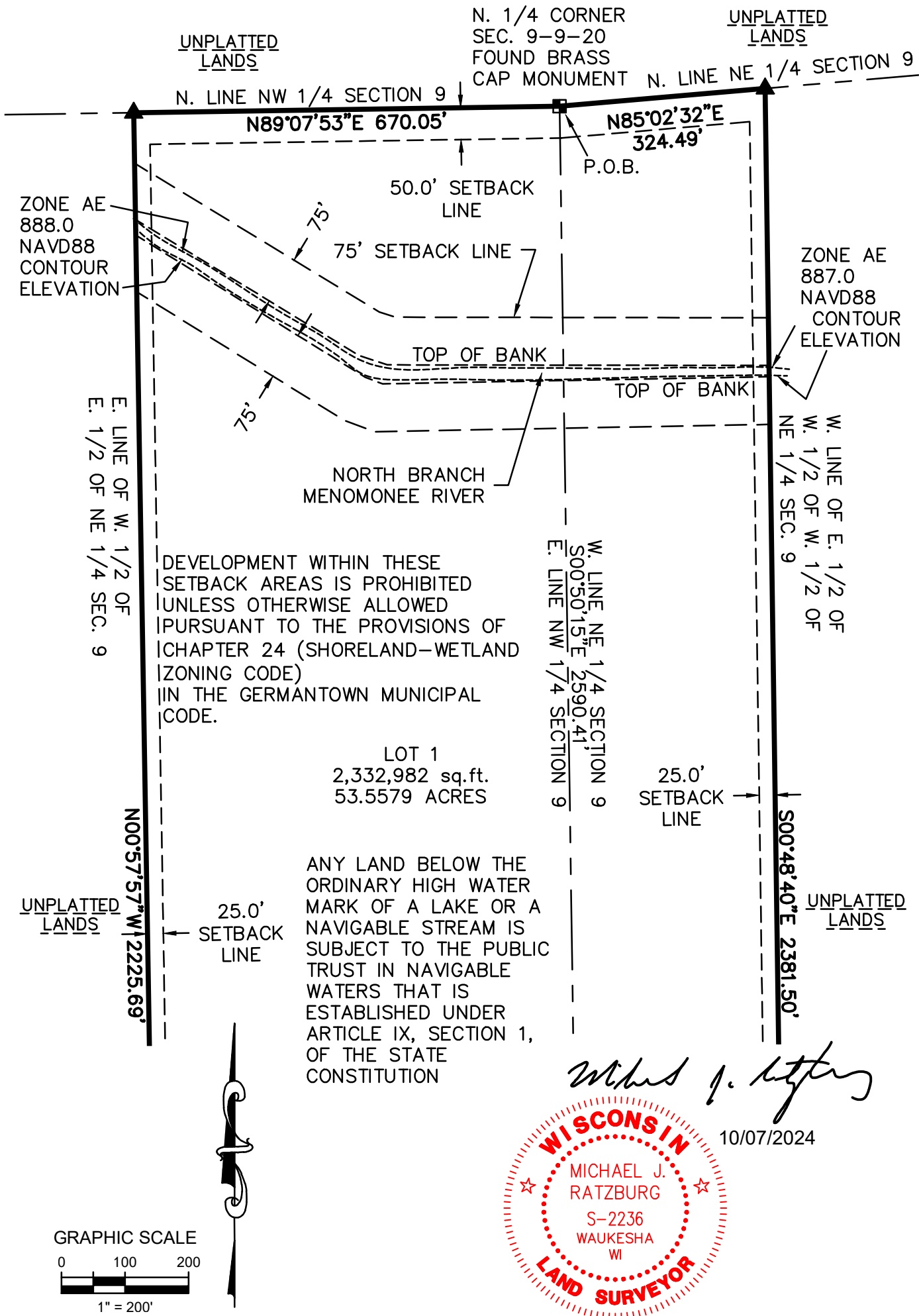
ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.
ALL BEARINGS ARE REFERENCED TO THE WEST LINE OF THE NE 1/4 OF SECTION 9, T 9 N, R 20 E, WHICH BEARS S00°50'15"E. WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 83/2011).

LOCATION MAP



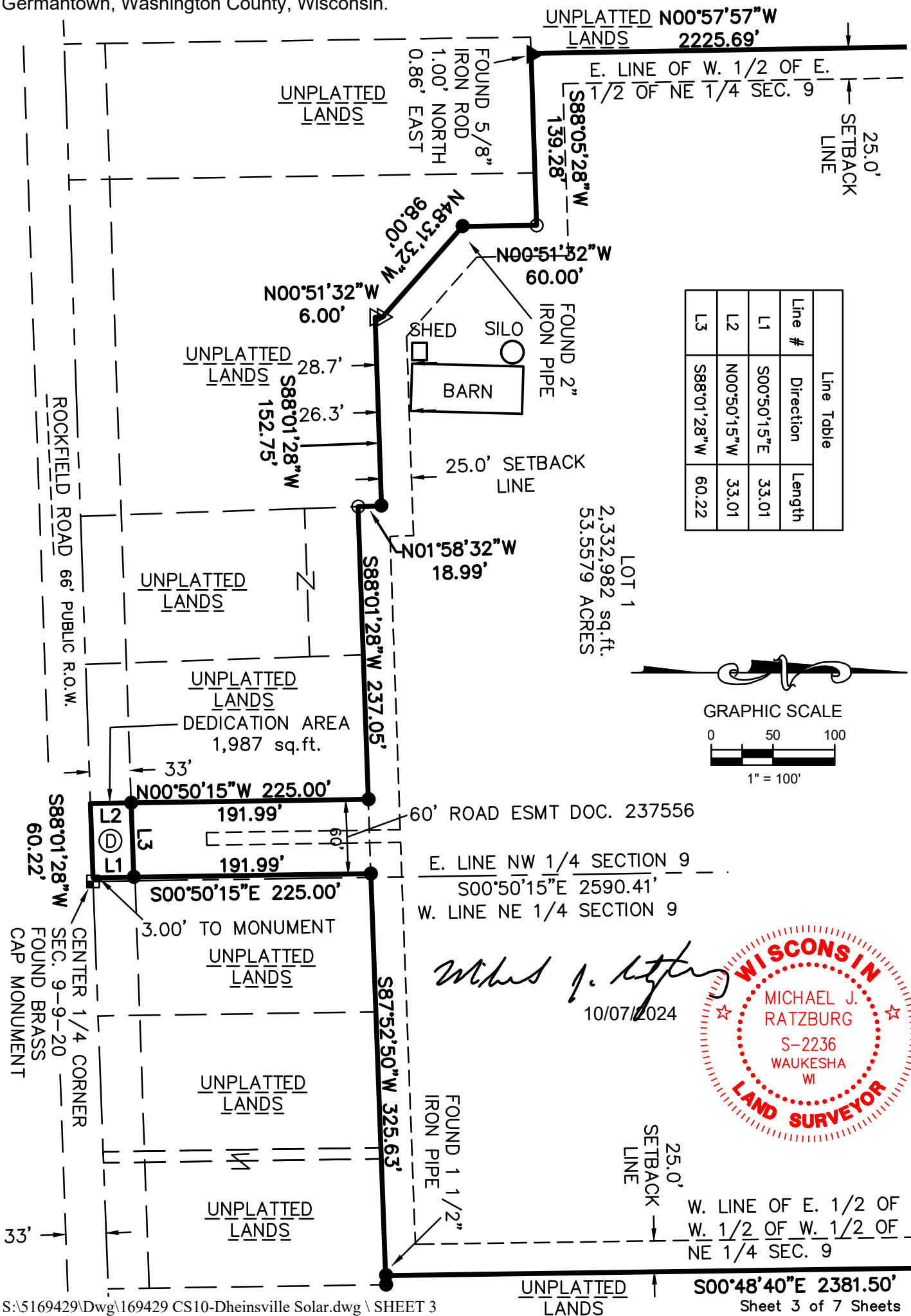
CERTIFIED SURVEY MAP NO.

A division of a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 9, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.



CERTIFIED SURVEY MAP NO.

A division of a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 9, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.



CERTIFIED SURVEY MAP NO. _____

A division of a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 9, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }
:SS
WAUKESHA COUNTY }

I, MICHAEL J. RATZBURG, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a division of a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 9, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:

BEGINNING at the North 1/4 corner of said Section 9; thence North 85° 02' 32" East along the North line of the Northeast 1/4 of said Section 324.49 feet to a point in the West line of the East 1/2 of the West 1/2 of the West 1/2 of the Northeast 1/4 of said Section; thence South 00° 48' 40" East along said west line 2381.50 feet to a point; thence South 87° 52' 50" West 325.63 feet to a point; thence South 00° 50' 15" East 225.00 feet to a point in the South line of the Northwest 1/4 of said Section; thence South 88° 01' 28" West along said South line 60.22 feet to a point; thence North 00° 50' 15" West 225.00 feet to a point; thence South 88° 01' 28" West 237.05 feet to a point; thence North 01° 58' 32" West 18.99 feet to a point; thence South 88° 01' 28" West 152.75 feet to a point; thence North 00° 51' 32" West 6.00 feet to a point; thence North 48° 31' 32" West 98.00 feet to a point; thence North 00° 51' 32" West 60.00 feet to a point; thence South 88° 05' 28" West 139.28 feet to a point in the East line of the West 1/2 of the East 1/2 of the Northwest 1/4 of said Section; thence North 00° 57' 57" West along said East line 2225.69 feet to a point in the North line of the Northwest 1/4 of said Section; thence North 89° 07' 53" East along said North line 670.05 feet to the point of beginning.

Said land contains 2,334,969 square feet or 53.6035 acres.

THAT I have made the survey, land division and map by the direction of WAYNE LUTYNSKI, owner.

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

THAT I have fully complied with provisions of Chapter 236.34 of the Wisconsin Statutes and Chapter 18 of the Village of Germantown Subdivision Control Ordinances in surveying, dividing and mapping the same.

10/07/2024

Field date


MIKE J. RATZBURG
PROFESSIONAL LAND SURVEYOR S-2236



raSmith
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

CERTIFIED SURVEY MAP NO. _____

A division of a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 9, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

OWNER CERTIFICATE

WAYNE LUTYNSKI, as owner, certifies that said corporation has caused the land described on this map to be surveyed, divided, dedicated, and mapped as represented on this map in accordance with the Ordinances of the Village of Sussex.

WAYNE LUTYNSKI, does further certify that this map is required by S.236.10 or S.236.12 to be submitted to the following for approval or objection: Village of Germantown.

As Owners, we hereby dedicate that part of Rockfield Road to the Village of Germantown for public road purposes as represented on this Certified Survey Map.

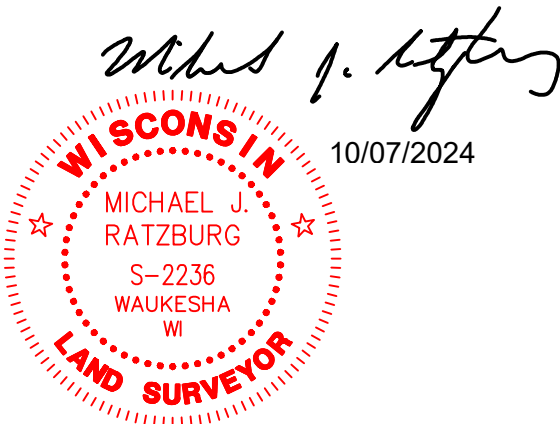
IN Witness Whereof, WAYNE LUTYNSKI, has caused these presents to be signed
this _____ day of _____, 2024.

WAYNE LUTYNSKI

PERSONALLY came before me this _____ day of _____, 2024, WAYNE LUTYNSKI, to me known as the person who executed the foregoing instrument and acknowledged the same.

(Notary Seal)

(print name)
Notary Public, State of Wisconsin
My commission expires _____



CERTIFIED SURVEY MAP NO. _____

A division of a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 9, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

CONSENT OF CORPORATE MORTGAGEE

_____, a national banking association, duly organized and existing under and by virtue of the laws of the State of _____, as mortgagee of the above described land, consents to the surveying, dividing, mapping and restricting of the land described on this map and in the surveyor's certificate, and to the certificate of the owner of said land.

Date: _____
Entity Name: _____
Signature: _____
Print Name: _____
Title: _____

STATE OF _____ }
_____ }SS
COUNTY }

PERSONALLY came before me this _____ day of _____, 20_____, _____, the _____ of the above named organization, to me known to be the person who executed the foregoing instrument and acknowledged that he/she executed the foregoing instrument as such officer on behalf of the entity, by its authority.

(Notary Seal)

(print name)
Notary Public, State of Wisconsin
My commission expires _____



10/07/2024

CERTIFIED SURVEY MAP NO. _____

A division of a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 9, in Township 9 North, Range 20 East, in the 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 of the Village of Germantown on

this _____ day of _____,2024.

Date: _____

Dean Wolter, Chairman

Date: _____

Deborah J. Remich, Secretary

VILLAGE OF GERMANTOWN BOARD APPROVAL

This Certified Survey Map, being a division of a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 9, in Township 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 the dedication of that part of Rockfield Road for public road purposes as shown on this Certified Survey Map is hereby accepted by the Village Board of Trustees of the Village of Germantown

on this _____ day of _____,2024.

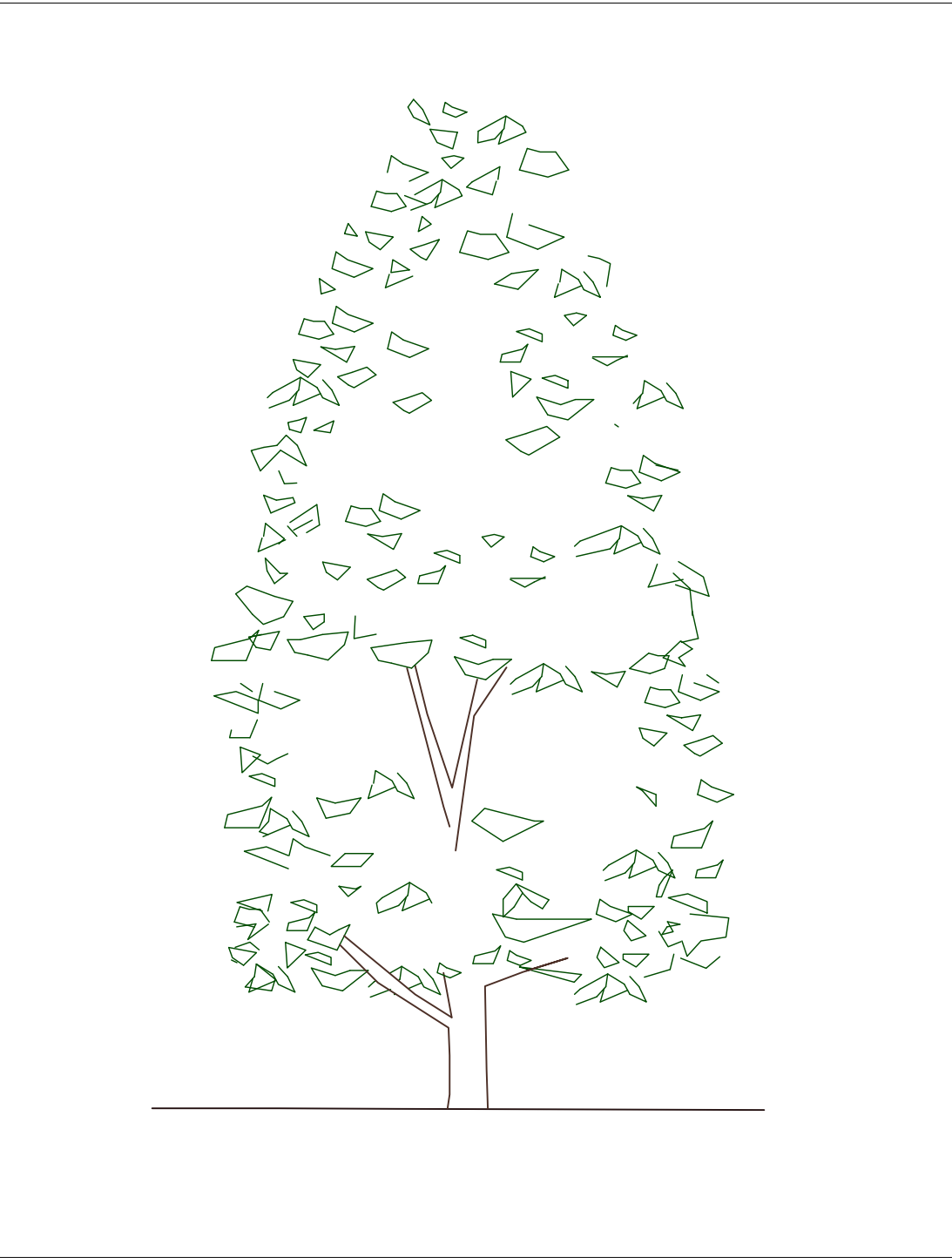
Date: _____

Dean Wolter, Village President

Date: _____

Donna Ott, Village Clerk





2 VEGETATION ELEVATION VIEW
SCALE: NTS



1. HARDY EVERGREEN TREES WILL BE PLANTED AT 25' INCREMENTS ON CENTER WITH AN APPROXIMATE HEIGHT OF 4' AT PLANTING. SPECIES MAY INCLUDE BUT ARE NOT LIMITED TO BLUE SPRUCE, WHITE SPRUCE, BLACK HILLS SPRUCE, OR EASTERN RED CEDAR.

Germantown Solar

Vegetation Installation and Management Plan



Date: 7/26/2024

Site Location: 43.257821, -88.131597

ONEENERGY RENEWABLES • 2003 WESTERN AVE • STE 225 • SEATTLE, WA 98121

WWW.ONEENERGYRENEWABLES.COM

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1 Site Overview

Germantown Solar is a 6 MWac solar project located north of Germantown in Washington County, Wisconsin. The 30-acre project site is currently used for agricultural production. The site does not contain wetlands and the predominant soils on site are well drained loam, well drained silt loam, and somewhat poorly drained silt loam. Following construction of the solar array, the site will be managed for native pollinator habitat.

2 Benefits of Pollinator-Friendly Solar

There are many benefits to installing native prairie plant communities on solar sites. Pollinator friendly solar sequesters carbon into the soil through plants, while carbon emissions are simultaneously reduced by using renewable solar energy. Planting native prairie species restores soil by preventing erosion, improving soil structure, increasing carbon storage, diversifying microbial communities, and increasing soil fertility. In addition to supporting native wildlife, these improvements to the soil will increase the value of the soil for future agricultural production once the solar panels are removed. Agricultural benefits are not limited to future land use. Supporting native pollinator populations can increase yields of nearby pollinator-dependent crops such as soybeans, apples, and many vegetables.

The aesthetic benefits of pollinator habitat provide additional services to the local community for those who appreciate observing the wildflowers, birds, butterflies, and other species that are drawn to the solar site. Native prairie plants prevent stormwater runoff and improve surrounding water quality, which is an important consideration following the construction of solar projects. While the initial costs and amount of planning needed for installing and managing native pollinator habitat may be greater than turfgrass, the benefits outweigh the costs. Following the first five years of management, as the hardier native plant communities become established, reduced maintenance needs are anticipated for the remainder of the time the solar array is in operation.

3 Site Preparation and Temporary Seeding

Construction debris and building materials will be cleared from the seeding area. An herbicide application may be required to remove undesirable vegetation from the site. The type of herbicide used will depend on the target species observed during initial site inspections by environmental specialists. If an herbicide such as glyphosate is used, this would necessitate a 10-day waiting period before disturbing the soil or seeding.

The environmental specialist overseeing site preparation activities and selecting herbicide treatments for noxious and invasive species suppression will have comprehensive knowledge and experience selecting and applying herbicides for restricting invasive species and managing vegetation to encourage native plant communities. Additionally, the environmental specialist

will have detailed knowledge of Wisconsin flora, excellent vegetation identification skills, and experience in ecological restoration that includes overseeing and conducting native prairie restoration and vegetation assessments.

Winter wheat or oats will be used as a cover crop depending on the time of year and based on the WDNR Technical Standard (1059) and the WisDOT seeding specification (630). For example, construction may delay seeding from fall until the following spring, in which case a cover crop would be used. A cover crop is also used during construction as part of the Stormwater Pollution Prevention Plan.

4 Permanent Seeding

The soil will be disced and then either harrowed or raked to prepare the soil for seeding. Native grasses will be seeded using a mechanical broadcast spreader at a depth of ¼ to ½-inch. Depending on site conditions, a nurse crop such as winter wheat will be seeded to stabilize the soil. Following grass seeding, the site will be raked and harrowed. Wildflowers and sedges will be seeded using a mechanical broadcast spreader and covered by raking the site.

The primary seed mix used will be a diverse mix of around thirty plant species designed by environmental specialists to suit site-specific soil and microclimate conditions and to provide continuous forage and habitat for pollinators. The seed mix includes flowering species with a wide range of bloom times to cover each season pollinators are active. Additionally, a lowland seed mix will be used where hydric soils are located. The upland and lowland seed mix examples can be found in Appendix A.

Changes to plant species and their proportions in the mix may be necessary depending on seed availability at the time of planting. The diversity of species and quality of the mix will be maintained.

5 Vegetation Management and Monitoring

Vegetation will be managed to achieve the following objectives:

1. Establish native vegetation cover as prescribed in the selected pollinator seed mixes.
2. Maintain complete vegetation cover while limiting noxious and invasive species.
3. Encourage the growth of flowering species to provide continuous forage and habitat for pollinators.

During the germination year, the site will be mowed to reduce competition and control weed growth. Additional mowing may be required to prevent annual and biennial weeds from setting seed. Vegetation will be mowed to a height of 8" and clippings will be mulched in place. During the establishment period, which spans 2 to 5 years after seeding, mowing should occur 2 to 3 times per year subject to the recommendations of the environmental specialist. Following the

establishment period, the site will be mowed as needed for weed and invasive species control and to intermittently remove biomass. A suggested timeline for vegetation management is provided in Section 7.

The following objectives will be achieved through vegetation monitoring:

1. Document the presence of targeted native species.
2. Document the presence of noxious and invasive species.
3. Provide recommendations for appropriate corrective actions to promote and maintain the planned vegetative cover and limit noxious and invasive species.

Specific maintenance activities and timelines will depend on observations during seasonal site inspections to determine vegetation growth progress and whether undesirable species are present. Following a fall seeding, these inspections would begin in late April to mid-June. Following a spring seeding, inspections should begin by mid-May.

Vegetation Management Reports (VMR) will be completed during each site visit to record the amount of vegetation cover, vegetation height, and presence of noxious and invasive species and targeted native species. Recommended next steps will be noted, and management plans will remain flexible to reflect changes in vegetation and noxious and invasive species pressure.

6 Invasive and Weed Species Management

In addition to the removal of invasive species, plant species will be suppressed if they are likely to either outcompete the native species planted or grow to a height that would potentially shade the solar panels. Noting noxious and invasive species through well-timed site inspections and proactively controlling these species during the establishment phase is critical for the long-term success of native vegetation establishment. Control of noxious and invasive species may include spot-spraying, spot-mowing, hand weeding, wicking, or other methods selected by the environmental specialist and depending on the target species and time of year.

If necessary, the following herbicides may be used for spot-treatment: glyphosate, triclopyr, clopyralid, or aminopyralid. Glyphosate is a non-selective systemic herbicide used to treat broadleaf weeds, grasses, and woody plants, and triclopyr is a selective systemic herbicide used to control woody and herbaceous broadleaf species. Clopyralid and aminopyralid are selective herbicides used to target broadleaf weeds, especially clover and thistle. Herbicide contact with native species will be limited and herbicides will not be used when wind speeds exceed 10 mph to prevent drift.

Other herbicides may be utilized based on the target species observed and identified for management. Environmental specialists will identify actual herbicide prescriptions based on observations during site inspections. The site will be inspected at least twice a year – once from

late April to mid-May, and again in mid-June. Site inspections may be needed at other times, depending on the life cycle of the species targeted for removal. Spot-mowing and removal of invasive species and other weeds will be completed as needed. If biomass removal is needed, the site can be mowed every three years using a flail mower. After the initial 5-year establishment period, the site should not be mowed more than once per year.

7 Vegetation Management Timeline

Year 0		
Seedbed Preparation	Herbicide application, soil bed preparation	Sep-Oct
Seeding	Site may be seeded with a temporary cover crop (see Section 3), followed by seeding with pollinator mix.	November
Years 1-3		
Site Inspections	Three site inspections to monitor vegetation and complete VMR. Plans will be made for any necessary reseeding, erosion mitigation, or weed/invasive species management. Site inspection may take place at the same time as management visit.	Late April to early May, mid-June, and late July
1 st Mow	Site mowed to 8" vegetation height. Spot-treat weed/invasive species as needed. Timing of mowing is dependent on plant phenology and weed/invasive species pressure, which will be evaluated during site inspections. Herbicide treatment types will depend on the target species observed during site inspection.	Late June to early July
2 nd Mow	Site mowed to 8" height. Spot-treatment of weed/invasive species as needed. Timing of mowing is dependent on observations during site assessments.	Late July to early August
Year 4		
Site Inspection	Vegetation will be monitored and VMR will be completed.	Late April to early May & mid-June
Spot treatment of invasives/weeds	Herbicide treatment types will depend on the target species observed during site inspections.	Variable
Dormant Mow	Mulch biomass by mowing in the spring to reduce competition and encourage native plant growth.	Spring
Years 5-25		
Site Inspection	Two annual visits to monitor vegetation in the spring and early summer. Spot-mowing or weed/invasive species removal will be completed as needed based on site inspections. If biomass removal is needed, sites can be mowed every three years using a flail mower. Site should	Late April to early May & mid-June

	not be mowed more than once per year, and mowing should occur from Mar-Apr 15 th or Sept-Oct to avoid disturbing nesting birds. Rotating halves or thirds of the site while mowing will increase plant diversity and structure and provide adjacent refuge for wildlife.	
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8 References

Siegner, K., Wentzell, S., Urrutia, M., Mann, W., & Kennan, H. (2019) Maximizing land use benefits from utility scale solar: A cost benefit analysis of pollinator-friendly solar in Minnesota. *Yale Center for Business and the Environment*. <https://cbey.yale.edu/research/maximizing-land-use-benefits-from-utility-scale-solar>.

Walston, L. et al. (2018) Examining the potential for agricultural benefits from pollinator habitat at solar facilities in the United States. *Environmental Science & Technology* 52 (13), 7566-7576. <https://doi.org/10.1021/acs.est.8b00020>.

Walston, L. et al. (2020) Modeling the ecosystem services of native vegetation management practices at solar energy facilities in Midwestern United States. *Ecosystem Services* (47), 101227. <https://doi.org/10.1016/j.ecoser.2020.101227>.

9 Appendix A – Pollinator Seed Mixes

Upland Mix

Scientific Name	Common Name	% of Mix	Seeds/ft ²
Grasses			
Sideoats Grama	Bouteloua curtipendula	27.27%	6.61
Blue Grama	Bouteloua gracilis	7.27%	11.75
Plains Oval Sedge	Carex brevior	2.55%	2.98
June Grass	Koeleria macrantha	1.82%	14.69
Little Bluestem	Schizachyrium scoparium	33.45%	20.28
Prairie Dropseed	Sporobolus heterolepis	0.36%	0.24
Forbs			
Common Yarrow	Achillea millefolium	0.36%	2.62
Anise Hyssop	Agastache foeniculum	0.09%	0.33
Prairie Onion	Allium stellatum	0.73%	0.32
Lead Plant	Amorpha canescens	1.36%	0.88
Wild Columbine	Aquilegia canadensis	0.18%	0.28
Common Milkweed	Asclepias syriaca	0.36%	0.06
Butterfly Milkweed	Asclepias tuberosa	0.91%	0.16
	Symphotrichum		
Sky Blue Aster	oolentangiense	0.18%	0.59
Upland White Goldenrod	Solidago ptarmicoides	0.73%	1.88
Partridge Pea	Chamaecrista fasciculata	2.73%	0.30
Lanceleaf Coreopsis	Coreopsis lanceolata	1.09%	0.88
White Prairie Clover	Dalea candida	4.55%	3.49
Purple Prairie Clover	Dalea purpurea	5.82%	4.23
Rough Blazing Star	Liatris aspera	0.27%	0.18
Spotted Bee Balm	Monarda punctata	0.18%	0.66
Large-flowered Beardtongue	Penstemon grandiflorus	0.73%	0.41
Prairie Wild Rose	Rosa arkansana	0.09%	0.01
Black-eyed Susan	Rudbeckia hirta	2.09%	7.77
Gray Goldenrod	Solidago nemoralis	0.09%	1.10
Ohio Spiderwort	Tradescantia ohiensis	0.45%	0.15
Hoary Vervain	Verbena stricta	1.73%	1.95
Heartleaf Alexanders	Zizia aptera	0.36%	0.18
Golden Alexanders	Zizia aurea	2.18%	0.97

Seeding Rate: 11 lbs/acre (85.9 seeds/square foot)

Lowland Mix

Scientific Name	Common Name	% of Mix	Seeds/ft ²
Grasses			
Carex scoparia	Pointed-broom Sedge	1.40%	2.81
Carex stipata	Common Fox Sedge	6.85%	5.56
Carex vulpinoidea	Brown Fox Sedge	4.65%	11.1
Juncus dudleyi	Dudley's Rush	0.15%	11.46
Juncus effusus	Common Rush	0.40%	9.55
Elymus virginicus	Virginia Wild Rye	55.60%	5.58
Poa palustris	Fowl Bluegrass	9.00%	27.93
Forbs			
Anemone canadensis	Canada Anemone	3.65%	0.7
Symphyotrichum novae-angliae	New England Aster	1.30%	2.05
Verbena hastata	Blue Vervain	0.90%	2
Lobelia siphilitica	Great Blue Lobelia	0.35%	4.18
Lycopus americanus	Water Horehound	0.45%	1.4
Lythrum alatum	Winged Loosestrife	0.01%	0.72
Mimulus ringens	Monkey Flower	0.10%	5.49
Alisma subcordatum	Water Plantain	1.95%	2.79
Pycnanthemum virginianum	Virginia Mountain Mint	0.65%	3.41
Tradescantia ohiensis	Ohio Spiderwort	7.29%	1.39
Zizia aurea	Golden Alexanders	5.30%	1.39
Seeding rate: 99.50 seeds/ft²			

FORGESOLAR GLARE ANALYSIS

Project: Germantown Solar

Germantown Solar is a proposed 6 MWac solar photovoltaic facility located on approximately 30 acres of agricultural land in the Village of Germantown, Washington County, Wisconsin. Some light grading and clearing may take place but there will be little change to the quantity of impervious surface.

Site configuration: **Germantown Solar**

Created 26 Jul, 2024

Updated 26 Jul, 2024

Time-step 1 minute

Timezone offset UTC-8

Minimum sun altitude 0.0 deg

DNI peaks at 1,000.0 W/m²

Category 1 MW to 5 MW

Site ID 125282.21473

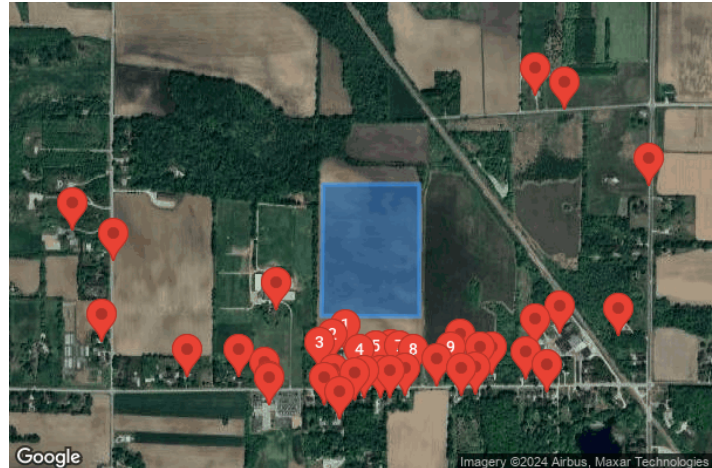
Ocular transmission coefficient 0.5

Pupil diameter 0.002 m

Eye focal length 0.017 m

Sun subtended angle 9.3 mrad

PV analysis methodology V2



Summary of Results No glare predicted

PV Array	Tilt	Orient	Annual Green Glare		Annual Yellow Glare		Energy
	°	°	min	hr	min	hr	kWh
Germantown Solar	SA tracking	SA tracking	0	0.0	0	0.0	-

Total glare received by each receptor; may include duplicate times of glare from multiple reflective surfaces.

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
OP 1	0	0.0	0	0.0
OP 2	0	0.0	0	0.0
OP 3	0	0.0	0	0.0
OP 4	0	0.0	0	0.0
OP 5	0	0.0	0	0.0
OP 6	0	0.0	0	0.0
OP 7	0	0.0	0	0.0
OP 8	0	0.0	0	0.0
OP 9	0	0.0	0	0.0
OP 10	0	0.0	0	0.0
OP 11	0	0.0	0	0.0
OP 12	0	0.0	0	0.0

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
OP 13	0	0.0	0	0.0
OP 14	0	0.0	0	0.0
OP 15	0	0.0	0	0.0
OP 16	0	0.0	0	0.0
OP 17	0	0.0	0	0.0
OP 18	0	0.0	0	0.0
OP 19	0	0.0	0	0.0
OP 20	0	0.0	0	0.0
OP 21	0	0.0	0	0.0
OP 22	0	0.0	0	0.0
OP 23	0	0.0	0	0.0
OP 24	0	0.0	0	0.0
OP 25	0	0.0	0	0.0
OP 26	0	0.0	0	0.0
OP 27	0	0.0	0	0.0
OP 28	0	0.0	0	0.0
OP 29	0	0.0	0	0.0
OP 30	0	0.0	0	0.0
OP 31	0	0.0	0	0.0
OP 32	0	0.0	0	0.0
OP 33	0	0.0	0	0.0
OP 34	0	0.0	0	0.0
OP 35	0	0.0	0	0.0
OP 36	0	0.0	0	0.0
OP 37	0	0.0	0	0.0
OP 38	0	0.0	0	0.0
OP 39	0	0.0	0	0.0
OP 40	0	0.0	0	0.0

Component Data

PV Arrays

Name: Germantown Solar
Axis tracking: Single-axis rotation
Backtracking: Shade-slope
Tracking axis orientation: 180.0°
Max tracking angle: 52.0°
Resting angle: 52.0°
Ground Coverage Ratio: 0.32
Rated power: -
Panel material: Light textured glass with AR coating
Reflectivity: Vary with sun
Slope error: correlate with material



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
1	43.259323	-88.135360	938.13	8.00	946.13
2	43.259307	-88.131770	920.33	8.00	928.33
3	43.262839	-88.131772	889.80	8.00	897.80
4	43.262825	-88.135300	896.85	8.00	904.85

Discrete Observation Point Receptors

Name	ID	Latitude (°)	Longitude (°)	Elevation (ft)	Height (ft)
OP 1	1	43.258322	-88.134489	947.43	15.00
OP 2	2	43.258093	-88.134955	948.25	15.00
OP 3	3	43.257851	-88.135401	950.57	15.00
OP 4	4	43.257671	-88.133952	936.29	15.00
OP 5	5	43.257781	-88.133368	936.88	15.00
OP 6	6	43.257813	-88.132812	933.23	15.00
OP 7	7	43.257759	-88.132501	929.45	15.00
OP 8	8	43.257688	-88.131976	921.31	15.00
OP 9	9	43.257747	-88.130608	921.52	15.00
OP 10	10	43.258071	-88.130259	924.90	15.00
OP 11	11	43.257738	-88.129537	918.82	15.00
OP 12	12	43.257746	-88.129107	918.85	15.00
OP 13	13	43.257214	-88.129708	916.68	15.00
OP 14	14	43.257168	-88.130234	919.62	15.00
OP 15	15	43.257175	-88.132294	919.57	15.00
OP 16	16	43.257113	-88.132841	928.08	15.00
OP 17	17	43.257121	-88.133174	931.27	15.00
OP 18	18	43.257097	-88.133764	932.01	15.00
OP 19	19	43.257043	-88.134107	932.93	15.00
OP 20	20	43.257128	-88.134890	937.90	15.00
OP 21	21	43.256535	-88.134690	934.47	15.00
OP 22	22	43.256922	-88.135243	934.16	15.00
OP 23	23	43.256957	-88.137238	939.52	15.00
OP 24	24	43.256934	-88.137243	939.39	15.00
OP 25	25	43.257671	-88.138374	950.57	15.00
OP 26	26	43.257627	-88.127843	911.35	15.00
OP 27	27	43.257260	-88.127092	912.77	15.00
OP 28	28	43.258495	-88.127510	902.10	15.00
OP 29	29	43.258823	-88.126609	894.71	15.00
OP 30	30	43.258770	-88.124465	891.87	15.00
OP 31	31	43.259441	-88.137021	954.22	15.00
OP 32	32	43.257346	-88.137440	941.28	10.00
OP 33	33	43.257420	-88.131124	914.31	10.00
OP 34	34	43.260781	-88.142954	943.58	10.00
OP 35	35	43.262781	-88.123363	892.90	10.00
OP 36	36	43.264813	-88.126432	890.04	10.00
OP 37	37	43.257681	-88.140282	953.94	10.00
OP 38	38	43.258603	-88.143394	956.23	10.00
OP 39	39	43.261572	-88.144467	942.80	10.00
OP 40	40	43.265182	-88.127536	896.64	10.00

Glare Analysis Results

Summary of Results No glare predicted

PV Array	Tilt	Orient	Annual Green Glare		Annual Yellow Glare		Energy
	°	°	min	hr	min	hr	kWh
Germantown Solar	SA tracking	SA tracking	0	0.0	0	0.0	-

Total glare received by each receptor; may include duplicate times of glare from multiple reflective surfaces.

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
OP 1	0	0.0	0	0.0
OP 2	0	0.0	0	0.0
OP 3	0	0.0	0	0.0
OP 4	0	0.0	0	0.0
OP 5	0	0.0	0	0.0
OP 6	0	0.0	0	0.0
OP 7	0	0.0	0	0.0
OP 8	0	0.0	0	0.0
OP 9	0	0.0	0	0.0
OP 10	0	0.0	0	0.0
OP 11	0	0.0	0	0.0
OP 12	0	0.0	0	0.0
OP 13	0	0.0	0	0.0
OP 14	0	0.0	0	0.0
OP 15	0	0.0	0	0.0
OP 16	0	0.0	0	0.0
OP 17	0	0.0	0	0.0
OP 18	0	0.0	0	0.0
OP 19	0	0.0	0	0.0
OP 20	0	0.0	0	0.0
OP 21	0	0.0	0	0.0
OP 22	0	0.0	0	0.0
OP 23	0	0.0	0	0.0
OP 24	0	0.0	0	0.0
OP 25	0	0.0	0	0.0
OP 26	0	0.0	0	0.0
OP 27	0	0.0	0	0.0
OP 28	0	0.0	0	0.0
OP 29	0	0.0	0	0.0
OP 30	0	0.0	0	0.0
OP 31	0	0.0	0	0.0

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
OP 32	0	0.0	0	0.0
OP 33	0	0.0	0	0.0
OP 34	0	0.0	0	0.0
OP 35	0	0.0	0	0.0
OP 36	0	0.0	0	0.0
OP 37	0	0.0	0	0.0
OP 38	0	0.0	0	0.0
OP 39	0	0.0	0	0.0
OP 40	0	0.0	0	0.0

PV: Germantown Solar no glare found

Receptor results ordered by category of glare

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
OP 1	0	0.0	0	0.0
OP 2	0	0.0	0	0.0
OP 3	0	0.0	0	0.0
OP 4	0	0.0	0	0.0
OP 5	0	0.0	0	0.0
OP 6	0	0.0	0	0.0
OP 7	0	0.0	0	0.0
OP 8	0	0.0	0	0.0
OP 9	0	0.0	0	0.0
OP 10	0	0.0	0	0.0
OP 11	0	0.0	0	0.0
OP 12	0	0.0	0	0.0
OP 13	0	0.0	0	0.0
OP 14	0	0.0	0	0.0
OP 15	0	0.0	0	0.0
OP 16	0	0.0	0	0.0
OP 17	0	0.0	0	0.0
OP 18	0	0.0	0	0.0
OP 19	0	0.0	0	0.0
OP 20	0	0.0	0	0.0
OP 21	0	0.0	0	0.0
OP 22	0	0.0	0	0.0
OP 23	0	0.0	0	0.0
OP 24	0	0.0	0	0.0
OP 25	0	0.0	0	0.0
OP 26	0	0.0	0	0.0
OP 27	0	0.0	0	0.0
OP 28	0	0.0	0	0.0
OP 29	0	0.0	0	0.0
OP 30	0	0.0	0	0.0
OP 31	0	0.0	0	0.0
OP 32	0	0.0	0	0.0
OP 33	0	0.0	0	0.0
OP 34	0	0.0	0	0.0
OP 35	0	0.0	0	0.0
OP 36	0	0.0	0	0.0
OP 37	0	0.0	0	0.0

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
OP 38	0	0.0	0	0.0
OP 39	0	0.0	0	0.0
OP 40	0	0.0	0	0.0

Germantown Solar and OP 1

No glare found

Germantown Solar and OP 2

No glare found

Germantown Solar and OP 3

No glare found

Germantown Solar and OP 4

No glare found

Germantown Solar and OP 5

No glare found

Germantown Solar and OP 6

No glare found

Germantown Solar and OP 7

No glare found

Germantown Solar and OP 8

No glare found

Germantown Solar and OP 9

No glare found

Germantown Solar and OP 10

No glare found

Germantown Solar and OP 11

No glare found

Germantown Solar and OP 12

No glare found

Germantown Solar and OP 13

No glare found

Germantown Solar and OP 14

No glare found

Germantown Solar and OP 15

No glare found

Germantown Solar and OP 16

No glare found

Germantown Solar and OP 17

No glare found

Germantown Solar and OP 18

No glare found

Germantown Solar and OP 19

No glare found

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No glare found

Germantown Solar and OP 21

No glare found

Germantown Solar and OP 22

No glare found

Germantown Solar and OP 23

No glare found

Germantown Solar and OP 24

No glare found

Germantown Solar and OP 25

No glare found

Germantown Solar and OP 26

No glare found

Germantown Solar and OP 27

No glare found

Germantown Solar and OP 28

No glare found

Germantown Solar and OP 29

No glare found

Germantown Solar and OP 30

No glare found

Germantown Solar and OP 31

No glare found

Germantown Solar and OP 32

No glare found

Germantown Solar and OP 33

No glare found

Germantown Solar and OP 34

No glare found

Germantown Solar and OP 35

No glare found

Germantown Solar and OP 36

No glare found

Germantown Solar and OP 37

No glare found

Germantown Solar and OP 38

No glare found

Germantown Solar and OP 39

No glare found

Germantown Solar and OP 40

No glare found

Assumptions

"Green" glare is glare with low potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

"Yellow" glare is glare with potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.

The algorithm does not rigorously represent the detailed geometry of a system; detailed features such as gaps between modules, variable height of the PV array, and support structures may impact actual glare results. However, we have validated our models against several systems, including a PV array causing glare to the air-traffic control tower at Manchester-Boston Regional Airport and several sites in Albuquerque, and the tool accurately predicted the occurrence and intensity of glare at different times and days of the year.

Several V1 calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare. This primarily affects V1 analyses of path receptors.

Random number computations are utilized by various steps of the annual hazard analysis algorithm. Predicted minutes of glare can vary between runs as a result. This limitation primarily affects analyses of Observation Point receptors, including ATCTs. Note that the SGHAT/ ForgeSolar methodology has always relied on an analytical, qualitative approach to accurately determine the overall hazard (i.e. green vs. yellow) of expected glare on an annual basis.

The analysis does not automatically consider obstacles (either man-made or natural) between the observation points and the prescribed solar installation that may obstruct observed glare, such as trees, hills, buildings, etc.

The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)

The variable direct normal irradiance (DNI) feature (if selected) scales the user-prescribed peak DNI using a typical clear-day irradiance profile. This profile has a lower DNI in the mornings and evenings and a maximum at solar noon. The scaling uses a clear-day irradiance profile based on a normalized time relative to sunrise, solar noon, and sunset, which are prescribed by a sun-position algorithm and the latitude and longitude obtained from Google maps. The actual DNI on any given day can be affected by cloud cover, atmospheric attenuation, and other environmental factors.

The ocular hazard predicted by the tool depends on a number of environmental, optical, and human factors, which can be uncertain. We provide input fields and typical ranges of values for these factors so that the user can vary these parameters to see if they have an impact on the results. The speed of SGHAT allows expedited sensitivity and parametric analyses.

The system output calculation is a DNI-based approximation that assumes clear, sunny skies year-round. It should not be used in place of more rigorous modeling methods.

Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid based on aggregated research data. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.

Refer to the Help page at www.forgesolar.com/help/ for assumptions and limitations not listed here.

Default glare analysis parameters and observer eye characteristics (for reference only):

- Analysis time interval: 1 minute
- Ocular transmission coefficient: 0.5
- Pupil diameter: 0.002 meters
- Eye focal length: 0.017 meters
- Sun subtended angle: 9.3 milliradians

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OneEnergy Renewables

Germantown Solar Project

Solar Generating Facility Decommissioning Plan

1. Introduction

The Decommissioning Plan provides an overview of activities that will occur during the decommissioning phase of the Germantown Solar Project, the “Project,” including activities related to the restoration of land and management of materials and waste.

The Project has an estimated useful lifetime of 40 years. This Decommissioning Plan assumes at the point it is no longer economical or prudent to continue operating, the Project will be dismantled, and the site restored to a state similar to its pre-construction condition.

Decommissioning activities include but are not limited to, disconnecting the Solar Facility from the electrical grid and removal of all components, including:

- Photovoltaic (PV) modules, panel racking, and supports
- Inverter units, transformers, and other electrical equipment
- Wiring cables, communications, and perimeter fence
- Concrete pads

The Decommissioning Plan is based on current best management practices and procedures. This Plan may be subject to revision based on new standards and best management practices at the time of decommissioning. Permits will be obtained as required and notification will be given to stakeholders prior to decommissioning.

Project Information

Address: To be assigned

County: Washington, Wisconsin

AHJ: Village of Germantown

Project Size: 6 MWac



2. Decommissioning Process

At the time of decommissioning, the installed components will be removed, reused, disposed, and recycled where possible. The site will be restored to a state similar to its pre-construction condition. All removal of equipment will be done in accordance with any applicable regulations and manufacturer recommendations. All applicable permits will be acquired before decommissioning activities begin.

Equipment Dismantling and Removal

Generally, the decommissioning of a Solar Project proceeds in the reverse order of the installation.

1. The Project will be disconnected from the utility power grid.
2. PV modules will be disconnected, collected, and disposed at an approved solar module recycler or reused/resold on the market. Although the PV modules will not be cutting edge technology at the time of decommissioning, they are expected to produce approximately 80% of the original electricity output at year 40 and offer value for many years.
3. All aboveground and underground electrical interconnection and distribution cables will be removed and disposed off-site at an approved facility.
4. Galvanized steel PV module support and racking system support posts will be removed and disposed off-site at an approved facility.
5. Electrical and electronic devices, including transformers and inverters will be removed and disposed off-site at an approved facility.
6. Concrete pads will be removed and disposed off-site at an approved facility.
7. Fencing will be removed and disposed off-site at an approved facility.

Environmental Effects

Decommissioning activities, particularly the removal of project components, could result in environmental effects similar to construction such as ground disturbance (erosion/sedimentation). Mitigation measures employed during the construction phase of the Project will be implemented. These will remain in place to mitigate erosion and silt/sediment runoff and prevent any impact to the natural features located adjacent to the site.

Road traffic will temporarily increase due to the movement of decommissioning crews and equipment. Work will be undertaken during daylight hours to conform to any applicable restrictions.

Site Restoration

Upon completion of the decommissioning phase, the site will be restored to a state similar to its pre-construction condition. Rehabilitated lands may be seeded with native seed mixes to help stabilize soil conditions, enhance soil structure, and increase soil fertility.

Managing Materials and Waste

During the decommissioning phase, a variety of excess materials and wastes (listed in the table below) will be generated. Most of the materials used in a Solar Project are reusable or recyclable and some equipment may have manufacturer take-back and recycling requirements. Any remaining materials will be removed and disposed of off site at an appropriate facility. Policies and procedures will be established to maximize recycling and reuse and project owners will work with manufacturers, local subcontractors, and waste firms to segregate material to be disposed of, recycled, or reused.

Solar module manufacturers are looking for ways to recycle and/or reuse solar modules when they have reached the end of their lifespan. OneEnergy works with The Retrofit Companies, Inc. (TRC) in Minnesota to recycle panels that are damaged during shipping or installation and intends to partner with TRC or another similar panel recycler to recycle any panels that require disposal in the future. Modules will be disposed in the best way possible using best management practices at the time of decommissioning.

Material / Waste	Means of Managing Excess Materials and Waste
PV Panels	If there is no possibility for reuse, the panels will either be returned to the manufacturer for appropriate disposal or will be transported to a recycling facility where the glass, metal, and semiconductor materials will be separated and recycled.
Mounting racks and supports	These steel and other metal materials will be disposed off-site at an approved facility
Transformer	The small amount of oil from the transformer will be removed on-site to reduce the potential for spills and will be transported to an approved facility for disposal. The transformers will be sent back to the manufacturer, recycled, reused, or safely disposed off-site in accordance with current standards of the day.
Inverters	The metal components of the inverters will be disposed of or recycled, where possible. Remaining components will be disposed of in accordance with the standards of the day.

Concrete Pad	Concrete pads will be broken down and transported by a certified and licensed contractor to a recycling or approved disposal facility.
Cables and Wiring	All electrical wiring will be disconnected and disposed of at an approved facility, associated electronic equipment (isolation switches, fuses, metering) will either be returned to the manufacturer for recycling or disposed off-site in accordance with current standards and best practices.
Fencing	Fencing will be removed and recycled at a metal recycling facility.
Debris	Any remaining debris on the site will be separated into recyclables/residual wastes and will be transported from the site and managed as appropriate.

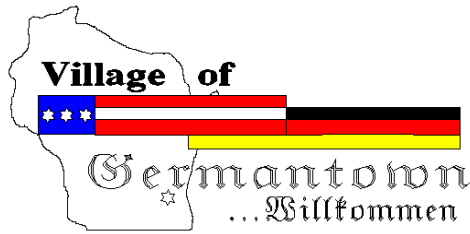
Decommissioning Notification

Decommissioning activities will require the notification of stakeholders given the nature of the works at the site. Twelve months prior to the start of decommissioning activities the list of stakeholders will be updated and notified. Federal, county, and local authorities will be notified as needed to discuss the potential approvals required to engage in decommissioning activities.

Approvals

Well-planned and well-managed renewable energy facilities are not expected to pose environmental risks at the time of decommissioning. Decommissioning of the Project will follow all standards of the day. Any required permits will be obtained prior to the start of any decommissioning activities.

This Decommissioning Report will be updated as necessary in the future to ensure that changes in technology and site restoration methods are taken into consideration.



Engineering Department Memorandum

To: Jeff W. Retzlaff, AICP, Community Development Director

From: Kevin R. Driscoll, PE, Village Engineer

Date: September 25, 2024

Re: Site Plan Review – Solar GTNV_092979, GTNV_092994, GTNV_091986, GTNV_091987

Items Reviewed:

1. Site Plan Review Application Dated: 9/13/2024

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 identified in the Village Code of Ordinances, Section 17.43. Additional comments could arise as a result of the plan completion and modifications. 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 require a WRAPP/NOI from the DNR. 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. Permits for work within the ROW are required. Contact the Village Engineering Department to obtain a driveway permit and permit for excavation in the right of way.
7. 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.

Storm Water Management

1. Sheet D-100 – Identify area of disturbance. Identify area of new impervious surface.
2. Provide storm water management plan, as identified in your site plan application addendum (page 7).
3. Provide a wetland delineation, or copies of any approved wetland exemptions.
4. Provide grading plan that avoids impacts to the floodplain. Clarify note "C.Flood Note" Note references falling into Zone X. Zone AE identified on mapped area.
5. Provide erosion control plan.

Road Plan

1. Complete a driveway permit and permit for excavation in the right of way.
2. Identify depth of proposed point of interconnection.
3. Provide plan at scale of 1:30 as listed in the attached checklist and per Village Code of Ordinance Section 17.43 (3).

To: Kevin Driscoll, Village Engineer

CC: Jeff Retzlaff Village Planner

From: Bob Beilfuss, PLS

Date: September 14, 2024

Re: Germantown Solar CSM

Kevin,

Here are my review comments for the CSM received from Anderson-Klosett/ Greenhills Contracting.

Kevin and Jeff,

Here are my review comments for the CSM received 9/13/2024.

Certified Survey Map

Applicant or Owner: Greenhills Contracting, Inc.

Land Surveyor/Firm: Mike Ratzburg, PLS – RA Smith

1. The Village Clerks name is Donna Ott. Please correct the Village Board approval certificate accordingly. Page 7 of 7.
2. The secretary of the Planning Commission is Deborah J. Remich. Please correct the Village Planning Commission approval certificate accordingly. Page 7 of 7.
3. In the Village Board Approval certificate on page 7 of 7, there are references to "the dedication of that part of Meeker Hills Lane and State Trunk Highway 175 for public road purposes". These two roads are not located in this Section and do not adjoin these properties. The road dedication should be for Rockfield Road.
4. Were there any wetlands located along the North Branch of the Menomonee River? The DNR Wetland Viewer does show wetlands along the North Branch and should be delineated, mapped and added to the CSM. The wetland setback should also be included and dimensioned. The wetlands should be dimensionally tied to both boundary lines on Lot 1 in a north-south direction from where those lines intersect the exterior boundary.
5. There were no professional seals and signatures of the professional land surveyor affixed to any of the 7 sheets of the document.

No further review comments.

Document Approval and Recording

For this CSM to be approved by the Village Board and recorded at the Washington County Register of Deeds, the document must be provided to the Village Clerk's office in a completed format including all original signatures of the owner and lending institution, original seals and signature of the professional land surveyor on the recordable media the Wednesday prior to the scheduled Village Board meeting.

This includes the CADD file.

Any documents or digital files not submitted by the due date or contain outstanding technical review comments that have not be addressed, will be moved to the next scheduled Village Board meeting agenda.

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 or Subdivision Plat

The professional land surveyor is responsible for submitting a copy of the AutoCAD drawing file (.dwg) of the document in version 2023 via email to the Village Surveyor for mapping purposes.

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

Sincerely,

Point Land Surveying & Mapping

Bob Beilfuss

Bob Beilfuss, P.L.S.
Principle



Community Development Department
Jordan Yanke, Associate Planner
N112 W17001 Mequon Road P.O. Box 337
Germantown, WI 53022-0337
(262) 250-4734
www.germantownwi.gov

OCTOBER 2024

NEIGHBORHOOD NOTICE

You are receiving this notice because our records indicate that you are the owner and/or occupant of property located in the vicinity of a proposed solar farm located at approximately N132W18100 Rockfield Road (GTNV_091986/091987/092979/092994).

As shown on the included site plan, One Energy is proposing to construct a solar farm of approximately 30 acres in size on subject property to the north of Rockfield Road, west of Division Road.

One Energy has submitted detailed plans for the project, which include the solar farm, access drive, and fencing, among other details. Those plans will be reviewed and considered for approval by the Village Plan Commission at their October 14TH meeting @ 6:30pm at Village Hall. At that time, the proposal will be formally presented by Village staff, discussed with One Energy and their consultants, and a decision will be made to either approve or deny the proposal (approval with certain stipulations or other requirements is also a possibility based on the discussion).

Also, this proposal does not require a formal public hearing. However, at the discretion of the Plan Commission Chairman, public comments may be received as part of the Plan Commission discussion. Given the proposed implementation of the solar farm and its size, the Village wants you to know what is being proposed and how it may impact your neighborhood.

You are not required to do anything nor are you expected to attend any meetings. However, you are welcome to attend the October 14TH meeting to hear first-hand what is discussed and what action is taken.

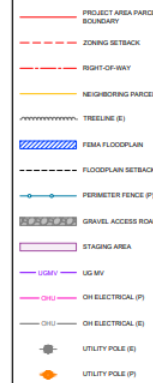
Comments from the public may be taken during the meeting (remember, it's not a mandatory public hearing), but you can provide written comments regarding the One Energy proposal by sending your comments via email to comments@germantownwi.gov before 4:00pm on the day of the meeting so they can be provided to Village staff and the Plan Commission for their consideration.

GERMANTOWN SOLAR

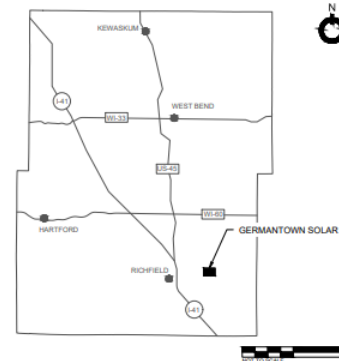
WASHINGTON COUNTY, WISCONSIN

SOLAR PV PROJECT
6.877 MWDC / 6.000 MWAC

LEGEND



WASHINGTON COUNTY MAP



PROJECT DETAILS

THIS PROJECT CONSISTS OF THE DESIGN AND INSTALLATION OF A 6.88 MWAC SOLAR PHOTOVOLTAIC SYSTEM. MODULES ARE TO BE MOUNTED IN A SINGLE AXIS TRACKERS, WHICH FOLLOW THE SUN FROM EAST TO WEST THROUGHOUT THE DAY.

SITE DETAILS

PARCEL ID: 032884, 032875, 031987, 031986
OWNER: WAYNE LUTYNSKI
ACREAGE: 54.25
EXISTING ZONE: A-1

LAND USE SUMMARY

TOTAL PARCEL AREA (ACRES): 54.25
TOTAL LEASED AREA (ACRES): TBD
TOTAL FENCED AREA (ACRES): 27.89
GRAVEL ACCESS ROAD (ACRES): 0.81
LAYDOWN AREA (ACRES): 0.59

DESIGN SUMMARY

MODULE POWER: 575 W
MODULE COUNT: 11980
ARRAY DC VOLTAGE: 1500 V
INVERTER SIZE: 250 MW / 250 KVA
INVERTER COUNT: 24
DC SIZE: 6.877 MWDC
AC SIZE: 6.000 MWAC
DC/AC RATIO: 1.146
GROUND COVER RATIO: 33.0 %
ASCE 7-16 GSL: 30 PSF
ASCE 7-16 WIND SPEED: 100 MPH

ADDITIONAL NOTES

- BASEMAP DEVELOPED FROM ALTA FIELD SURVEY
- PARCEL DATA TAKEN FROM ALTA FIELD SURVEY
- FEMA FLOOD HAZARD ZONE FROM GIS DATA



WEATHER INFORMATION ON THIS PLAN SHALL BE OBTAINED FROM THE NATIONAL WEATHER SERVICE AND SHALL BE USED FOR REFERENCE ONLY. THE NATIONAL WEATHER SERVICE AND WEATHER INFORMATION SHALL BE OBTAINED FROM THE NATIONAL WEATHER SERVICE AND SHALL BE USED FOR REFERENCE ONLY.

REV	DESCRIPTION	DATE	BY	CHKD	DATE
01	EPC RD SUBMITTAL	07/26/2024	A	AK	
01	DEVELOPMENT LAYOUT	08/23/2024	AK	AK	

PRELIMINARY
NOT FOR CONSTRUCTION

GERMANTOWN SOLAR
ONEENERGY RENEWABLES

43.21721° N, 88.13102° W
WASHINGTON COUNTY, WISCONSIN

SHEET TITLE:
DEVELOPMENT LAYOUT
SHEET NO:
D-100

Name	Address	City, State Zip	Tax Key	Site Address
1 SADDLE UP LLC	1975 WISCONSIN AVE	GRAFTON, WI 53024	GTNV_092981, 043980, 043998	Site Address:N132W18350 ROCKFIELD RD
2 MILWAUKEE METROPOLITAN SEWERAGE DIS	260 W SEEBOOTH ST	MILWAUKEE, WI 53204-1440	GTNV_091985, 091988, 091983	Site Address:N136W17795 BONNIWELL RD
3 WIS & SOUTHERN RAILROAD LLC	315 W 3RD ST	PITTSBURG, KS 66762	GTNV_044999, 094999	Site Address:BONNIWELL RD
4 LDF HOLDINGS LLC	3471 CTY HWY NN	WEST BEND, WI 53095	GTNV_092997	Site Address:N132W18286 ROCKFIELD RD
5 JOEL PIPKORN	921 BELL AVE	SHEBOYGAN, WI 53083	GTNV_091980	Site Address:N132W17558 ROCKFIELD RD
6 LEROY RUTTINGER LIVING TRUST	9538 N SUNDUNE DR	SUN LAKE, AZ 85248	T5_0255034, 0255033, 0255036, 02	Site Address:WOODLAND AVE
7 GERMANTOWN SCHOOL	N104W13840 DONGES BAY RD	GERMANTOWN, WI 53022	T5_025500A	Site Address:N132W18473 ROCKFIELD RD
8 RICHARD STEPHAN LIVING TRUST	N121W20344 NEULAND DR	RICHFIELD, WI 53076	GTNV_092974	Site Address:MAPLE RD
9 THOMAS HAPKA	N128W17714 HOLY HILL RD	GERMANTOWN, WI 53022	T5_0280	Site Address:ROCKFIELD RD
10 MARY PROST	N128W19734 HOLY HILL RD	RICHFIELD, WI 53076	GTNV_043999	Site Address:BONNIWELL RD
11 MARLENE KASTEN	N128W19734 HOLY HILL RD	RICHFIELD, WI 53076	GTNV_044997	Site Address:N136W17798 BONNIWELL RD
12 JOHN KOELLER	N131W18155 WOODLAND AVE	RICHFIELD, WI 53076	T5_025500B, 0255029, 0255025	Site Address:
13 GARY ZARTNER	N131W18279 WOODLAND AVE	GERMANTOWN, WI 53022	T5_0255019, 0255021, 0255020	Site Address:WOODLAND AVE
14 ANDREW KLUMB	N132W17573 ROCKFIELD RD	RICHFIELD, WI 53076	GTNV_094008	Site Address:N132W17573 ROCKFIELD RD
15 GERALD KISER	N132W17655 ROCKFIELD RD	GERMANTOWN, WI 53022	GTNV_094981	Site Address:N132W17655 ROCKFIELD RD
16 LARA SOLTIS	N132W17668 ROCKFIELD RD	GERMANTOWN, WI 53022	T5_023500D	Site Address:N132W17668 ROCKFIELD RD
17 JAMES KLEINMANN	N132W17684 ROCKFIELD RD	GERMANTOWN, WI 53022	GTNV_091004	Site Address:N132W17684 ROCKFIELD RD
18 CRAIG JOHNSON	N132W17711 ROCKFIELD RD	GERMANTOWN, WI 53022	T5_028000A	Site Address:N132W17711 ROCKFIELD RD
19 TODD HETZEL	N132W17857 ROCKFIELD RD	GERMANTOWN, WI 53022	GTNV_094982, T5_028000B	Site Address:N132W17857 ROCKFIELD RD
20 KRISTINE CRAMER	N132W17858 ROCKFIELD RD	GERMANTOWN, WI 53022	T5_023500C	Site Address:N132W17858 ROCKFIELD RD
21 SUSAN HOLMES	N132W18002 ROCKFIELD RD	GERMANTOWN, WI 53022	GTNV_091003	Site Address:N132W18002 ROCKFIELD RD
22 RYAN TURDO	N132W18005 ROCKFIELD RD	RICHFIELD, WI 53076	T5_028100B	Site Address:N132W18005 ROCKFIELD RD
23 ANGELA LAFOUNTAIN	N132W18021 ROCKFIELD RD	GERMANTOWN, WI 53022	T5_028100A	Site Address:N132W18021 ROCKFIELD RD
24 HEIDI BENEDUM	N132W18065 ROCKFIELD RD	GERMANTOWN, WI 53022	T5_0255001	Site Address:N132W18065 ROCKFIELD RD
25 PATRICIA ATHERTON REVOCABLE LIV TRUST	N132W18066 ROCKFIELD RD	RICHFIELD, WI 53076	GTNV_091001	Site Address:N132W18066 ROCKFIELD RD
26 MICHAEL HUG	N132W18067 ROCKFIELD RD	GERMANTOWN, WI 53022	T5_0255002	Site Address:N132W18067 ROCKFIELD RD
27 KARL GRIFFITHS	N132W18136 ROCKFIELD RD	GERMANTOWN, WI 53022	GTNV_092999	Site Address:N132W18136 ROCKFIELD RD
28 KEVIN OLSON	N132W18153 ROCKFIELD RD	RICHFIELD, WI 53076	T5_0255009	Site Address:SCOTT LN
29 WENDY PRITZLAFF	N132W18172 ROCKFIELD RD	RICHFIELD, WI 53076	GTNV_092998	Site Address:N132W18172 ROCKFIELD RD
30 ANDERSON IRREVOCABLE TRUST	N132W18187 ROCKFIELD RD	RICHFIELD, WI 53076	T5_0255005, 0255007	Site Address:N132W18187 ROCKFIELD RD
31 ANTHONY WAGLER	N132W18201 ROCKFIELD RD	RICHFIELD, WI 53076	T5_0255013	Site Address:N132W18201 ROCKFIELD RD
32 MARK LUCKA	N132W18297 ROCKFIELD RD	GERMANTOWN, WI 53022	T5_0255015	Site Address:N132W18297 ROCKFIELD RD
33 COLLEEN BRUSHABER TRUST	N132W18312 ROCKFIELD RD	RICHFIELD, WI 53076	GTNV_092996, 092995	Site Address:N132W18312 ROCKFIELD RD
34 TIMOTHY TRAPP	N132W18335 ROCKFIELD RD	GERMANTOWN, WI 53022	T5_0255017, 0255018	Site Address:ROCKFIELD RD
35 TYLER KOWALCHUK	N132W18474 ROCKFIELD RD	GERMANTOWN, WI 53076	GTNV_092978	Site Address:N132W18474 ROCKFIELD RD
36 KENNETH KLUMB	N132W18560 ROCKFIELD RD	RICHFIELD, WI 53076	GTNV_092991	Site Address:N132W18560 ROCKFIELD RD
37 PHILIP BARBER	N136W17560 BONNIWELL RD	GERMANTOWN, WI 53022	GTNV_044991	Site Address:N136W17560 BONNIWELL RD
38 ANDREW KLUMB	N140W12553 CEDAR LN	GERMANTOWN, WI 53022	GTNV_094007	Site Address:ROCKFIELD RD
39 DIANE BRADEN	N140W17595 CEDAR LN	RICHFIELD, WI 53076	GTNV_044992	Site Address:BONNIWELL RD
40 JEFFREY STEPHAN LIVING TRUST	N140W18726 CEDAR LN	RICHFIELD, WI 53076	GTNV_043982, 043981	Site Address:ROCKFIELD RD
41 JAMES SIEBERS	N47W7880 PARKLAND RD	CEDARBURG, WI 53012	GTNV_091002	Site Address:N132W18040 ROCKFIELD RD
42 TROY WETTERAU LIV TR	W130N11414 EQUINE TRL	GERMANTOWN, WI 53022	T5_0281	Site Address:ROCKFIELD RD
43 KEVIN OLSON	W132N18153 ROCKFIELD RD	GERMANTOWN, WI 53022	T5_0255003	Site Address:N132W18153 ROCKFIELD RD
44 WAYNE LUTYNSKI	W167N11183 QUEENS CT	GERMANTOWN, WI 53022	GTNV_091986, 091987, 092979, 092	Site Address:ROCKFIELD RD
45 BRIAN STEPHAN LIVING TRUST	W182N13087 SCOTT LN	GERMANTOWN, WI 53022	T5_025500C	Site Address:W182N13087 SCOTT LN
46 RICHARD BIRA	W182N13151 SCOTT LN	GERMANTOWN, WI 53022	T5_0255024, 0255023	Site Address:W182N13151 SCOTT LN
47 DALE DHEIN	W188N13102 MAPLE RD	RICHFIELD, WI 53076	T5_0256	Site Address:W188N13102 MAPLE RD
48 DANIEL STEPHAN	W188N13488 MAPLE RD	RICHFIELD, WI 53076	GTNV_092973	Site Address:W188N13488 MAPLE RD
49 FRANK WIEDMEYER	W204N13164 GOLDENDALE RD	RICHFIELD, WI 53076	T5_023500A	Site Address:N132W17882 ROCKFIELD RD
50 SARA GLASZCZ	W640 SAYLESVILLE RD	RUBICON, WI 53078	T5_0255031	Site Address:W182N13117 SCOTT LN

REZONING & CONDITIONAL USE PERMIT APPLICATIONS

11/11/24 Plan Commission Meeting

Harter's Lakeside Disposal / Skyline Development Corporation

Village Staff Report & Recommendation

Germantown, Wisconsin

Summary

Mike Thun, agent for Harter's Lakeside Property Management, Lakeside Disposal, and Skyline Development Corp, property owner, is requesting approval to rezone 12.7 acres from the M-1: Limited Industrial to the M-2: General Industrial Zoning District and a Conditional Use Permit (CUP) to develop and operate a "Solid Waste Disposal, Collection and Transportation Operation" from the property located at N102 W13800 Spaten Court in the "Victory Center Corridor".

Property Location: Fond du Lac Ave/STH145 @ Spaten Court

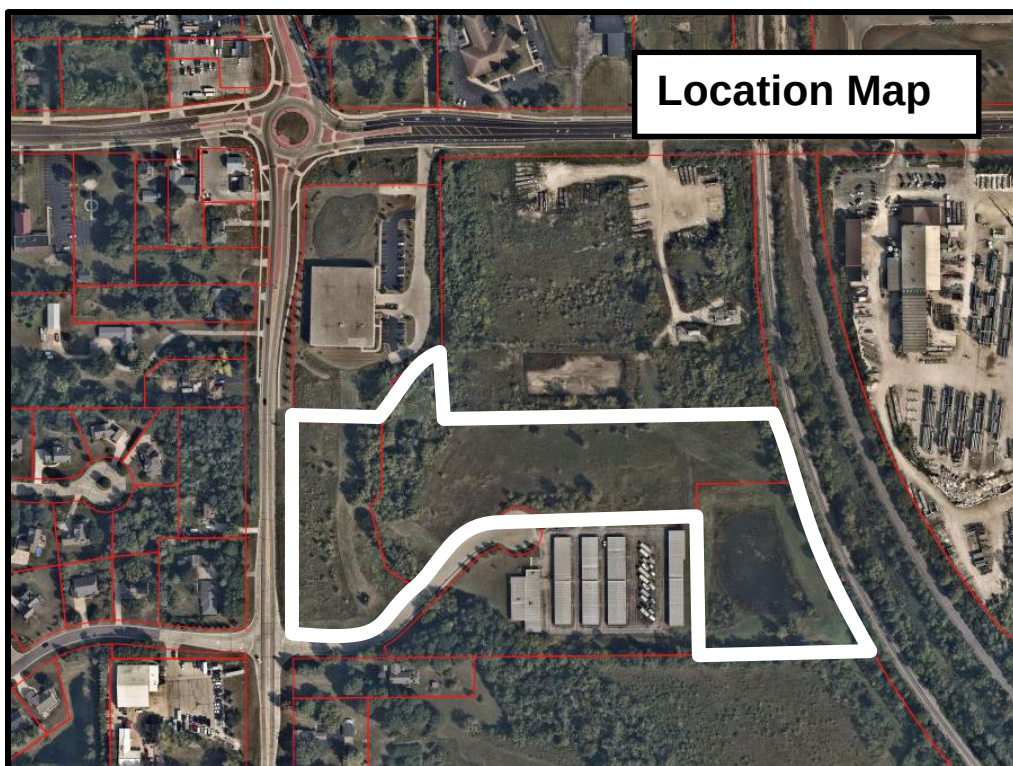
Agent/

Property Owner:	Mike Thun Harter's Disposal W2578 Holland Lima Rd Oostburg, WI	David Barry, Barry Company Skyline Development Corp 14950 Hushing Brae Ct Brookfield, WI
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Current Zoning: M-1: Limited Industrial

Proposed Zoning: M-2: General Industrial

Adjacent Land Uses		Zoning
North	Industrial	M-1
South	Industrial/Agricultural/Residential	M-1/A-1/Rs-5
East	Industrial	M-1
West	Residential	Rs-4



Proposal

Mike Thun, agent for Harter's Lakeside Property Management, Lakeside Disposal, and Skyline Development Corp, property owner, is requesting approval to rezone 12.7 acres from the M-1: Limited Industrial to the M-2: General Industrial Zoning District and a Conditional Use Permit (CUP) to develop and operate a "Solid Waste Disposal, Collection and Transportation Operation" from the property located at N102 W13800 Spaten Court in the "Victory Center Corridor".

Harter's Lakeside Disposal provides a variety of waste & recyclable material collection services in the east central and southeast WI region, including: residential and commercial roll-off dumpster rental and individual residential and business customer trash & recyclable collection services. <https://www.harterslakeside.com/>

As described and shown in the CUP and Rezoning applications and supporting site plan, Harter's proposes to use the property for the rental and storage of dumpsters, daily trucking operations in the morning (3:00am to 7:00am) and the afternoon (1:00pm to 6:00pm) to/from the property with the eventual construction of a building for offices and truck & equipment maintenance operations. These uses will expand over the next 5 years in three (3) phases. The operation is proposed to run from 3:00am to 11:00pm daily with office hours from 8:00am to 5:00pm.

Staff Comment

The property is located in the "Victory Center Corridor" under the 2050 Plan. As noted therein, the *"...Victory Center corridor is intended to further develop as a mixed-use area with commercial, mixed-use commercial, institutional, and residential development in a traditional or conservation design pattern with average single-family densities of 2.2 to 2.9 DU's/acre on 15-20,000 sqft lots, two to four family densities up to 6 DU's/acre, and multi-family densities up to 10.0 DU's/acre. Future commercial uses are desirable including retail, office and other service-oriented uses. Industrial uses are acceptable in those areas currently zoned M-1 and/or located within the TID No.4 boundary."*

Current zoning of the three (3) parcels that comprise the 12.7-acre property is M-1: Limited Industrial. Although undeveloped, the two parcels on the north side of Spaten Court have delineated wetland along the common property line that is part of a wetland conservancy/mitigation area set aside for preservation when the Sports Specialists industrial site was developed by Skyline Development in 2016 (see attached staff report and wetland mitigation report). These parcels also have various 20', 30' and 45' wide sanitary sewer and storm sewer easements across both; limiting the type and extent of development on the property. The impact of these easements and wetland conservancy area on potential use and development of the property will need to be addressed if the proposal moves forward. Similarly, the third parcel, a 3.3-acre outlot contains a private storm water management basin that serves the developed parcels in the area, including future development of this property.

Staff does not support the proposed rezoning and solid waste disposal, collection and transportation operation in this location for the following reasons:

Land Use

With respect to land use, Staff believes this 12.7-acre site is better suited less intense, light industrial (if any industrial) or commercial business-related land uses and development consistent with the "Victory Center Corridor". As discussed above, "desirable" uses listed for the "Victory Center Corridor" are commercial uses. While industrial uses are "acceptable", they are intended for those areas currently zoned M-1: Limited Industrial and those parcels in what is now retired Tax Increment District (TID) 4. This property is currently zoned M-1. However, the proposed solid waste disposal, collection and transportation operation is not a permitted or conditional use allowed in the M-1 District. As an "unclassified use" under Section 17.03(3)(a)2. This use "...*may be permitted by the Plan Commission provided that such use is similar in character to the principal uses permitted in the district. If the Plan Commission determines that an unclassified or unspecified use is similar in character to a conditional use specified for that zoning district, the unclassified or unspecified use will require review and approval by both the Plan Commission and the Village Board in accordance with the [conditional use] procedures...*" in the Zoning Code. The only use comparable to the proposed solid waste disposal, collection and transportation operation is "landfills and solid waste disposal and recovery uses" under Section 17.34(3)(c) of the M-2: General Zoning District. As stated in the Zoning Code, "...*the M-2 Industrial District is intended to provide for the same type of manufacturing and fabricating operations and uses as in the M-1 Industrial District plus more intensive uses. However, these operations and uses shall be provided in those areas where the relationships to surrounding land use would create fewer problems of compatibility. The M-2 Industrial District also permits those activities generally perceived as being of a nuisance nature or considered to be hazardous. All uses in this District must meet State of Wisconsin industrial standards as well as performance standards set forth in section 17.47 of this chapter. Such districts should not normally abut directly upon residential or commercial districts.*"

Location/Compatibility

By comparison, the proposed use is the same or similar to Waste Management's (WM) waste collection & recycling fleet maintenance facility and waste container storage yard located ½-mile to the south on County Line Road east of STH 145/Fond du Lac Ave. Since those facilities have been in operation, ongoing noise issues associated with those facilities negatively impact the residential neighborhood west of STH 145/Fond du Lac Ave. These types of uses that involve daily heavy vehicle operations including regular start-up, safety checking, and backing up of these vehicles and waste containers to/from the site during both pre-dawn (3:00 to 6:00am) and late night hours (after 10:00pm) are not compatible with residential uses. In the case of WM, the on-site storage and movement of dumpsters and roll-off type waste shipping containers results in loud banging sounds and truck backing beeping sounds throughout the day.

For these reasons, It would not be consistent with the intent of either the "Victory Center Corridor" and the M-2: General Zoning District to rezone this property from M-1 into the M-2 District to allow the proposed uses.

However, if the Plan Commission chooses to forward a positive recommendation to the Village Board in favor of rezoning the property and granting a conditional use permit, the Plan Commission needs to give further direction to staff and the applicant regarding the level of detail that will need to be incorporated into the site development & building plans that will need to be prepared and submitted for Plan Commission approval prior to commencing any development and/or uses on the property.

Also, further direction is needed by staff concerning any stipulations or conditions of approval that the PC deems are necessary to address/mitigate negative impacts associated with the proposed uses of the property, e.g. noise, vibration, glare, odor, traffic, etc.

The Village Engineer and Wastewater Utility superintendent have indicated that easement access agreements with the Village regarding access to the Northeast Interceptor sanitary sewer and storm sewer need to be considered as part of any future site development plan to preserve Village access to those facilities for maintenance purposes. "As-built" drawings for those easements are provided for information.

VILLAGE STAFF RECOMMENDATION

DENY the request to rezone 12.7 acres from M-1: Limited Industrial to the M-2: General Industrial Zoning District and **DENY** the conditional use permit application Conditional Use Permit (CUP) to develop and operate a "Solid Waste Disposal, Collection and Transportation Operation" from the property.

NOTE: *If the Plan Commission decides to forward a positive recommendation to the Village Board in favor of rezoning the property and granting a conditional use permit as requested, Staff recommends that action be **TABLED** or **POSTPONED** so the Plan Commission can:*

- 1. Provide direction to staff concerning stipulations or conditions of approval that the Plan Commission deems are necessary to address/mitigate negative impacts associated with the proposed uses of the property, e.g. noise, vibration, glare, odor, traffic, etc.; and*
- 2. Provide direction to staff and the applicant regarding the level of detail that will need to be incorporated into the site development & building plans that will need to be prepared and submitted for Plan Commission approval prior to commencing any development and/or uses on the property.*



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: 10/25/24 Received by: OR

CHK # 2834

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

Harter's Lakeside Disposal
W2578 Holland Lima Rd
Oostburg, WI 53070

Phone (920) 377-0929

E-Mail mthun@harters.net

PROPERTY OWNER

Current: Skyline Development Corp
Buyer: Harter's Lakeside Property
Management

Phone () 414-552-9050

E-Mail

2

PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

Fond du Lac Ave and Spaten Ct

GTNV 362988, 362986,
362982

3

REZONING REQUEST

FROM

M1

TO

M2

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.

Immediate Use: Dumpster Storage, truck parking

Future development (3-5yrs): maintenance building for trucks and containers with a small office. 5-100 employees. Operation hours 3am -Midnight. Office potentially open 8am-5pm.

6

SUPPORTING DOCUMENTATION:

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

7

READ AND INITIAL THE FOLLOWING:

JA 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.

JA 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 be sufficient cause to deny the petition.

JA 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

JA I understand that Village Staff is required to post one or more signs along the street frontage of and/or on the property subject of this application that indicate to nearby property owners and the general public that a public hearing of my application will be held before the Village Plan Commission and/or Village Board prior to action taken on this application; I hereby grant Village Staff permission to enter onto the property for the expressed purpose of installing said sign(s) provided Village Staff is responsible for installing, maintaining and removing said signs in a reasonable manner and time frame.

8

SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

[Signature]
Applicant

10/24/24
Date

Stagline Development Corp.
Owner

10/24/24
Date

PARCEL A: Lot 2 of Certified Survey Map No. 5464, recorded April 22, 2002 in Volume 39 of Certified Survey Maps, Pages 66-71, as Document No. 929976, being a part of the Northwest 1/4 and Northeast 1/4 of the Northwest 1/4 of Section 36, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

PARCEL B: Lot 2 of Certified Survey Map No. 6684, recorded May 6, 2016 in Volume 51 of Certified Survey Maps, Pages 156-162, as Document No. 1404392, being part of Lot 1 of Certified Survey Map No. 5464 in the Northwest 1/4 of the Northwest 1/4 of Section 36, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

PARCEL C: Outlot 1 of Certified Survey Map No. 5464, recorded April 22, 2002 in Volume 39 of Certified Survey Maps, Pages 66-71, as Document No. 929976, being a part of the Northwest 1/4 and Northeast 1/4 of the Northwest 1/4 of Section 36, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.



10/24/2024		Village of Germantown		Original Amount	Balance Due	Payment
Date	Type	Reference				
10/24/2024	Bill			1,085.00	1,085.00	1,085.00
			Check Amount			1,085.00

Oostburg St Bnk-Ops

1,085.00

Village of



Germantown

Village of Germantown
 Clerk Treasurer
 N112W17001 MEQUON ROAD
 Germantown, WI 53022
 (262)250-4700
 Welcome

10/25/2024 11:09AM Mary S.
 000751-0006
 Payment Effective Date 10/25/2024

MISCELLANEOUS

ZONING FEES (GENZON)

2024 Item: GENZON

1 @ \$1,085.0000

ZONING FEES (GENZON)

\$1,085.00

 \$1,085.00

Subtotal

\$1,085.00

Total

\$1,085.00

CHECK

\$1,085.00

Check Number 2834

Change due

 \$0.00

Thank you for your payment

CUSTOMER COPY



Fee must accompany application

☒ \$1460 Paid RR Date 9/6/24
CHK # 2747

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

Harter's Lakeside Disposal
W2578 Holland Lima Road
Oostburg, WI 53070

Phone (920) 377-0929

Fax (920) 552-5414

E-Mail mthun@harters.net

PROPERTY OWNER

current: Skyline Development Corp.
buyer: Lakeside Property Management

Phone 414 (920) 552-9050

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

Harter's Lakeside Disposal

3 PROPERTY ADDRESS

Fond du Lac Ave and Spaten Ct

TAX KEY NUMBER

GTNV 362988,
362986, 362982

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.

Vacant

5 DESCRIPTION OF PROPOSED OPERATION

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

12.22 Solid waste disposal, collection, and transportation operations

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

Immediate use: Dumpster storage, truck parking

Future development (3-5 yrs): maintenance building for trucks and containers with a small office. 5-100 employees. Operation hours 3am-Midnight. Office potentially open 8:00-5:00pm.

6

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

See attached.

7

SUPPORTING DOCUMENTATION:

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

8

READ AND INITIAL THE FOLLOWING:

MS 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.

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

MS 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.

MS I understand that Village Staff is required to post one or more signs along the street frontage of and/or on the property subject of this application that indicate to nearby property owners and the general public that a public hearing of my application will be held before the Village Plan Commission and/or Village Board prior to action being taken on this application; I hereby grant Village Staff permission to enter onto the property for the expressed purpose of installing said sign(s) provided Village Staff is responsible for installing, maintaining and removing said signs in a reasonable manner and timeframe.

9

SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

[Signature] 9/4/24
Applicant Date

Skyline Development Corp 9/4/24
Owner Date

PARCEL A: Lot 2 of Certified Survey Map No. 5464, recorded April 22, 2002 in Volume 39 of Certified Survey Maps, Pages 66-71, as Document No. 929976, being a part of the Northwest 1/4 and Northeast 1/4 of the Northwest 1/4 of Section 36, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

PARCEL B: Lot 2 of Certified Survey Map No. 6684, recorded May 6, 2016 in Volume 51 of Certified Survey Maps, Pages 156-162, as Document No. 1404392, being part of Lot 1 of Certified Survey Map No. 5464 in the Northwest 1/4 of the Northwest 1/4 of Section 36, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

PARCEL C: Outlot 1 of Certified Survey Map No. 5464, recorded April 22, 2002 in Volume 39 of Certified Survey Maps, Pages 66-71, as Document No. 929976, being a part of the Northwest 1/4 and Northeast 1/4 of the Northwest 1/4 of Section 36, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.



Village of Germantown
Date Type Reference
9/4/2024 Bill

Original Amt.
1,460.00

Balance Due
1,460.00

9/4/2024
Discount
Check Amount

Payment
1,460.00
1,460.00

Oostburg St Bnk-Ops

1,460.00

Village of



Village of Germantown
Clerk Treasurer
N112W17001 MEQUON ROAD
Germantown, WI 53022
(262)250-4700
Welcome

09/05/2024 09:58AM Mary S.
000703-0007
Payment Effective Date 09/03/2024

MISCELLANEOUS

CONDITIONAL USE PERMITS
(GENCON)

2024 Item: GENCON

1 @ \$1,460.0000

CONDITIONAL USE PERMITS
(GENCON)

\$1,460.00

\$1,460.00

Subtotal
Total

\$1,460.00
\$1,460.00

CHECK
Check Number 2747

\$1,460.00

Change due

\$0.00

Thank you for your payment

CUSTOMER COPY

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Plan Commission at the Germantown Village Hall located at N112W17001 Mequon Road, Germantown, Wisconsin and virtually through the WebEx platform on the following date and at the time noted below (or soon thereafter):

DATE: Monday, November 11th, 2024
TIME: 6:30 pm or later

The purpose of said hearing is to hear all parties, their attorneys or agents, for the following applications: (1) a REZONING application to rezone the following described property from the M-1: Limited Industrial to the M-2:General Industrial Zoning District; and (2) a CONDITIONAL USE PERMIT application for a "Solid Waste Disposal, Collection and Transportation Operation" from the following described property pursuant to Section 17.34(3)(c) of the Village Zoning Code.

Applicant: Harter's Lakeside Disposal, Agent for Skyline Development Corp., Property Owner
Property Address: Corner of Fond du Lac Ave. and Spaten Ct. (GTNV 362-988, 362-986 & 362-982)

Property Descriptions:

PARCEL A: Lot 2 of Certified Survey Map No. 5464, recorded April 22, 2002 in Volume 39 of Certified Survey Maps, Pages 66-71, as Document No. 929976, being a part of the Northwest ¼ and Northeast ¼ of the Northwest ¼ of Section 36, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

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PARCEL C: Outlot 1 of Certified Survey Map No. 5464, recorded April 22, 2002 in Volume 39 of Certified Survey Maps, Pages 66-71, as Document No. 929976, being a part of the Northwest ¼ and Northeast ¼ of the Northwest ¼ of Section 36, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

A copy of the application and a map showing the property described above are on file at the Community Development Department-Planning & Zoning Services office in the Germantown Village Hall and can be viewed on the Village's Zoning Hub and website by following either of these links:

Website: <https://www.germantownwi.gov/589/Proposed-Development-Projects>

Citizens wishing to submit any public comments should do so by sending them by email to: comments@germantownwi.gov no later than 4:00 pm on the meeting date listed above.

Donna Ott, Village Clerk
Dated this 16th day of October 2024

To Be Published On: October 23rd and October 30th, 2024



Harter's Lakeside Disposal
Application Supplement
November 8, 2024

Introduction

Harter's Lakeside Disposal will make a major investment in the Village of Germantown through the purchase of three properties on Spaten Court (Parcel Numbers: GTNV 362986, GTNV 362982, and GTNV 362988). The properties are zoned M-1 Limited Industrial District.

Spaten Court intersects with Fond du Lac Avenue (STH 145) and is just south of Donges Bay Road. The area is already an active commercial corridor with service-oriented uses including auto and truck repair services, wholesaler uses, and personal storage facilities.

Harter's will expand its operations and facilities at the site over a 3-5 year period but the phased implementation may be accelerated as its business grows.

Phase 1

Timing: Immediate

Plan Overview: See Phase 1 Site Plan (fenced area and gate to Spaten Court on Parcel GTNV 362982; storage pad for limited storage of trucks, employee vehicles, and dumpsters; a temporary job site trailer; and a portable restroom).

Plan Details: Storage pad will be gravel or crushed asphalt; fence will be 8' high chain link with privacy slats if required; **no** storage area for trash or recyclables (the use is **not** a waste transfer station or landfill).

Operational Details:

1. The use in Phase 1 will be limited to storage. No maintenance and repair operations will be conducted on site.
2. A limited number of trucks, employee vehicles, and dumpsters will be on site but some increase may occur during off-peak months (January – March). Up to 10 trucks and dumpsters will be kept on site for Phase 1.
3. Hours of operation will involve early morning arrivals of employees and departures of trucks (between 3:00 am – 7:00 am) and returns to the site in the afternoon and evening (between 1:00 pm – 6:00 pm).



Phase 2

Timing: 2025-2026 (approx.), following required Plan Commission approvals.

Plan Overview: See Phase 2 Site Plan (within the same fenced area on Parcel GTNV 362982, an expanded storage pad for storage of trucks, employee vehicles, and dumpsters; a new office/maintenance building to be constructed).

Plan Details:

A concrete apron will be poured inside the gate to Spaten Court; the expanded storage pad will be gravel or crushed asphalt.

While the site lighting and building design will be submitted for Plan Commission review and approval at a future time, Harter's will propose a building design that is consistent and compatible with the surrounding uses. Images of its current building as well as its typical lighting are attached.

There will be **no** storage area for trash or recyclables (the use is **not** a waste transfer station or landfill).

Operational Details:

1. The use in Phase 2 will be increased storage, construction of an office/maintenance and repair facility, and the office/maintenance and repair operations. Maintenance and repairs will be limited to company-owned vehicles and equipment. All maintenance and repair operations will be performed inside the building.
2. Up to 50 trucks and dumpsters will be kept on site for Phase 2.
3. Hours of operation will involve early morning arrivals of employees and departures of trucks (between 3:00 am – 7:00 am) and returns to the site in the afternoon and evening (between 1:00 pm – 6:00 pm). Maintenance and repair operations inside the building will occur throughout the day with primary services occurring between 4:00 pm – 11:00 pm. There will generally not be any activity on site between 11:00 pm – 3:00 am unless emergency repairs are needed (performed inside the building) or trucks need to leave for special pickups.

Phase 3

Timing: 2028-2030 (approx.), following required Plan Commission approvals.

Plan Overview: See Phase 3 Site Plan (within the same fenced area on Parcel GTNV 362982, an expanded storage pad for storage of trucks and dumpsters; an addition to the office/maintenance building to be constructed; and an employee vehicle parking area on Parcel GTNV 362986 with direct access to Spaten Court and secondary access to the storage yard).

**Plan Details:**

The employee parking area and expanded storage pad will be gravel or crushed asphalt.

The employee parking area and building addition design will be submitted for Plan Commission review and approval at a future time.

There will be **no** storage area for trash or recyclables (the use is **not** a waste transfer station or landfill).

Operational Details:

1. The use in Phase 3 will be increased storage, expansion of the maintenance and repair facility, and the office/maintenance and repair operations. Maintenance and repairs will be continue to be limited to company-owned vehicles and equipment. All maintenance and repair operations will continue to be performed inside the building.
2. Up to 100 trucks and dumpsters will be kept on site for Phase 3.
3. Hours of operation will involve early morning arrivals of employees and departures of trucks (between 3:00 am – 7:00 am) and returns to the site in the afternoon and evening (between 1:00 pm – 6:00 pm). Maintenance and repair operations inside the building will occur throughout the day with primary services occurring between 4:00 pm – 11:00 pm. There will generally not be any activity on site between 11:00 pm – 3:00 am unless emergency repairs are needed (performed inside the building) or trucks need to leave for special pickups.

Conclusion

Harter's respectfully requests that the application for its Phase 1 use be approved.

Respectfully Submitted,

Harter's Lakeside Disposal

Michael Thun, General Manager and Owner

Cedar Creek Surveying, LLC

Tom TeBeest, PE, Civil Engineer for Project

Amundsen Davis LLC

Brian C. Randall, Attorney for Harter's



Harter's Current Building





Harter's Typical Lighting



PROPOSED SITE PLAN - PHASE 1

Part of the NW 1/4, Section 36, T9N, R20E, Village of Germantown, Washington County, Wisconsin.



S.T.H. 145/FOND DU LAC AVENUE

PARCEL #362981

PARCEL #362993

PARCEL #362982

PARCEL #362988

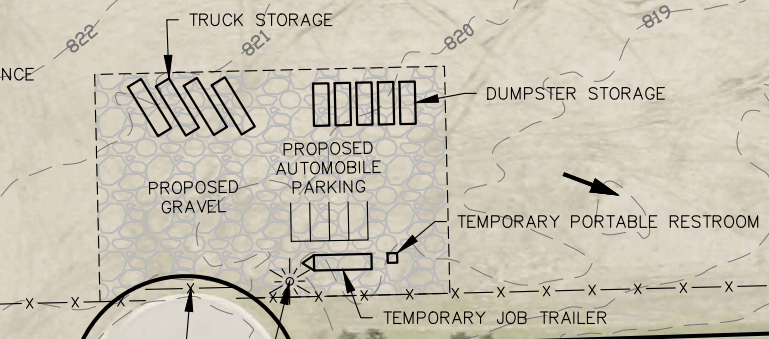
PARCEL #362986

PARCEL #362989

PARCEL #362999

PARCEL #362985

SPATEN COURT



- NOTES:
- 1. PARCEL LINES ARE FROM WASHINGTON COUNTY GIS.
 - 2. CONTOURS ARE FROM WASHINGTON COUNTY GIS.

PREPARED FOR:





100 South 10th Street
Oostburg, WI 53070

920-547-0599

CEDAR CREEK SURVEYING, LLC

ENGINEERS • SURVEYORS • DRAFTERS

www.cedarcreeksurveying.com

PROPOSED SITE PLAN - PHASE 2

Part of the NW 1/4, Section 36, T9N, R20E, Village of Germantown, Washington County, Wisconsin.

S.T.H. 145/FOND DU LAC AVENUE



- NOTES:
1. PARCEL LINES ARE FROM WASHINGTON COUNTY GIS.
2. CONTOURS ARE FROM WASHINGTON COUNTY GIS.

PREPARED FOR:





100 South 10th Street
Oostburg, WI 53070

920-547-0599

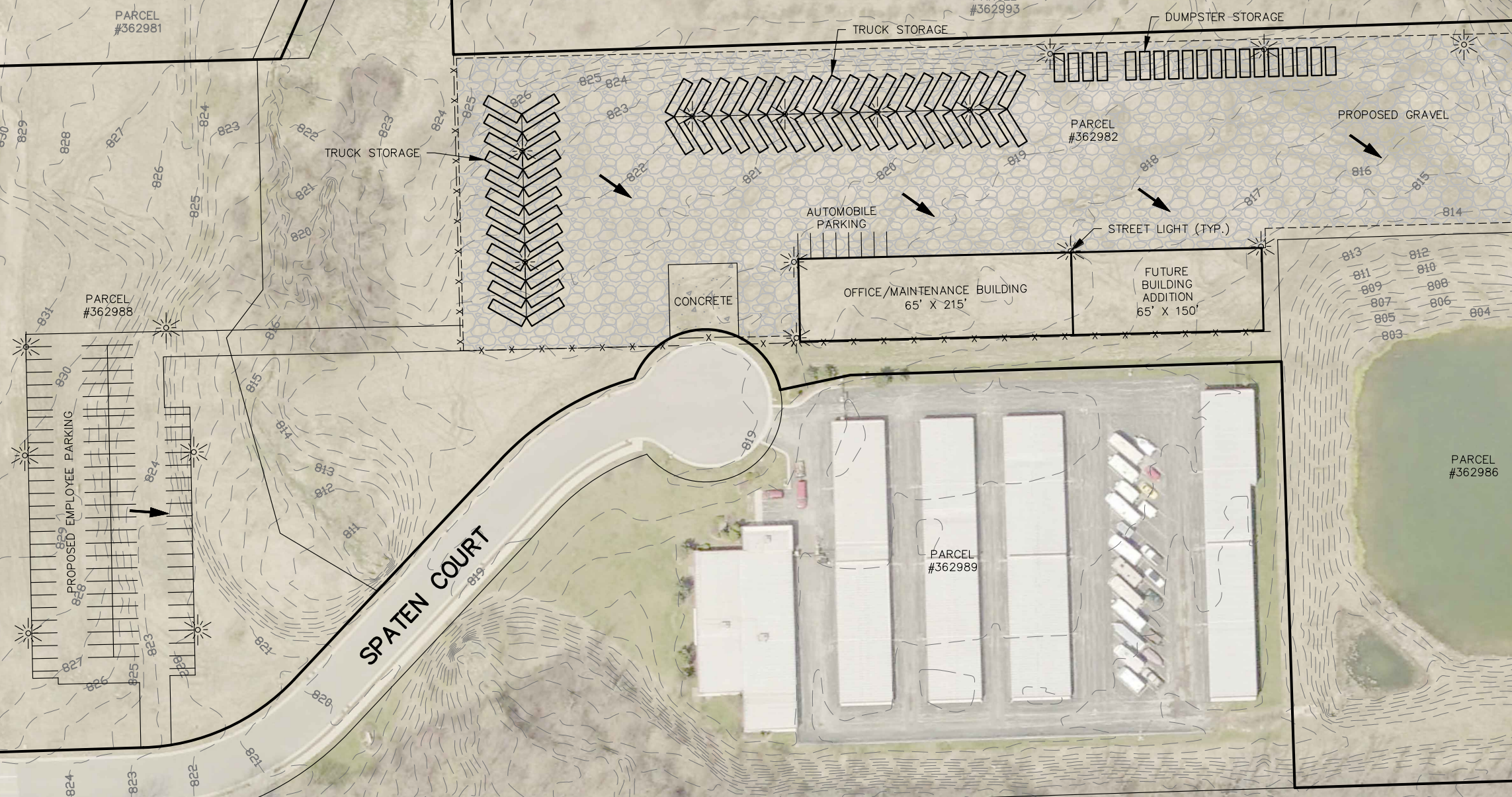
CEDAR CREEK SURVEYING, LLC
ENGINEERS • SURVEYORS • DRAFTERS
www.cedarcreeksurveying.com

PROPOSED SITE PLAN - PHASE 3

Part of the NW 1/4, Section 36, T9N, R20E, Village of Germantown, Washington County, Wisconsin.

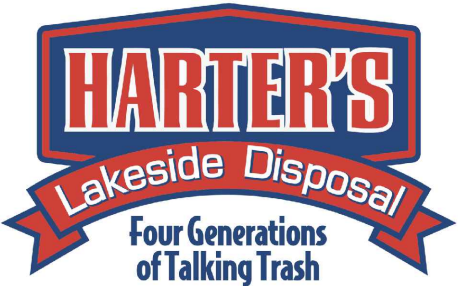


S.T.H. 145/FOND DU LAC AVENUE



- NOTES:
- 1. PARCEL LINES ARE FROM WASHINGTON COUNTY GIS.
 - 2. CONTOURS ARE FROM WASHINGTON COUNTY GIS.

PREPARED FOR:





100 South 10th Street
Oostburg, WI 53070

920-547-0599

CEDAR CREEK SURVEYING, LLC

ENGINEERS • SURVEYORS • DRAFTERS

www.cedarcreeksurveying.com



Village of Germantown GIS

DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

The Village of Germantown Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



Village Of Germantown
N112 W17001 Mequon Road
Germantown, WI 53022
262-250-4700



SCALE: 1 = 605'

Print Date: 9/11/2024

Jeff Retzlaff

From: Paul Haugen
Sent: Wednesday, September 11, 2024 9:02 PM
To: Tim Zimmerman; Debbie Remich; Matthew Mortwedt; John Delain; Chief Mike Snow; tom.olejniczak@hecl.com; brad.seubert@hecl.com; Scott Anderson; Nathan Schuettpelz - Wachtel Tree Science; Kevin Driscoll; Justin Brandt; safe built-Alan Inspector; nschuettpelz@gmail.com; bstemple@wachteltree.com; Bob Beilfuss
Cc: Jeff Retzlaff; Jordan Yanke
Subject: Re: Staff Review - Plan Commission November 11th - Harter's Lakeside Disposal CUP

Water Utility has no comments

Sent from my U.S.Cellular® Tablet
Get [Outlook for Android](#)

From: Tim Zimmerman <tzimmerman@germantownwi.gov>
Sent: Wednesday, September 11, 2024 12:38:13 PM
To: Debbie Remich <dremich@germantownwi.gov>; Matthew Mortwedt <mmortwedt@germantownwi.gov>; John Delain <jdelain@germantownwi.gov>; Chief Mike Snow <msnow@germantownpolice.org>; Paul Haugen <phaugen@germantownwi.gov>; tom.olejniczak@hecl.com <tom.olejniczak@hecl.com>; brad.seubert@hecl.com <brad.seubert@hecl.com>; Scott Anderson <sanderson@germantownwi.gov>; Chief Mike Snow <msnow@germantownpolice.org>; Nathan Schuettpelz - Wachtel Tree Science <NateS@wachteltree.com>; Kevin Driscoll <kdriscoll@Germantownwi.gov>; Justin Brandt <jbrandt@safebuilt.com>; safe built-Alan Inspector <aschmuck@safebuilt.com>; nschuettpelz@gmail.com <nschuettpelz@gmail.com>; bstemple@wachteltree.com <bstemple@wachteltree.com>; Bob Beilfuss <flashthunder506easy@gmail.com>
Cc: Jeff Retzlaff <jretzlaff@germantownwi.gov>; Jordan Yanke <jyanke@germantownwi.gov>
Subject: RE: Staff Review - Plan Commission November 11th - Harter's Lakeside Disposal CUP

Item 1 – HARTERS – Need to maintain agreed access shown in Blue to NE interceptor. This was agreed to do to no access for the infrastructure shown in orange ellipse.

Item 2- no issues

Timothy K. Zimmerman
Superintendent of Wastewater Utility/Recycling Coordinator
Village of Germantown
N122 W17177 Fond du Lac Ave.
PO Box 337
Germantown, WI 53022
Office – 262-253-7765
Fax - 262-250-4703
After Hours Emergencies – 262-253-7780
tzimmerman@germantownwi.gov

“THE DIFFERENCE BETWEEN GENIUS AND STUPIDITY IS THAT GENIUS HAS IT’S LIMITS” – Albert Einstein

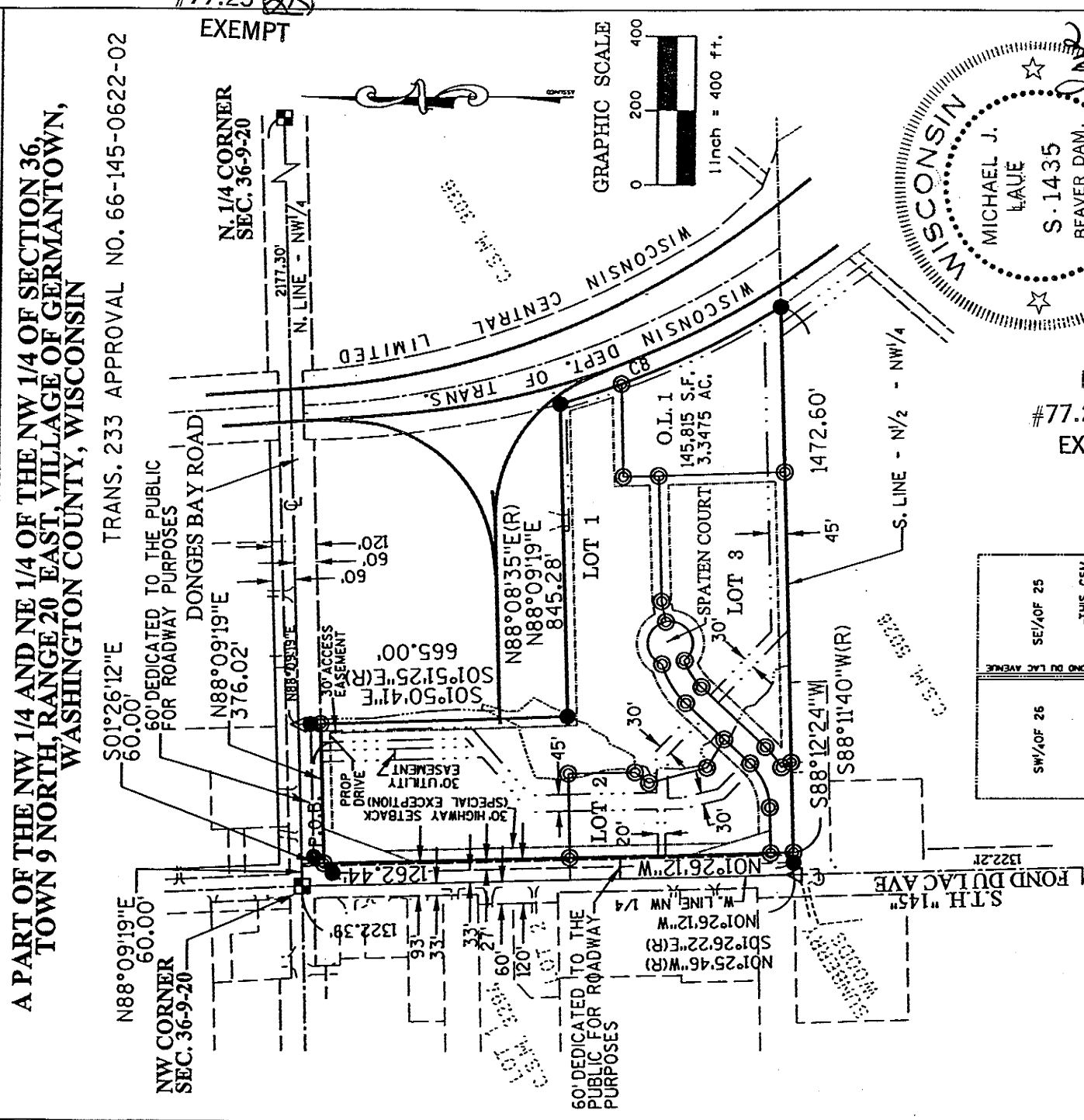
From: Debbie Remich <dremich@germantownwi.gov>
Sent: Wednesday, September 11, 2024 11:58 AM
To: Matthew Mortwedt <mmortwedt@germantownwi.gov>; John Delain <jdelain@germantownwi.gov>; Chief Mike

Return to:

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
P.O. BOX 337
GERMANTOWN, WI 53022-0337

COPY

PROJECT # 2239902	SCALE: 1" = 400 FEET	CLIENT: SKYLINE DEVELOPMENT CORP.
SHEET # 1 OF 6	DRAWN BY AB	
DWG: CSM.DGN	CHECKED BY MJL	
SURVEYOR: MICHAEL J. LAUE MSA PROFESSIONAL SERVICES, INC. 111 WARREN STREET BEAVER DAM, WI 53916 (920) 887-4242	MSA PROFESSIONAL SERVICES BEAVER DAM, WI 53916 © 2000 MSA PROFESSIONAL SERVICES	
WASHINGTON COUNTY CERTIFIED SURVEY MAP #		



W. 1/4 CORNER SEC. 36-9-20

SETBACKS
FOND DU LAC AVE. - 30' (SPECIAL EXCEPTION)
SPATEN COURT - 30'
SIDE - 25'
REAR - 25'

NAVIGABLE STREAM - 75'
WETLANDS - 25'

LEGEND

- SECTION LINE
- CENTERLINE
- ADJOINING PARCEL
- UTILITY/ACCESS EASE.
- RAILROAD TRACK
- WETLAND
- NAVIGABLE STREAM
- SETBACK LINE

LOCATION MAP

AREA

LOTS 999,189 S.F. - 22,9383 AC.
ROW 151,342 S.F. - 3,4743 AC.
TOTAL 1,150,531 S.F. - 26,4126 AC.

NOTES:
WETLANDS DELINEATION AND REPORT COMPLETED IN OCTOBER OF 1998 BY JAMES A. REINARTZ, OF WETLAND ECOLOGY AND RESTORATION CONSTRUCTION.
20' WIDE WISCONSIN GAS CO. EASEMENT LIES WITHIN EASTERLY RIGHT-OF-WAY LINE OF FOND DU LAC AVE.
CAUTION - HIGHWAY SETBACK RESTRICTIONS PROHIBIT IMPROVEMENTS. SEE SHEET 5 OF 6
SEE PAGE 4 OF 6 FOR CURVE TABLE

FEE
#77.25 (28)
EXEMPT

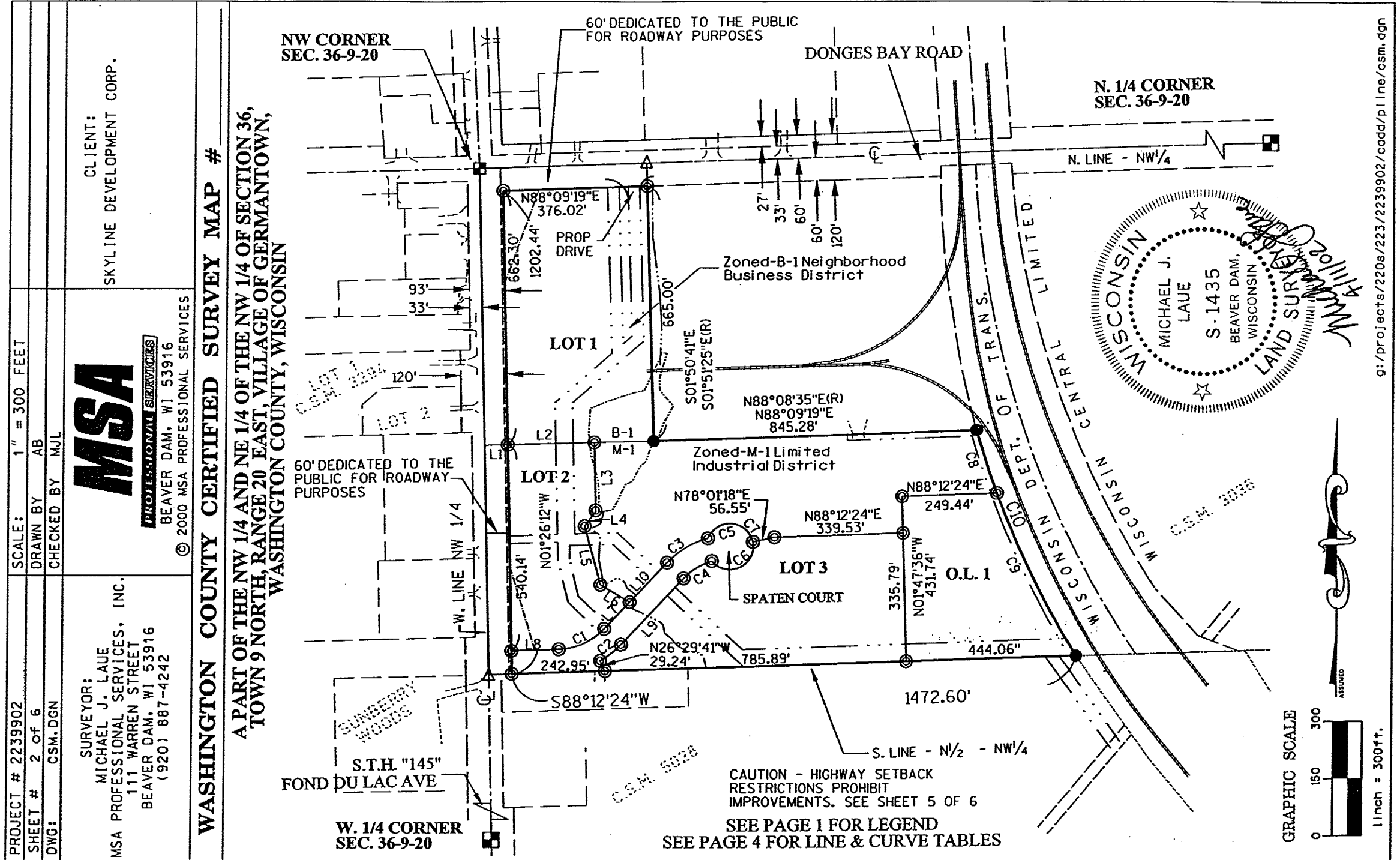
FEE
#77.25 (28)
EXEMPT

GRAPHIC SCALE

0 200 400
1 inch = 400 ft.

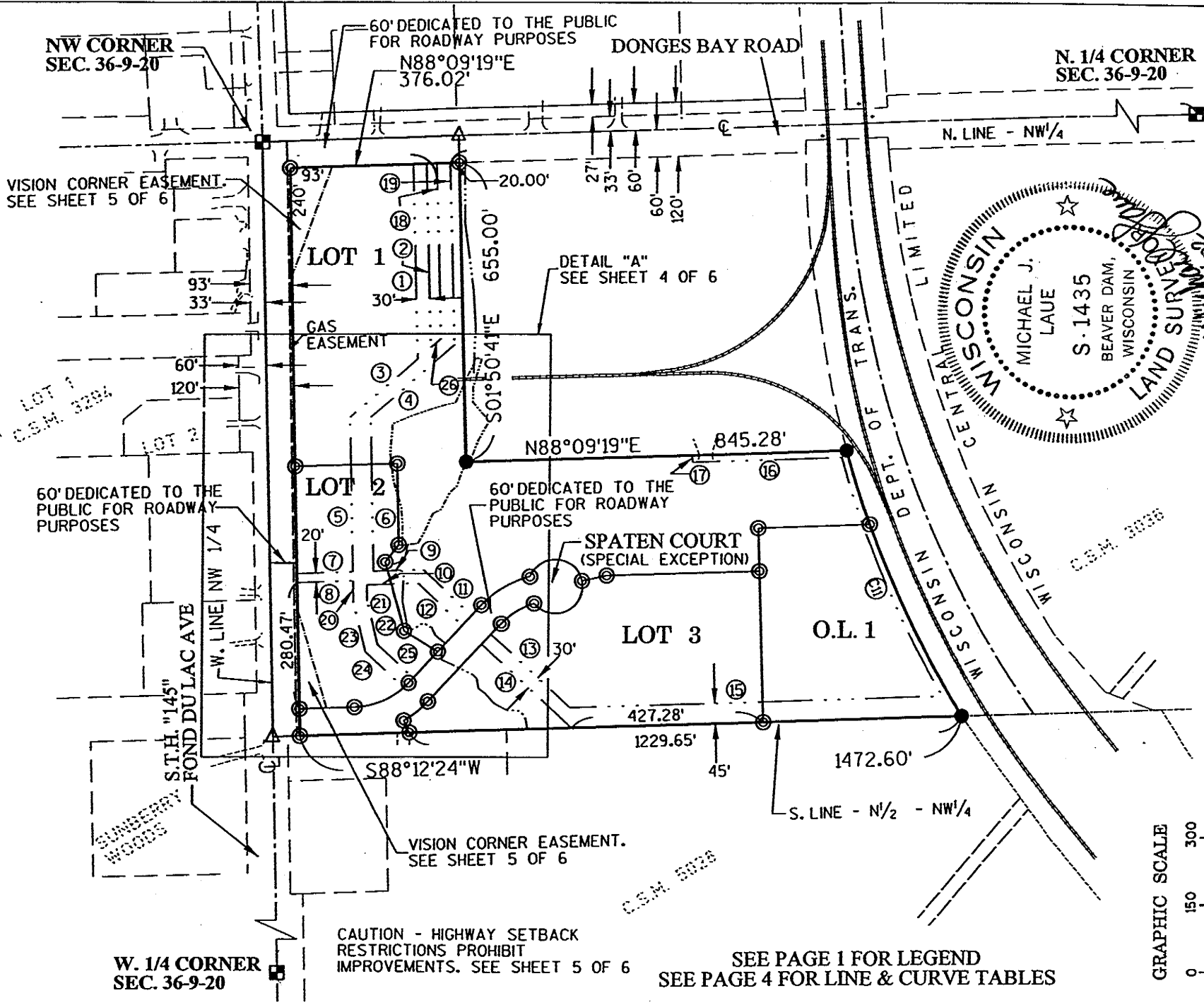
WISCONSIN
MICHAEL J. LAUE
S-1435
BEAVER DAM, WISCONSIN
LAND SURVEYOR

RETURN TO:
VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
P.O. BOX 337
GERMANTOWN, WI 53022-0337



PROJECT # 2239902	SCALE: 1" = 300 FEET	CLIENT: SKYLINE DEVELOPMENT CORP.
SHEET # 3 OF 6	DRAWN BY AB	
DWG: CSM.DGN	CHECKED BY MJL	
MSA PROFESSIONAL SERVICES BEAVER DAM, WI 53916 © 2000 MSA PROFESSIONAL SERVICES MSA PROFESSIONAL SERVICES BEAVER DAM, WI 53916 111 WARREN STREET BEAVER DAM, WI 53916 (920) 887-4242		
WASHINGTON COUNTY CERTIFIED SURVEY MAP #		

A PART OF THE NW 1/4 AND NE 1/4 OF SECTION 36,
TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN,
WASHINGTON COUNTY, WISCONSIN



PROJECT # 2239902		SCALE: 1" = 400 FEET	
SHEET # 4 of 6		DRAWN BY AB	
DWG: CSM.DGN		CHECKED BY MJL	
SURVEYOR: MICHAEL J. LAUE MSA PROFESSIONAL SERVICES, INC. 111 WARREN STREET BEAVER DAM, WI 53916 (920) 887-4242		MSA PROFESSIONAL SERVICES BEAVER DAM, WI 53916 © 2000 MSA PROFESSIONAL SERVICES	
CLIENT: SKYLINE DEVELOPMENT CORP.			

WASHINGTON COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NW 1/4 OF SECTION 36,
TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN,
WASHINGTON COUNTY, WISCONSIN



GRAPHIC SCALE



1 inch = 200 ft.

WETLANDS
LINE TABLE

NO.	BEARING	DIST
TIE	S80°29'32"E	7.30'
W1	N01°45'39"E	40.00'
W2	N04°16'09"W	46.00'
W3	N17°13'55"W	39.30'
W4	N14°20'22"W	24.38'
W5	N06°52'29"W	58.10'
W6	N03°28'14"E	66.72'
W7	N67°29'44"E	41.88'
W8	N70°50'42"E	45.25'
W9	N72°44'05"E	38.40'
W10	N78°33'53"E	22.31'
W11	N24°57'50"E	79.06'
W12	N22°14'02"E	31.20'
W13	S74°29'09"E	14.01'
W14	S16°44'05"W	65.81'
W15	S00°32'47"E	32.56'
W16	S40°55'11"E	54.94'
W17	S28°18'53"W	54.61'
W18	S19°58'44"W	43.81'
W19	S40°24'11"W	27.92'
W20	S18°34'55"W	36.72'
W21	S47°16'48"W	21.20'
W22	S26°38'47"W	42.05'
W23	S64°23'00"W	20.85'
W24	S24°15'10"W	45.00'
W25	S30°12'07"W	30.00'
W26	S82°55'18"W	36.00'

UTILITY/ACCESS
BASEMENT LINE TABLE

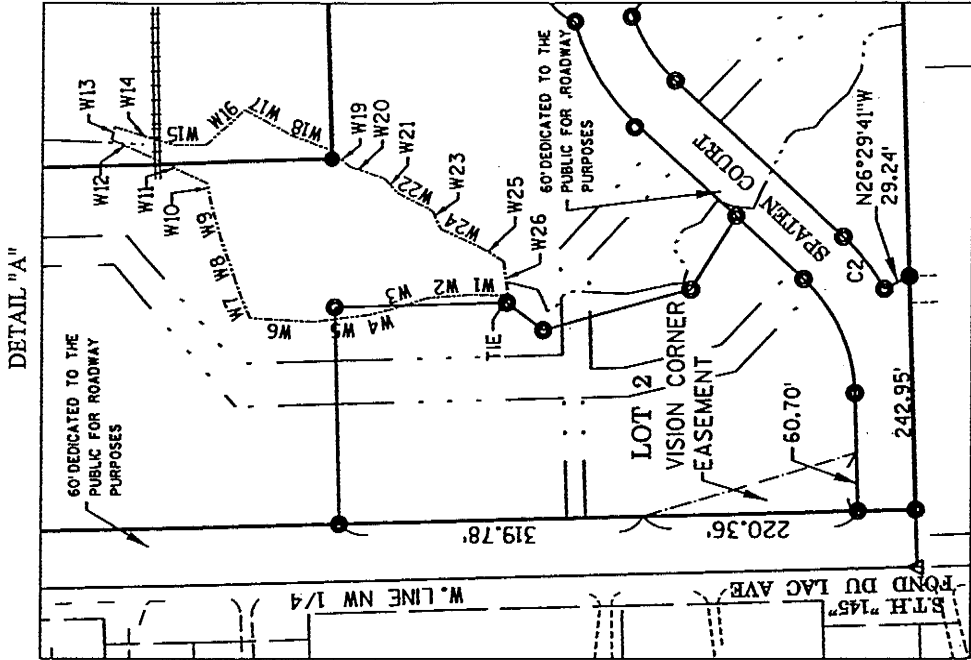
NO.	BEARING	DIST
1	S01°50'41"E	432.58'
2	S01°50'41"E	408.03'
3	S48°51'39"W	196.11'
4	S48°51'39"W	245.18'
5	S01°26'12"E	345.29'
6	S01°26'12"E	343.38'
7	S88°12'24"W	125.21'
8	S88°12'24"W	125.21'
9	S88°12'24"W	110.76'
10	S88°12'24"W	113.52'
11	S46°47'36"E	149.26'
12	S46°47'36"E	138.84'
13	S46°47'36"E	236.87'
14	S46°47'36"E	270.51'
15	N88°12'24"E	831.26'
16	N88°09'19"E	330.95'
17	N01°50'41"W	15.00'
18	S01°50'41"E	389.21'
19	S01°50'41"E	403.43'
20	S01°26'12"W	48.29'
21	S01°26'12"W	35.27'
22	S13°37'52"W	100.40'
23	S13°37'52"W	112.54'
24	S46°47'36"E	116.54'
25	S46°47'36"E	108.28'
26	S48°51'39"W	29.72'

LINE TABLE

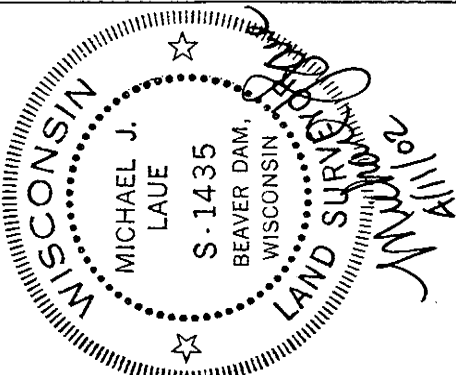
LINE	BEARING	DIST
L1	S88°33'48"W	60.00
L2	S88°33'48"W	226.16
L3	S01°26'12"E	181.28
L4	S37°04'08"W	47.67
L5	S15°21'43"E	159.36
L6	S59°11'45"E	89.07
L7	S43°12'24"W	95.65
L8	S88°12'24"W	123.05
L9	S43°12'24"W	237.62
L10	S43°12'24"W	141.97

CURVE TABLE

CURVE	LENGTH	DELTA	RADIUS	DIRECTION	CHORD	TANGENTS
C1	133.52'	45°00'00"	170.00'	S65°42'24"W	130.11'	N88°12'24"E S43°12'24"W
C2	69.01'	17°11'27"	230.00'	N51°58'07"E	68.75'	N60°23'51"E S43°12'24"W
C3	124.78'	31°05'05"	230.00'	S58°44'56"W	123.26'	N43°12'24"E S74°17'29"W
C4	85.45'	28°48'01"	170.00'	S57°36'24"W	84.56'	N43°12'24"E S72°00'24"W
C5	153.95'	147°00'53"	60.00'	N85°29'13"W	115.06'	N21°00'21"E N11°58'46"W
C6	159.61'	152°24'57"	60.00'	N64°13'42"E	116.54'	S39°33'50"E S11°58'46"E
C7	313.56'	299°25'50"	60.00'	N09°16'45"W	60.52'	S39°33'50"E N21°00'21"E
C8	173.65'	04°21'38"	2281.71'	S17°55'15"E	173.61'	S15°44'26"E N20°06'04"W
C9	474.43'	11°54'48"	2281.71'	S26°03'28"E	473.58'	S20°06'04"E N32°00'52"W
C10	648.08'	16°16'26"	2281.71'	S23°52'39"E	645.91'	S15°44'26"E N32°00'52"W
C11	580.23'	14°28'30"	2296.71'	S23°52'39"E	578.69'	S16°02'01"E N30°30'31"W



SEE PAGE 1 FOR LEGEND



LOT TABLE

LOT	SQ. FT.	ACRES
LOT 1	521,549	11.9731
LOT 2	124,434	2.8566
LOT 3	207,391	4.7611
O.L. 1	145,815	3.3475
RW	151,342	3.4743
TOTAL	1,150,531	26.4126

SURVEYOR'S CERTIFICATE

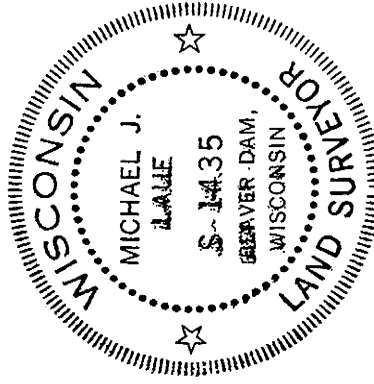
I, Michael J. Laue, Land Surveyor, State of Wisconsin, do hereby certify that by the order of Skyline Development Corporation, I have made a survey of a part of the Northwest 1/4 and the Northeast 1/4 of the Northwest 1/4 of Section 36, Town 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin. The parcel is more particularly described as follows:

COMMENCING at the Northwest Corner of said Section 36; thence, along the North line of the Northwest 1/4 of said Section 36, N.88°09'19"E., 60.00 feet; thence S.01°26'12"E., 60.00 feet to the **POINT OF BEGINNING**; thence S.88°09'19"E., 376.02 feet; thence S.01°50'41"E., 665.00 feet; thence N.88°09'19"E., 845.28 feet; thence Southeasterly along a curve to the left 648.08 feet, said curve has a radius of 2,281.71 feet, a chord bearing S.23°52'39"E., a chord distance of 645.91 feet and a delta angle of 16°16'26", to the South line of the North 1/2 of the Northwest 1/4 of said Section 36; thence, along said South line, S.88°12'24"W., 1472.60 feet; thence N.01°26'12"W., 1262.44 feet to the **POINT OF BEGINNING**.

Said parcel contains 999,189 square feet or 22.9383 total net acres, more or less, and dedicated right-of-way of 151,342 square feet or 3.4743 acres more or less, and a total gross of 1,150,531 square feet or 26.4126 acres, more or less.

The bearings are oriented to the West line of the Northwest 1/4 of Section 36, Town 9 North, Range 20 East which bears N.01°26'12"W. and is referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone.

I, also certify that I have complied with the provisions of Chapter 236 of the revised Wisconsin Statutes and the Land Division Ordinance of the Village of Germantown, Washington County, Wisconsin. I, further certify that the accompanying map is a true and correct representation of the exterior boundaries of the land surveyed according to official records.



Dated this 11 day of April, 2002.



Michael J. Laue, WI Land Surveyor, S-1435
MSA PROFESSIONAL SERVICES
111 Warren Street, Beaver Dam, WI 53916

TRANS 233

All lots and blocks are hereby restricted so that no owner, possessor, user, licensee or other person may have any right or direct vehicular ingress from or egress to any highway lying within the right-of-way of S.T.H. "145" or Fond du Lac Avenue; it is expressly intended that this restriction constitute a restriction for the benefit of the public as provided in s. 236.293. Stats., and shall be enforceable by the department or its assigns. Any access shall be allowed only by exception. Any access allowed by special exception shall be confirmed and granted only through the driveway permitting process and all permits are revocable.

No improvements or structures are allowed between the right-of-way line and the highway setback line. Improvements and structures include, but are not limited to, signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department.

No structure or improvement of any kind is permitted within the vision corner. No vegetation within the vision corner may exceed 30 inches in height.



Recorded
APR. 22, 2002 AT 09:00AM
DOROTHY C. GUNNING
REGISTER OF DEEDS

OWNER'S CERTIFICATE

Skyline Development Corporation, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this map to be surveyed, divided, dedicated, and mapped as represented on this map.

WITNESS:

William Burkhart
William Burkhart, President

STATE OF WISCONSIN)
) SS
WASHINGTON COUNTY)

Personally came before me this 18th day of April, 2002, William Burkhart the above named corporation, to me known to be such President of said corporation, and acknowledged that he executed the foregoing instrument as authorized agent of said corporation, by its authority.

Janice P. Wick
NOTARY PUBLIC, STATE OF WISCONSIN
Janice P. Wick
My commission expires: NOV. 16, 2003

VILLAGE OF GERMANTOWN PLANNING COMMISSION APPROVAL

This Certified Survey Map is hereby approved by the Village of Germantown Planning Commission this 8th day of April, 2002.

Charles J. Hargan
Charles J. Hargan, Chairman

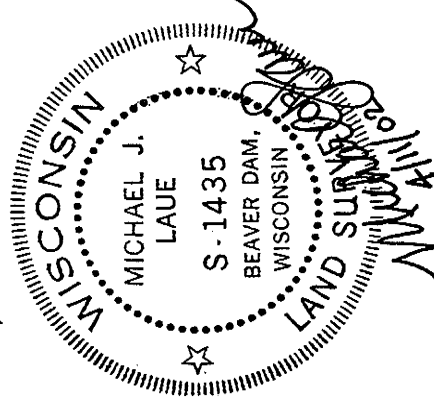
Angela N. Sievert
Angela N. Sievert, Secretary

VILLAGE OF GERMANTOWN BOARD OF APPROVAL

This land division is hereby approved by the Village of Germantown board and the road dedication shown thereon accepted this 16th day of April, 2002.

Charles J. Hargan
Charles J. Hargan, President

Jane A. Wilms
Jane A. Wilms, Village Clerk



CERTIFIED SURVEY MAP NO.

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



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BROOKFIELD, WI 53045
PH: (262) 786-6600
WWW.CAPITOLSURVEY.COM

P.O.C.
NW COR.
NW 1/4
SEC. 36-9-20
FND P.K. NAIL
N 445,601.64
E 2,511,026.48

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

SEE SHEET 2 FOR LINE AND CURVE TABLE.

SEE SHEET 3 FOR LOT 1 AND MEANDER LINE DETAIL

SEE SHEET 4 FOR EASEMENT DETAIL

SEE SHEET 5 FOR LOT 2 EASEMENT AND WETLAND DETAIL

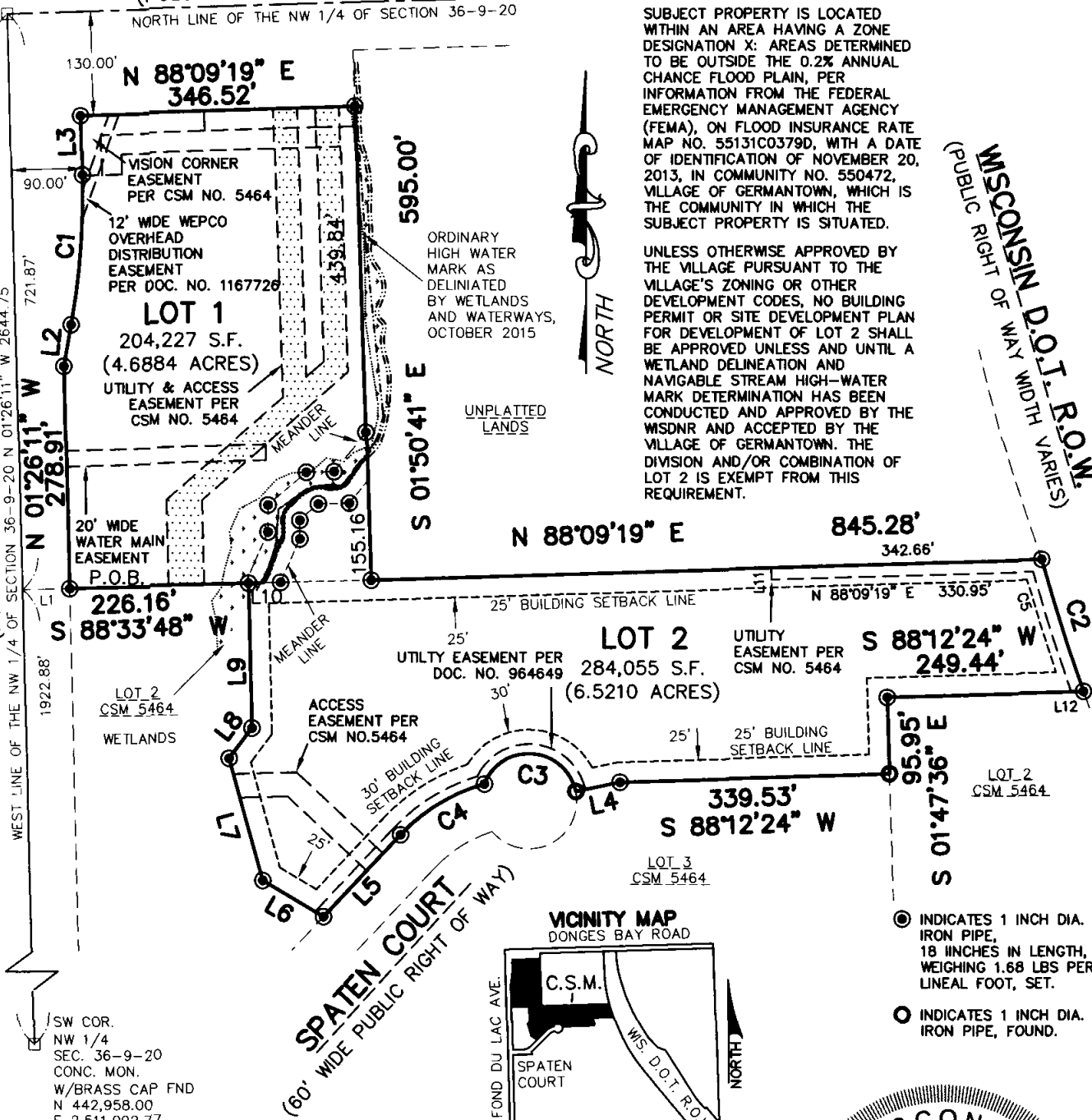
DONGES BAY ROAD

(PUBLIC RIGHT OF WAY WIDTH VARIES)

NORTH LINE OF THE NW 1/4 OF SECTION 36-9-20

FOND DU LAC AVENUE (S.T.H. "145")

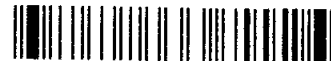
(PUBLIC RIGHT OF WAY VARIES)



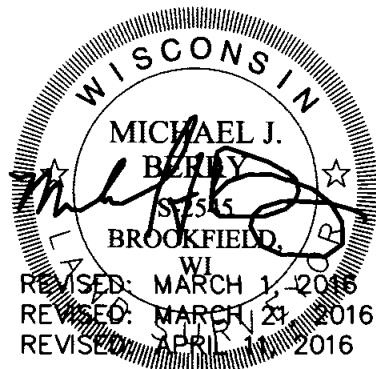
SUBJECT PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, PER INFORMATION FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 55131C0379D, WITH A DATE OF IDENTIFICATION OF NOVEMBER 20, 2013, IN COMMUNITY NO. 550472, VILLAGE OF GERMANTOWN, WHICH IS THE COMMUNITY IN WHICH THE SUBJECT PROPERTY IS SITUATED.

UNLESS OTHERWISE APPROVED BY THE VILLAGE PURSUANT TO THE VILLAGE'S ZONING OR OTHER DEVELOPMENT CODES, NO BUILDING PERMIT OR SITE DEVELOPMENT PLAN FOR DEVELOPMENT OF LOT 2 SHALL BE APPROVED UNLESS AND UNTIL A WETLAND DELINEATION AND NAVIGABLE STREAM HIGH-WATER MARK DETERMINATION HAS BEEN CONDUCTED AND APPROVED BY THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND ACCEPTED BY THE VILLAGE OF GERMANTOWN. THE DIVISION AND/OR COMBINATION OF LOT 2 IS EXEMPT FROM THIS REQUIREMENT.

1404392



RECORDED
May 06, 2016 10:15 AM
SHARON A MARTIN
REGISTER OF DEEDS
WASHINGTON COUNTY, WI
Recording Fee Paid: \$30.00



Map No. 6684 Vol 51 Page 156

DOC# 1404392

ALL BEARINGS REFER TO THE WEST LINE THE NORTHWEST 1/4 OF SECTION 36-9-20, WHICH HAS A BEARING OF N 01°26'11" W.

SUBJECT PROPERTY ZONED:
M-1 LIMITED BUSINESS DISTRICT

SETBACKS FOR AREAS ZONE M-1:
FRONT = 30'
SIDES = 25'
REAR = 25'

THIS INSTRUMENT DRAFTED BY NICHOLAS J. FIRER

SHEET 1 OF 7

CERTIFIED SURVEY MAP NO. _____

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, MICHAEL J BERRY, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE S 01°26'11" E 721.87 FEET ALONG THE WEST LINE OF SAID SECTION; THENCE N 88°33'48" E 60.00 FEET TO THE EAST RIGHT OF WAY LINE OF FOND DU LAC AVENUE (ALSO KNOWN AS S.T.H. "145") AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N 01°26'11" W 278.91 FEET; THENCE N 10°15'45" E 53.15 FEET; THENCE 188.92 FEET ALONG THE ARC OF A CURVE, WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 925.00 FEET, AND WHOSE CHORD BEARS N 04°24'52" E 188.59 FEET; THENCE N 01°26'11" W 73.96 FEET TO THE SOUTH RIGHT OF WAY LINE OF DONGES BAY ROAD; THENCE N 88°09'19" E 346.52 FEET ALONG SAID SOUTH LINE; THENCE S 01°50'41" E 595.00 FEET; THENCE N 88°09'19" E 845.28 FEET TO THE WEST LINE OF A WISCONSIN D.O.T. RIGHT OF WAY; THENCE ALONG SAID WEST LINE 173.65 FEET ALONG THE ARC OF A CURVE, WHOSE CENTER LIES TO THE NORTHEAST, WHOSE RADIUS IS 2281.71, AND WHOSE CHORD BEARS S 17°55'15" E 173.61 FEET; THENCE S 88°12'24" W 249.44' FEET; THENCE S 01°47'36" E 95.95 FEET; THENCE S 88°12'24" W 339.53 FEET; THENCE S 78°01'18" W 56.55 FEET TO THE NORTH RIGHT OF WAY LINE OF SPATEN COURT; THENCE ALONG SAID NORTH LINE 153.95 FEET ALONG THE ARC OF A CURVE, WHOSE CENTER LIES TO THE SOUTHWEST, WHOSE RADIUS IS 60 FEET, AND WHOSE CHORD BEARS N 85°29'13" W 115.06 FEET; THENCE CONTINUING ALONG SAID NORTH LINE 124.78 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTHEAST, WHOSE RADIUS IS 230.00 FEET, AND WHOSE CHORD BEARS S 58°44'56" W 123.26 FEET; THENCE CONTINUING ALONG SAID NORTH LINE S 43°12'24" W 141.97 FEET; THENCE N 59°11'45" W 89.07 FEET; THENCE N 15°21'43" W 159.36 FEET; THENCE N 37°04'08" E 47.67 FEET; THENCE N 01°26'12" W 181.26 FEET; THENCE S 88°33'48" 226.16 FEET TO THE POINT OF BEGINNING.

CONTAINING: 488,282 SQUARE FEET OR 11.2094 ACRES

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF SKYLINE DEVELOPMENT CORP., OWNER OF SAID LAND.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF MADE.

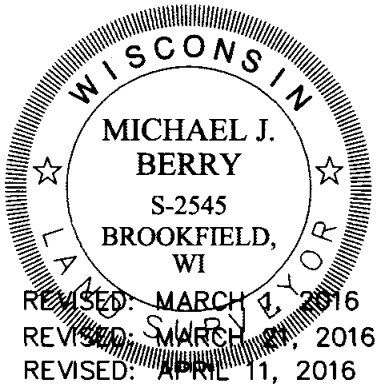
THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE STATUTES OF THE STATE OF WISCONSIN AND CHAPTER 18 OF THE VILLAGE OF GERMANTOWN CODE OF ORDINANCES IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

DATED THIS 5TH DAY OF FEBRUARY, 2016.

Table with 3 columns: LINE, BEARING, LENGTH. Rows L1 to L12.

Table with 6 columns: CURVE, ARC, RADIUS, BEARING, CHD. LENGTH, DELTA. Rows C1 to C5.

MICHAEL J BERRY
PROFESSIONAL LAND SURVEYOR,
S-2545
STATE OF WISCONSIN



map No 4484 Vol 51 page 157

DOC# 1404392

CERTIFIED SURVEY MAP NO.

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

LOT 1 DETAIL

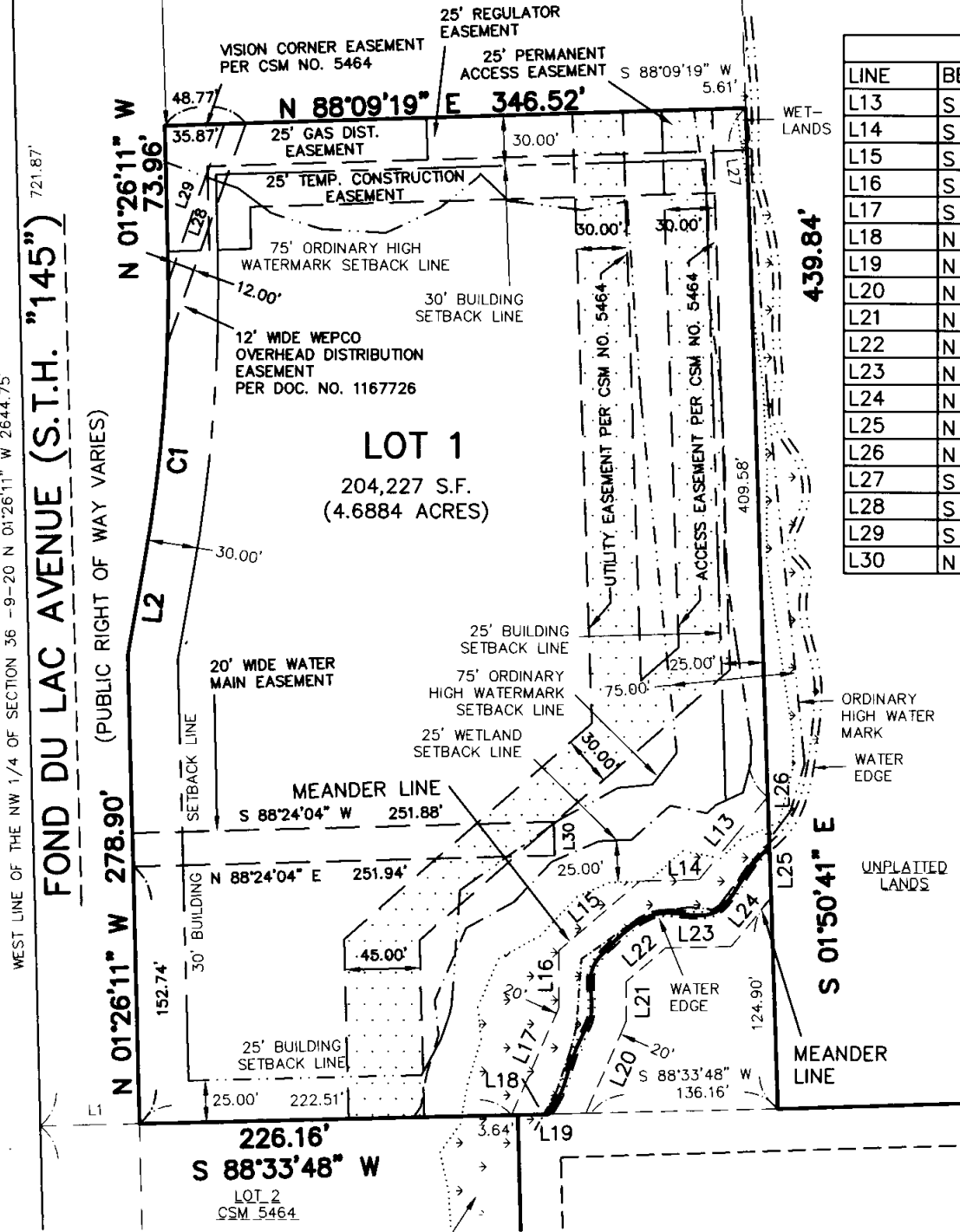


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NW COR.
NW 1/4
SEC. 36-9-20
FND P.K. NAIL
N 445,601.64
E 2,511,026.48

NORTH LINE OF THE NW 1/4 OF SECTION

DONGES BAY ROAD
(PUBLIC RIGHT OF WAY VARIES)



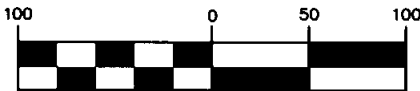
LINE TABLE		
LINE	BEARING	LENGTH
L13	S 39°31'34" W	64.22'
L14	S 88°35'21" W	34.91'
L15	S 49°31'30" W	63.28'
L16	S 00°13'24" W	33.88'
L17	S 23°46'59" W	69.88'
L18	N 88°33'48" E	22.11'
L19	N 88°33'48" E	22.11'
L20	N 23°46'59" E	59.38'
L21	N 00°13'24" E	23.86'
L22	N 49°31'30" E	30.73'
L23	N 88°35'21" E	38.98'
L24	N 39°31'34" E	37.06'
L25	N 01°50'41" W	30.26'
L26	N 01°50'41" W	30.26'
L27	S 08°02'20" E	51.98'
L28	S 19°41'28" W	100.07'
L29	S 19°41'28" W	40.08'
L30	N 01°35'56" W	20.00'

WEST LINE OF THE NW 1/4 OF SECTION 36 -9-20 N 01°26'11" W 2644.75'
FOND DU LAC AVENUE (S.T.H. "145")
(PUBLIC RIGHT OF WAY VARIES)

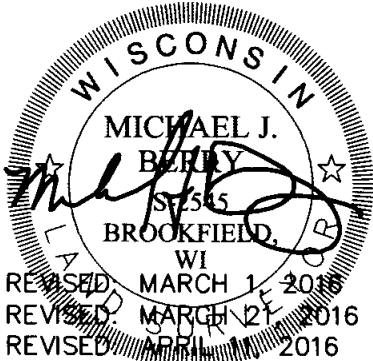


SEE SHEET 2 FOR PROPERTY LINE AND CURVE TABLE
SEE SHEET 4 FOR NORTH LINE EASEMENT DETAIL
SEE SHEET 5 FOR WETLAND AND LOT 2 EASEMENT DETAIL

GRAPHIC SCALE



1 inch = 100 ft.



THIS INSTRUMENT DRAFTED BY NICHOLAS J. FIRER

SHEET 3 OF 7

Map No 4484 Vol 51 Page 158

DOC# 1404392

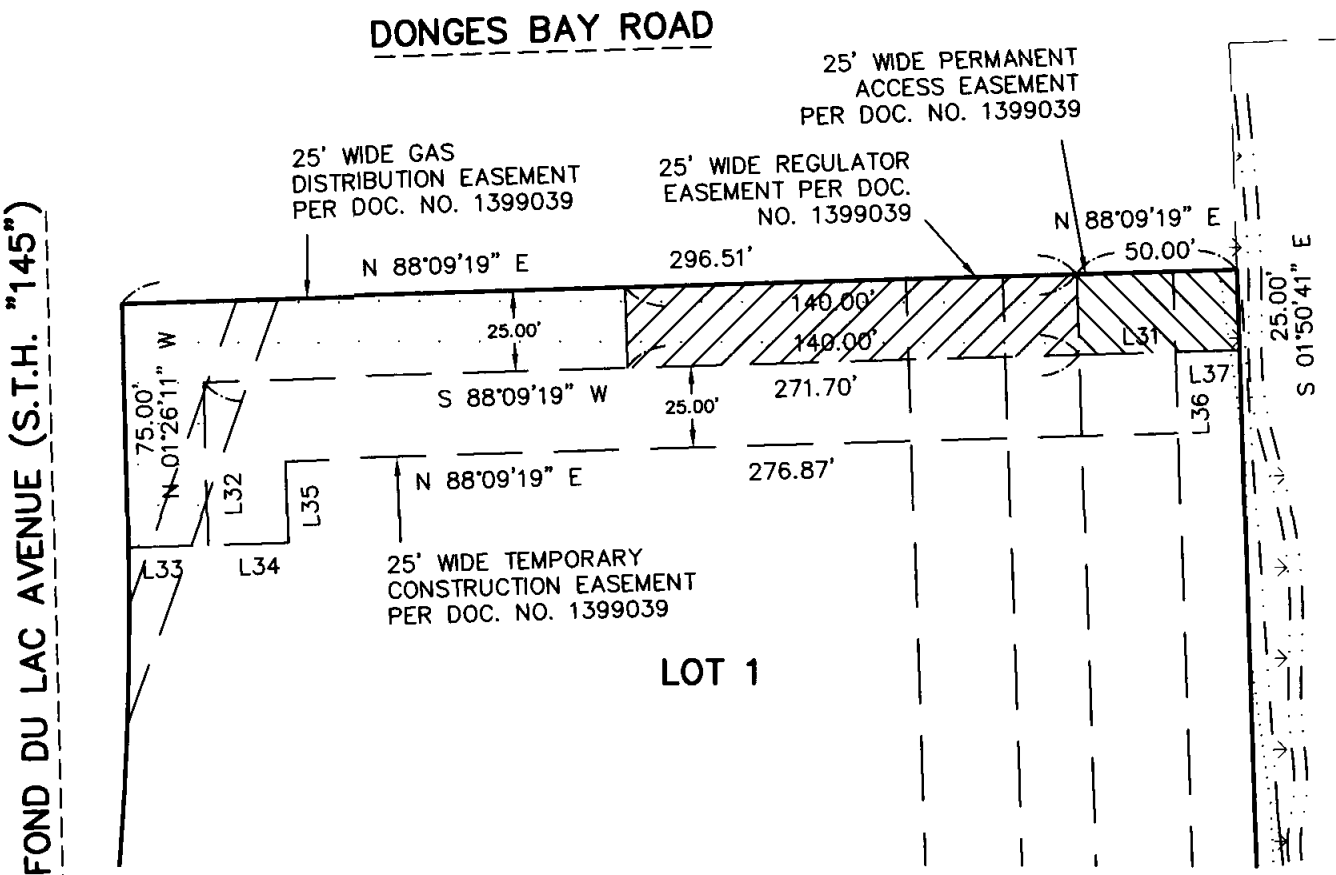
CERTIFIED SURVEY MAP NO.

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



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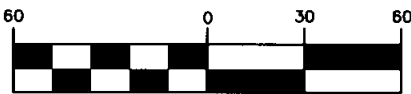
NORTH LINE EASEMENT DETAIL



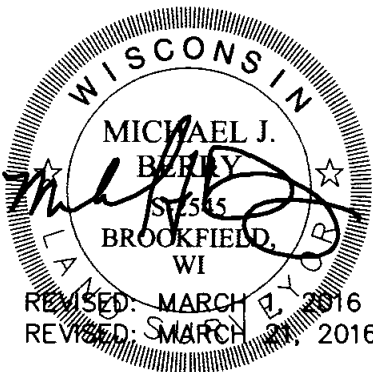
LINE TABLE		
LINE	BEARING	LENGTH
L31	S 88°09'19" W	50.00'
L32	S 01°26'11" E	50.00'
L33	S 88°09'19" W	25.00'
L34	N 88°09'19" E	25.00'
L35	N 01°26'11" W	25.00'
L36	N 01°50'41" W	25.00'
L37	N 88°09'19" E	20.00'



GRAPHIC SCALE



1 inch = 60 ft.



Map No 1404392 10151 Page 159

DOC# 1404392

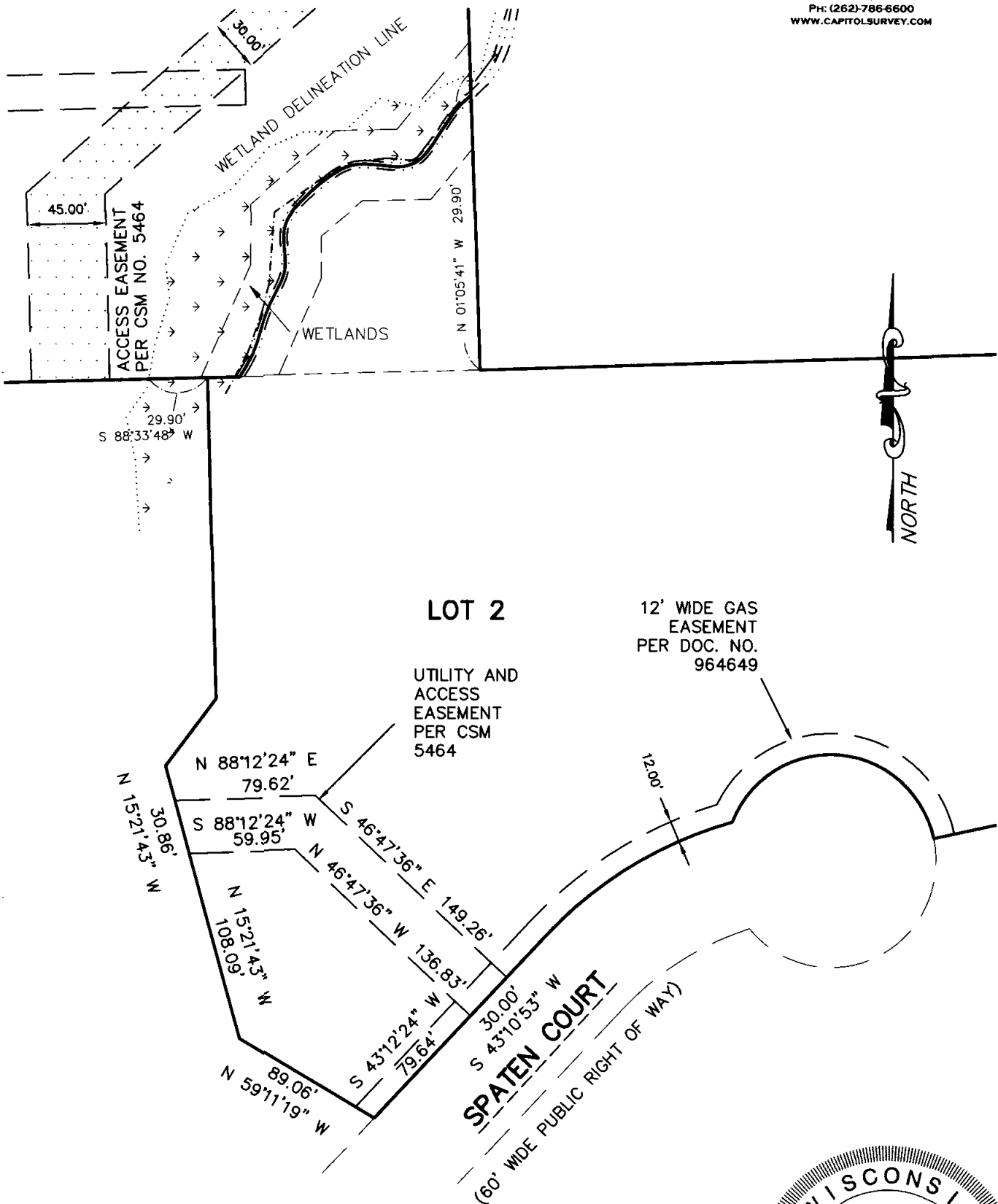
CERTIFIED SURVEY MAP NO. _____

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

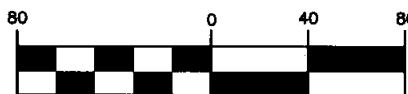
LOT 2 EASEMENT AND WETLANDS DETAIL



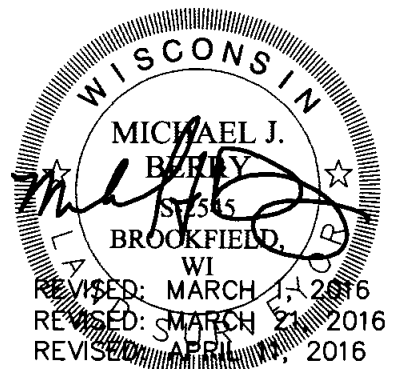
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GRAPHIC SCALE



1 inch = 80 ft.



THIS INSTRUMENT DRAFTED BY NICHOLAS J. FIRER

SHEET 5 OF 7

Map No 6684 Vol 51 Page 140

DOC# 1404392

CERTIFIED SURVEY MAP NO. _____

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE

SKYLINE DEVELOPMENT CORP., 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, AND MAPPED AS REPRESENTED ON THIS MAP, AND SUBMITTED TO THE VILLAGE OF GERMAN TOWN AS REQUIRED IN ACCORDANCE WITH THE ORDINANCES OF THE VILLAGE OF GERMAN TOWN.

IN WITNESS WHEREOF, THE ABOVE NAMED CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY WILLIAM SCOTT BURKHART, ITS REGISTERED AGENT, AT Milwaukee, WISCONSIN, THIS 27 DAY OF April, 2016.

W.S. Burkhart

WILLIAM SCOTT BURKHART, REGISTERED AGENT

STATE OF WISCONSIN)
~~WAUKESHA~~ COUNTY) SS
Milwaukee

PERSONALLY CAME BEFORE ME THIS 27 DAY OF April, 2016 WILLIAM SCOTT BURKHART, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

Patricia L. Sievers

NOTARY PUBLIC Patricia L. Sievers
STATE OF WISCONSIN
MY COMMISSION EXPIRES: 11/06/2016

CONSENT OF CORPORATE MORTGAGE

BMO BANK, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS MORTGAGEE OF THE ABOVE DESCRIBED LAND, DOES HEREBY CONSENT TO THE ABOVE CERTIFICATION OF SKYLINE DEVELOPMENT CORPORATION, AS OWNER OF SAID LAND.

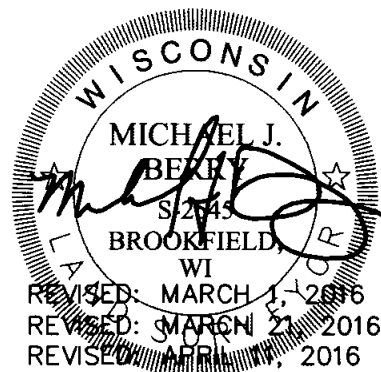
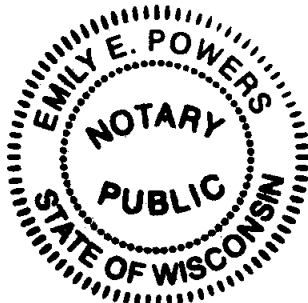
IN WITNESS WHEREOF, WISCONSIN PRESERVATION FUND, HAS CAUSED THESE PRESENTS TO BE SIGNED BY Austin Smith, ITS REPRESENTATIVE AND ITS CORPORATE SEAL HEREUNTO AFFIXED, THIS 27 DAY OF April, 2016.

Austin Smith
REPRESENTATIVE Austin Smith

STATE OF WISCONSIN)
Waukesha COUNTY) SS

PERSONALLY CAME BEFORE ME THIS 27 DAY OF April, 2016, THE ABOVE NAMED Austin Smith, TO ME KNOWN AS THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

Emily E. Powers
NOTARY PUBLIC
STATE OF WISCONSIN
MY COMMISSION EXPIRES: 08/30/2019

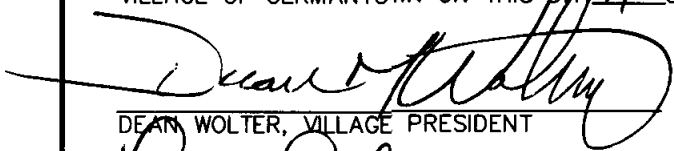


CERTIFIED SURVEY MAP NO.

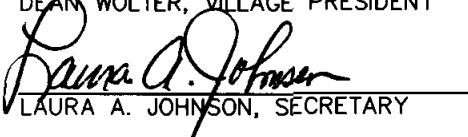
PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4
OF SECTION 36, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY,
WISCONSIN.

VILLAGE OF GERMANTOWN PLAN COMMISSION APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE PLAN COMMISSION OF THE
VILLAGE OF GERMANTOWN ON THIS 14 OF March, 2016.


DEAN WOLTER, VILLAGE PRESIDENT

5-2-16
DATE


LAURA A. JOHNSON, SECRETARY

5-2-16
DATE

VILLAGE OF GERMANTOWN BOARD APPROVAL

THIS CERTIFIED SURVEY MAP, BEING A DIVISION OF PART OF LOT 1 OF CERTIFIED SURVEY
MAP NO. 5464 IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 9
NORTH, RANGE 20 EAST, VILLAGE OF 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 18th DAY OF April, 2016.


DEAN WOLTER, VILLAGE PRESIDENT

5-2-16
DATE


BARBARA GOECKNER, VILLAGE CLERK

5-2-16
DATE



REVISED CONDITIONAL USE PERMIT (CUP) & SITE PLAN APPLICATION

8/8/16 Plan Commission Meeting

Skyline Development Corp. / Sports Specialists of Milwaukee Inc.

Village Planner Report

Germantown, Wisconsin

Summary

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

Property Location: N104 W13885 Donges Bay Road

Applicant/

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

Current Zoning: M-1: Limited Industrial District

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



Background/Proposal

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

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

Proposal: REVISED Conditional Use Permit (CUP)

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

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

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

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

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

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

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

Proposal: REVISED Site Development Plan

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

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

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

Staff Comments

25' Wetland & 75' Navigable Water Setback CUP

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

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

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

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

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

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

VILLAGE PLANNER RECOMMENDATION

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

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

Village Planner Recommendation

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

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



Village of Germantown Willkommen

Fee must accompany application

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

PAID h.

DATE 7-19-16

SITE PLAN REVIEW APPLICATION

Pursuant to Section 17.43 of the Municipal Code

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

1

APPLICANT OR AGENT

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

Phone (414) 384-2880

Fax (414) 384-2885

E-Mail MRK@skylinecorp.com

PROPERTY OWNER

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

Phone (262) 250-1900

Fax () _____

E-Mail Tomducrest@gmail.com

2

PROPERTY ADDRESS

N104 W13885 Donges Bay Rd

3

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

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

4

READ AND INITIAL THE FOLLOWING:

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

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

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

5

SIGNATURES - ALL APPLICATION MUST BE SIGNED BY OWNER!

Michael Krone 7-15-16

Applicant

Date

Owner

Date



Village of



Germantown

Willkommen

Fee must accompany application

☐ \$1460

☒ Paid

Date

7-19-16

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

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

1

APPLICANT OR AGENT

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

Phone (414) 354-2880

Fax (414) 354-2885

E-Mail MRK@skylinecorp.com

PROPERTY OWNER

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

Phone (414) 354-2880

2

TO WHOM SHOULD THE PERMIT BE ISSUED?

Skyline Development Corp.

3

PROPERTY ADDRESS

TAX

KEY NUMBER

Spartan Court

GTNV362983

4

DESCRIPTION OF EXISTING OPERATION

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

Site is currently "VACANT"

5

DESCRIPTION OF PROPOSED OPERATION

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

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

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

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

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

6 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

7 SUPPORTING DOCUMENTATION:

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

8 READ AND INITIAL THE FOLLOWING:

- nk I understand that the Village is under no obligation to issue a Conditional Use Permit and will do so only if the applicant successfully demonstrates that the proposed use is harmonious with the neighborhood and the long range goals of the Village.
- nk I will notify the Village if any aspects of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.
- nk I understand that a Conditional Use Permit is valid only if the conditions and restrictions of the permit are met. I understand that failure to comply with any aspect of the permit may result in revocation.

9 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Michael Krueger 7-15-16

Applicant

Date

Owner

Date



July 6th, 2016

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

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

Dear Mr. Retzlaff,

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

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

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

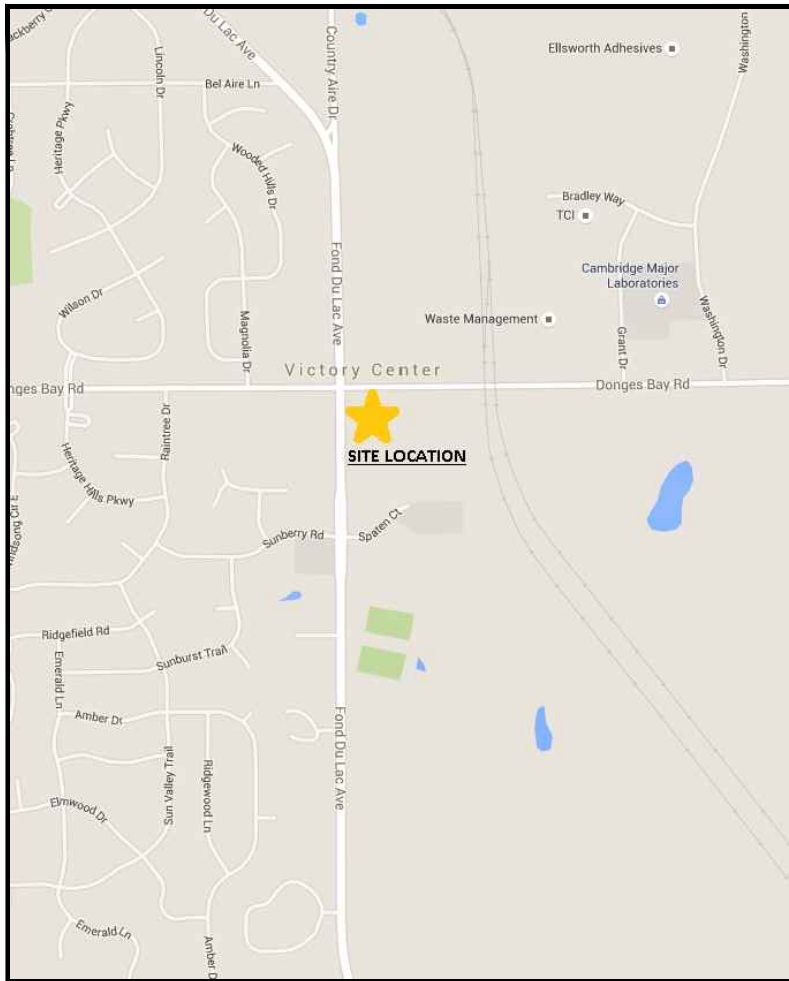
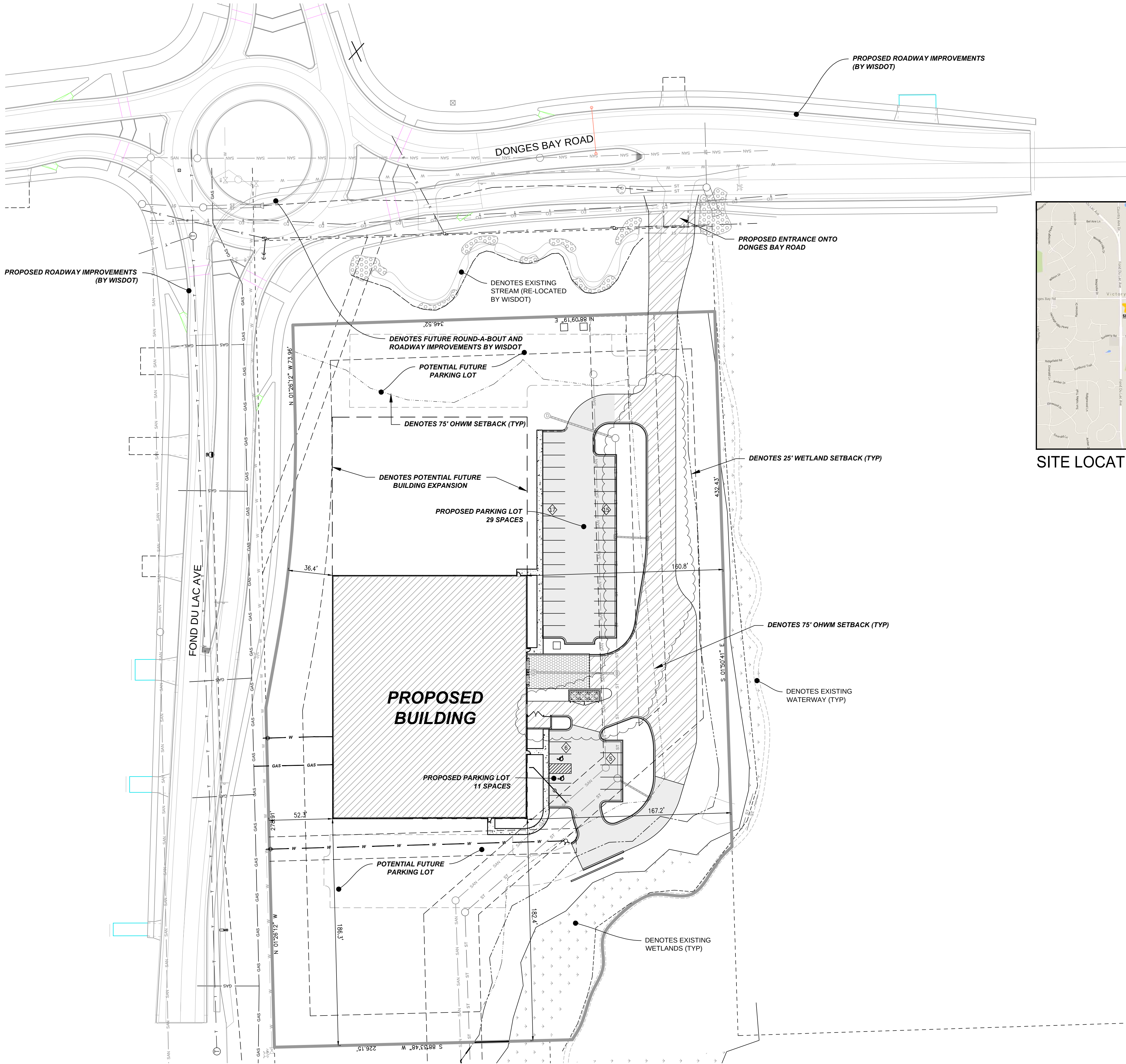
The offsite mitigation area has been located to the south of the Sports Specialists site (between Spaten Court and the Wetland Island) and will be on Skyline Developments current property, which Skyline has agreed to designate for the mitigation for this project and possible future projects.

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

Sincerely,

SKYLINE DEVELOPMENT CORP.

Michael Krenz
Project Manager



SITE LOCATION MAP

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

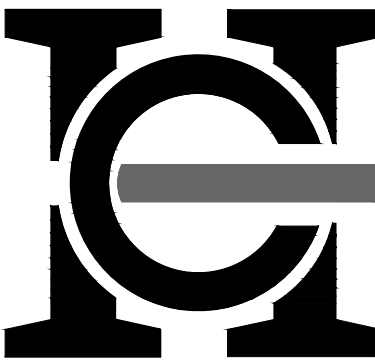
SITE CALCULATION TABLE	
SITE DATA:	
TOTAL SITE AREA	4.69 AC
TOTAL DISTURBED AREA	2.80 AC
EXISTING IMPERVIOUS AREA	0.00 AC
PROPOSED IMPERVIOUS AREA	1.59 AC
PROPOSED GREENSPACE	3.10 AC
PROPOSED GREENSPACE %	66%
MAXIMUM LOT COVERAGE ALLOWED	75%
BUILDING DATA:	
BUILDING FOOTPRINT	32,000 GROSS FT2
GROUND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

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

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



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



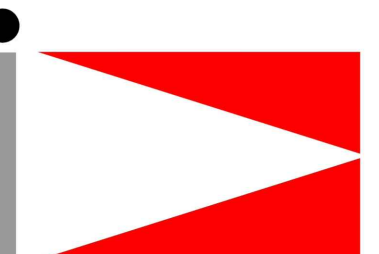
HARWOOD
ENGINEERING
CONSULTANTS, LTD.

255 NORTH 21ST STREET MILWAUKEE, WI 53233
414.475.5554 414.773.9299 fax harwood@hcd.com
HEC Project Number: 015112000

SPORTS SPECIALISTS

CONSTRUCTION SET

DATE: JUNE 9, 2016



SKYLINE
DEVELOPMENT
CORPORATION

GERMANTOWN, WI

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

SCALE: 1" = 40'

North

Site Plan - Overall

2016-04-21 CD's

Project No.
15-1170.00

Sheet No.

C1.00

CSE

CAPITOL SURVEY ENTERPRISES
220 REGENCY CT. STE. 210
BROOKFIELD, WI 53005
PH: (262) 786-6600
FAX: (414) 786-6608
WWW.CAPITOLSURVEY.COM

NORTH

LEGAL DESCRIPTION

LOT 1 OF CERTIFIED SURVEY MAP NO. 6884, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WASHINGTON COUNTY ON MAY 6, 2016 IN VOLUME 51 OF REGISTERED SURVEY MAPS ON PAGES 156-162, AS DOCUMENT NO. 1404392, BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5484 IN THE NORTHWEST 1/4 OF SECTION 16, T4S, R12E, S1/2, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

CONTAINING 204,227 SQUARE FEET OR 4.6884 ACRES

LINE	BEARING	LENGTH
1	S 30°14.53' E	18.27'
2	S 10°21.53' E	15.58'
3	S 23°53.54' E	14.88'
4	S 20°38.01' E	14.67'
5	S 03°33.98' E	14.96'
6	S 03°33.98' E	14.96'
7	S 27°14.00' W	16.86'
8	S 27°18.02' W	14.42'
9	S 12°14.01' E	18.26'
10	S 38°28.24' E	19.42'
11	S 38°28.24' E	19.42'
12	S 62°25.07' E	14.86'
13	S 62°25.07' E	14.86'
14	N 01°26.11' W	113.96'
15	N 01°26.11' W	113.96'
16	S 23°16.56' E	12.85'
17	N 52°20.55' E	24.05'
18	N 43°06.48' E	18.17'
19	N 43°06.48' E	18.17'
20	N 17°30.09' E	113.06'

LINE	BEARING	LENGTH
21	N 09°14.18' E	30.42'
22	N 15°12.02' E	16.81'
23	N 23°53.54' E	14.88'
24	N 31°39.50' W	14.92'
25	N 26°15.01' E	14.96'
26	N 04°55.04' W	13.52'
27	N 18°22.02' E	14.84'
28	N 04°55.04' W	13.52'
29	N 22°30.52' E	14.86'
30	N 24°03.01' E	14.42'
31	N 04°14.07' W	14.42'
32	N 01°50.41' E	30.98'
33	S 48°31.50' W	30.73'
34	S 48°31.50' W	30.73'
35	S 03°46.56' W	16.88'
36	N 88°33.48' E	22.11'

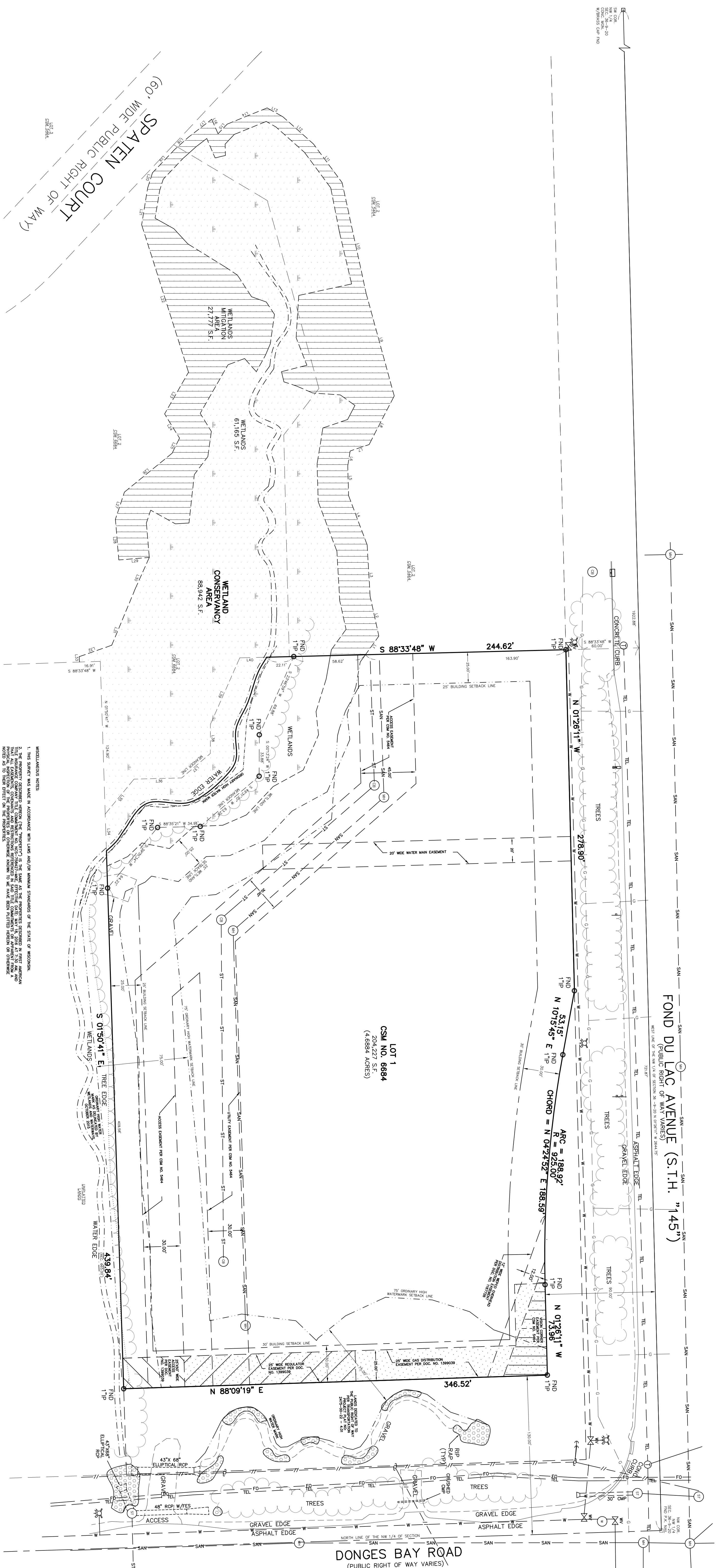
FOND DU LAC AVENUE (S.T.H. "145")
(PUBLIC RIGHT OF WAY VARIES)

WEST LINE OF THE NW 1/4 OF SECTION 36 - 36-24-16 N 36-24-16 W

NW COR.
SEC. 36-24-16
T4S, R12E, S1/2

DONGES BAY ROAD
(PUBLIC RIGHT OF WAY VARIES)

NORTH LINE OF THE NW 1/4 OF SECTION 36



MISCELLANEOUS NOTES

1. THIS SURVEY WAS MADE IN ACCORDANCE WITH LAND AND/OR ANNUAL STANDARDS OF THE STATE OF WISCONSIN.
2. THE PROPERTY DESCRIBED HEREON IS THE PROPERTY OF THE STATE OF WISCONSIN, BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5484, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WASHINGTON COUNTY ON MAY 6, 2016 IN VOLUME 51 OF REGISTERED SURVEY MAPS ON PAGES 156-162, AS DOCUMENT NO. 1404392, BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5484 IN THE NORTHWEST 1/4 OF SECTION 16, T4S, R12E, S1/2, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.
3. THE ABOVE PROPERTY IS THE PROPERTY OF THE STATE OF WISCONSIN, BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5484, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WASHINGTON COUNTY ON MAY 6, 2016 IN VOLUME 51 OF REGISTERED SURVEY MAPS ON PAGES 156-162, AS DOCUMENT NO. 1404392, BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5484 IN THE NORTHWEST 1/4 OF SECTION 16, T4S, R12E, S1/2, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.
4. SUBJECT PROPERTY ZONING: W-1 LIMITED BUSINESS DISTRICT OR 4.6884 ACRES.
5. SETBACKS BASED ON INFORMATION FROM THE ALTA OF GERMANTOWN AND ARE AS FOLLOWS:
STREET = 30'. ZONES = 25'. REAR = 25'.
6. SUBJECT PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION, X, WHICH DETERMINED TO BE CONTROLLED BY THE ZONING ORDINANCE OF THE VILLAGE OF GERMANTOWN, WISCONSIN, AND IS SUBJECT TO THE ZONING ORDINANCE OF THE VILLAGE OF GERMANTOWN, WISCONSIN, WHICH IS THE ZONING IN WHICH THE SUBJECT PROPERTY IS SITUATED.
7. ALL UTILITIES SERVING THE PROPERTY ENTER THROUGH EXISTING PUBLIC UTILITIES AND/OR EASEMENTS OF RECORD.
8. THE PROPERTY HAS DIRECT ACCESS TO DONGES BAY ROAD AND EXISTING PUBLIC UTILITIES AND/OR EASEMENTS.
9. THE PROPERTY HAS DIRECT ACCESS TO DONGES BAY ROAD AND EXISTING PUBLIC UTILITIES AND/OR EASEMENTS.
10. THERE IS NO OBSERVED EVIDENCE OF CURRENTLY EXISTING PUBLIC UTILITIES AND/OR EASEMENTS.
11. THERE IS NO OBSERVED EVIDENCE OF CURRENTLY EXISTING PUBLIC UTILITIES AND/OR EASEMENTS.
12. THERE IS NO OBSERVED EVIDENCE OF CURRENTLY EXISTING PUBLIC UTILITIES AND/OR EASEMENTS.
13. ALL EASEMENTS REFER TO THE WEST LINE, THE NORTHWEST 1/4 OF SECTION 36-24-16, WHICH HAS A BEARING OF N 01°50.41' E.
14. THERE IS NO RECORD OF ANY OTHER EASEMENTS SERVING SUBJECT PROPERTY.

ALTA/NSPS LAND TITLE SURVEY

FOR

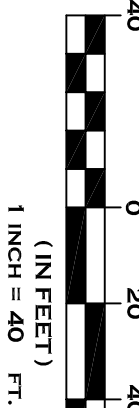
SPORTS SPECIALIST
FOND DU LAC AVENUE
GERMANTOWN, WI

DRAWN BY:	NJF	DATE:	AUGUST 2, 2016
CHECKED BY:	MJB	DRAWING NO.:	P-2
CSE Job No.:	15-091	SHEET	1 OF 1

www.DiggerHotline.com

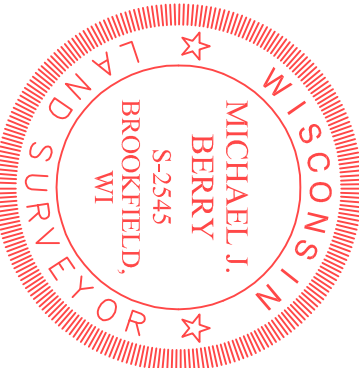
DIGGERS HOTLINE
DIAL 811 OR (800) 242-6511

GRAPHIC SCALE



I CERTIFY THAT I HAVE SUPERVISED THE ABOVE DESCRIBED PROPERTY, AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION AND DIMENSIONS OF ANY BUILDINGS, STRUCTURES THEREON, BOUNDARY MARKS, APPARENT EASEMENTS, AND ANY OTHER FEATURES OF THE PROPERTY, AND I HAVE BEEN ADVISED BY THE OWNER OF THE PROPERTY THAT THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THEREOF, WITHIN ONE (1) YEAR FROM DATE THEREOF.

AUGUST 2, 2016
DATE
Michael J. Berry
MICHAEL J. BERRY, F.S.
REGISTERED LAND SURVEYOR - 2545



August 5, 2016

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

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

Dear Mr. Retzlaff:

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

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

Mitigation Plan Narrative

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

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

4715 James Avenue
Racine, Wisconsin 53402

ph 262 639 9733
fx 262 639 9737

david@wdavidheller.com
www.wdavidheller.com

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

Exhibit 1: Ordinary High Water Setback Disturbance

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

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

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

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

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

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

Compensatory Mitigation Plan

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

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

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

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

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

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

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

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

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

Very Truly Yours,



W. David Heller, ASLA

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www.wdavidheller.com

Wisconsin Registered Landscape Architect WI- 438-014



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

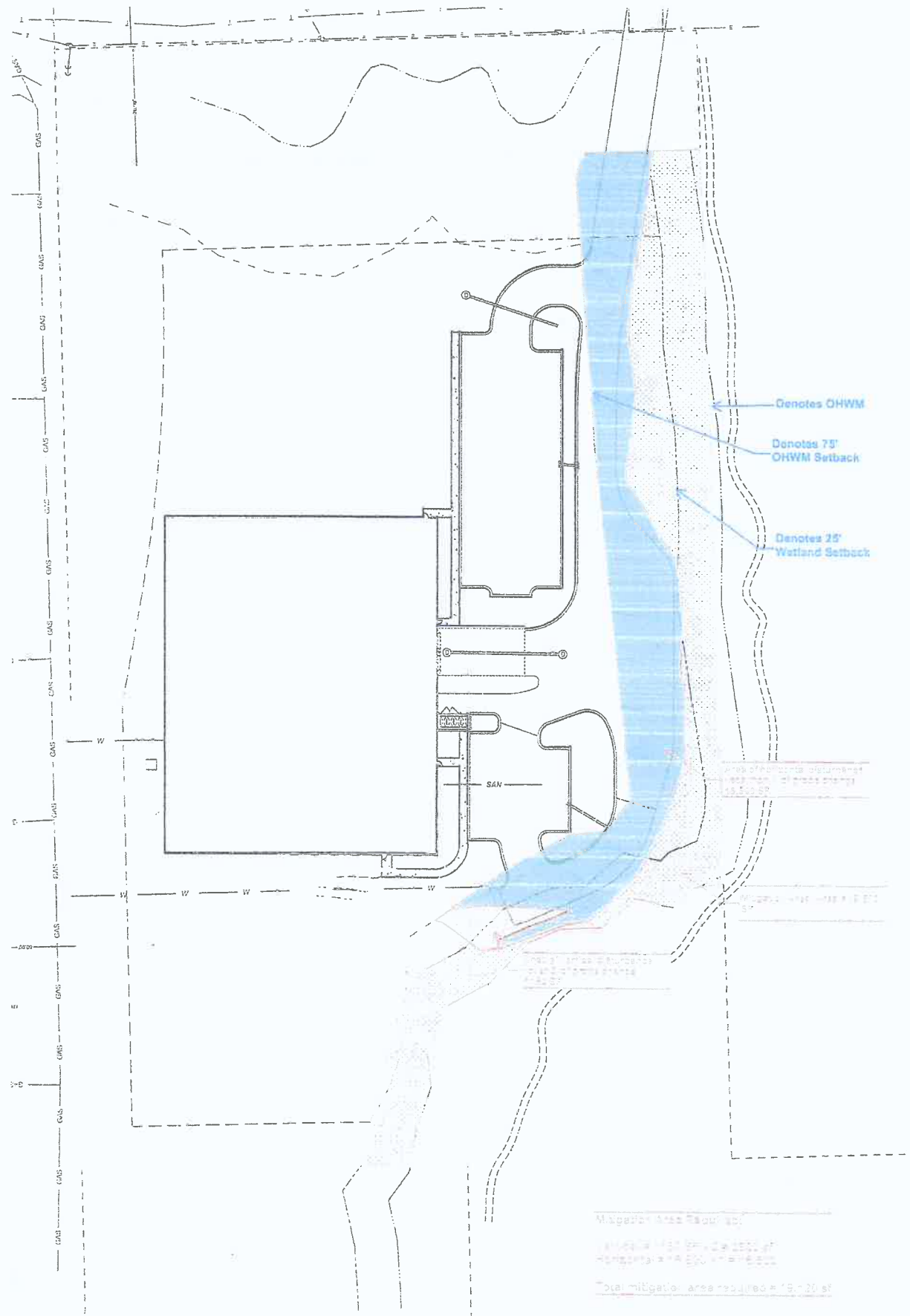


Looking east to wetland area (post WIDOT project)

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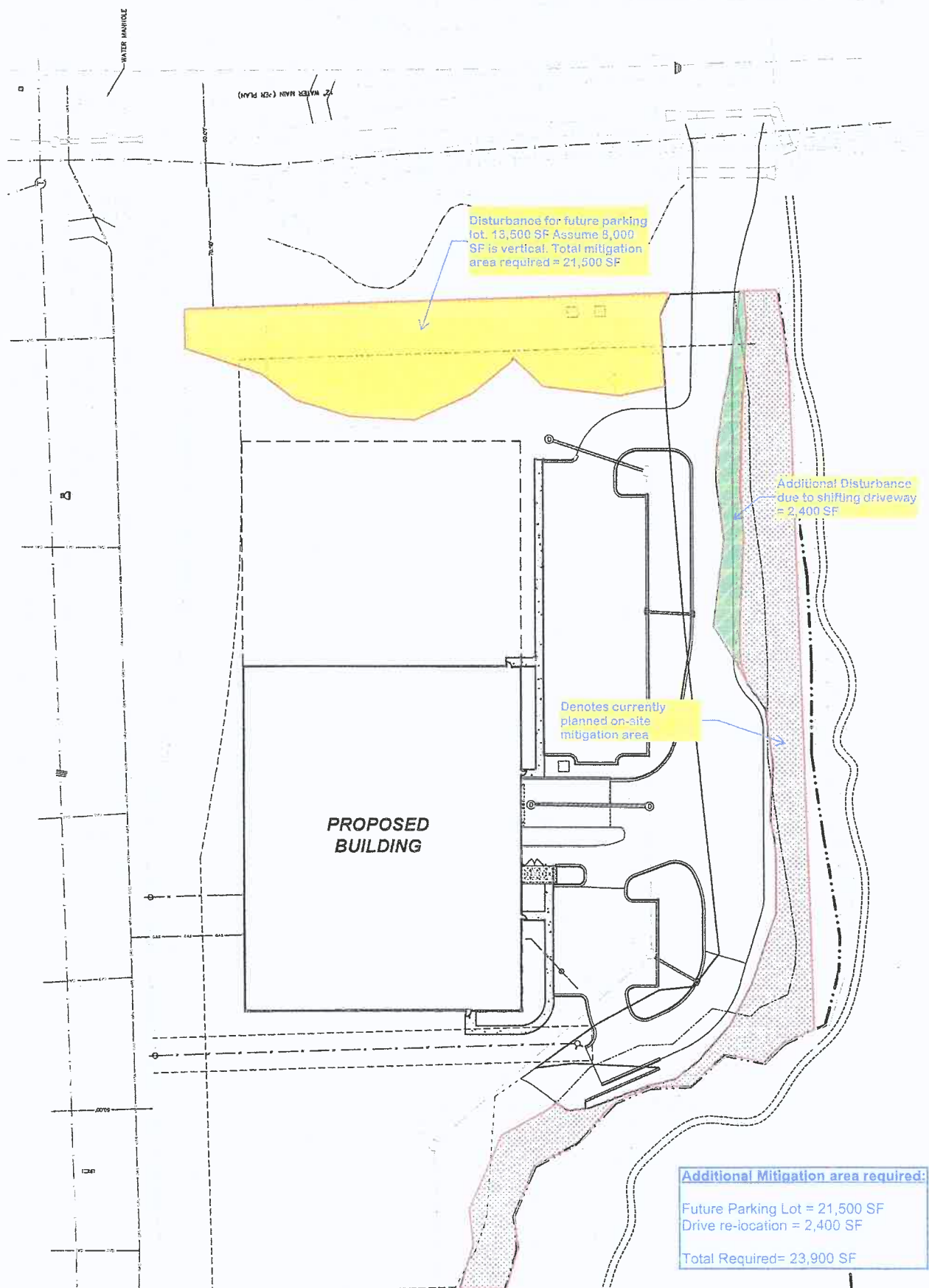


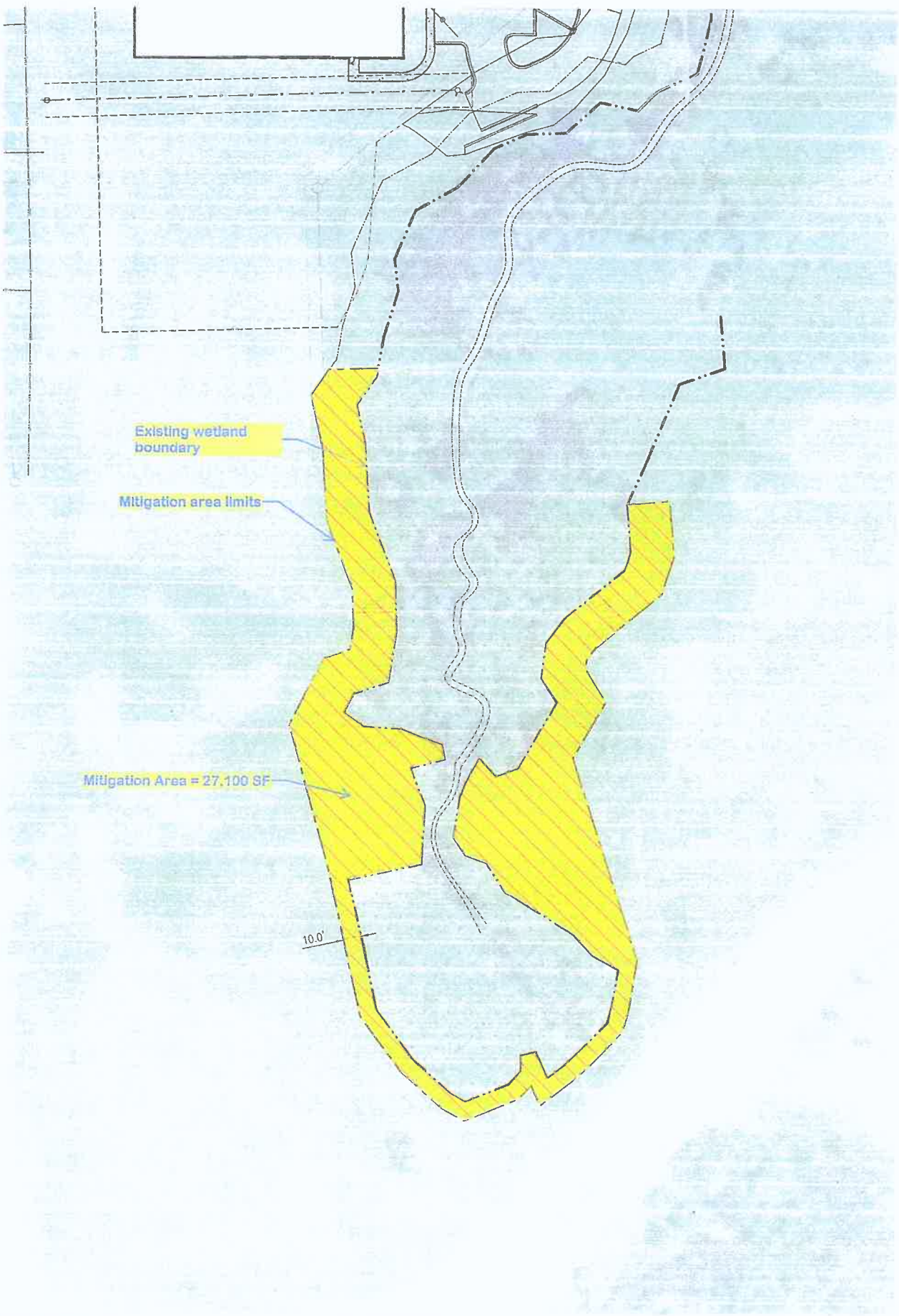
Sports Specialists
Mitigation Exhibit

2016-02-04

North
Scale: 1" = 50'

EXHIBIT 1





SPORTS SPECIALISTS
of Milwaukee, Inc.

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

2 A65
ORDINARY HIGH WATER MITIGATION AREA
Remove any noxious and/or invasive species (i.e. Buckhorn, Honeylocust, Canary Grass, Bittersweet and Thistle) and dead shrubs BY HAND METHODS. No mechanical machinery in the setback areas. Mitigation occurs in Germanian ordinary high water setback areas only.

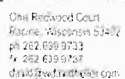
ORDINARY HIGH WATER MITIGATION AREA
Remove any noxious and/or invasive species (i.e. Buckhorn, Honeylocust, Canary Grass, Bittersweet and Thistle) and dead shrubs BY HAND METHODS. No mechanical machinery in the setback areas. Mitigation occurs in Germanian ordinary high water setback areas only.

RETAINING WALL (See Civil)
Horizontal & Vertical Disturbance Area redefined to LAWN

100,000 sq ft building

NATIVE PLANT SPECIES

3' TCH



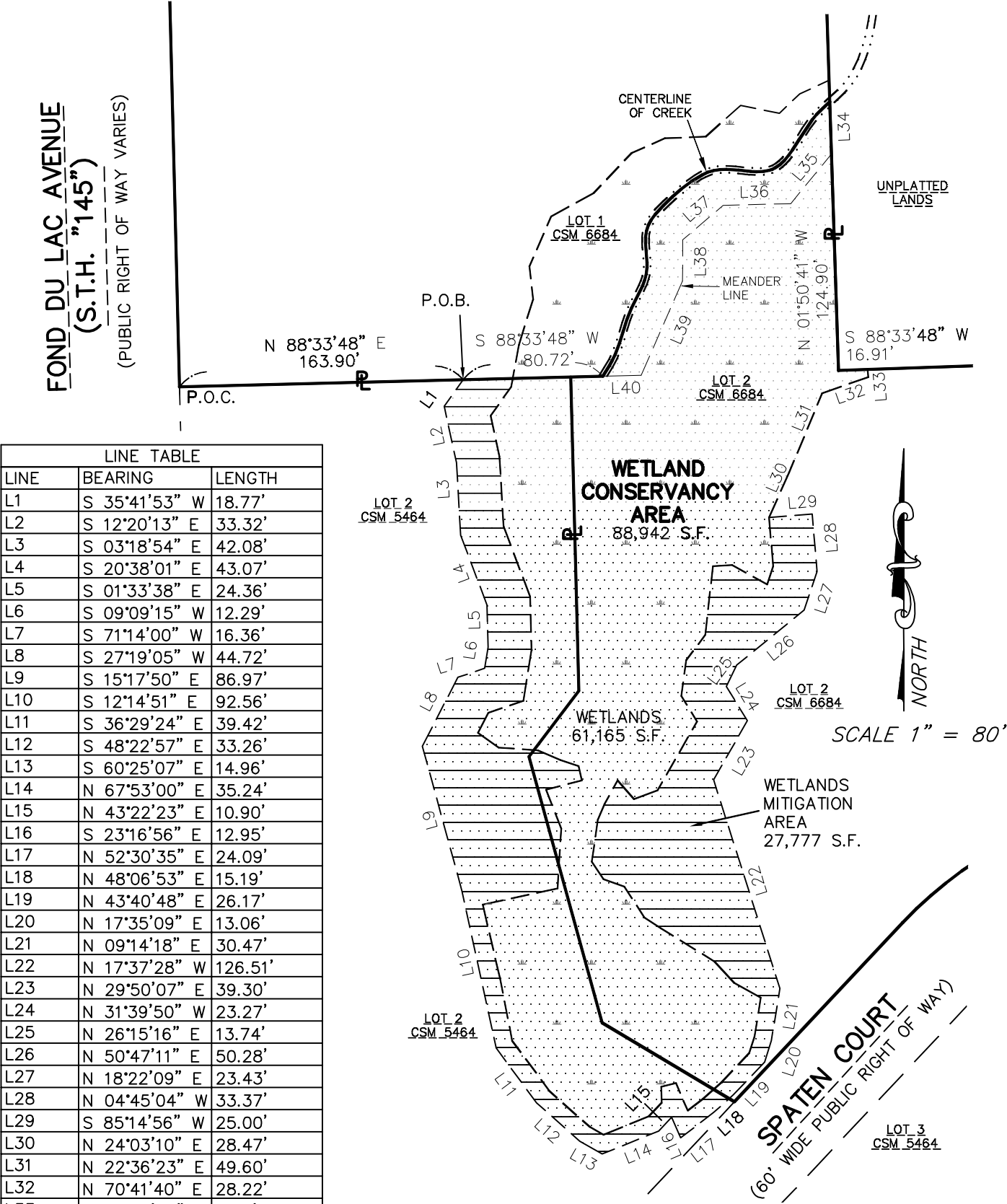
Scale: 1"=80'

WETLAND CONSERVANCY EXHIBIT

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

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

CONTAINING: 75,322 SQUARE FEET OR 1.7291 ACRES



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

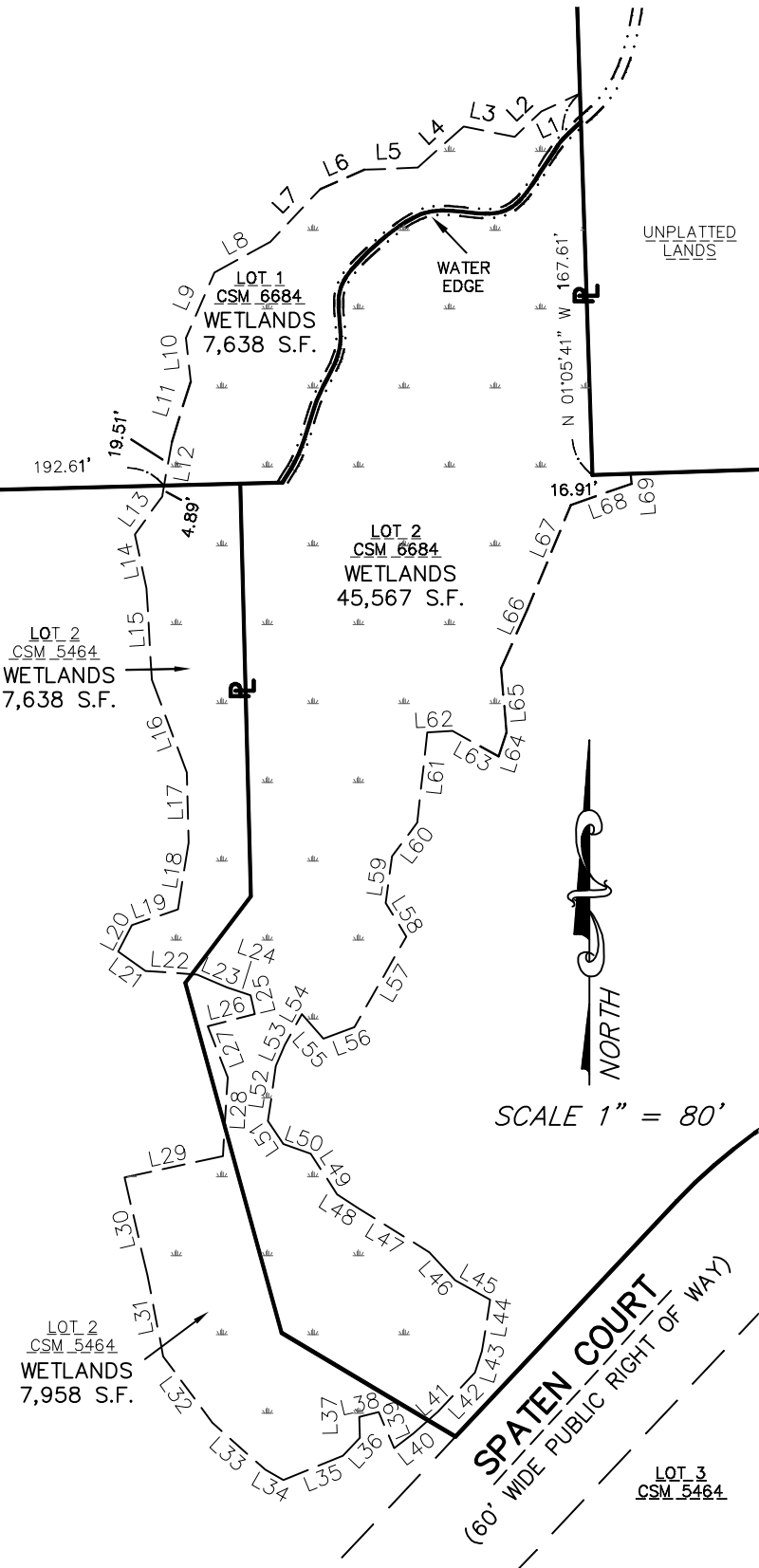
CSE
CAPITOL SURVEY ENTERPRISES
220 REGENCY CT STE 210
BROOKFIELD, WI 53045
PH: (262)-786-6600
WWW.CAPITOLSURVEY.COM

WETLANDS EXHIBIT

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

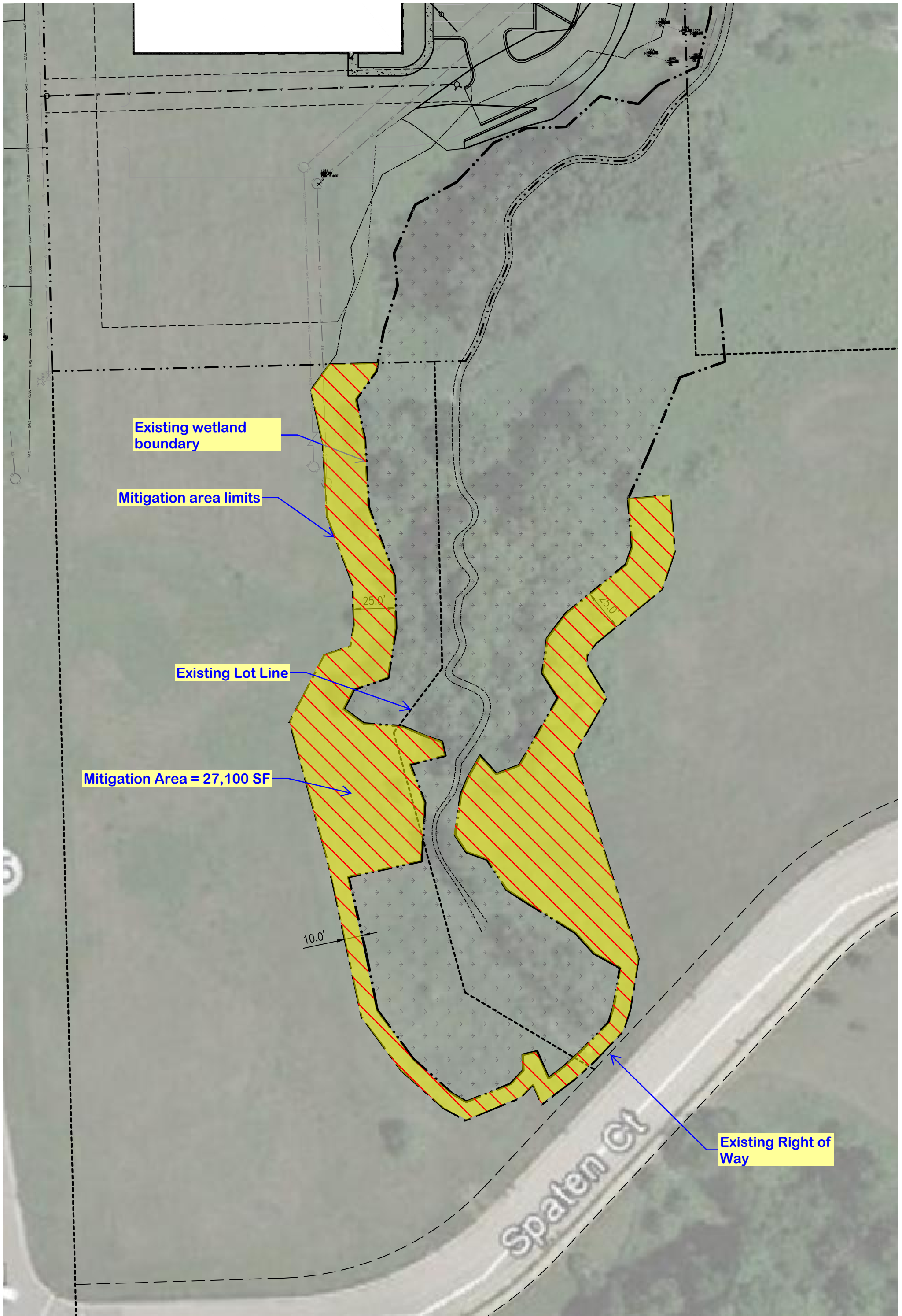
LINE TABLE		
LINE	BEARING	LENGTH
L1	S 64°59'55" W	18.75'
L2	S 46°21'39" W	16.16'
L3	N 78°27'34" W	22.90'
L4	S 48°02'53" W	27.01'
L5	S 87°35'54" W	23.56'
L6	S 66°23'22" W	21.08'
L7	S 43°18'36" W	31.90'
L8	S 61°18'04" W	28.05'
L9	S 23°25'32" W	31.44'
L10	S 06°11'04" E	19.10'
L11	S 17°15'38" W	27.79'
L12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

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



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



ZONING CODE TEXT AMENDMENTS

11/11/24 Plan Commission Meeting

Germantown Community Development Department

Village Staff Report & Recommendation

Germantown, Wisconsin

Summary

The Community Development Department (Planning & Zoning Services) is proposing a series of text amendments to Section 17.41 (Accessory Use, Building & Structures), 17.43 (Site Plan Approval Requirements), 17.45 (Traffic, Parking, Loading & Access), and 17.46 (Signs) in the Zoning Code.

The following proposed text amendments to the Zoning Code correspond to the draft ordinance attached:

Amendment #1 (see Section 1; page)

The proposed amendment to Section 17.41 is intended to clarify the provisions regarding the size and number of accessory buildings allowed in the residential zoning districts, as well as what type and size of accessory structures are exempt from the regulations.

Amendment #2 (see Section 2; page 1)

The amendment to Section 17.43(4) is a “housekeeping” type amendment necessary to update the application submittal requirements to jibe with the current process used for Site Plan applications.

Amendment #3 (see Section 2; page 2)

The amendment to Section 17.43(5) is a “housekeeping” type amendment necessary to update the landscaping plan requirements to jibe with the current process used for Site plan approval, including creating a connection to the policies and standards in the Village’s recently adopted Comprehensive Tree Plan.

Amendment #4 (see Section 3; page 2)

The amendment to Section 17.45(1) is a “housekeeping” type amendment needed to clarify pavement requirements for non-residential off-street parking areas, and, to increase the minimum width requirement for the required “greenbelt” around parking lots from 8 to 15 feet.

Amendment #5 (see Section 3; page 3)

The amendment to Section 17.45(4) is a “housekeeping” type amendment necessary to clarify the driveway setback requirements.

Amendment #6 (see Section 4; page 3)

The amendment to Section 17.46(7)(a) is a “housekeeping” type amendment necessary to clarify what façade or building elevation wall signs are allowed in the Business, Industrial and Institutional Zoning Districts.

Amendment #7 (see Section 4; page 3)

The amendment to Section 17.46(7)(c) is necessary to clarify the provision for the number, location and materials allowed for ground signs in the Business, Industrial and Institutional Zoning Districts.

Amendment #8 (see Section 4; page 4)

The amendment to TABLE 1. Under Section 17.46(7) clarifies the sign area, height and setback allowances and requirements for ground signs for single and multi-tenant buildings in the in the Business, Industrial and Institutional Zoning Districts.

Amendment #9 (see Section 4; page 5)

The amendment to Section 17.46(7)(h) clarifies the type of “reader board” type signs are allowed as part of ground signs in the Business, Industrial and Institutional Zoning Districts.

Amendment #10 (see Section 4; page 5)

The amendment to Section 17.46(13) clarifies what constitutes a non-conforming sign, how they can be used, what restrictions apply and creates a provision that allows the Plan Commission to consider existing non-conforming signs as part of the approval process for new signs.

VILLAGE STAFF RECOMMENDATION

A recommendation from the Plan Commission is necessary to move the proposed code amendments to the Village Board for consideration and action. The recommendation is to **APPROVE** the proposed text amendments to Section 17 as presented in the draft ordinance (copy attached) and summarized herein.

**AN ORDINANCE AMENDING SECTION 17 (ZONING) OF
THE VILLAGE OF GERMANTOWN MUNICIPAL CODE**

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

SECTION 1. That Section 17.41 (Accessory Use, Building, and Structures) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.41(1) SIZE AND NUMBER LIMITATIONS.

- (a) In the single-family and 2-family zoning districts (Rs-1 through Rs-7 and Rd-2), each residential dwelling shall be constructed to include an attached garage and/or a detached garage (i.e., detached accessory building). Where a dwelling contains a single attached garage, there is no specific size (area) limit for the attached garage subject to the maximum lot coverage, building height, building setback or other applicable allowances and limitations set forth in Table 1 below and in the applicable zoning district. ~~there is no specific size (area) limit for an attached garage.~~ A dwelling within the Rs-1 or Rs-2 District may include a second attached garage provided that such garage complies with the area standards in subsection (b) below.
- (b) The maximum size of an second attached garage and the maximum size and number of detached garages and other accessory buildings allowed per lot or parcel in the single-family, two-family, and multi-family zoning districts shall be as set forth in Table 1 below.
- (c) The following detached accessory buildings and accessory structures are exempt from the limitations in Table 1 below:
- Pre-fabricated and pre-assembled sheds, containers, and other non-habitable storage or recreational structures under 100 sqft, including but not limited to: deck boxes, tool sheds, children's play equipment and tree houses.
- (d) The extension or overhang of a roof (i.e., "lean-to") greater than three (3) feet outward from the wall to which the roof structure is attached shall be included in (count against) the total area allowed for a detached accessory building.

SECTION 2. That Section 17.43 (Site Plan Approval Requirements) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

- 17.43(4) OFFICIAL SUBMITTALS REQUIRED.** An application for site plan approval shall include all required fees, application forms and checklists available from the Community Development Department, and all supporting documents and information required herein. The format of said application, the number of copies, and all other submittal requirements shall be specified by the Community Development Department. Ten copies of the site plan, accompanied by a dated letter of submittal requesting action, shall be submitted to the Plan Commission for its review and action. The site plans shall be submitted to the Plan Commission at least 10 days prior to the Plan Commission meeting at which the site plan will be considered for approval unless an extension of time is mutually agreed upon.

AN ORDINANCE AMENDING SECTION 17 (ZONING) OF
THE VILLAGE OF GERMANTOWN MUNICIPAL CODE

17.43(5) LANDSCAPE REQUIREMENTS AND PLAN REVIEW.

(a) In the development of new subdivisions and all other development in zoning districts requiring site plan approval, ~~commercial property, industrial, elderly housing, multifamily and institutional properties,~~ the Village Forester and/or Village Plan Commission will review landscape plans provided by the developer and shall require that street trees be planted, or payment in lieu of planting (to be made in an amount to be determined by the Village Forester per tree), for any of the streets, parking lots, outlots, parks and other public places contained within or abutting lands henceforth developed and/or subdivided. The developer will submit a tree removal plan that shows exact trees proposed to be removed in the new development, and such removals shall be subject to approval of the Forester and/or the Plan Commission. The developer will also provide a plan specifying methods of protecting trees not listed for removal. Said landscape plans, street tree plans, and tree removal plans shall be consistent with the policies and standards in the Village's Comprehensive Tree Plan.

~~(d) Notwithstanding the foregoing, this subsection shall not apply to development of lands and infrastructure by the Village in tax incremental financing districts. In such developments, the tax incremental financing district project plan shall be controlling.~~

SECTION 3. That Section 17.45 (Traffic, Parking, Loading and Access) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.45(1) PARKING REQUIREMENTS. In all zoning districts ~~and in connection with every use,~~ ~~there shall be provided~~ at the time any use or building is commenced or changed, erected, enlarged, extended or increased, a sufficient number of off-street parking stalls shall be provided for all vehicles and shall be constructed in accordance with the following standards:

(c) All open off-street parking areas except parking spaces accessory to single-family and 2-family dwellings shall be surfaced with a bituminous asphalt or concrete pavement (excluding brick, cobblestone, gravel, asphalt millings, tar & chip, or similar loose materials) in accordance with the Village standards and specifications. Such parking areas shall be graded so as to dispose of all surface waters and no significant surface waters shall be allowed to drain across public sidewalks. Such parking areas shall be so arranged and marked to provide for orderly and safe parking and storage of vehicles, and shall be so improved with wheel stops or bumper guards to prevent encroachment into adjacent lots or public ways. All public off street parking areas which are created or redesigned and rebuilt subsequent to the adoption of this section shall be provided with accessory landscape areas totaling not less than 5% of the surfaced parking area. The minimum size of each landscape area shall be not less than 75 square feet. Each such parking area shall be bounded by a landscaped greenbelt of at least fifteen (15) 8 feet in width between the parking area and all property boundaries (unless the Plan Commission determines a wider greenbelt is necessary due to topography, adjacent uses, the need for berms or fences, the type and amount of landscape plantings, or other purposes specified as part of the site plan approval process). The location of landscape areas and plant materials and the protection afforded the plantings, including curbing and provision for maintenance, shall be subject to approval by the Plan Commission. All plans for such proposed parking areas shall include a topographic survey

AN ORDINANCE AMENDING SECTION 17 (ZONING) OF
THE VILLAGE OF GERMANTOWN MUNICIPAL CODE

showing the grade and location of improvements. Existing trees, shrubs and other natural vegetation in the parking area may be included in the required minimum landscape area. All of the requirements of this paragraph, including surfacing, shall be completed within one year after the occupancy permit is issued.

17.45(4) DRIVEWAYS. The number, setback and separation between all driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements:

- (a) Unless a shared driveway is installed pursuant to subsection (d) below, the minimum distance separation islands between driveway openings shall be provided with a minimum of 10 feet between all driveways and the minimum setback for all driveways, drive isles, and parking stalls shall be 5 feet from at all lot lines. Except for lots with 200 or more feet of frontage, no more than one driveway shall be permitted for each single-family lot or parcel and no more than 2 driveways for each 2-family lot or parcel. The number and location of driveways located on multi-family, institutional, professional office, commercial and industrial parcels shall be determined by the Plan Commission through the site plan approval process subject to site plan review, pursuant to section 17.43 of this chapter.

SECTION 4. That Section 17.46 (Signs) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.46(7) SIGNS PERMITTED IN BUSINESS, INDUSTRIAL AND INSTITUTIONAL DISTRICTS WITH A SIGN PERMIT. The following signs are permitted in all business, industrial and institutional districts, subject to the following restrictions:

- (a) Wall signs shall not exceed 1.5 square feet of signage per one linear foot of building frontage, up to a maximum of 300 square feet for any individual use. Signage is only permitted on the building elevation or façade directed toward a street or road the building has access frontage. However, the Plan Commission may approve signage on any facade of a building when deemed appropriate for the use. In addition to signage on a building frontage, the Plan Commission may also permit directional wall signage on any facade of a building when it is necessary and appropriate for the use. Wall signs shall not extend above the ceiling level of the top floor of the building upon which they are located.
- (c) Ground signs shall meet the requirements set forth in Table 1. Subject to the existing sign provisions in subsection (13) below, ~~One~~ one ground sign may be allowed per parcel unless a parcel has access to two or more streets or roads (such as a corner lot), in which case one ground sign may be allowed along each road the subject property has at least 250 feet of road frontage. All ground signs shall be mounted on a decorative masonry base constructed of the same or similar materials as the principal building, e.g. stone, decorative block. Other structural components, including but not limited to any metal or wood support posts or pylons shall be covered with the same or similar decorative and compatible material. All single-tenant ground signs shall include the street address coordinates for the property mounted on the base of the sign (minimum 5-inch

**AN ORDINANCE AMENDING SECTION 17 (ZONING) OF
THE VILLAGE OF GERMANTOWN MUNICIPAL CODE**

numbering). No ground sign ~~shall~~ **should** be placed closer than ~~150~~ **80** feet to another ground sign or projecting, awning, canopy or marquee sign. See also section 17.46(13). Any time the Plan Commission reviews a permit for a **new or modified** ground sign, landscaping shall be required according to the following provisions:

1. The landscaping shall extend a minimum of 3 feet from the outer edge of the sign base on all sides. Where the area around the base of a sign is insufficient in size to accommodate landscaping, the Plan Commission may permit installation of a portion of the required landscaping at an alternate location on the site or at their discretion waive the landscaping requirement.
2. Ground signs shall be landscaped with small shrubs, ornamental grasses, and perennials a minimum of 2 to 4 feet in height at the time of planting, depending on the height of the sign. Shrubs shall include evergreen varieties to provide green plantings year round.
3. The landscaping shall be placed and maintained as to not obstruct the view of an address placed on a monument sign.

TABLE 1.

Building Type/Area and No. of Tenants	Maximum Sign Area (square feet)	Maximum Height (feet above mean centerline of adjacent roadway)	Minimum Setback (feet from property line)
Single and Multi-Tenant (< 3 tenants and < 25,000 SF gross building area)	80 SF per side 160 SF total	10 feet	5 feet
Multi-Tenant (4 to 9 tenants and 25,000 to < 50,000 SF gross building area)	120 SF per side 240 SF total	15 feet	10 5 feet or 1/2 total sign height whichever is greater
Multi-Tenant (> 10 tenants and => 50,000 SF gross building area)	160 SF per side 320 SF total (or as approved by Plan Commission)	20 feet (or as approved by Plan Commission)	15 feet or 1/2 total sign height whichever is greater (or as approved by Plan Commission)

AN ORDINANCE AMENDING SECTION 17 (ZONING) OF
THE VILLAGE OF GERMANTOWN MUNICIPAL CODE

(h) **ELECTRONIC MESSAGE BOARDS.** Internally lit manual letter reader board and flashing marquee type signs with a translucent white background are prohibited. Electronic message boards may be permitted by the Plan Commission but only as an integral and subordinate portion of a freestanding monument or ground sign (and not a wall, projecting, window or any other sign) provided said monument sign complies with the provisions set forth in section 17.46(7)(c) above. Electronic message boards may be allowed with approval by the Plan Commission and shall meet all of the following requirements:

2. Electronic message boards may shall not be located within 150 feet of a residential zoning district boundary provided that they are oriented, or, be located, designed or operated in such a manner as to not create in the opinion of the Plan Commission at the time of sign approval a negative visual impact on the residential property as determined by the Plan Commission used for existing residential uses;

17.46(13) **EXISTING SIGNS.** Signs lawfully existing at the time of the adoption or amendment of this section may be continued even though the use, size or location does not conform with the provisions of this section. ; provided, however, that such s Signs that do not meet the provisions of this section shall be deemed a nonconforming use or structure where the provisions of section 17.48 of this chapter shall apply except that the replacement of a sign face with the same or nearly identical sign face may be approved with a permit by the Zoning Administrator. The Plan Commission shall consider the number, type, and location of existing signs when determining if additional signs will be approved for a particular property or business, and, may require the removal or modification of any existing signs prior to the installation of a new sign.

SECTION 5. 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: _____, 2024

Vote: Ayes: _____
Nays: _____

Dean Wolter, Village President

ATTEST:

Donna Ott, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

Published:

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Plan Commission at the Germantown Village Hall located at N112W17001 Mequon Road, Germantown, Wisconsin and virtually through the WebEx platform on the following date and at the time noted below (or soon thereafter):

DATE: Monday, October 14th, 2024

TIME: 6:30 pm or later

The purpose of said hearing will be to hear all parties, their attorneys or agents, for or against the petition filed by the Village of Germantown Community Development Department for proposed text amendments to Section 17.41 (Accessory Use, Building & Structures), 17.43 (Site Plan Approval Requirements), 17.45 (Traffic, Parking, Loading & Access), 17.46 (Signs) of the Village of Germantown Municipal Code.

A copy of the proposed text amendments is on file at the Community Development Department-Planning & Zoning Services office in the Germantown Village Hall.

Citizens wishing to submit any public comments should do so by sending them by email to: comments@germantownwi.gov no later than 4:00 pm on the meeting date listed above.

Donna Ott, Village Clerk

Dated this 18th day of September 2024

To Be Published On: September 25 and October 2, 2024

SIGN REVIEW APPLICATION

11/11/24 Plan Commission Meeting

Shaun Bowe / FCH Germantown LLC / Relish Supper Club

Village Staff Report

Germantown, Wisconsin

Summary

Shaun Bowe, agent for FCH Germantown LLC and Stube Land LLC, property owner, is requesting approval for two (2) wall signs for the newly renovated Relish Supper Club located at N116 W15841 Main Street.

Location: N116 W15841 Main Street

Agent/

Property Owners: Shaun Bowe Stube Land LLC
FCH Germantown LLC N116 W15841 Main Street
N116 W15841 Main Street Germantown, WI
Germantown, WI

Zoning: B-3: General Business

Adjacent Land Uses		Zoning
North	Commercial/Industrial	B-3/M-1 PDD
South	Commercial	B-3
East	Commercial	B-3
West	Commercial	B-3



Background/Proposal

Shaun Bowe, agent for FCH Germantown LLC and Stube Land LLC, property owner, is requesting approval for two (2) wall signs for the newly renovated Relish Supper Club located at N116 W15841 Main Street.

The signs have already been installed on the east elevation of the building along with repainting the entire exterior of the building prior to Plan Commission review/approval. The two signs include:

Wall Signs

- 4'4" x 5' (22.5 sqft) single-sided painted aluminum panel with the logo "R". The proposed sign is mounted on the east elevation and is not illuminated;
- 4' x 8' (32 sqft) changeable text (manual) reader board face mounted on the east elevation and is not illuminated.

Staff Comments

The projecting sign on the street elevation was previously approved as a face replacement by staff.

The sign regulations in the Zoning Code limit wall signage to the building elevation facing the street unless deemed appropriate and approved by the Plan Commission. In this case, the Plan Commission will have to approve the two wall signs proposed on the east elevation of the building. Staff supports approval of logo wall sign given it has visibility to west bound traffic on Main Street. Staff does not support the proposed manual reader board sign. Use of this type of sign is discouraged in the sign regulations (even as a temporary sign) and in favor of electronic message boards because of the translucent background that is typically internally lit and glows bright white. While the owner has indicated that the sign will not be lit, the sign is dated and appears incompatible with the quality of exterior materials and architecture of the other components of the building. The sign regulations specifically provide for electronic message boards that are a component within a larger monument sign with a decorative base and not free-standing or simply screwed to the side of a building (as is the case with this antiquated manual reader board).

VILLAGE STAFF RECOMMENDATION

APPROVE the one (1) proposed wall sign displaying the "R" logo mounted on the east elevation of the Relish Supper Club building located at N166 W15841 Main Street subject to the following conditions:

1. The 4'x8' manual reader board sign installed on the east elevation shall be removed.



Village of



Germantown

...Willkommen

Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid OR Date 10/9/24
CR # 1333

SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

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

1 APPLICANT OR AGENT

SHAUN BOWE

FCH GERMAN TOWN LLC

1116 WIS841 MAIN ST

GERMANTOWN, WI 53022

Phone (262) 339-0287

Fax ()

E-Mail SHAUN@THESTILLEYWI.COM

PROPERTY OWNER

STUBE LAND LLC

1116 WIS841 MAIN ST

GERMANTOWN, WI 53022

Phone ()

2 PROPERTY ADDRESS OR GENERAL LOCATION

EAST SIDE OF BUILDING

3 SIGN INFORMATION

Sign Dimensions 52" height x 60" width Single/Multi Tenant (circle one)

Number of Sides 1

Building Frontage SF _____

Total Square Footage of Sign (include all sides) 108 sq ft

Total height of the Sign 52"

Is the Sign to be illuminated _____ yes X no

Type of Sign Construction Materials ACM

Distance to Closest Property Line 20'

Are there any existing signs on the property Yes

If yes, what is the total Square Footage of existing signs _____

What are the intentions for the existing signs: Take down _____ Remain X

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

[Signature]
Applicant

10-9-24
Date

[Signature]
Owner

10-9-24
Date





Village of



Germantown

Willkommen

Fee must accompany application

\$275 Sign Review Fee

\$ 75 Sign Face Replacement

Paid _____ Date _____

1 Fee -
2 signs
per 1/4

SIGN REVIEW APPLICATION

Pursuant to Section 17.46 of the Municipal Code

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

1 **APPLICANT OR AGENT**
FCH GERMANTOWN LLC
1116 WIS841 MAIN ST
GERMANTOWN, WI 53022
ATTN: SHAUN BOWE
Phone (262) 339-0287
Fax ()
E-Mail SHAUN@THESTILLERYWI.COM

PROPERTY OWNER
STUBE LAND LLC
1116 WIS841 MAIN ST
GERMANTOWN, WI 53022
Phone ()

2 **PROPERTY ADDRESS OR GENERAL LOCATION**

EAST SIDE OF BUILDING

3 **SIGN INFORMATION**

Sign Dimensions 4' height x 8' width Single/Multi Tenant (circle one)
Number of Sides 1 Building Frontage SF _____
Total Square Footage of Sign (include all sides) 32'
Total height of the Sign 4'
Is the Sign to be illuminated yes yes no no
Type of Sign Construction Materials FRP
Distance to Closest Property Line 15'

Are there any existing signs on the property yes
If yes, what is the total Square Footage of existing signs _____

What are the intentions for the existing signs: Take down _____ Remain ✓

4 **SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!**

[Signature] 10-9-24
Applicant Date

[Signature] 10-9-24
Owner Date





R

Handicapped
PARKING



COME RELISH

i SAT PRIME RIB !

Village of

Germantown

Village of Germantown
Clerk Treasurer
N112W17001 MEQUON ROAD
Germantown, WI 53022
(262)250-4700
Welcome

10/09/2024 03:50PM Mary S.
000731-0341
Payment Effective Date 10/08/2024

MISCELLANEOUS

ZONING FEES (GENZON)
2024 Item: GENZON
1 @ \$275.0000

ZONING FEES (GENZON) \$275.00

\$275.00

Subtotal \$275.00

Total \$275.00

CHECK \$275.00

Check Number 1333

Change due \$0.00

Thank you for your payment

CUSTOMER COPY

ZONING PERMIT REVIEW

11/11/24 Plan Commission Meeting

Lisa Wakeman

Village Staff Report & Recommendation

Germantown, Wisconsin

SUMMARY

Lisa Wakeman, property owner, is seeking approval to install a 4' aluminum picket fence within an existing storm sewer and drainage easement on the residential lot located at W151 N11811 Mistletoe Road in the Wrenwood North Subdivision.

Location: W151 N11811 Mistletoe Road

Agent/

Property Owner: Lisa Wakeman
W151 N11811 Mistletoe Road
Germantown, WI 53022

Zoning: Wrenwood Planned Development District (RS-5/PDD)

Adjacent Land Uses		Zoning
North	Single-Family Residential	RS-5/PDD
South	Common Area/Detention Area	RS-5/PDD
East	Single-Family Residential	RS-5/PDD
West	Single-Family Residential	RS-5/PDD



Background/Proposal

Lisa Wakeman, property owner, is seeking approval to install a 4' aluminum picket fence within an existing storm sewer and drainage easement on the residential lot located at W151 N11811 Mistletoe Road in the Wrenwood North Subdivision.

As indicated in the supporting documentation, the applicant would like to install a 4' high aluminum picket fence around the rear yard. The proposed fence would encroach approximately 8' into a storm sewer and drainage easement that runs along the eastern property boundary (see attached survey). Note that Section 17.50(2)(f)6. of the Zoning Code prohibits fences from being installed in easements, except a drainage easement when approved by the Plan Commission:

(f) Fences in Residential Districts.

1. *All fences shall be subject to review and approval of the Building Inspector prior to the issuance of a building permit.*
2. *Fences in rear or side yards may be up to 6 feet in height.*
3. *Fences in front yards may not exceed 4 feet in height, except a maximum height of 6 feet on approval of the Plan Commission after consideration of visibility, privacy and access concerns.*
4. *No fence shall be closer than 2 feet to a public right-of-way.*
5. *Fences that contain a finished side and an unfinished side, shall be installed in a manner in which the finished side faces the adjacent property. In case of a discrepancy, the Village Building Inspector shall determine which side of the fence is the finished side.*
6. *Fences and easements.*
 - (i) *Fences shall not be located within any type of easement, provided however, the Planning Commission may authorize the encroachment by a fence into a drainage easement where the owner of the land encumbered by the easement shows to the satisfaction of the Planning Commission that, considering the proposed location, design and materials of the proposed fence, the encroachment of the fence into the easement will not materially interfere with drainage flow within the easement, and, in the case of a subdivision, the homeowners association consents in writing to the encroachment, or if not in a subdivision, the adjacent landowners consent in writing.*
 - (ii) *If the Planning Commission deems it necessary in order to make its decision to authorize an encroachment into a drainage easement by a fence, it may require that the applicant provide a report by a professional engineer providing an opinion that the encroachment will not impair drainage flow within the easement.*
 - (iii) *If the applicant whose property abuts the drainage way shall be aggrieved by the decision of the Planning Commission, such aggrieved person may appeal the decision to the Village Board by filing a request for appeal review of the record below within 14 days of the date of the Planning Commission's decision.*
7. *It is the property owner's responsibility for any lawn maintenance of lands that lie between a fence and the property line.*
8. *Should it be necessary that the Village or its agent, remove the fence, the material costs (materials and labor) would be borne by the owner of the fence.*

Staff Analysis

The Planning Commission may authorize the encroachment of a fence into a drainage easement where the owner of the property encumbered by the easement shows to the satisfaction of the Planning Commission that:

1. Considering the proposed location, design and materials of the proposed fence, the fence will not materially interfere with drainage flow within the easement; and

2. In the case of a subdivision, homeowners association consent to the encroachment or, if not a subdivision, the adjacent landowner(s) written consent.

Regarding Item No. 1, drainage flow interference, the proposed aluminum fence is open picket style which will not interfere with storm water flow within the easement.

Regarding Item No. 2, the Homeowner's Association (HOA) for Wrenwood North Subdivision submitted a letter to the property owner specifying conditional approval pending Village Plan Commission approval.

The Director of Highways recommends that extreme caution be taken when installing the fence due to the existence of a public storm sewer pipe. The Director is recommending that the Village be held harmless in the event the fence needs to be removed for any reason and not be made responsible for any costs associated with removal and/or replacement.

VILLAGE STAFF RECOMMENDATION

APPROVE the zoning permit application to install a 4' aluminum picket fence within the storm sewer and drainage easement along the eastern lot line of the Wakeman property located at W151 N11811 Mistletoe Road, subject to the following conditions:

1. It shall be the responsibility of the homeowner to maintain a free flow of water within the private easement at all times.
2. A fence permit is required from the Building Inspection Services. The property owner is required to contact SAFEBuilt for more information.
3. If the fence needs to be removed to make improvements and/or conduct maintenance within the easement, the property owner shall be responsible for all costs associated with removing the fence to the extent necessary within seven (7) days of being notified by the Village (or another mutually agreeable deadline). The property owner shall be responsible for any and all costs associated with any damage, removal, or re-installation of said fence.
4. The property owner shall enter into an encroachment agreement with the Village for purposes of attaching the requirements of Condition No. 3 above to ensure that the property owner and any successors in interest are aware of these requirements.
5. The property owner and/or fence installer shall be liable for any and all damage to the public storm sewer pipe within the easement and all site restoration within the easement.



Village of



Germantown

Willkommen

ZONING COMPLIANCE/ OCCUPANCY PERMIT

Date of Application: 9/23/24

Fee Received By: SR

Please read and print legibly. List name of actual contact person (NOT just business name).

CHK# 1105

APPLICANT OR AGENT:

Name: Lisa Wakeman
Address: W151N11811 Mistletoe Road
City/State/Zip: Germantown, WI 53022
Phone: (262) 623-8046
E-Mail: lisawakeman28@gmail.com

PROPERTY or Business OWNER:

Name: Same
Address: _____
City/State/Zip: _____
Phone: _____
E-Mail: _____

PROPERTY ADDRESS OR Tax Parcel ID#:

W151N11811 Mistletoe Road

DESCRIPTION OF PROPOSED USE (Describe improvements, structures, uses and activities conducted, services provided, products made or sold, # of employees, hours of operation, etc. that will enable Zoning Administrator to determine if the proposed use or operation complies with the applicable zoning district and/or other use restrictions that may apply to the subject property. Use back side or additional sheets as needed):

Install 4' high aluminum picket fence with two gates to enclose backyard. A portion of the fence will encroach on the public storm sewer and drainage easement.

READ AND INITIAL THE FOLLOWING:

- ☒ I understand that Village Staff may request additional information to properly evaluate this request and failure to provide such information may in itself be sufficient cause to deny the petition.
- ☒ I understand that Village Staff can impose conditions or other requirements necessary in order to meet and/or remain in compliance with the Village's Zoning Codes and/or other Village requirements that may apply to the subject property.

INCLUDE THE FOLLOWING WITH YOUR APPLICATION:

- ☒ A scaled site plan showing location of proposed use on the property (not required if within building).
- ☒ \$175 Application Fee
- ☐ Other Information required by Zoning Administrator

SIGNATURES: ALL APPLICATIONS MUST BE SIGNED

Lisa Wakeman
Applicant
Lisa Wakeman
Property Owner

9/19/24
Date
9/19/24
Date

VILLAGE USE ONLY

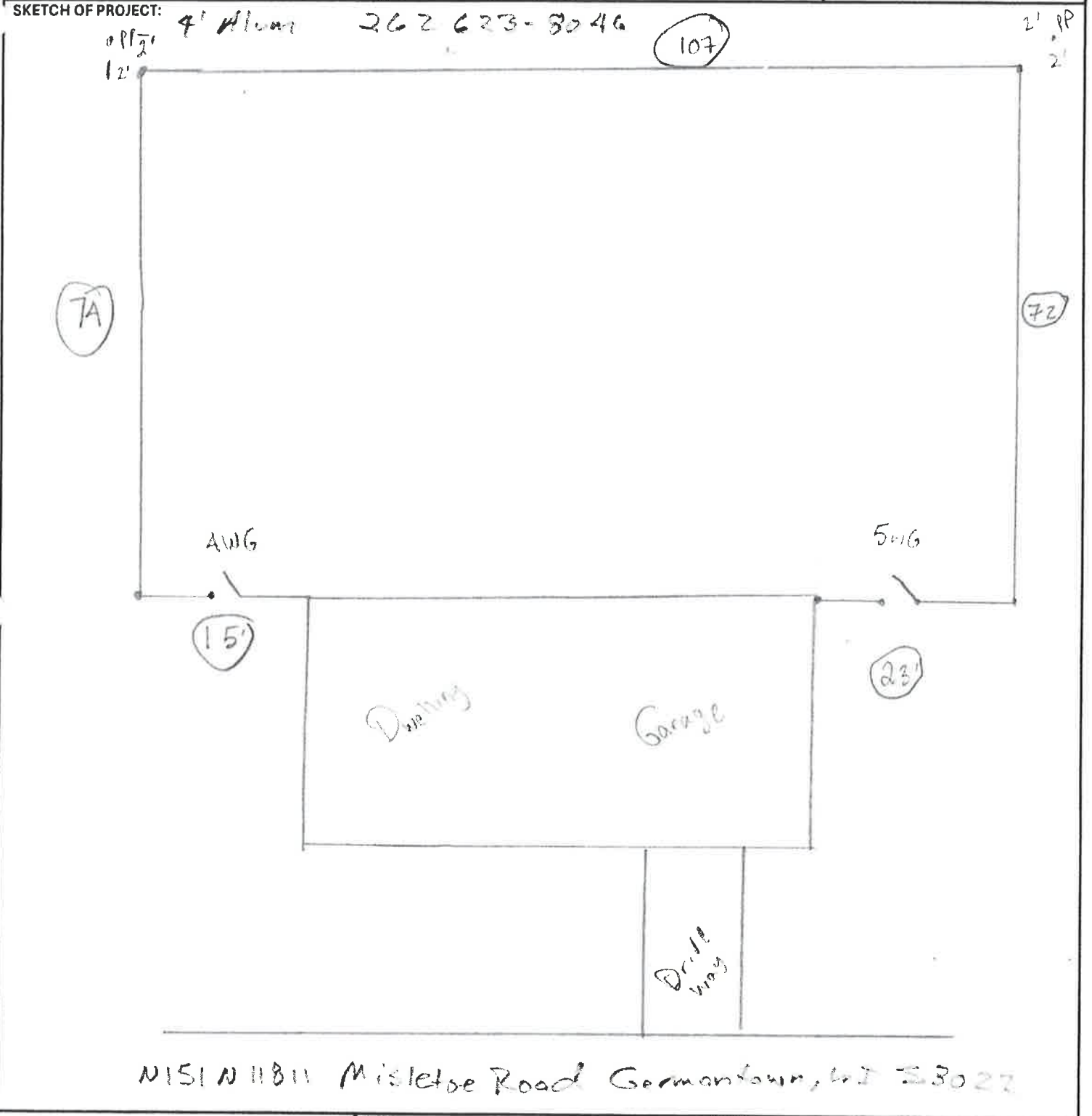
FOR LOT 13 OF WRENWOOD NORTH, AND BEING A PART OF THE NE 1/4 & SE 1/4 OF
THE NORTHWEST QUARTER OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST,
VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



- * Light Post
C:\Holland&Thomas\221105AB.dwg; Drawn By: NLH; Checked By: SDT; F.W.F: 04-24-23; S: 04-25-23.

SEP 20 2023

JOB ID:	TYPE: ☒ ESTIMATE ☐ LAYOUT	INSTALL DATE:	FOREMAN:
CUSTOMER: Lisa Wakeman	DESIGN TECH: Justin	DATE: 7/30/2024	



STYLE #1 Imperial Verona Yutka		STYLE #2		STYLE #3			
HEIGHT 4	FOOTAGE 291	HEIGHT	FOOTAGE	HEIGHT	FOOTAGE		
GATE(S) (1) AWG (1) 5WG Selfclosing		GATE(S)		GATE(S)			
NEW FENCE	STICK BUILD	PROPERTY PINS	* PP				
LEAVE FENCE	MEASURE	TAPER	* CORE DRILLS				
REPLACEMENT	UTILITIES	DIGS	①				
PROC:	EMAIL:	TECH:	BOM:	CREW:	TAGS:	DLR:	SIGNATURE:





September 17, 2024

Lisa Wakeman

Lot 13 Wrenwood North

Germantown, WI

Dear Lisa,

We have received the submittal for a fence installation on your property. The southeast portion of the fence is in the public storm sewer and drainage easement. According to the recorded Declaration of Protective Covenants, fences cannot be placed in a public easement area, right of way, or the Common Areas. Also, on the recorded plat for Wrenwood North, it states that the easements for sanitary sewer, watermain, storm sewer and drainage are herein granted to the Village of Germantown. Because of these circumstances, The Village of Germantown needs to approve this at a Planned Commission meeting. For that to happen, they need us to give a pending approval. As the HOA, we will grant a pending approval and will finalize our approval once the Planned Commission grants approval for your fence installation.

Sincerely,

Melissa Bock

Neumann Developments, Inc.

ZONING PERMIT REVIEW

11/11/24 Plan Commission Meeting

James Bengtson

Village Staff Report & Recommendation

Germantown, Wisconsin

SUMMARY

James Bengtson, property owner, is seeking approval to install a 4' aluminum picket fence within an existing storm sewer and drainage easement on the residential lot located at W151 N11793 Mistletoe Road in the Wrenwood North Subdivision.

Location: W151 N11793 Mistletoe Road

Agent/

Property Owner: James Bengtson
W151 N11793 Mistletoe Road
Germantown, WI 53022

Zoning: Wrenwood Planned Development District (RS-5/PDD)

Adjacent Land Uses		Zoning
North	Single-Family Residential	RS-5/PDD
South	Common Area/Detention Area	RS-5/PDD
East	Single-Family Residential	RS-5/PDD
West	Single-Family Residential	RS-5/PDD



Background/Proposal

James Bengtson, property owner, is seeking approval to install a 4' aluminum picket fence within an existing storm sewer and drainage easement on the residential lot located at W151 N11793 Mistletoe Road in the Wrenwood North Subdivision.

As indicated in the supporting documentation, the applicant would like to install a 4' high aluminum picket fence around the rear yard. The proposed fence would encroach approximately 8' into a storm sewer and drainage easement that runs along the western property boundary (see attached survey). Note that Section 17.50(2)(f)6. of the Zoning Code prohibits fences from being installed in easements, except a drainage easement when approved by the Plan Commission:

(f) Fences in Residential Districts.

1. *All fences shall be subject to review and approval of the Building Inspector prior to the issuance of a building permit.*
2. *Fences in rear or side yards may be up to 6 feet in height.*
3. *Fences in front yards may not exceed 4 feet in height, except a maximum height of 6 feet on approval of the Plan Commission after consideration of visibility, privacy and access concerns.*
4. *No fence shall be closer than 2 feet to a public right-of-way.*
5. *Fences that contain a finished side and an unfinished side, shall be installed in a manner in which the finished side faces the adjacent property. In case of a discrepancy, the Village Building Inspector shall determine which side of the fence is the finished side.*
6. *Fences and easements.*
 - (i) *Fences shall not be located within any type of easement, provided however, the Planning Commission may authorize the encroachment by a fence into a drainage easement where the owner of the land encumbered by the easement shows to the satisfaction of the Planning Commission that, considering the proposed location, design and materials of the proposed fence, the encroachment of the fence into the easement will not materially interfere with drainage flow within the easement, and, in the case of a subdivision, the homeowners association consents in writing to the encroachment, or if not in a subdivision, the adjacent landowners consent in writing.*
 - (ii) *If the Planning Commission deems it necessary in order to make its decision to authorize an encroachment into a drainage easement by a fence, it may require that the applicant provide a report by a professional engineer providing an opinion that the encroachment will not impair drainage flow within the easement.*
 - (iii) *If the applicant whose property abuts the drainage way shall be aggrieved by the decision of the Planning Commission, such aggrieved person may appeal the decision to the Village Board by filing a request for appeal review of the record below within 14 days of the date of the Planning Commission's decision.*
7. *It is the property owner's responsibility for any lawn maintenance of lands that lie between a fence and the property line.*
8. *Should it be necessary that the Village or its agent, remove the fence, the material costs (materials and labor) would be borne by the owner of the fence.*

Staff Analysis

The Planning Commission may authorize the encroachment of a fence into a drainage easement where the owner of the property encumbered by the easement shows to the satisfaction of the Planning Commission that:

1. *Considering the proposed location, design and materials of the proposed fence, the fence will not materially interfere with drainage flow within the easement; and*

2. In the case of a subdivision, homeowners association consent to the encroachment or, if not a subdivision, the adjacent landowner(s) written consent.

Regarding Item No. 1, drainage flow interference, the proposed aluminum fence is open picket style which will not interfere with storm water flow within the easement.

Regarding Item No. 2, the Homeowner's Association (HOA) for Wrenwood North Subdivision submitted a letter to the property owner specifying conditional approval pending Village Plan Commission approval.

The Director of Highways recommends that extreme caution be taken when installing the fence due to the existence of a public storm sewer pipe. The Director is recommending that the Village be held harmless in the event the fence needs to be removed for any reason and not be made responsible for any costs associated with removal and/or replacement.

VILLAGE STAFF RECOMMENDATION

APPROVE the zoning permit application to install a 4' aluminum picket fence within the storm sewer and drainage easement along the western lot line of the Bengtson property located at W151 N11793 Mistletoe Road, subject to the following conditions:

1. It shall be the responsibility of the homeowner to maintain a free flow of water within the private easement at all times.
2. A fence permit is required from the Building Inspection Services. The property owner is required to contact SAFEBuilt for more information.
3. If the fence needs to be removed to make improvements and/or conduct maintenance within the easement, the property owner shall be responsible for all costs associated with removing the fence to the extent necessary within seven (7) days of being notified by the Village (or another mutually agreeable deadline). The property owner shall be responsible for any and all costs associated with any damage, removal, or re-installation of said fence.
4. The property owner shall enter into an encroachment agreement with the Village for purposes of attaching the requirements of Condition No. 3 above to ensure that the property owner and any successors in interest are aware of these requirements.
5. The property owner and/or fence installer shall be liable for any and all damage to the public storm sewer pipe within the easement and all site restoration within the easement.



Village of
Germantown
Willkommen

SCANNED

**ZONING COMPLIANCE/
OCCUPANCY PERMIT**

Date of Application: 10/14/24

Fee Received By: [Signature]

Please read and print legibly. List name of actual contact person (NOT just business name).

CHK #6370

APPLICANT OR AGENT:

Name: James Bengtson

Address: W151N11793 Mistletoe Rd

City/State/Zip: Germantown WI 53022

Phone: 817-602-0445

E-Mail: james.bengtson@gmail.com

PROPERTY or Business OWNER:

Name: James Bengtson

Address: W151N11793 Mistletoe Rd

City/State/Zip: Germantown, WI 53022

Phone: 817-602-0445

E-Mail: james.bengtson

PROPERTY ADDRESS OR Tax Parcel ID#:

W151N11793 Mistletoe Rd

DESCRIPTION OF PROPOSED USE (Describe improvements, structures, uses and activities conducted, services provided, products made or sold, # of employees, hours of operation, etc. that will enable Zoning Administrator to determine if the proposed use or operation complies with the applicable zoning district and/or other use restrictions that may apply to the subject property. Use back side or additional sheets as needed):

Fence to be installed on Public Storm Sewer and Drainage Easement.

READ AND INITIAL THE FOLLOWING:

- ☒ I understand that Village Staff 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.
- ☒ I understand that Village Staff can impose conditions or other requirements necessary in order to meet and/or remain in compliance with the Village's Zoning Codes and/or other Village requirements that may apply to the subject property.

INCLUDE THE FOLLOWING WITH YOUR APPLICATION:

- ☐ A scaled site plan showing location of proposed use on the property (not required if within building).
- ☐ \$175 Application Fee
- ☐ Other Information required by Zoning Administrator

SIGNATURES: ALL APPLICATIONS MUST BE SIGNED

[Signature]
Applicant

[Signature]
Property Owner

9/20/24
Date

9/20/24
Date

VILLAGE USE ONLY

APPROVED

BY _____ DATE _____



Cornerstone Land Surveying, Inc.

Plat of Survey



Surveyor:

Richard Simon
5080 Fairy Chasm
West Bend, WI 53095
rls2698@gmail.com
(262) 424-5630

Description:

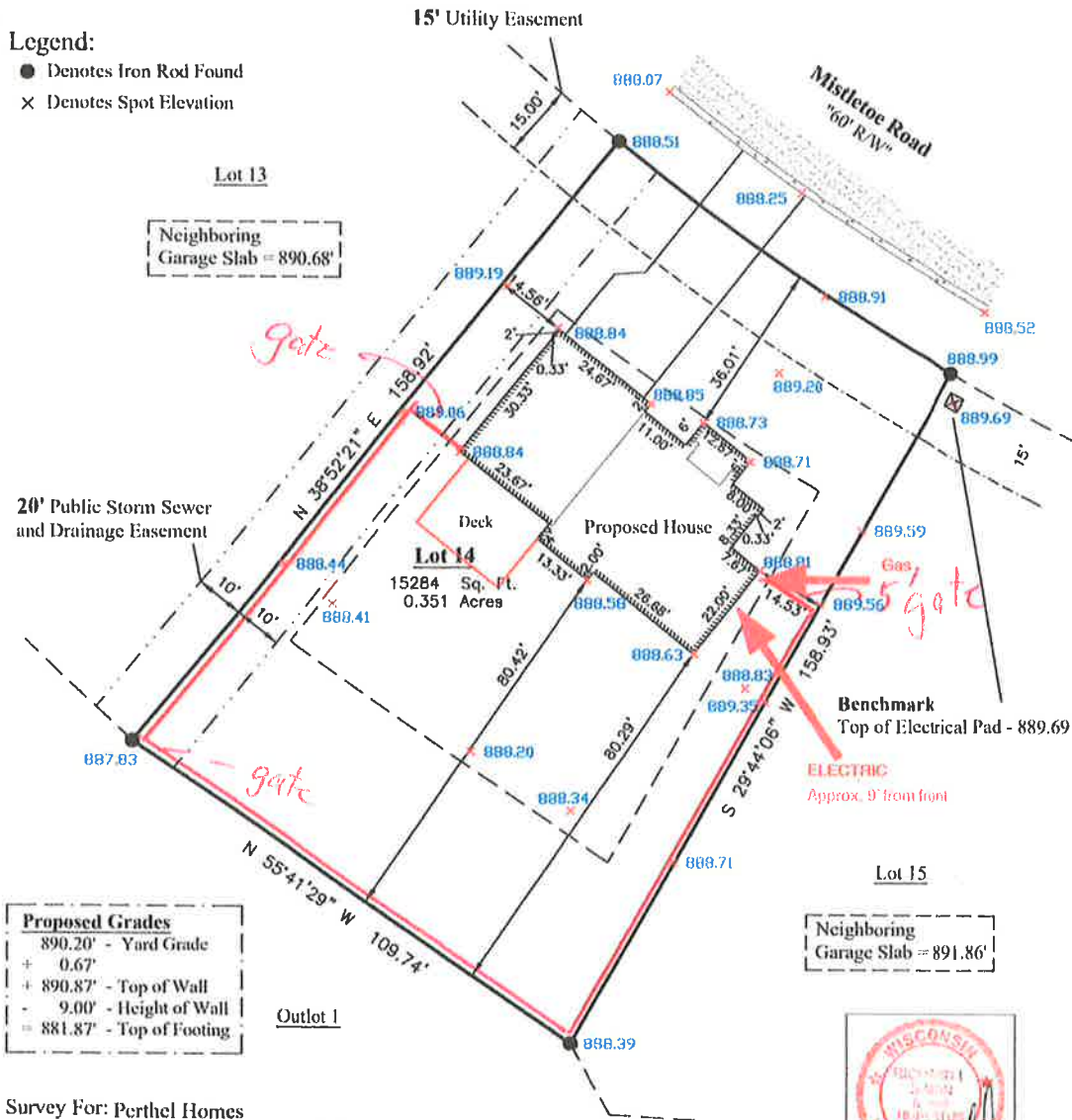
All of Lot 14 Wrenwood North, being a redivision of Lot 4 of Certified Survey Map No. 6890, being located in a part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 23, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Scale 1" = 30'



Legend:

- Denotes Iron Rod Found
- × Denotes Spot Elevation



Survey For: Perthel Homes

Dated this 25th day of September, 2023.

Curve Data

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
-------	--------	------------	--------------	---------------	-------------

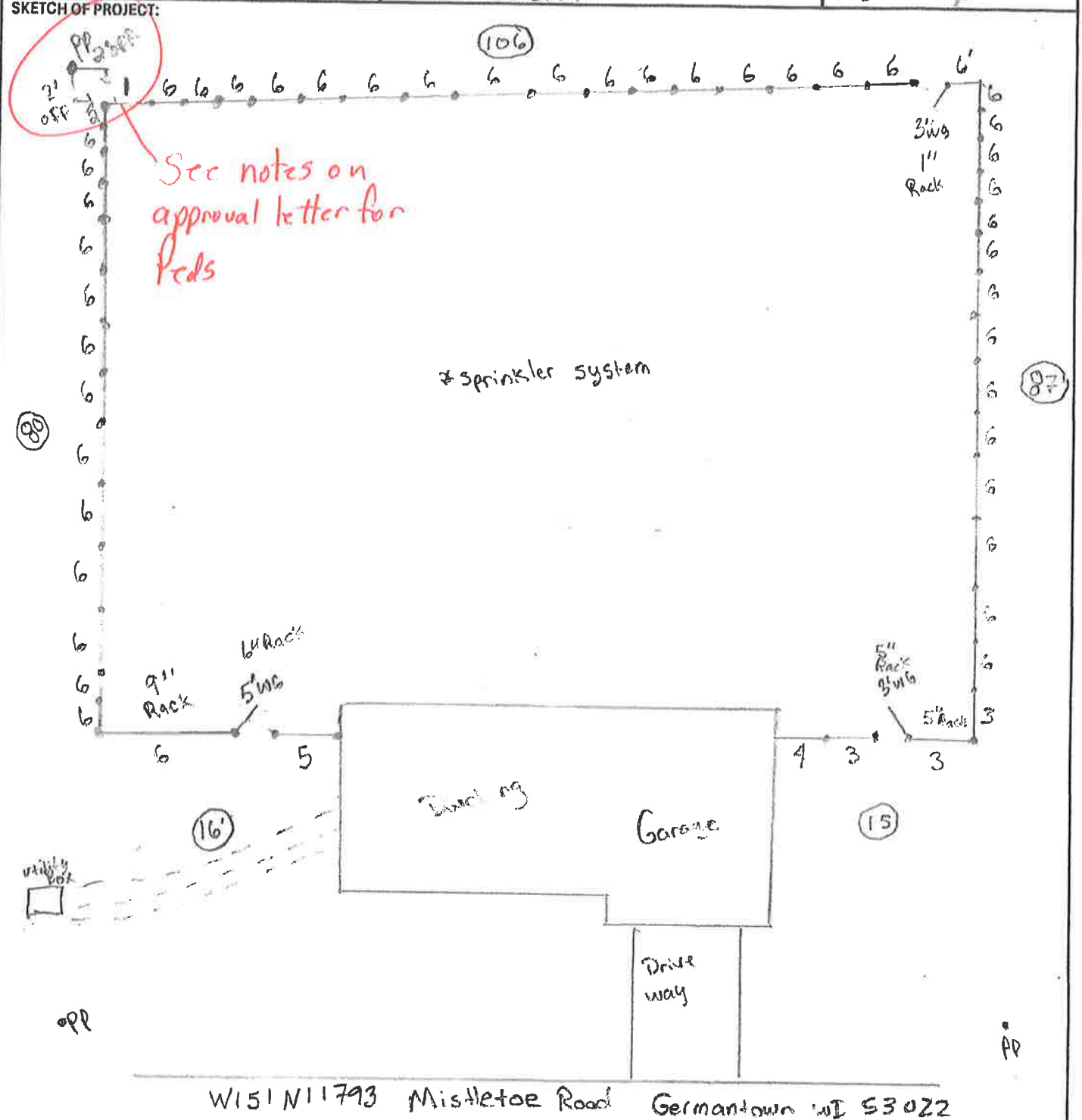
Notes:

- 1) In providing this boundary survey no attempt has been made to obtain or show data concerning the existence of any utility on the site, whether private, municipal, or public owned.
- 2) No Title Policy furnished therefore completeness of easements is not warranted.

STATE OF WISCONSIN) SS.
COUNTY OF WASHINGTON)

"I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY ACCORDING TO OFFICIAL RECORDS AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE THERETO, WITHIN ONE YEAR FROM THE DATE HERETO.

JOB ID: 2432	TYPE: ☐ ESTIMATE ☒ LAYOUT	INSTALL DATE:	FOREMAN:
CUSTOMER: James Bengtson	DESIGN TECH: Justin	DATE: 9/20/2024	



W151N11793 Mistletoe Road Germantown WI 53022

STYLE #1 Imperial Verona		STYLE #2		STYLE #3		
HEIGHT 4'	FOOTAGE 304	HEIGHT	FOOTAGE	HEIGHT	FOOTAGE	
GATE(S) (2) 3'WG (1) 5'WG		GATE(S)		GATE(S)		
NEW FENCE	STICK BUILD	PROPERTY PINS	PP			
LEAVE FENCE	MEASURE	TAPER	CORE DRILLS			*
REPLACEMENT	UTILITIES	DIGS				○
PROC:	EMAIL:	TECH:	BOM:			CREW:
				SIGNATURE:		



Imperial ALUMINUM



VERONA



SIENA

IMPERIAL ALUMINUM BY YUTKA FENCE

Discover the perfect synergy of style and security with Yutka Fence's signature line of aluminum fencing. Elevate your property with a fence that defines boundaries while adding a touch of sophistication.

THE RESIDENTIAL SERIES

Verona

Crafted from durable aluminum, its sleek black finish resists corrosion. The minimalist flat-top design blends elegance with modernity, while the 3-rail layout ensures both openness and strength.

Available in 4' high 3-rail design only with pickets extending below bottom rail

Siena

Make a sophisticated statement while ensuring pool safety with this all-in-one solution.

Available in 4' high 3-rail design only with flush bottom rail (pool code compliant)

**ASK YOUR SALES PERSON ABOUT
THIS PREMIUM LINE.**



📍 11880 12TH ST, KENOSHA, WI 53144

📞 (262) 859-3226

✉ SALES@YUTKAFENCE.COM



September 23, 2024

James Bengtson
Lot 14 Wrenwood North
Germantown, WI

Dear James,

We have received the submittal for a fence installation on your property. The northern portion of the fence is in the public storm sewer and drainage easement. According to the recorded Declaration of Protective Covenants, fences cannot be placed in a public easement area, right of way, or the Common Areas. Also, on the recorded plat for Wrenwood North, it states that the easements for sanitary sewer, watermain, storm sewer and drainage are herein granted to the Village of Germantown. Because of these circumstances, The Village of Germantown needs to approve this at a Planned Commission meeting. For that to happen, they need us to give a pending approval. As the HOA, we will grant a pending approval and will finalize our approval once the Planned Commission grants approval for your fence installation.

Sincerely,

Melissa Bock
Neumann Developments, Inc.

SITE PLAN APPROVAL EXTENSION

11/11/24 Plan Commission Meeting

Virtus Development LLC / Kuhburg PDD

Village Planner Report

Germantown, Wisconsin

Summary

Greg Nagel, President of Virtus Development and agent for District One LLC, property owner, and the Hacker Trust, property owner, is requesting an extension of the site plan approval for a 33-stall commercial parking lot and 4-unit multi-family townhouse located in the southwest corner of the Donges Bay Road @ Fond du Lac Ave/STH145 intersection in the "Kuhburg Planned Development District".

Property Location: W140 N10363 Fond du Lac Ave (.34 ac parcel)
W140 N10349 Fond du Lac Ave (.73 ac parcel)

Applicant/

Property Owner: Greg Nagel District One LLC Hacker Trust
Virtus Development 13100 Watertown W140 N10363 Fond du Lac
13890 Bishops Dr Elm Grove, WI Germantown, WI
Brookfield, WI

Current Zoning: Kuhburg Planned Development District (PDD)

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



Background

The Kuhburg Planned Development District (PDD) was created in February, 2018 to stimulate the renovation of two parcels with dilapidated buildings located in the southwest corner of the intersection, including a vacant, single-story schoolhouse and a 2-story tavern. To date, renovation of the schoolhouse into the Stone Creek “Kaffeehaus” is complete, along with the reconstruction of the parking lot west of the building. Remaining improvements include the previously approved renovation of the former Gamroth’s Kuhburg Junction tavern into a restaurant (future gastropub) and construction of a covered portico providing seasonal, outdoor seating for both the Kaffeehaus and gastropub.

In the fall of 2023, the Plan Commission and Village Board approved rezoning and site development & building plan applications to allow an expansion of the “Kuhburg Planned Development District” with the addition of two parcels totaling approximately 1.1 acres as a prerequisite for the following additional development:

1. 33-stall parking lot (to serve two existing commercial retail buildings)
2. 4-unit multi-family residential townhouse-style building
3. storm water management basin serving the parking lot and townhouse development

Site development & building plan approval was granted by the Plan Commission on August 14, 2023 subject to ten (10) conditions, including one condition requiring Plan Commission approval of a “complete landscape plan” for the parking lot and townhouse parcels. Approval of the landscape plan was subsequently granted on November 13, 2023 subject to three (3) conditions.

Proposal

At this time, Greg Nagel, President of Virtus Development and agent for District One LLC, property owner, and the Hacker Trust, property owner, is requesting an extension of those site development & building plan approvals as provided for in the Zoning Code

Section 17.43(11)(a) stipulates:

(a) Except under the following conditions, if construction or other activities necessary to complete a development project and/or land use have not commenced within 12 months from the date site plan approval has been granted and continue toward completion in accordance with the proposed/approved timeframe, or, said construction or other activities have commenced but subsequently are stopped or abandoned for a period of 12 consecutive or cumulative months, site plan approval shall be deemed to have lapsed and all Village permits and/or approvals granted subsequent to such site plan approval shall expire and be null and void.

1. *An extension has been granted pursuant to subsection (11a); or*
2. *Different project-specific commencement and/or completion deadlines have been established as a condition of approval in the site plan approval, in a conditional use permit, or in a PDD condition and restrictions resolution adopted by the Village Board (including but not limited to phased development).*

Section 17.43(11a) provides:

EXTENSION OF DEADLINE FOR CONSTRUCTION COMPLETION. *At its discretion, for good cause and following consideration of a written request submitted by the applicant/property owner to the Village prior to expiration of the previous deadline, the Plan Commission (and Village Board in the case of projects being developed in a PDD) may grant one or more extensions of the deadline to complete the project for which site plan approval was granted. The duration of each extension shall be determined by the Plan Commission (or Village Board in the case of PDD projects) but shall not exceed 12 months. A deadline extension request that is received prior to expiration of the current deadline will not be subject to any applicable application fees. Requests received after expiration of the current deadline will be subject to applicable application fees.*

As stated in the November 5 request letter (copy enclosed), the developer cites “...unforeseen challenges regarding addressing environmental contamination on the construction sites... and also with securing financing for these contaminated sites”.

The developer provides a revised timeline for expected commencement & completion dates for the various components of the overall re-development project. With respect to those components subject of the approvals granted in August & November, 2023, construction is expected to commence as follows:

- 4-unit townhouse component in December 2024
- 33-stall parking lot in June/July 2025

Additional details are provided in the November 5 letter and attachment. While not specifically stated, given the timeline it is assumed that the extension request is for a 12-month period.

Staff Comments

Copies of the Plan Commission meeting packets containing the applications, plans and other supporting documents are included with this packet for information.

Remodeling of the former Gamroth's Kuhburg Junction tavern into a 2-story gastropub/restaurant is part of the site development & building plan approval granted in February, 2018. Construction of the Kaffeehaus was completed first as part of a combined building permit; re-modeling of the gastropub building commenced soon thereafter and has continued (arguably) toward completion since then; for this reason, it is not subject of this approval extension request (unless construction has ceased for a 12-month period since construction started);

After conditional approval of the site development & building plans was granted for the parking lot and townhouse components, the Village Board approved revisions to the Planned Development District conditions & restrictions resolution that are inconsistent with (and therefore supersede) Condition #3 of the Plan Commission approval (see below).

Finally, since August 14, 2023, revised plans and/or other required actions have occurred that result in the need to revise/update the list of approval conditions for the site development & building plans as noted in the staff recommendation below (including moving the conditions of approval for the landscaping plan that was granted on November 13, 2023, into this list so all the conditions are contained in one approval).

With the revisions noted below, Staff supports the proposed request to extend site development & building plan approval as requested for a period of 12 months.

NOTE: recommended Condition #1 through #7 below are repeated from the original Plan Commission approval of the site development & building plans on August 14, 2023; Condition #8 is a new condition that specifies the 12-month approval period granted by this extension; Condition #9 through #11 are repeated from the original Plan Commission approval of the landscaping plans on November 13, 2023.

VILLAGE STAFF RECOMMENDATION

APPROVE the request to extend site development & building plan for the commercial parking lot and 4-unit multi-family townhouse development proposed by Victory Center LLC subject to the following conditions:

1. This approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:
 - a. *Architectural plans dated July 20, 2023;*
 - b. *Civil Engineering plans July 20, 2023;*
 - c. *Lighting plans (photometric plan) dated July 18, 2023;*
 - d. *Storm Water Management Report dated July 21, 2023;*
 - e. *Landscape Planting Plan dated November 3, 2023.*

If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.

~~2. Site Plan approval is subject to creation of the "Kuhberg District" Planned Development District as proposed by Victory Center LLC.~~

~~3. The Developer shall reduce the size of the commercial parking lot by eliminating or reconfiguring stalls along the south side (closest to the townhouse building) in order to reconfigure the size of the two parcels to allow the townhouse building to be shifted up to 15 feet north. The goal is to create more building and driveway setback (and in turn more landscaping buffer and/or fencing) between the townhouse and the single family property to the south meeting the following minimum requirement:~~

-
- ~~a. The minimum building setback from the nearest point of any townhouse building to the south property line shall be 30 feet;~~
 - ~~b. The minimum parking lot/driveway setback from the nearest edge of the driveway curb to the south property line shall be 15 feet if a significant landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area, or, 10 feet if a decorative privacy fence and landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area~~
 2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit for the shell building.
 3. All outstanding items and issues identified by Village Staff in the following review memos shall be resolved and reflected in additional information and/or revised plans submitted to Staff for further review, comment, and approval prior to commencing construction or issuance of building permits (excluding “early start” site clearing and footing/foundation work approved by the Village and/or WI DSPS):
 - a. ~~October 20, 2023~~ July 31, 2023, memo from Brad Seubert, Harwood Engineering
 4. State agency (DSPS) approved plans and a \$20,000 occupancy bond are required by Inspection Services at the time of building permit application. The Village of Germantown is an authorized delegated agent of DSPS to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.
 5. Dumpster enclosures shall be designed to meet the Village’s dumpster enclosure guidelines. The Developer shall provide dumpster enclosure plans for review and approval by the Village Planner prior to issuance of an occupancy permit for the townhouse building.
 - ~~6. A complete landscape plan for both the commercial parking lot and townhouse development shall be reviewed and approved by the Village Forester and Plan Commission prior to final site grading or issuance of an occupancy permit for the townhouse building. Said plan shall include a tree survey as required under Section 17.43(5) of the Zoning Code and a complete landscaping plan that indicates the proposed species, quantities, and planting sizes. The plan should include the Village’s street tree requirements for both the commercial parking lot and the townhouse development.~~

-
6. Right-of-way permits are required for any/all construction conducted in the Donges Bay and STH145/Fond du Lac Ave , Wasaukee Road and Town 9 Parkway rights-of-way. Contact the Public Works Department/Highway Superintendent for permit submittal requirements.
 7. The Developer shall install a privacy fence along the west property line adjacent to the commercial parking lot and connect to the existing privacy fence to the north.
 8. This approval shall become null and void if construction has not commenced by November 13, 2025, and continued toward completion as provided under Section 17.43(11) of the Zoning Code. [This is a new condition added on November 11, 2024]
 9. As required under Condition #3 of the August 14, 2023 Plan Commission Site Plan approval – a, A decorative privacy fence and landscape screen/buffer shall be installed along the entire length of the paved driveway and parking stall area abutting the south property line. The decorative privacy fence shall be a minimum of 6 feet height and not be a simple board-on-board wood picket fence. The landscaping shall also be installed along the south side of the fence. [This condition carried over from Landscape Plan approval granted by Plan Commission on November 13, 2023]
 10. The four (4) street trees proposed to be planted in the Fond du Lac Ave right-of-way shall be included in a right-of-way permit issued by WisDOT to allow installation in the right-of-way. If the street trees cannot be added to the existing or new agreement the developer has with WisDOT to permit these trees in the ROW, the trees shall be relocated onto the townhouse & parking lot properties. [This condition carried over from Landscape Plan approval granted by Plan Commission on November 13, 2023]
 11. The proposed landscaping along the south side of the parking lot shall be supplemented with evergreen trees and/or shrubs to enhance screening of car headlight glare on the townhouses. Said plan to be reviewed and approved by the Village Planner and Plan Commissioner Tarantino. [This condition was added by the Plan Commission within the motion to approve the landscape planting plans on November 13, 2023; see meeting minutes for details]

November 5, 2024

Village of Germantown, WI
Attn: Plan Commission
N112 W17001 Mequon Road
Germantown, WI 53022

Dear Mr. Retzlaff and Village of Germantown Plan Commission,

Virtus Development LLC would like to formally request an extension of the Site Development & Building Plan Approvals we received in August 2023 and November 2023 due to unforeseen challenges regarding addressing environmental contamination on the construction sites, and also with securing financing for these contaminated sites.

Below is a summary of activity (both environmental and financing) on the project since the approvals were granted in 2023:

1. We signed the agreement in December 2023 to allow the county to direct Stantec to begin work.
2. Phase II work began in earnest after the agreement was signed. The work was completed in January/February 2024.
3. Additional groundwater monitoring wells were installed in March 2024.
4. The updated Phase II report was completed in April and submitted to the DNR in late April/early May 2024.
5. Several months passed during the summer waiting for DNR review and assignment of a project manager.
6. Additional soil sampling was completed in August 2024.
7. A Historic Fill Site Exemption Application was prepared in early October 2024.
8. The Remedial Action Plan is currently being completed. We are to receive a draft from Stantec shortly, and it will be submitted to the DNR within the next week. It is my understanding that this hopefully will allow us to start moving soils on the site shortly.

Meanwhile we have been dealing with the banks for financing since January. We had a verbal commitment from Spring Bank in March, and a formal commitment letter in June 2024. Unfortunately, they did not follow through with the financing on the restaurant, but they are completing the financing for the townhomes within the next few weeks. From those in the finance industry we have spoken to, this is typical of the current state of financing on commercial projects as Commercial Real Estate remains under pressure. We are working with several other local and national lenders to complete the financing for the restaurant. Walker & Dunlop, a national real estate finance firm, has been assisting us in acquiring the necessary funding for both projects. See attached a summary letter from them regarding the matter.

We have drafted a tentative timeline for commencement & completion of the projects:

Closing date for Townhouse financing:	November 30, 2024
Townhouse construction commencement:	December 2024
Restaurant financing secured:	February 2025
Demolition of vacant house:	March 2025
Townhouse construction:	Dec. 2024 through October 2025
Restaurant construction:	March 2025 through August 2025
Restaurant Parking Lot:	June-July 2025

Given the unforeseeable challenges, we respectfully request for our approvals to be extended, as appropriate.

Sincerely,



Gregory V. Nagel
President

WALKER & DUNLOP

November 1, 2024

Village of Germantown
N112 W17001 Mequon Road
Germantown, WI 53022

RE: Virtus Development - Kuhberg District/Victory Center Redevelopment

To Whom It Concerns:

We have been working on behalf of Greg Nagel and David Koziol with Virtus Development to secure financing for their Victory Center Redevelopment in Germantown. The project involves the refinancing of outstanding debt on Kaffeehaus, financing for the substantial rehab of the former tavern that will open as Tisch Gastropub, and construction financing for the new-construction townhomes on the south end of the site.

Walker & Dunlop began working in January 2024 on the placement of the financing and in June 2024 we received a conditional commitment from Spring Bank in Brookfield for all three components of the project. The loan commitment is attached as an exhibit for reference. The financing structure included an SBA 504 execution for the commercial and conventional bank construction financing for the townhomes. Following some rounds of comments to the commitment, Spring Bank surprisingly backed out of their commitment for the commercial but expressed an interest to continue moving the construction loan for the townhomes forward. Virtus has executed the Spring Bank commitment for the townhomes and the loan closing is scheduled for later this month. In the meantime, we have been diligently working to secure alternate financing for Kaffeehaus and Tisch Gastropub.

The past two years have been an extraordinarily challenging time to obtain financing for commercial real estate development, with the Federal Reserve increasing the Federal Funds target rate at a pace not seen in the past 40 years. This has put many banks under significant stress, with the value of their securities and loan portfolios dropping significantly in a very short period of time, compounded by rapid decreases in their deposit bases and substantial increases in depository institutions' cost of funds. This translates into troubling capital and loan-to-deposit ratios, severely limiting lending capacity and liquidity in the banking market for development deals.

Walker & Dunlop, LLC is a leading commercial real estate finance firm with 43 offices throughout the United States. One of the largest multifamily lenders in the country, Walker & Dunlop is consistently among the top five originators of Fannie Mae, Freddie Mac, and HUD loans in the nation with a loan servicing portfolio of \$131 billion. One of the largest capital sources for Walker & Dunlop's Wisconsin platform are middle market life insurance companies, accounting for 40-50% of origination volumes in a typical year. While 80-90% of our loan production in a typical year is fixed-rate, non-recourse, permanent financing for stabilized commercial real estate, the interest rate environment in the past 2+ years has shifted our production away from longer-term permanent debt, leaving us working on significantly more development deals as developers across the state struggle to secure financing. We have seen banks and credit unions re-trade on loan terms between term sheet and commitment, reject loans at the eleventh hour after months of due diligence and processing, and even issue loan commitments that subsequently get pulled. Community banks and even smaller regional banks are predictably unpredictable even when

their balance sheets are healthy, but this interest rate environment and liquidity challenges have increased this dynamic exponentially since early/mid 2022.

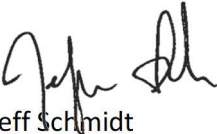
Virtus brings to the table a rare combination of expertise in both development and design and positions their projects for success through thoughtful selection of key partners across all disciplines, from inception and predevelopment to construction to long-term operations. These partners include joint venture project partners, civil and environmental engineers, city staff, general contractors, major subcontractors, and property management firms. Getting deals across the finish line today requires all parties pulling hard in the same direction, and Virtus has been diligent and responsive despite the difficulties we face in a time of limited liquidity.

With the traction we've gotten with numerous alternative lenders for Tisch and Kaffeehaus, along with the commitment in-hand for the townhome financing, I remain confident this project will secure the funding needed and will be well-position for success.

Please feel free to call me any time at (262) 912-7078 or email jschmidt@walkerdunlop.com to discuss further.

Sincerely,

WALKER & DUNLOP, LLC

A handwritten signature in black ink, appearing to read 'Jeff Schmidt', is positioned above the printed name.

Jeff Schmidt
Director

RESOLUTION NO. 15-2023

AMENDING CONDITIONS AND RESTRICTIONS RESOLUTION NO. 16-2018 FOR THE KUHBURG DISTRICT PLANNED DEVELOPMENT DISTRICT ("KUHBURG DISTRICT PDD")

WHEREAS, the Village of Germantown Village Board created the Kuhburg District Planned Development District (hereafter the "Kuhburg District PDD") on March 5, 2018, as a special zoning district under Section 17.27 of the Germantown Municipal Code; and

WHEREAS, Virtus Development, agent for District One LLC, property owner of a .34-acre parcel located at W140 N10363 Fond du Lac Avenue and the Hacker Trust, property owner of a .73 acre parcel located at W140 N10349 Fond du Lac Avenue, is requesting approval amend and expand the "Kuhburg District PDD" to include the parcels and re-develop the land for a 33-stall commercial parking lot and a 4-unit multi-family townhouse 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 August 14, 2023, reviewed the Virtus Development amended PDD General Development Plan (GDP) and rezoning application to rezone the .34-acre parcel from the B-3: General business District and the .73-acre parcel from the Rs-6: Single-Family District into the Kuhburg District PDD with the underlying B-3 and Rm-1: Multi-Family Districts and forwarded positive recommendations regarding both the rezoning and General Development Plan to the Village Board subject to a series of conditions and GDP revisions;

NOW, THEREFORE BE IT RESOLVED that the Village Bard of the Village of Germantown hereby adopts the following amendments to the specific conditions and restrictions that shall apply to all development and use of property within the Kuhburg District PDD where words that are ~~underlined~~ are to be added and words that are stricken to de deleted from the original wording contained in Resolution No. 16-2018 (only those sections of Resolution No. 16-2018 that are to be amended are included below; all other sections in Resolution No. 16-2018 remain in effect):

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, as well as multi-family dwelling 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 schoolhouse and 2-story tavern, and a 4-unit multi-family townhouse. 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 . and a 4-unit multi-family townhouse.

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. These projects are aligned with the vision for the Victory Center Corridor and in particular with regard to the proposed 2050 Comprehensive Plan which allows for multi-family residential development in a traditional design pattern in densities up to 10.0 DU/acre (which is in keeping with what is proposed (4.0 DU on a .74 ac parcel).

2. **GENERAL DEVELOPMENT PLAN (GDP).** The General Development Plan (Sheet C1.02 dated July 20, 2023) establishes the basic parameters for development within the Kuhburg District PDD and all additional parcels now in the development for 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 17.22(1)(a) and 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.

7. **SITE DEVELOPMENT AND BUILDING REQUIREMENTS.**

Unless otherwise set forth below, all site development and building associated with the two commercial buildings 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

Unless otherwise set forth below, all site development and building associated with the residential townhouse development shall be in accordance with the lot, building and other applicable bulk requirements set forth in the underlying Rm-1: Multi-Family Zoning District (Section 17.22) and other applicable Zoning Code regulations

b. **LOT AND BUILDING REQUIREMENTS**

- i. Lot Area (minimum) 0.5 acres
- ii. Principal Building Setbacks (minimum)
 - 1. Front/Street yard 27 feet
 - 2. Side yard (south property line) 24 feet
 - 3. Side yard (north property line) 5 feet
 - 4. Rear yard 35 feet

iii. **Parking Setbacks (minimum)**

- 1. Side yard (south property line) 15 feet

- a. The minimum parking lot/driveway setback from the nearest edge of the driveway curb to the south property line shall be 5 feet if a decorative privacy fence and landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area

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 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 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.

A separate certified survey map (CSM) shall be completed and approved that combines the parcel with the two retail buildings with the proposed parking lot prior to issuance of any permit(s) required for construction of the parking lot. The CSM shall include the necessary right-of-way dedication for Fond du Lac Avenue.

15. **PDD BOUNDARY EXPANSION.**

If the Kuhburg District PDD is proposed to be expanded, said PDD boundary expansion shall be processed as a separate PDD application in accordance with all requirements and procedures at that time.

Introduced by: Trustee Kaminski

Adopted: September 18, 2023

Vote: Ayes: 7 Nays: 1 (Neureuther) Abstain: 1 (Baum)

Dean Wolter, Village President

ATTEST:
Donna Cox, Village Clerk

EXHIBIT A

**Planned Development District (PDD)
Boundary Description**

DESCRIPTION OF LANDS FOR PARCEL

(GTNV_351975003)

Lot 1 of CSM No. 6908, recorded as document #1475963, being 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.

DESCRIPTION OF LANDS FOR PARCEL

(GTNV_351965)

a parcel of land situated in the northeast 1/4 of the northeast 1/4 of section 35, township 9 north, range 20 east, in the village of germantown, county of washington, state of wisconsin, more particularly described as follows:

commencing at a point which is 169 feet south of the northeast corner of the northeast 1/4 of the northeast 1/4 running from thence south 115 feet, thence west parallel to the north line of the said quarter section 165 feet to a point, thence north and parallel to the east line of said quarter section 115 feet to a point, thence east and parallel to the north line of said quarter section 165 feet to the place of beginning, less and except that part conveyed in trustee's deeds recorded december 10, 2014 as document no. 1372068.

DESCRIPTION OF LANDS FOR PARCEL

(GTNV_351984)

That part of the Northeast 1/4 of the Northeast 1/4 of Section 35, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, described as follows: Commencing at a point 284.00 feet South of the Northeast corner of said Northeast 1/4 of the Northeast 1/4; thence West, 495.00 feet; thence South, 94.00 feet; thence East, 495.00 feet; thence North 94.00 feet to the place of beginning. EXCEPTING THEREFROM that portion as contained in Deed recorded in the Washington County Registry on September 29, 1989, in Volume 1044, Page 104, as Document No. 549640.

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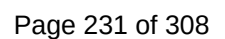
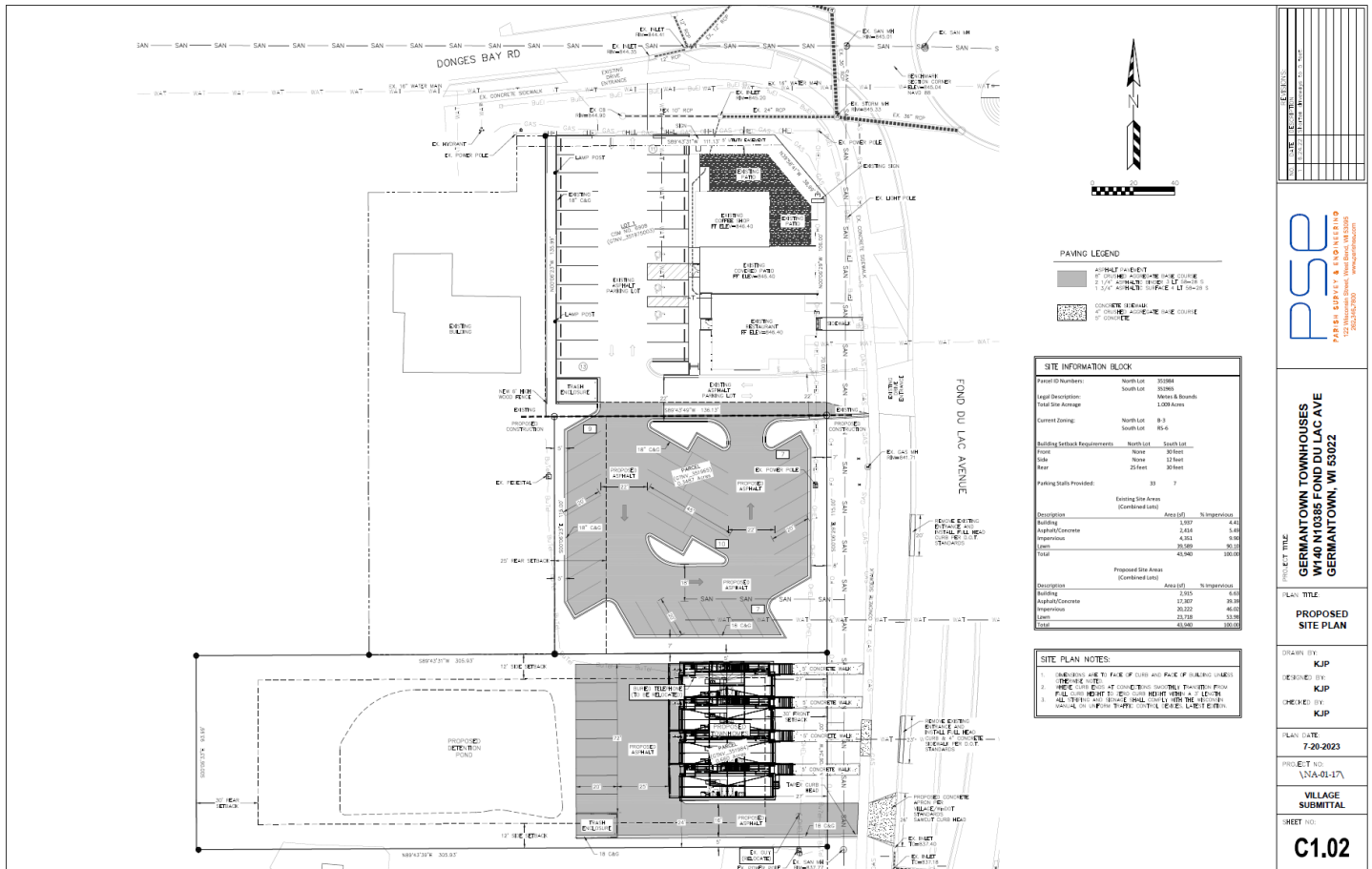


EXHIBIT B

Planned Development District (PDD) General Development Plan



REZONING & PLANNED DEVELOPMENT DISTRICT (PDD) AMENDMENT & SITE PLAN APPLICATIONS

8/14/23 Plan Commission Meeting

Virtus Development LLC / District One LLC / Hacker Trust

Village Planner Report

Germantown, Wisconsin

Summary

Greg Nagel, President of Virtus Development and agent for District One LLC, property owner, and the Hacker Trust, property owner, is requesting approval of a rezoning application to amend & expand the “Kuhburg Planned Development District” and site development & building plans for a 33-stall commercial parking lot and 4-unit multi-family townhouse located in the southwest corner of the Donges Bay Road @ Fond du Lac Ave/STH145 intersection.

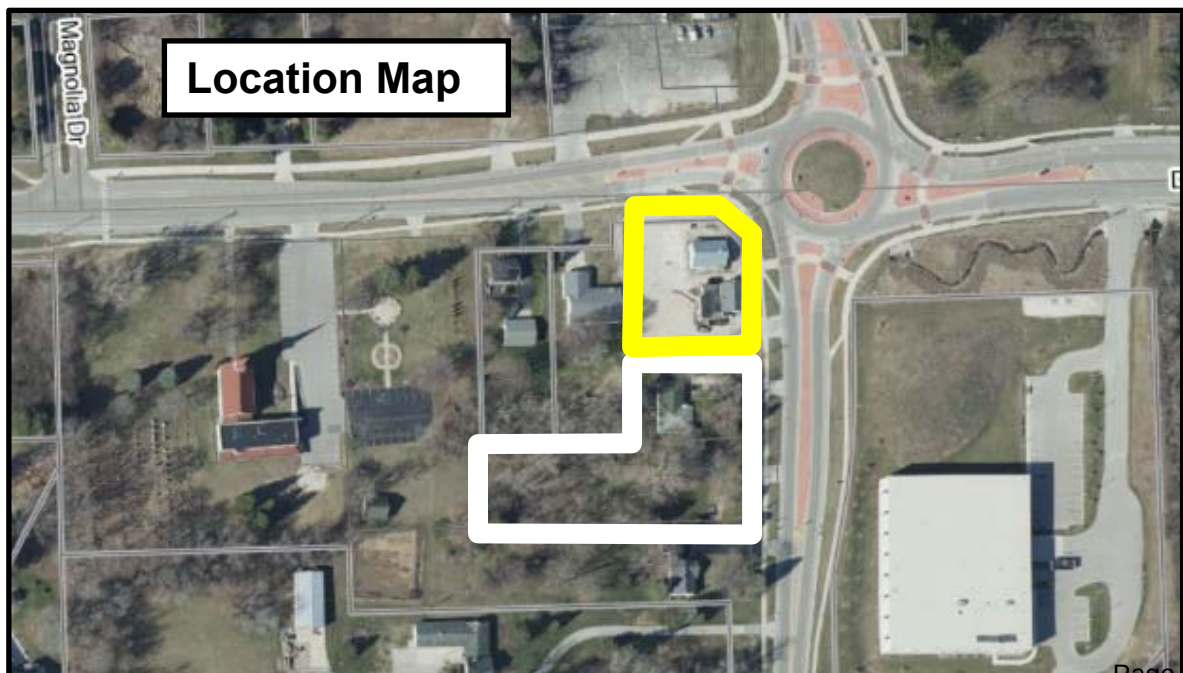
Property Location: W140 N10363 Fond du Lac Ave (.34 ac parcel)
W140 N10349 Fond du Lac Ave (.73 ac parcel)

Applicant/

Property Owner: Greg Nagel District One LLC Hacker Trust
Virtus Development 13100 Watertown W140 N10363 Fond du Lac
13890 Bishops Dr Elm Grove, WI Germantown, WI
Brookfield, WI

Current Zoning: B-3: General Business (.28 ac parcel)
Rs-6: Single-Family Residential (.73 ac parcel)

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



Background

As discussed in October, 2022, the original Kuhburg Planned Development District (.43-ac) was created in February, 2018 to stimulate the renovation of two parcels and existing buildings located in the southwest corner of the intersection, including a single-story schoolhouse and a 2-story tavern into a coffee shop and restaurant. To date, renovation of the schoolhouse into the Stone Creek Coffee “Kaffeehaus” is complete, along with the reconstruction of the parking lot west of the building. Remaining improvements include construction of a covered portico between providing seasonal, outdoor seating for both the Kaffeehaus and the planned renovation of the existing Gamroth’s Kuhburg Junction tavern.

At that time, a public hearing was held with mixed opinions (see enclosed October 10 PC meeting minutes). The Plan Commission closed the public hearing and tabled action on the proposal with direction to reduce the number of units/density and consider revision to the townhouse site layout.

Proposal

At this time, the Developer is requesting approval of a rezoning application to amend & expand the Kuhburg Planned Development Zoning District to the south by adding and re-developing two abutting parcels to the south totaling approximately 1.1 acres with detailed site development & building plans for the following:

1. 33-stall parking lot (to serve the two commercial retail buildings)
2. 4-unit multi-family residential townhouse-style building (reduced from the original 6-unit proposal)
3. storm water management basin serving the parking lot and townhouse development

Kuhburg PDD Text & General Development Plan Amendment

As detailed in the July 21 statement, the Developer proposes a series of text amendments to the current conditions & restrictions resolution for the Kuhburg PDD, including the following (~~strikeouts~~ to be deleted; underlines to be added):

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, as well as multi-family dwelling 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 schoolhouse and 2-story tavern, and a 4-unit multi-family townhouse. 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. and a 4-unit multi-family townhouse.

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. These projects are aligned with the vision for the Victory Center Corridor and in particular with regard to the proposed 2050

Comprehensive Plan which allows for multi-family residential development in a traditional design pattern in densities up to 10.0 DU/acre (which is in keeping with what is proposed (6.0 DU on a .74 ac parcel).

2. **GENERAL DEVELOPMENT PLAN (GDP).** The General Development Plan (Sheet C1.02 dated July 20, 2023) (~~Exhibit B on Sheet GD100 dated February 23, 2018~~) establishes the basic parameters for development within the Kuhburg District PDD and all additional parcels now in the development for 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 17.22(1)(a) and 17.30 of the Zoning Code.
7. **SITE DEVELOPMENT AND BUILDING REQUIREMENTS.**
Unless otherwise set forth below, all site development and building associated with the two commercial buildings 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

Unless otherwise set forth below, all site development and building associated with the residential townhouse development shall be in accordance with the lot, building and other applicable bulk requirements set forth in the underlying Rm-1: Multi-Family Zoning District (Section 17.22) and other applicable Zoning Code regulations

- b. **LOT AND BUILDING REQUIREMENTS**
 - i. Lot Area (minimum) 0.5 acres
 - ii. Principal Building Setbacks (minimum)
 1. Front/Street yard 27 feet
 2. Side yard 5 feet
 3. Rear yard 35 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 Development & Building Plans

The Developer applicant has submitted site development and building plans for redevelopment of the .34-acre site into a 33-stall parking lot. As presented in the plan set, the parking includes the following features:

- Access to/from the commercial property to the north; no direct access to Fond du Lac Avenue;
- Off-site storm water management shared with the townhouse development to the south;
- Landscaping buffer along the west, south and east perimeter of the parking lot

The Developer has also submitted detailed plans for the development of a 4-unit walk-up townhouse-style multi-family building with the following features:

- Four (4) two-story dwelling units with 2-car underneath garage parking (effectively 3 stories with a maximum building height of 35 feet)
- (8) additional open lot parking stalls
- 2-Bed/2-bath dwelling units w/ 1,120 sqft living area (plus 105 sqft porch & 680 sqft garage & garage level storage) w/ partial covered stairway/stoop @ front door and rear deck/porch w/ railing
- Lap siding, standing seam metal gable roof

Parking and Access

Access will be one 16' wide driveway to Fond du Lac Avenue serving an open parking area at the rear of the building and underneath garages.

Utilities

Public water and sanitary sewer lateral lines will be extended to the site from existing laterals mains in Fond du Lac Ave/STH 145 (water & sanitary sewer). All other essential utility services that exist, including gas, electricity will be replaced and installed underground.

Storm Water Management

Impervious area on the 1.1 acre site (combination of the two parcels) will be 20,222 sqft (46%) leaving 54% open space. As shown on the Grading & Erosion Control plan (Sheet C1.04), the parking area will be graded and paved with asphalt, curb, and gutter to re-route storm water run-off from the parking lot to the proposed storm water basin in the rear of the townhouse parcel with connection to the existing storm sewer located within the Fond du Lac Ave/STH145 right-of-way.

Landscaping

A preliminary landscaping plan (Sheet AS102) shows unidentified landscape items comprised of ornamental trees, shrubs, perennials, and grasses installed around the parking lot, west and south perimeter of the townhouse parcel and foundation plantings along the east and south sides of the townhouse building. north and east perimeter of the two buildings. It's also unclear if the existing 6' high wood privacy fence along the west side of the parking lot to the north will be continued along the west side of the proposed parking lot.

Lighting

External lighting is proposed for the commercial parking lot:

- Four (4) 93W LED pole-mounted cut-off fixtures (with back light control & motion-controlled dimmers) mounted at 23' on steel light poles (20' pole height on 3' concrete base) located along the west and east edges of the lot;

External lighting is proposed for the townhouse building:

- Two (2) 93W LED pole-mounted cut-off fixtures (with back light control & motion-controlled dimmers) mounted at 23' on steel light poles (20' pole height on 3' concrete base) located along the west edge of the parking stalls and along the driveway

Trash/Recycling

A single dumpster pad is proposed along the south property line in the open parking stall area. No details are provided for the proposed trash enclosure.

Staff Comments

Planning & Zoning

A certified survey map (CSM) will be required to attach the proposed parking lot to the commercial building property (unless the parking lot is treated as an "off-site" parking lot that requires conditional use permit approval). The proposed storm water basin on the .74-ac parcel is intended to serve both the parking lot and the 4-unit townhouse development, so a storm water management agreement and appropriate easement document will be required.

The proposed 4-unit multi-family residential building and storm water management basin are components not originally discussed or reflected in the original Kuhburg PDD plans in 2018. However, the "Victory Center Corridor" under the 2050 Plan does include multi-family residential as an "allowable" use with a maximum density allowance up to 10 dwelling units/acre. Although the Zoning Code has not yet been reviewed and possibly revised to reflect specific provisions for the Victory Center District, the Rm-1 District regulations are a suitable "underlying" zoning district to use for this proposal. A 4-unit building of this type on .74 acres is the equivalent of 5.4 dwelling units/acre (maximum allowed under Rm-1 District is 6 DUs/acre).

As was the case back in October, Staff remains concerned with the townhouse component of the proposal with respect to the amount of development proposed on a parcel that is longer (338 feet) than it is wider (94 feet), and the transition to the existing single-family uses to the south. Given the size of the shared storm water basin within the boundaries of the .74-acre parcel (which is really .64 acres after discounting for the 33' of right-of-way required for Fond du Lac Avenue), the residential development component is an extremely "tight fit" within the remaining buildable area, particularly along the south property line.

From the south property line (single-family property), the proposed building setback is 24 feet with a 16' wide driveway in between (paved w/ curb & gutter), but the driveway setback is only 5 feet leaving little space available to provide an adequate landscape buffer to the existing single-family property to the south (unless a privacy fence is installed). I believe there was some expectation that, in addition to reducing the total number of dwelling units, the number of buildings and/or orientation on the site would be revised to increase the distance/setback from the single-family property to the south.

As shown on Sheet C1.02, the proposed setback from the townhouse building to the north property line (proposed parking lot property line) is only 5 feet. Again, a building setback of only 5 from the property (an additional 7 feet to the parking lot pavement edge) leaves little space to provide an adequate landscape buffer to the proposed commercial parking lot serving the proposed renovated restaurant (existing bar).

The Developer is strongly encouraged to consider reducing the size of the parking lot by eliminating the (7) stalls along the south side (closest to the townhouse building) and reconfiguring the two parcels by reducing the size of the parking lot parcel and increasing the size of the townhouse parcel. Since a CSM is required anyway to attach the parking to the retail building parcel, more land could be added to the townhouse parcel to allow the building to be shifted 10-15 feet north to allow more building and driveway setback (and more landscaping buffer and/or fencing) between the townhouse and the single-family property to the south. Doing so could also create more separation between the townhouse and the parking stalls to the north.

With that said, Staff recommends increasing the building and driveway setbacks along the south property line as follows:

- The minimum building setback from the nearest point of any townhouse building to the south property line shall be 30 feet
- The minimum parking lot/driveway setback from the nearest edge of the driveway curb to the south property line shall be 15 feet if a significant landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area, or, 10 feet if a decorative privacy fence and landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area

Staff supports the proposed commercial parking lot provided additional setback and/or landscaping is provided along the south property line (particularly if the townhouse component moves forward), additional landscaping along the west property line including possible continuation of the privacy fence from the north, and landscaping along Fond du Lac Avenue. The current proposal shown on the site plan indicates only a 7' setback for the parking lot with much of the landscaping in the road right-of-way.

Village Forester

The landscaping plan is incomplete. The plan lacks a completed tree survey as required under Section 17.43(5) of the Zoning Code. There are no trees surveyed, identified tree removals across the entire development site, nor a complete replanting or landscaping plan that indicates the proposed tree species, quantities, and planting sizes. The plan should also include the Village's street tree requirements for both the commercial parking lot and the townhouse development. This information should be provided for review and approval by staff (or the Plan Commission).

Public Works/ Village Engineer

The Village's engineering consultant and utility department staff have identified several technical issues and plan revisions that need to be resolved or otherwise addressed by the Developer prior to commencing construction activities and issuance of building permits. Nonetheless, Staff is recommending conditional approval of the site development and building plans subject to all the outstanding items and issues identified in the following review memos being resolved and reflected in additional information and/or revised plans submitted to Staff for further review, comment, and approval prior to commencing any site construction or issuance of building permits (excluding early start site preparation and footing and foundation installation):

- July 31, 2023, memo from Brad Seubert, Harwood Engineering

Inspection Services

State agency (DSPS) approved plans and a \$20,000 occupancy bond are required by Inspection Services at the time of building permit application for the townhouse building. The Village of Germantown is an authorized delegated agent of DSPS to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.

Fire & Police Departments

No comment. Previous concerns have been incorporated into the latest plans.

VILLAGE STAFF RECOMMENDATIONS

APPROVE amending and expanding the “Kuhburg Planned Development District” to include two additional parcels totaling approximately 1.1 acres located in the southwest corner of the Donges Bay Road @ Fond du Lac Ave/STH145 intersection subject to the following requirements and conditions:

1. The following sections of conditions & restrictions for the Kuhburg PDD as set forth in Resolution No. 16-2018 shall be revised as follows:

SECTION 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, as well as multi-family dwelling 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 schoolhouse and 2-story tavern, and a 4-unit multi-family townhouse. 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 . and a 4-unit multi-family townhouse.

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. These projects are aligned with the vision for the Victory Center Corridor and in particular with regard to the proposed 2050 Comprehensive Plan which allows for multi-family residential development in a traditional design pattern in densities up to 10.0 DU/acre (which is in keeping with what is proposed (6.0 DU on a .74 ac parcel).

SECTION 2. GENERAL DEVELOPMENT PLAN (GDP). The General Development Plan (Sheet C1.02 dated July 20, 2023) (Exhibit B on Sheet GD100 dated February 23, 2018) establishes the basic parameters for development within the Kuhburg District PDD and all additional parcels now in the development for 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.

SECTION 3. PERMITTED LAND USES. Permitted Principal, Accessory, Conditional and Temporary Uses allowed within the Kuhburg District PDD shall be as set forth in Section 17.22(1)(a) and 17.30 of the Zoning Code.

SECTION 7. SITE DEVELOPMENT AND BUILDING REQUIREMENTS.

Unless otherwise set forth below, all site development and building associated with the two commercial buildings 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.

c. 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

Unless otherwise set forth below, all site development and building associated with the residential townhouse development shall be in accordance with the lot, building and other applicable bulk requirements set forth in the underlying Rm-1: Multi-Family Zoning District (Section 17.22) and other applicable Zoning Code regulations

d. LOT AND BUILDING REQUIREMENTS

- i. Lot Area (minimum) 0.5 acres
- ii. Principal Building Setbacks (minimum)
 - 1. Front/Street yard 27 feet
 - 2. Side yard 5 feet
 - 3. Rear yard 35 feet

e. Notwithstanding the above, the minimum building setback from the nearest point of any townhouse building to the south property line shall be 30 feet;

f. The minimum parking lot/driveway setback from the nearest edge of the driveway curb to the south property line shall be 15 feet if a significant landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area, or, 10 feet if a decorative privacy fence and landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area

2. 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.
3. The PDD conditions & restrictions resolution shall contain a requirement that a certified survey map (CSM) be completed and approved to combine the parcel with the two retail buildings to the parcel with the proposed parking lot prior to issuance of any construction permit(s) required for the parking lot. And right-of-way dedication requirement for Fond du Lac Avenue shall be reflected in the CSM.

APPROVE the site development & building plans for the commercial parking lot and 4-unit multi-family townhouse development proposed by Victory Center LLC subject to the following conditions:

1. This approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:
 - a. *Architectural plans dated July 20, 2023;*
 - b. *Civil Engineering plans July 20, 2023;*
 - c. *Lighting plans (photometric plan) dated July 18, 2023;*
 - d. *Storm Water Management Report dated July 21, 2023*

If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.

2. Site Plan approval is subject to creation of the "Kuhberg District" Planned Development District as proposed by Victory Center LLC.
3. The Developer shall reduce the size of the commercial parking lot by eliminating or reconfiguring stalls along the south side (closest to the townhouse building) in order to reconfigure the size of the two parcels to allow the townhouse building to be shifted up to 15 feet north. The goal is to create more building and driveway setback (and in turn more landscaping buffer and/or fencing) between the townhouse and the single-family property to the south meeting the following minimum requirement:
 - a. The minimum building setback from the nearest point of any townhouse building to the south property line shall be 30 feet;
 - b. The minimum parking lot/driveway setback from the nearest edge of the driveway curb to the south property line shall be 15 feet if a significant landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area, or, 10 feet if a decorative privacy fence and landscape screen/buffer is installed along the entire length of the paved driveway and parking stall area
4. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit for the shell building.

-
5. All outstanding items and issues identified by Village Staff in the following review memos shall be resolved and reflected in additional information and/or revised plans submitted to Staff for further review, comment, and approval prior to commencing construction or issuance of building permits (excluding “early start” site clearing and footing/foundation work approved by the Village and/or WI DSPS):
 - a. July 31, 2023, memo from Brad Seubert, Harwood Engineering
 6. State agency (DSPS) approved plans and a \$20,000 occupancy bond are required by Inspection Services at the time of building permit application. The Village of Germantown is an authorized delegated agent of DSPS to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.
 7. Dumpster enclosures shall be designed to meet the Village’s dumpster enclosure guidelines. The Developer shall provide dumpster enclosure plans for review and approval by the Village Planner prior to issuance of an occupancy permit for the townhouse building.
 8. A complete landscape plan for both the commercial parking lot and townhouse development shall be reviewed and approved by the Village Forester and Plan Commission prior to final site grading or issuance of an occupancy permit for the townhouse building. Said plan shall include a tree survey as required under Section 17.43(5) of the Zoning Code and a complete landscaping plan that indicates the proposed species, quantities, and planting sizes. The plan should include the Village’s street tree requirements for both the commercial parking lot and the townhouse development.
 9. Right-of-way permits are required for any/all construction conducted in the Donges Bay, Wasaukee Road and Town 9 Parkway rights-of-way. Contact the Public Works Department/Highway Superintendent for permit submittal requirements.
 10. The Developer shall install a privacy fence along the west property line adjacent to the commercial parking lot and connect to the existing privacy fence to the north.

PLAN COMMISSION MINUTES

October 10, 2022

CALL TO ORDER: Planning Assistant Lori Johnson called the meeting to order at 6:30 pm.

ROLL CALL: Trustee Representative David Baum, Commissioners Tony Laszewski, Peter Nilles, Bill Shadid and Bob Williams were present. Chairman Dean Wolter and Commission member Josh Tarantino were absent and excused. Also present were Community Development Director Jeff Retzlaff, Associate Planner Emily Zandt and Planning Assistant Lori Johnson.

MOTION Shadid second Laszewski to Appoint Trustee Baum as Chairman Pro-Tem.

MOTION carried unanimously.

PUBLIC INPUT:

- Trustee Baum read comments into the record from Tammy Schneider, W204 N9699 Lannon Road – She expressed their neighborhoods displeasure with what the Plan Commission wants to do with the corner of Lannon and County Line Road.
- Melanie Smythe, N140 W17938 Cedar Lane – said a fire station should be considered as part of the new DPW site, there should be consideration for land use for parks, and Plan Commission should consider residents concerns.

APPROVAL OF MINUTES:

MOTION Baum second Laszewski to Approve the minutes from August 22, 2022.

MOTION carried. Commissioner Williams and Shadid abstained.

Gehl Food & Beverage – N116 W159970 Main Street. The property owner is requesting approval for a wall sign permit and modification to the previously approved 42' x 33' vinyl wrap for the silo. Associate Planner Zandt summarized the proposal.

MOTION Laszewski second Shadid to Approve the proposed wall sign for Gehl Food and Beverage located at N116 W15970 Main Street as proposed.

MOTION carried unanimously.

Resolution No. 03-2022 to Revise Resolution No. 02-2022 approving the Village of Germantown 2050 Comprehensive Plan. Director Retzlaff summarized the revisions the Village Board made to the 2050 Plan. He explained the County provided their comments on the Comprehensive Plan after the public hearing and the Village Board accepted the revisions. He said the changes are factual and were minor and he adopted them into the language. Discussion continued. Commissioner Nilles pointed out a spelling error.

MOTION Shadid second Williams to Approve Resolution 03-2022 as presented.

MOTION carried unanimously.

Virtus Development, Agent for District One and Robert and Elizabeth Hacker Trust – W140 N10363 Fond du Lac Avenue and Parcel GTNV 351-984.

The request is for approval of a Rezoning application to amend and expand the "Kuhburg Planned Development Zoning District" and a revised General Development Plan to add parking, storm water management and a 6-unit multi-family residential building. Director Retzlaff summarized the proposal and Greg Nagel, Virtus Development, presented the plan.

Public Hearing opened at 7:17 pm.

- John Figie, W140 N10323 Fond du Lac Avenue, was not in favor of the rezoning, the lot is too small for multi-family development, 3-story building is too high, feature needed to block the view, has not problem with parking lot expansion.
- David LaLlave, N140 W10259 Fond du Lac Avenue, had a problem with the 6-family development and height, where would guests park, did not have a problem with the parking lot.
- William Junker, N101 W14230 Sunberry Road, wait to see what else may come in for development, asked where guest would park, against 6-family development.
- Adam Gratz, N104 W14085 Donges Bay Road, Did not want to be around multi-family housing or look at a 3-story building, what will the development do to the property values.
- Brian Depies, W143 N9867 Ridgewood Drive, spoke in favor of the development, he promotes density where it makes sense and there is sewer and water, he knows Greg Nagel who is vested in this corner.
- Greg Nagel, Virtus Development, guest parking would be shared with the parking lot, the turning distance is 22-foot aisle, the detention pond obtains water and will not be permanent wet.
- Jan Miller, W151 N10297 Windsong Circle W, liked the concept of the coffee shop, restaurant and parking lot, spoke in favor of the multi-family development if owner occupied, does not think a single-family dwelling will go there, it's a good concept but would like to see a duplex or 4 units in that space.

Public Hearing closed 7:43 pm.

MOTION Shadid second Williams to Table with some direction.

Discussion ensued. Comments included:

- Likes the idea of the transition, agrees with some of the comments, tight, height seems high, doesn't think this plan works but the overall idea is good,
- Generally in favor of the concept, agrees with some of the other thoughts, is it really a traditional neighborhood design, some adjustments needed, reduce the number of units.
- Don't like what was presented, agrees with Trustee Miller's comment about being owner occupied.
- Works well as a buffer between business and residential, reduce the number of units, take the garage and put next to the units and elongate the building and bring down the height, sees problems with shared parking lot, access to the road a problem right in right out only, have driveway connect to the parking lot, no problem with multi-family but too dense.
- Idea to propose duplex with garages on the outside, facing the pond with outdoor courtyard area and then another 2-unit building, drive width to one lane not against single-family.
- 6-units too many for the lot size but could work and will look at other options.

MOTION carried unanimously.

Elwood & Susan Meissner, N96 W16248 County Line Road and W162 N9632 Mayflower Drive.

The property owners are requesting approval of a rezoning application and 2-lot certified survey map in order to divide an existing .62-acre residential property containing two existing multi-family dwelling units. Associate Planner Zandt summarized the proposal.

**Fee must accompany application**

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

PAID _____ DATE 7/21/23

SITE PLAN REVIEW APPLICATION

Pursuant to Section 17.43 of the Municipal Code

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

1 APPLICANT OR AGENT

Virtus Development LLC
13290 Bishops Drive
Suite 250
Brookfield, WI 53005

Phone (262) 641-0746E-Mail greg.nagel@virtusdevelopment.us**PROPERTY OWNER**

District One, LLC
13290 Bishops Drive
Suite 250
Brookfield, WI 53005

Phone (262) 641-0746E-Mail greg.nagel@virtusdevelopment.us**2 PROPERTY ADDRESS**

1. Lot 0 Fond du Lac Ave, and 2. W140 N10363 Fond du Lac Ave,
Germantown, WI (Tax Keys GTNV351984 and GTNV351965)

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

North <u>Commercial</u> <u>restaurant & parking</u>	South <u>Residential</u>	East <u>Industrial</u>	West <u>church</u>
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4 READ AND INITIAL THE FOLLOWING:GNN I am aware of the Village of Germantown ordinance requiring fire sprinklers in most new construction.GNN I understand that all new development is subject to Impact and/or Connection Fees that must be paid before building permits will be issued.GNN I understand that an incomplete application will be withdrawn from the Plan Commission agenda and that all resubmissions to the Plan Commission are subject to a new application fee.**5 SIGNATURES** - ALL APPLICATION MUST BE SIGNED BY OWNER!

[Signature] 7/21/2023
Applicant Date

[Signature] 7/21/2023
Owner Date

July 21, 2023

Greg Nagel, Owner
Virtus Development LLC
13890 Bishops Drive
Suite 250
Brookfield, WI 53005

Village of Germantown
Attn: Jeff Retzlaff
Planning Department
N112 W17001 Mequon Road
Germantown, WI 53022



Dear Mr. Retzlaff,

Virtus Development is submitting this Statement of Design Intent as it applies to the Site Plan Review application we are submitting for the Germantown Townhouse project.

The Intent of this design is for the Townhouse project to be a small-scale multi-family building that acts as a buffer between the commercial buildings to the north (coffee shop and restaurant), as well as a transition to the residential single-family properties to the south. The design itself is in keeping with the traditional style of homes that currently exist in the area. This parcel, which is zoned R-2 Residential, will also contain a detention pond for stormwater management from the sites, and from the adjacent parcels. We believe the scale and density of this project is aligned with the vision for the Victory Center Corridor, particularly with regard to the proposed 2050 Comprehensive Plan, which allows for multi-family residential development in a traditional design pattern in densities up to 8.0 DU/acre, which is in keeping with what is proposed (4.0 DU on a .74 AC parcel).

We are further proposing the following revisions to Resolution 16-2018 Adopting Conditions and Restrictions for Kuhburg District PDD:

1) Section 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, as well as multi-family dwelling use, 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, and a new 4-unit multi-family townhouse. The Kuhburg District PDD will be comprised of a 1-story coffee shop building, a 2-story restaurant building connected by a covered/screened portico providing seasonal seating for patrons of the coffee shop and restaurant operations, and a new 4-unit multi-family townhouse.

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. These projects are aligned with the vision for the Victory Center Corridor, in particular with regard to the proposed 2050 Comprehensive Plan, which allows for multi-family residential development in a traditional design pattern in densities up to 8.0 DU/acre, which is in keeping with what is proposed (6.0 DU on a .74 AC parcel).

2) Section 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 and all additional parcels now in the development for 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) Section 3: **PERMITTED LAND USES**

Permitted Principal, Accessory, Conditional and Temporary Uses allowed within the Kuhburg District PDD shall be as set forth in Sections 17.22(1)(a) and 17.30 of the Zoning Code.

4) Section 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 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 4 feet
 2. Side yard 4 feet
 3. Rear yard 4 feet

and 17.22 Rm-1 Zoning Code regulations

a. LOT AND BUILDING REQUIREMENTS

i. Lot Area (minimum) 0.5 acres

ii. Principal Building Setbacks (minimum)

1. Front/Street yard 27 feet

2. Side yard 25 feet

3. Rear yard 35 feet

Thank you for considering our modification request. We are looking forward to working with the Village in the successful completion of this project.

Sincerely,



Gregory V. Nagel

PLAT OF SURVEY

OWNER, PARCEL A:
DISTRICT ONE LLC
13100 WATERTOWN PLANK RD 200
ELM GROVE, WI 53122

OWNER, PARCEL B:
ROBERT J. HACKER TRUST
MARY ELIZABETH HACKER TRUST
W140 N10363 FOND DU LAC
GERMANTOWN, WI 53022

LEGAL DESCRIPTION – PARCEL A

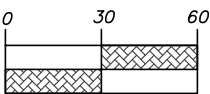
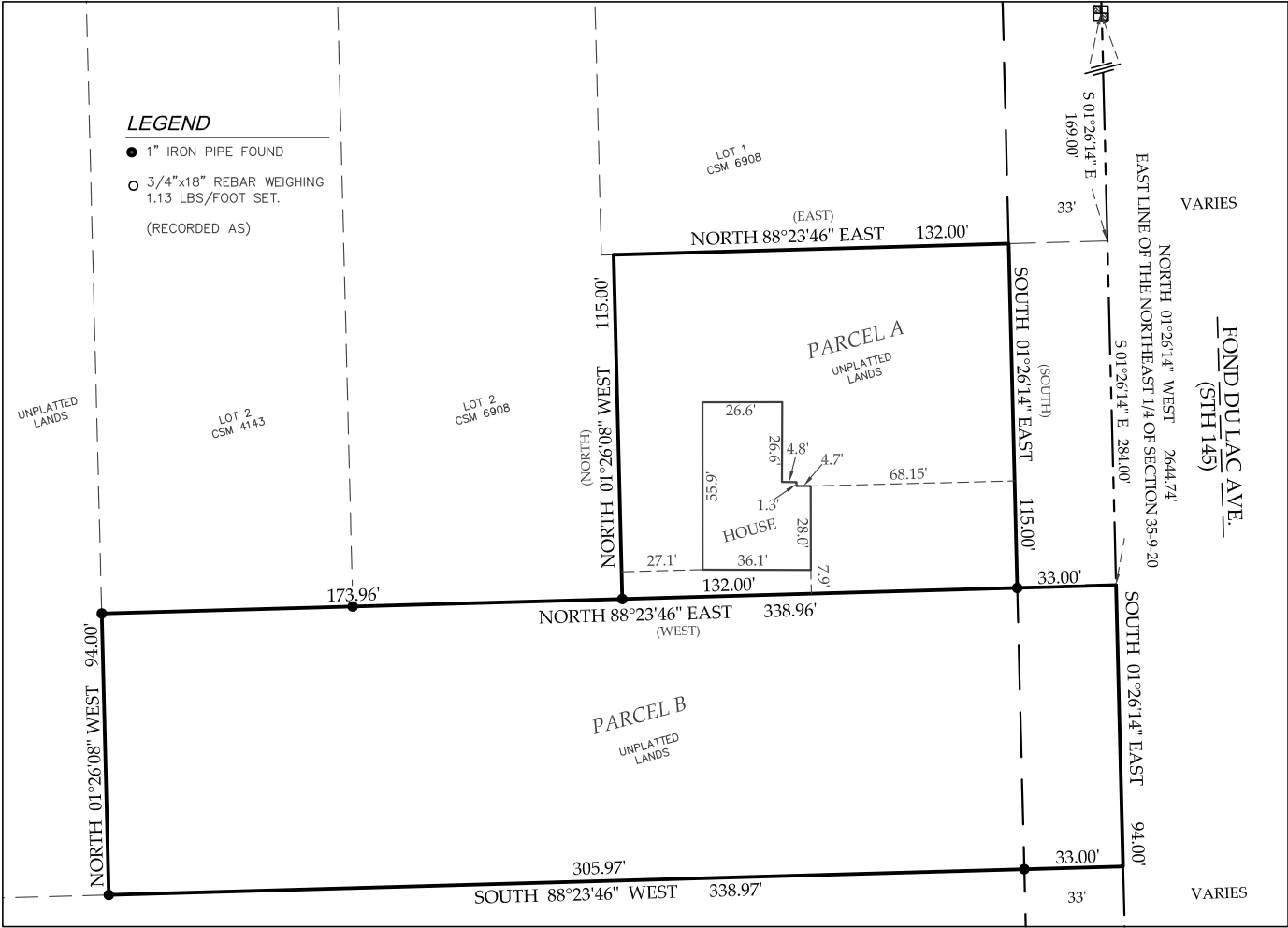
A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 2 EAST, IN THE VILLAGE OF GERMANTOWN, COUNTY OF WASHINGTON, STATE OF WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHICH IS 169 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 RUNNING FROM THENCE SOUTH 115 FEET, THENCE WEST PARALLEL TO THE NORTH LINE OF THE SAID QUARTER SECTION 165 FEET TO A POINT, THENCE NORTH PARALLEL TO THE EAST LINE OF SAID QUARTER SECTION 115 FEET TO A POINT; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER SECTION 165 FEET TO THE PLACE OF BEGINNING, LESS AND EXCEPT THAT PART CONVEYED IN THE TRUSTEE’S DEED RECORDED DECEMBER 10, 2014 AS DOCUMENT NO. 1372068.

LEGAL DESCRIPTION – PARCEL B

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4 NE1/4) OF SECTION THIRTY FIVE (35), TOWNSHIP NINE (9) NORTH OF RANGE TWENTY (20) EAST, WASHINGTON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS, VIZ: COMMENCING AT A POINT 284.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID NE 1/4 OF THE NE 1/4; THENCE WEST, 495.00 FEET; THENCE SOUTH, 94.00 FEET; THENCE EAST, 495.00 FEET; THENCE NORTH 94.00 FEET TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM THAT PART AS DESCRIBED IN WARRANTY DEED RECORDED AS DOCUMENT NO. 549640:

ALL THAT PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35 OF TOWNSHIP 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE 1/4 OF SAID SECTION 36; THENCE S 88°23’32” W ALONG THE NORTH LINE OF SAID NE 1/4 , A DISTANCE OF 495.00 FEET; THENCE S 01°26’22” E, PARALLEL WITH THE EAST LINE OF SAID NE 1/4, A DISTANCE OF 284.00 FEET TO A SET 1 INCH BY 24 INCH IRON PIPE (SET IRON PIPE) AND THE POINT OF BEGINNING OF THE LANDS TO BE DESCRIBED; THENCE CONTINUE S 01°26’22” E, PARALLEL WITH SAID EAST LINE A DISTANCE OF 94.00 FEET TO A SET IRON PIPE; THENCE N 88°23’32” E PARALLEL WITH SAID NORTH LINE A DISTANCE OF 156.05 FEET TO A SET IRON PIPE; THENCE N 01°26’22” W PARALLEL WITH SAID EAST LINE A DISTANCE OF 94.00 FEET TO A FOUND 1 INCH BY 24 INCH IRON PIPE; THENCE S 88°23’32” W PARALLEL WITH SAID NORTH LINE A DISTANCE OF 156.05 FEET TO THE POINT OF BEGINNING.



THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNER OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE THERETO WITHIN 1 YEAR FROM THE DATE HEREON.

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION AND DIMENSION OF ALL VISIBLE STRUCTURES THEREON, FENCES, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY, AND THAT I HAVE COMPLIED WITH WISCONSIN CHAPTER A-E 7.



BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD83). THE EAST LINE OF NE 1/4 OF SECTION 35-9-20 BEARS NORTH 01°26'14" WEST.



122 Wisconsin Street, West Bend, WI 53095
262.346.7800 kparish@parishse.com
FN: NA-01B-17 Date: 7/21/23

SURVEYED BY JOSEPH W. DAVID
MAPPED BY J. SCOTT HENKEL, PLS

JULY 21, 2023

4

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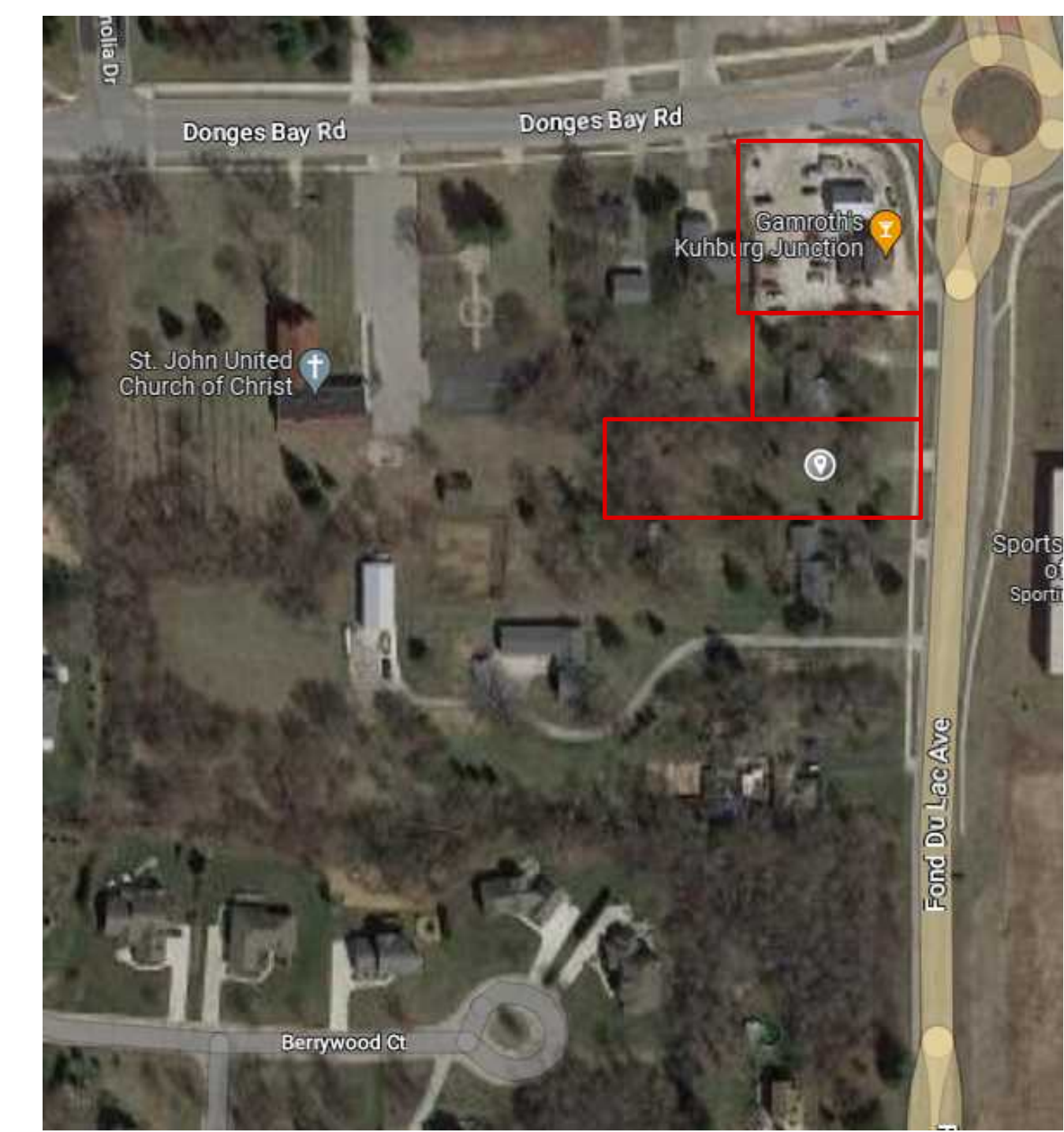
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1

GERMANTOWN TOWNHOUSES

W140 N10385 FOND DU LAC AVE GERMANTOWN, WI 53022

PROJECT LOCATION MAP



SHEET LIST

G001:	COVER SHEET
G002:	PERSPECTIVES
C1.01:	EXISTING CONDITIONS SURVEY
C1.02:	PURPOSED SITE PLAN
C1.03:	EROSION CONTROL PLAN
C1.04:	GRADING PLAN
C1.05:	UTILITY PLAN
C1.06:	STORMWATER MANAGEMENT DETAILS
C1.07:	STORMWATER MANAGEMENT DETAILS
C1.08:	EROSION CONTROL DETAILS
C1.09:	UTILITY DETAILS
AS101:	SITE PLAN
AS102:	LANDSCAPE PLAN
A101:	PLANS
A102:	UNIT PLANS
A201:	SECTIONS
A202:	SECTIONS
A203:	SECTIONS
A301:	ELEVATIONS
A302:	ELEVATIONS
A303:	ELEVATIONS
A304:	ELEVATIONS
A401:	WALL SECTIONS
A402:	WALL SECTIONS
E1.0:	ELECTRICAL SITE PLAN
E1.1:	PHOTOMETRIC SITE PLAN
E2.0:	SCHEDULES & DETAILS



GERMANTOWN TOWNHOUSES

W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022



NAGEL ARCHITECTS
+ ENGINEERS

REV.	DATE	DESCRIPTION
------	------	-------------

NO.	DATE	ISSUE NOTE
-----	------	------------

Project Manager	Drawn By
Date	Reviewed By
JULY 2023	GN

Project ID	22006
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COVER SHEET

G001



1 PERSPECTIVE 1
Scale: 1/4" = 1'-0"



2 PERSPECTIVE 2
Scale: 1/4" = 1'-0"



3 PERSPECTIVE 3
Scale: 1/4" = 1'-0"



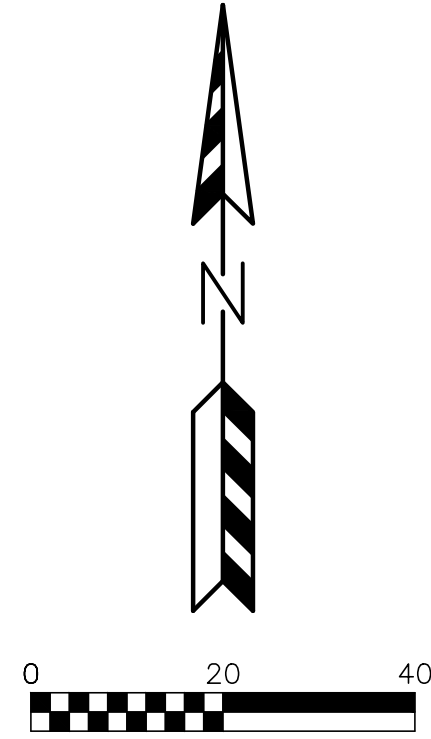
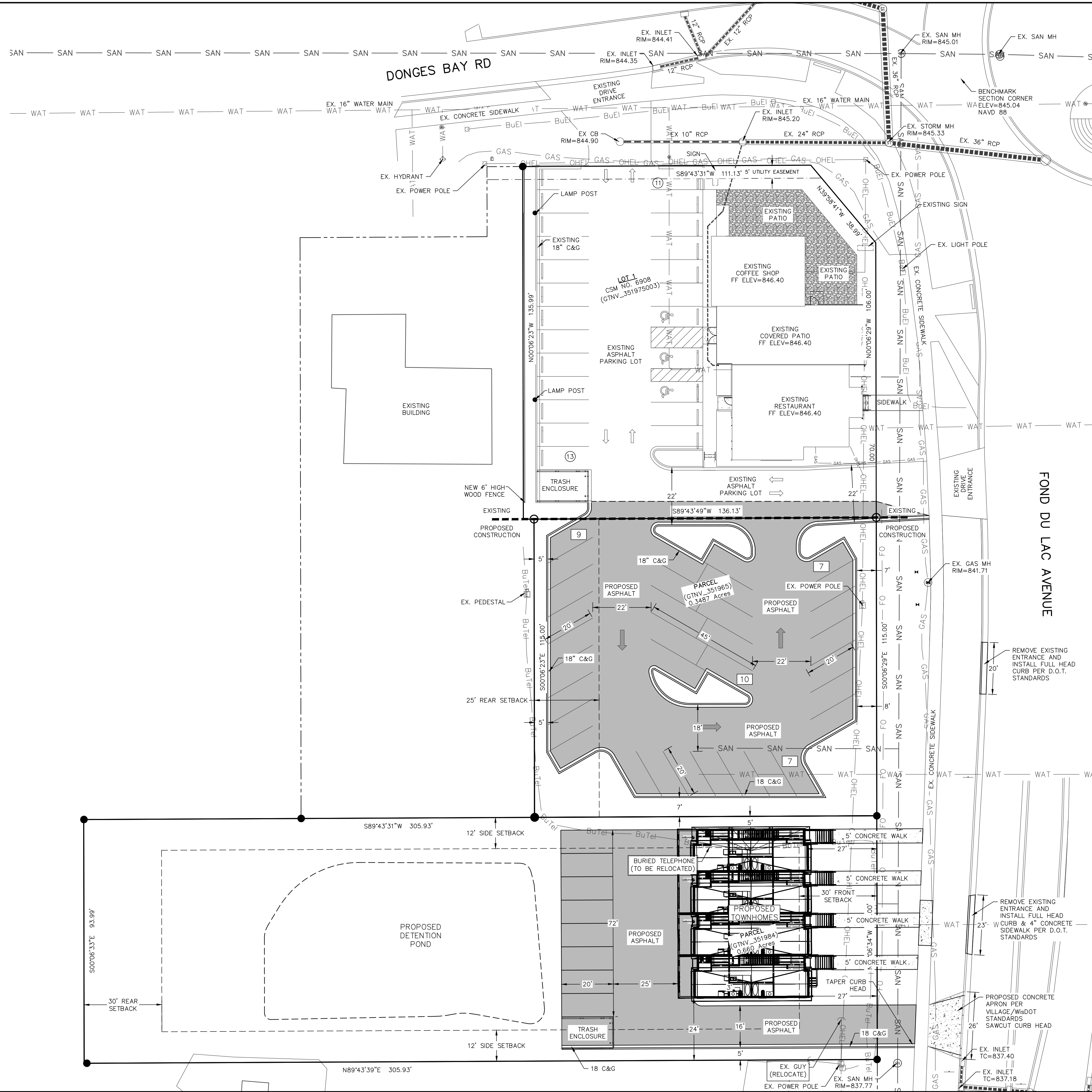
4 PERSPECTIVE 4
Scale: 1/4" = 1'-0"



- 896 — — — — — EXISTING MINOR CONTOUR.
 — -895- — — — — EXISTING MAJOR CONTOUR.
 — OHEL — — — — — OVERHEAD ELECTRIC LINE.
 — BuEl — — — — — BURIED ELECTRIC LINE.
 — BuTel — — — — — BURIED TELEPHONE LINE.
 — FO — — — — — FIBER OPTIC LINE.
 — GAS — — — — — GAS LINE.
 — SAN — — — — — SANITARY SEWER MAIN OR LATERAL.
 — WAT — — — — — WATER MAIN OR SERVICE.
 ————— — — — — — STORM SEWER LINE.
 (E) — — — — — ELECTRIC METER.
 (G) — — — — — GAS METER.
 (V) — — — — — GAS VALVE.
 (F) — — — — — FIRE HYDRANT.
 (P) — — — — — POWER POLE.
 (SM) — — — — — SANITARY SEWER MANHOLE.
 (ST) — — — — — STORM SEWER MANHOLE.
 (I) — — — — — STORM SEWER INLET.
 (T) — — — — — TELEPHONE PEDESTAL.
 (TR) — — — — — TRANSFORMER.
 (W) — — — — — WATER VALVE.

SHEET NO:

C1.01



PAVING LEGEND

- ASPHALT PAVEMENT
 - 8" CRUSHED AGGREGATE BASE COURSE
 - 2 1/4" ASPHALTIC BINDER 3 LT 58-28 S
 - 1 3/4" ASPHALTIC SURFACE 4 LT 58-28 S
- CONCRETE SIDEWALK
 - 4" CRUSHED AGGREGATE BASE COURSE
 - 5" CONCRETE

SITE INFORMATION BLOCK

Parcel ID Numbers:	North Lot	351984
	South Lot	351965
Legal Description:	Metes & Bounds	
Total Site Acreage	1.009 Acres	
Current Zoning:	North Lot	B-3
	South Lot	RS-6
Building Setback Requirements	North Lot	South Lot
Front	None	30 feet
Side	None	12 feet
Rear	25 feet	30 feet
Parking Stalls Provided:	33	7
Existing Site Areas (Combined Lots)		
Description	Area (sf)	% Impervious
Building	1,937	4.41
Asphalt/Concrete	2,414	5.49
Impervious	4,351	9.90
Lawn	39,589	90.10
Total	43,940	100.00
Proposed Site Areas (Combined Lots)		
Description	Area (sf)	% Impervious
Building	2,915	6.63
Asphalt/Concrete	17,307	39.39
Impervious	20,222	46.02
Lawn	23,718	53.98
Total	43,940	100.00

SITE PLAN NOTES:

- DIMENSIONS ARE TO FACE OF CURB AND FACE OF BUILDING UNLESS OTHERWISE NOTED.
- WHERE CURB ENDS AT CONNECTIONS SMOOTHLY TRANSITION FROM FULL CURB HEIGHT TO ZERO CURB HEIGHT WITHIN A 3' LENGTH.
- ALL STRIPING AND SIGNAGE SHALL COMPLY WITH THE WISCONSIN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

REVISIONS:		
NO.	DATE	DESCRIPTION
1	6.24.22	Shorten driveways to 5 feet.

PSE
PARISH SURVEY & ENGINEERING
122 Wisconsin Street, West Bend, WI 53095
262.346.7800
www.parishse.com

PROJECT TITLE:
**GERMANTOWN TOWNHOUSES
W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022**

PLAN TITLE:
**PROPOSED
SITE PLAN**

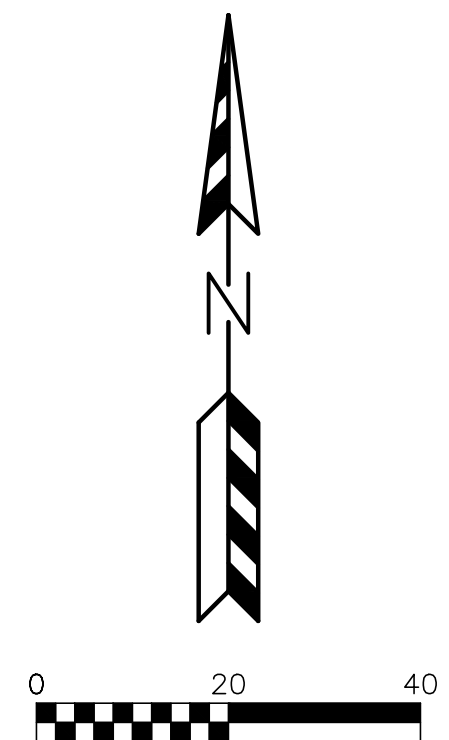
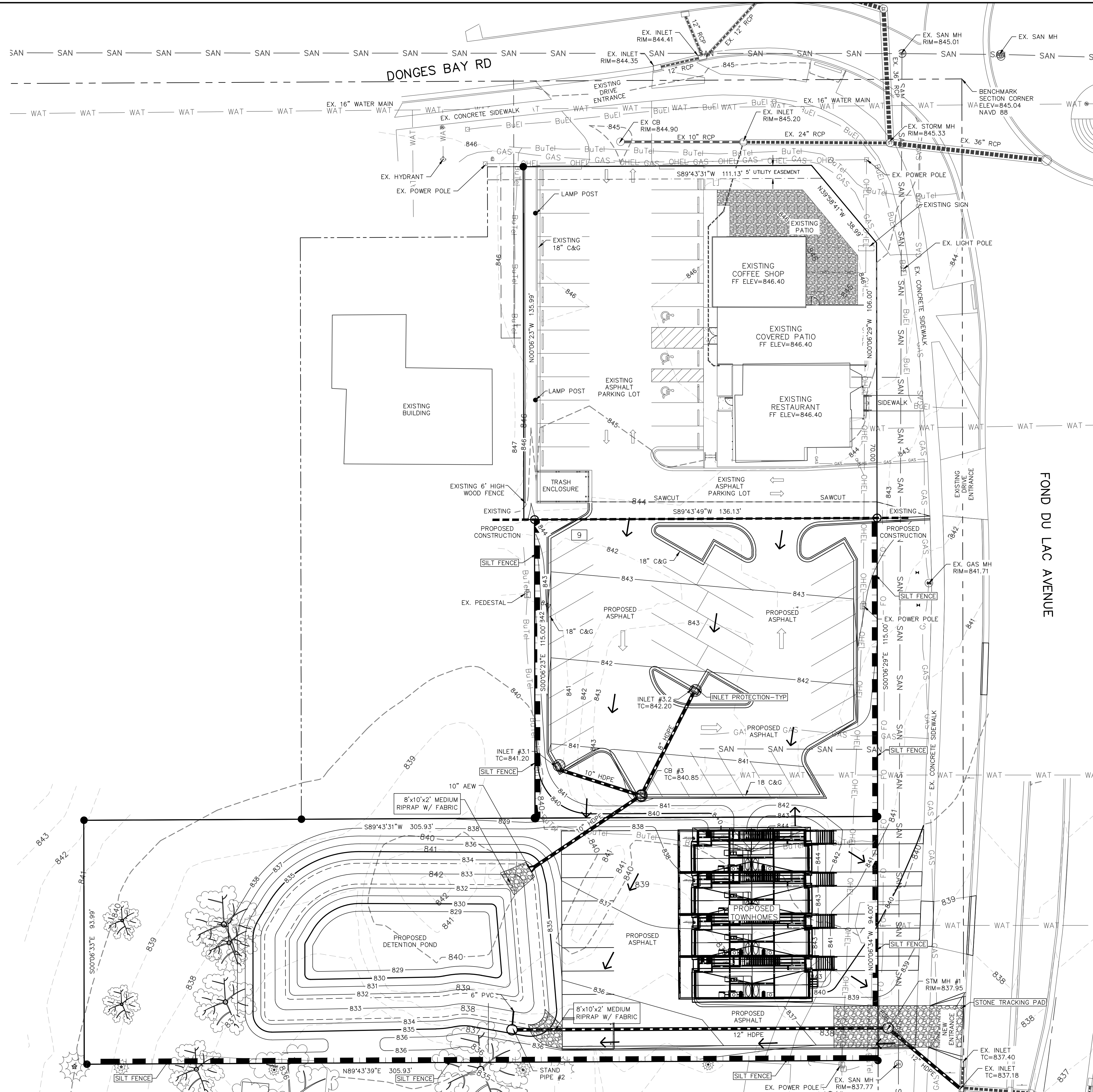
DRAWN BY:
KJP
DESIGNED BY:
KJP
CHECKED BY:
KJP

PLAN DATE:
7-20-2023

PROJECT NO:
\NA-01-17

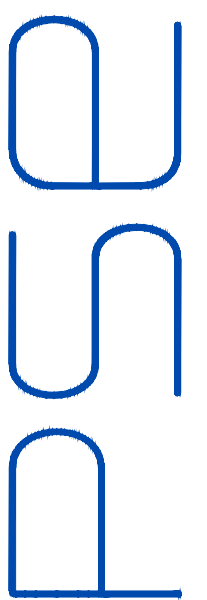
**VILLAGE
SUBMITTAL**

SHEET NO:
C1.02



- LEGEND:**
- - - 936 - - - EXISTING MINOR CONTOUR.
 - - - 935 - - - EXISTING MAJOR CONTOUR.
 - - - 936 - - - PROPOSED MINOR CONTOUR.
 - - - 935 - - - PROPOSED MAJOR CONTOUR.
 - - - - - PROPOSED STORM SEWER.
 - - - - - EXISTING STORM SEWER.
 - ⊙ - - - INSTALL WISDOT TYPE D INLET PROTECTION.
 - - - - - INSTALL SILT FENCE.
 - - - - - INSTALL DITCH CHECK.
 - - - - DRAINAGE ARROW.

REVISIONS:	
NO.	DATE DESCRIPTION
1	XX-XX-XX XXXXXXXXXXXXXXXXXXXX



PARISH SURVEY & ENGINEERING
122 Wisconsin Street, West Bend, WI 53095
262.346.7800 www.parishse.com

PROJECT TITLE:
GERMANTOWN TOWNHOUSES
W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022

PLAN TITLE:
EROSION
CONTROL
PLAN

DRAWN BY:
KJP

DESIGNED BY:
KJP

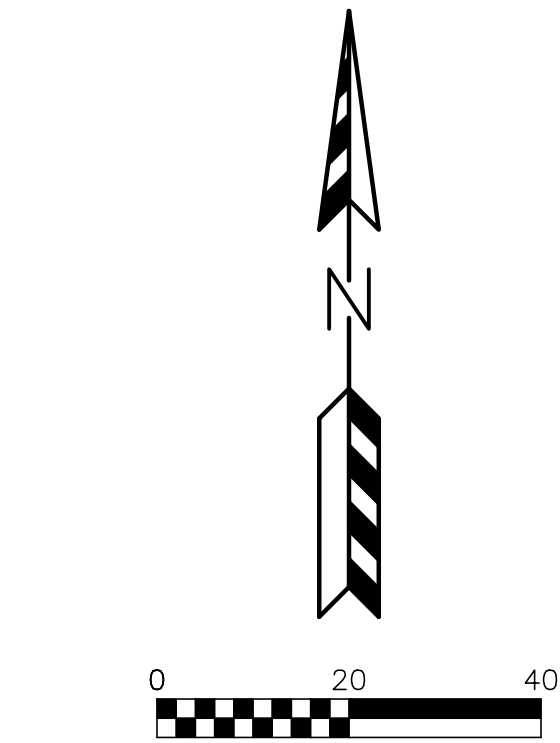
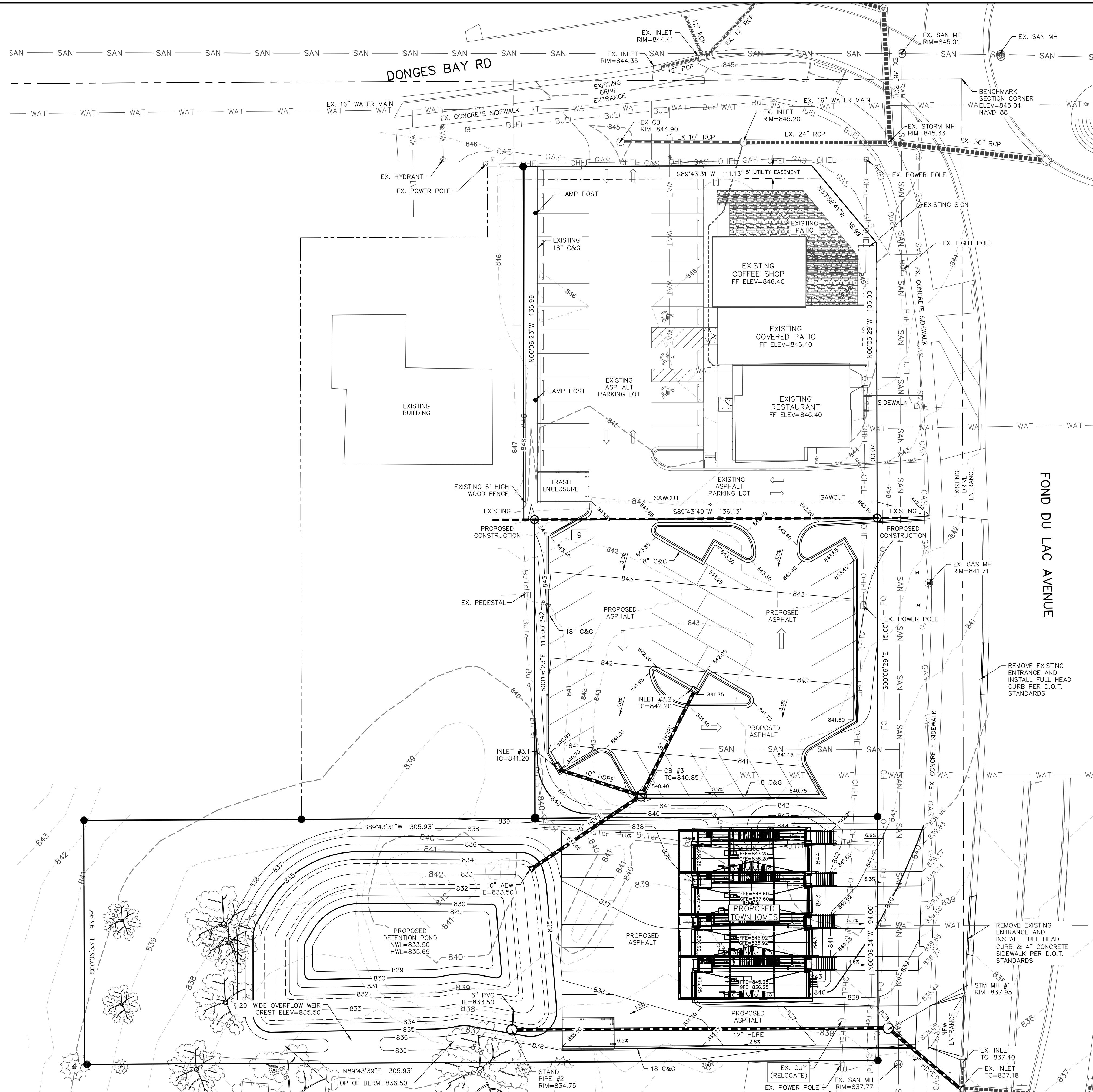
CHECKED BY:
KJP

PLAN DATE:
7-20-2023

PROJECT NO:
\\NA-01-17\\

VILLAGE SUBMITTAL

SHEET NO:
C1.03



- LEGEND:**
- 936 --- EXISTING MINOR CONTOUR.
 - 935 --- EXISTING MAJOR CONTOUR.
 - - - 936 - - - PROPOSED MINOR CONTOUR.
 - - - 935 - - - PROPOSED MAJOR CONTOUR.
 - EX 934.23 - EXISTING SPOT ELEVATION.
 - 934.23 - PROPOSED CURB FLANGE ELEVATION.
 - TC 934.23 - PROPOSED TOP OF CURB ELEVATION.
 - SW 934.23 - PROPOSED SIDEWALK ELEVATION.
 - EP 934.23 - PROPOSED EDGE OF PAVEMENT ELEVATION.
 - EXP 934.23 - PROPOSED BUILDING EXPOSURE ELEVATION.
 - FFE 934.23 - PROPOSED BUILDING FIRST FLOOR ELEVATION.
 - PROPOSED STORM SEWER.
 - EXISTING STORM SEWER.

REVISIONS:	
NO.	DATE DESCRIPTION
1	XX-XX-XX XXXXXXXXXXXXXXXXXXXX

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122 Wisconsin Street, West Bend, WI 53095
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PROJECT TITLE:
**GERMANTOWN TOWNHOUSES
W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022**

PLAN TITLE:
**GRADING
PLAN**

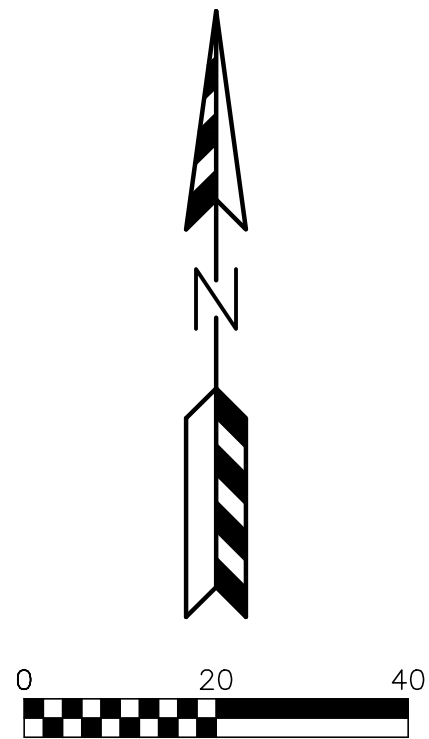
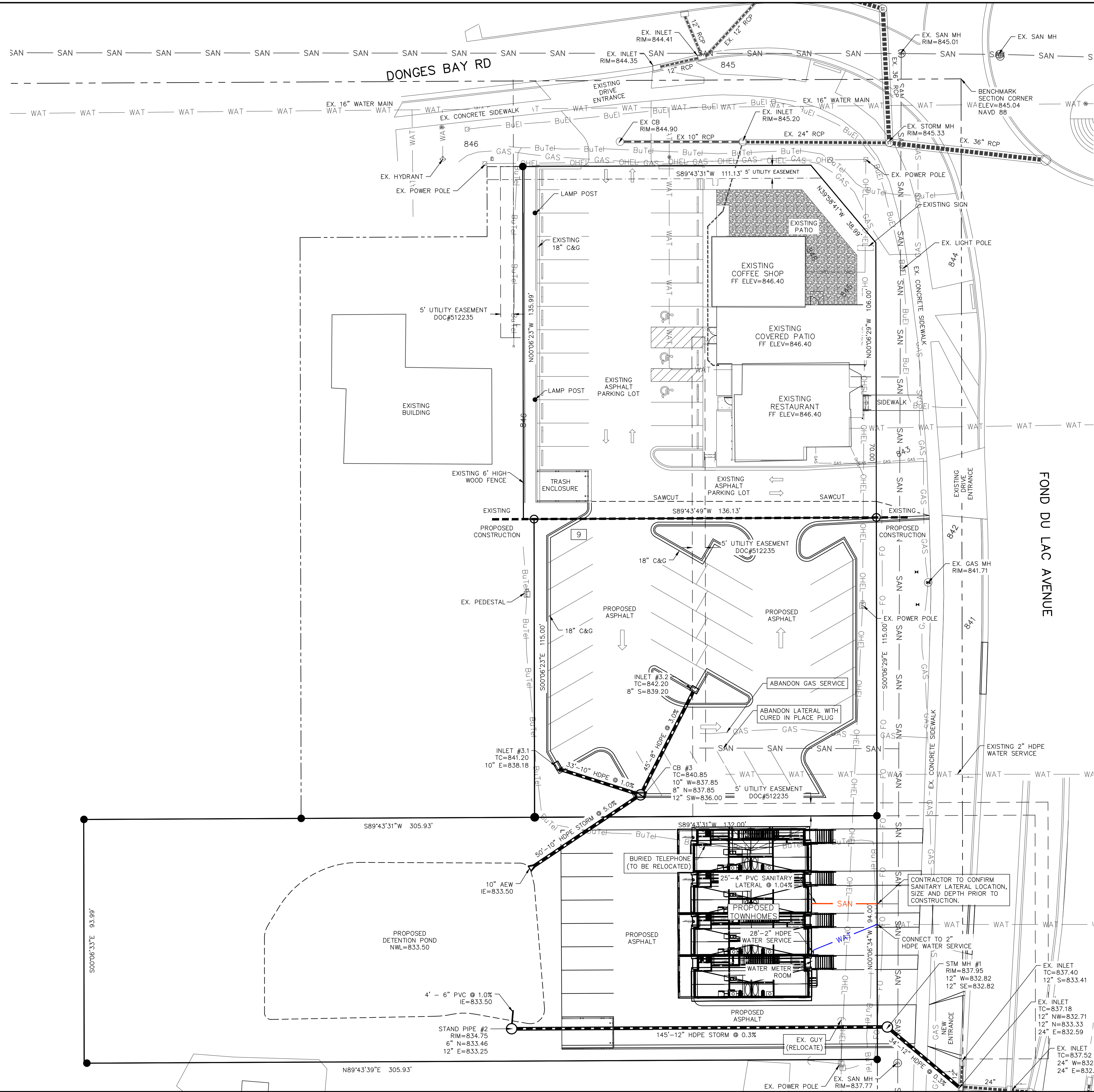
DRAWN BY:
KJP
DESIGNED BY:
KJP
CHECKED BY:
KJP

PLAN DATE:
7-20-2023

PROJECT NO:
\NA-01-17

**VILLAGE
SUBMITTAL**

SHEET NO:
C1.04



STORM SEWER CASTINGS:		
STRUCTURE	STRUCTURE DIAMETER	NEENAH CASTING OR EQUIVALENT
INLET #3.2	2' x 3'	R-3067
INLET #3.1	2' x 3'	R-3067
CB #3	4' DIA.	R-3067
STAND PIPE #2	3' DIA.	R-2561
STM MH #1	4' DIA.	R-1661

- LEGEND:**
- OHEL — OVERHEAD ELECTRIC LINE.
 - BuEl — BURIED ELECTRIC LINE.
 - BuTel — BURIED TELEPHONE LINE.
 - FO — FIBER OPTIC LINE.
 - GAS — GAS LINE.
 - SAN — SANITARY SEWER MAIN OR LATERAL.
 - WAT — WATER MAIN OR SERVICE.
 - STORM SEWER LINE.
 - ⊗ — GAS VALVE.
 - ⊙ — FIRE HYDRANT.
 - ⊞ — POWER POLE.
 - ⊞ — SANITARY SEWER MANHOLE.
 - ⊞ — STORM SEWER MANHOLE.
 - — STORM SEWER INLET.
 - ⊞ — TELEPHONE PEDESTAL.
 - ⊞ — TRANSFORMER.
 - ⊞ — WATER VALVE.
 - SAN — PROPOSED SANITARY SEWER
 - WAT — PROPOSED WATER MAIN
 - PROPOSED STORM SEWER.

UTILITY NOTE:
ABANDON EXISTING WATER SERVICE FROM RESTAURANT TO THE EXISTING RESIDENTIAL HOME TO THE SOUTH.

REVISIONS:	
NO.	DATE DESCRIPTION
1	XX-XX-XX XXXXXXXXXXXXXXXXXXXX

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GERMANTOWN TOWNHOUSES
W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022

UTILITY PLAN

DRAWN BY:
KJP
DESIGNED BY:
KJP
CHECKED BY:
KJP

PLAN DATE:
7-20-2023

PROJECT NO:
\NA-01-17

VILLAGE SUBMITTAL

SHEET NO:

C1.05



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PROJECT TITLE:

**GERMANTOWN TOWNHOUSES
W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022**

PLAN TITLE:

STORMWATER MANAGEMENT DETAILS

DRAWN BY:

KJP

DESIGNED BY:

KJP

CHECKED BY:

KJP

PLAN DATE:

7-20-2023

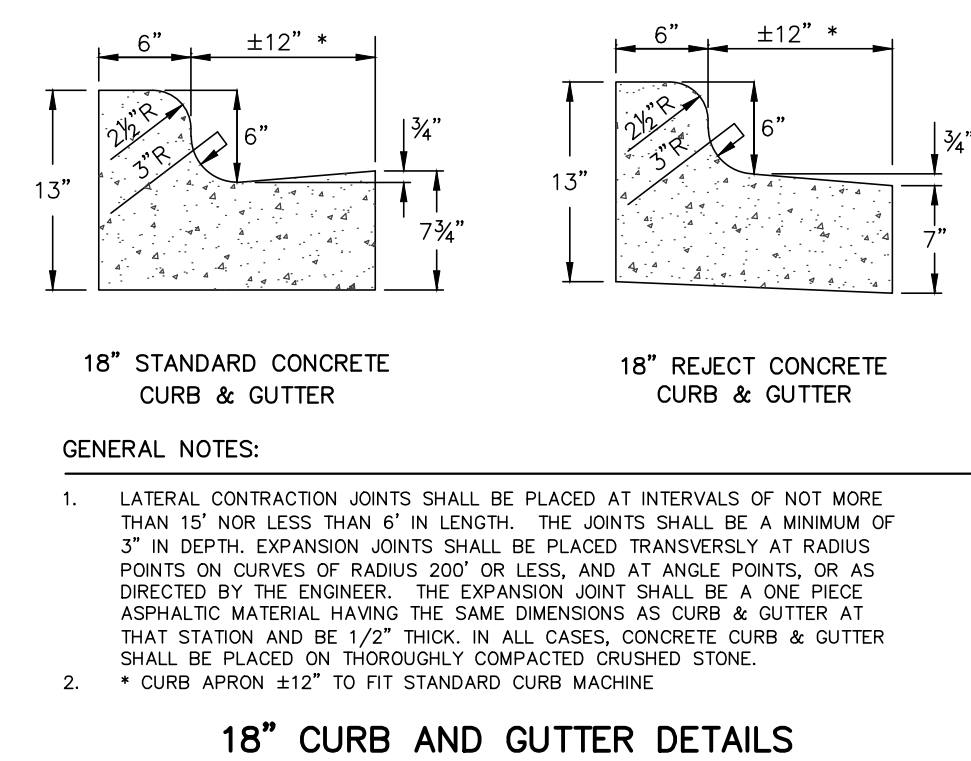
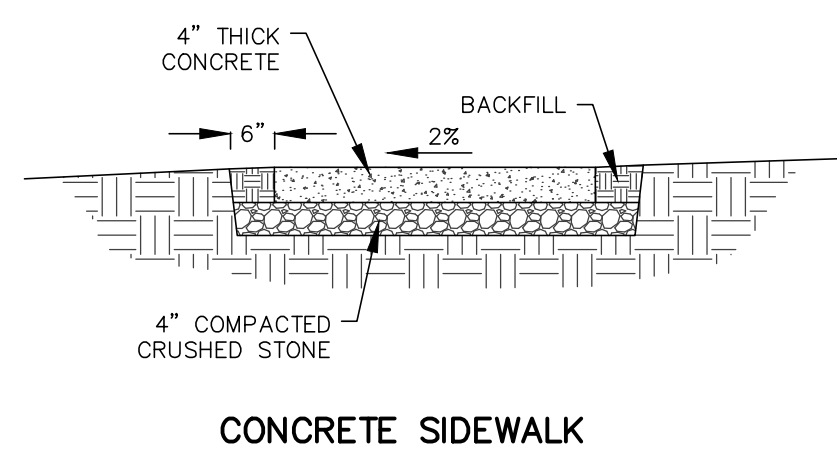
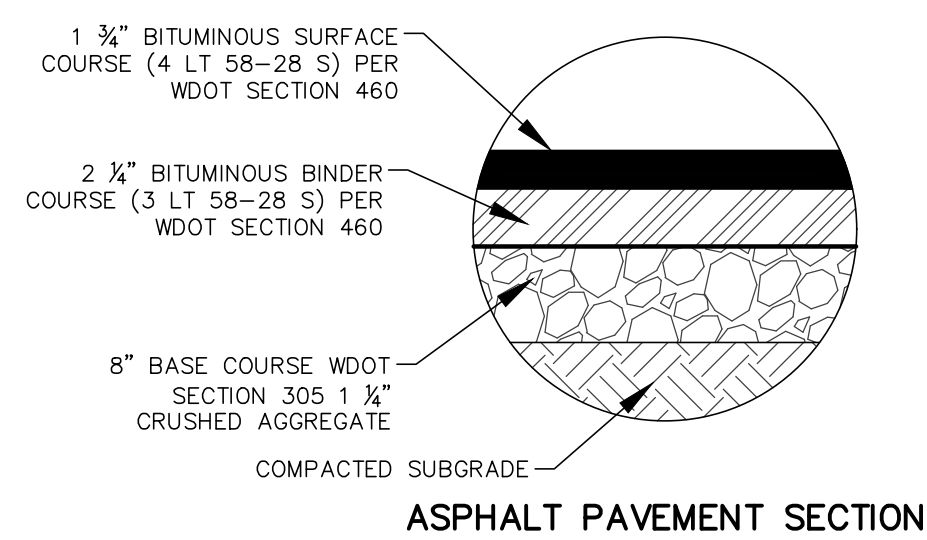
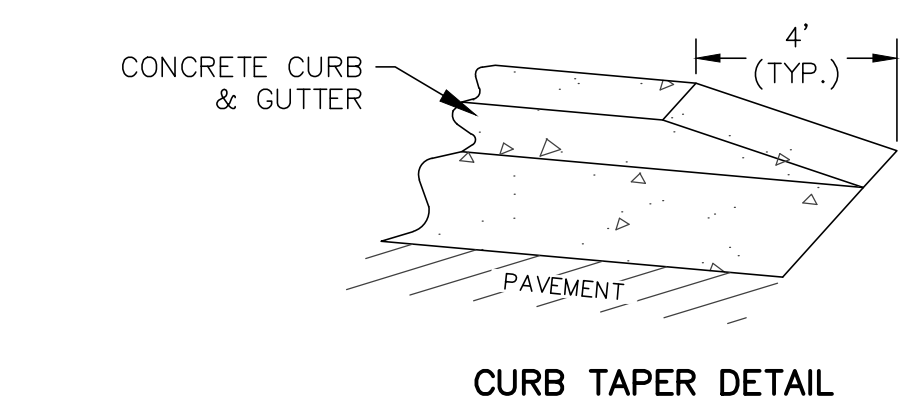
PROJECT NO:

\NA-01-17\

VILLAGE SUBMITTAL

SHEET NO:

C1.06

[illegible]

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www.parishse.com

PROJECT TITLE:
GERMANTOWN TOWNHOUSES
W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022

PLAN TITLE:

**STORMWATER
MANAGEMENT
DETAILS**

DRAWN BY: **KJP**
DESIGNED BY: **KJP**
CHECKED BY: **KJP**

PLAN DATE:
7-20-2023

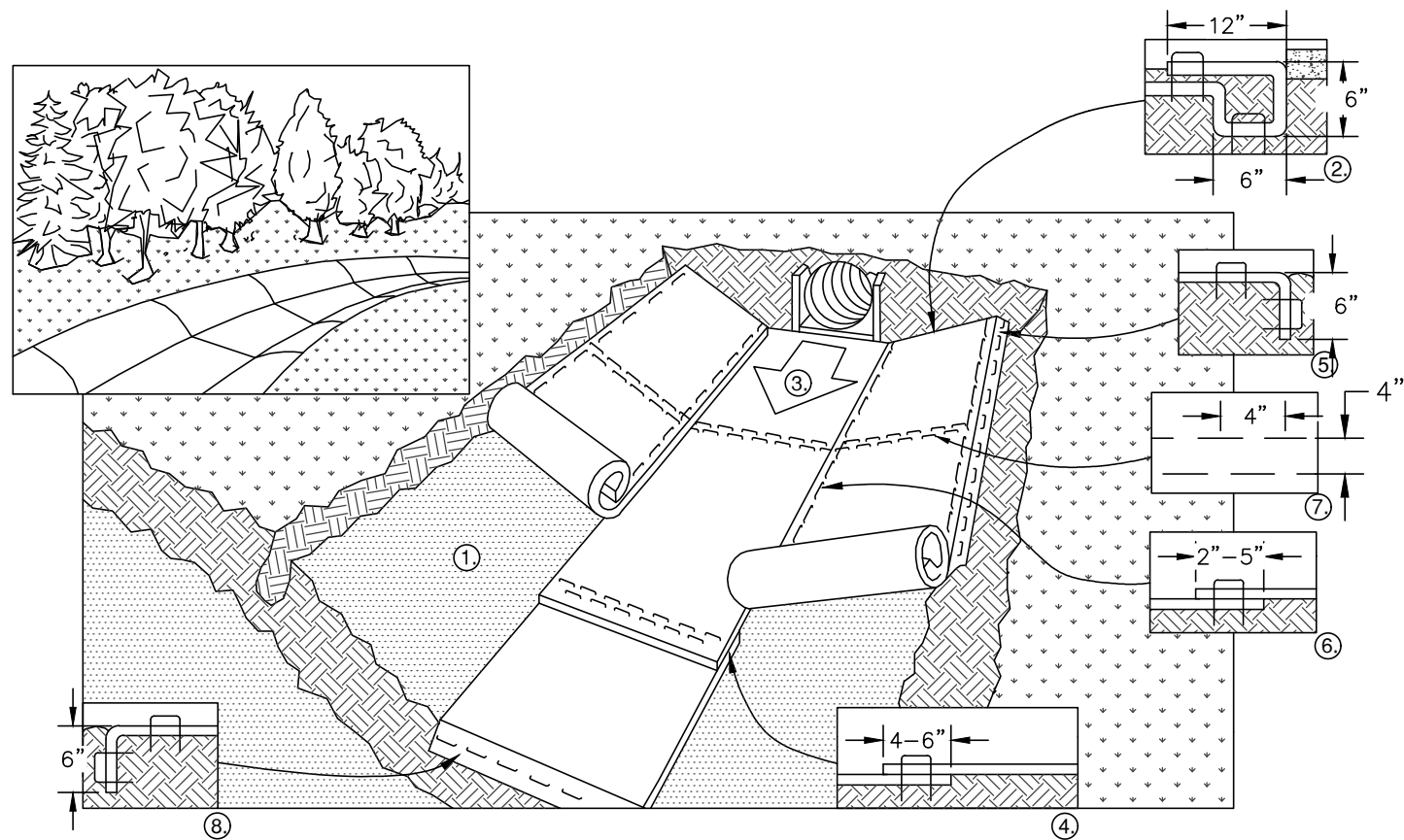
PROJECT NO:
\NA-01-17\

VILLAGE
SUBMITTAL

SHEET NO:

C1.07

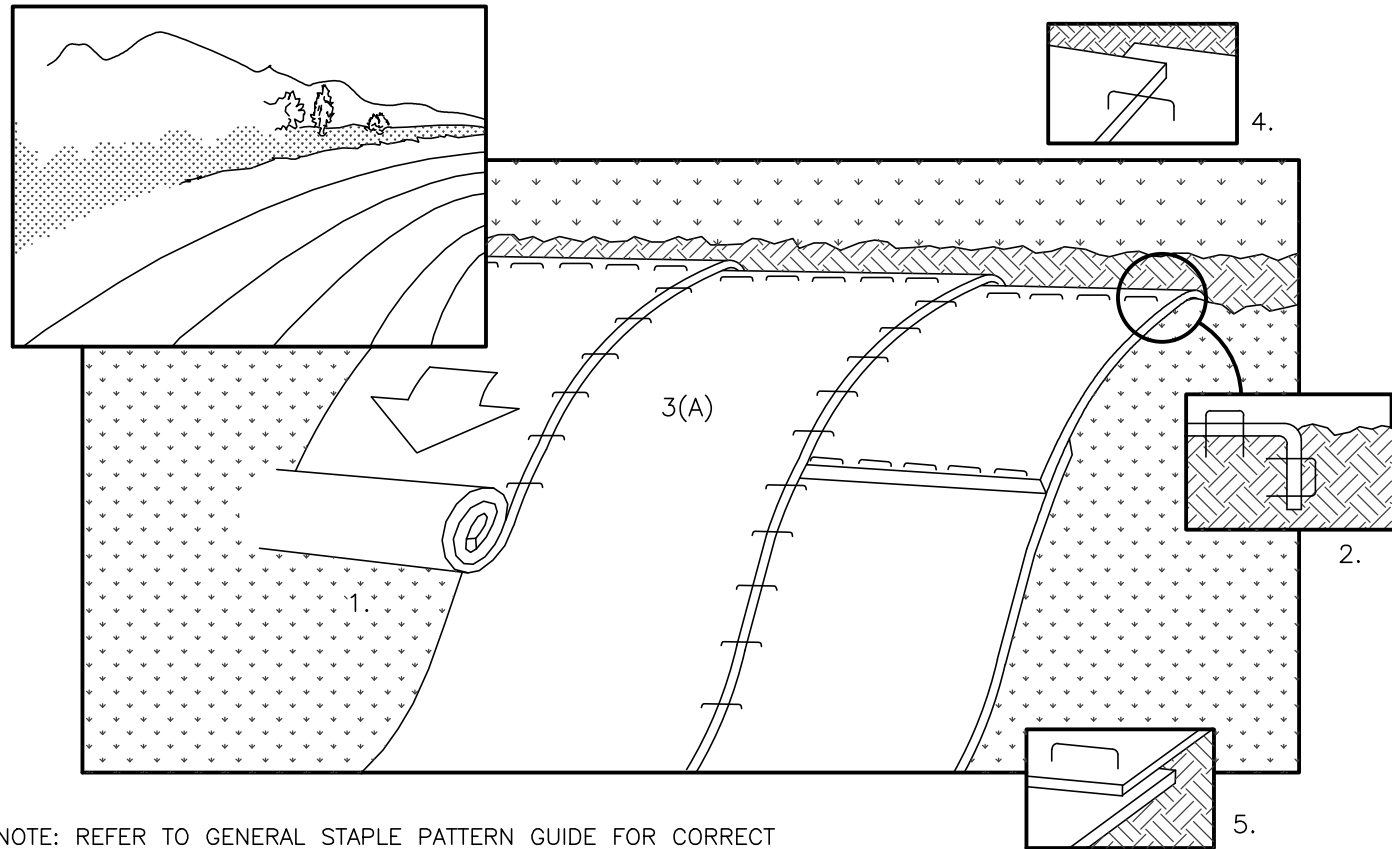
MAXIMUM PERIOD OF BARE SOIL FOR SLOPES > 20%		
SLOPE AREA DRAINS TO SEDIMENT BASIN OR SEDIMENT TRAP?	MAXIMUM PERIOD OF BARE SOIL EXPOSURE (CALENDAR DAYS)	
	LAND DISTURBANCE BETWEEN SEPTEMBER 16TH AND MAY 1ST	LAND DISTURBANCE BETWEEN MAY 2ND AND SEPTEMBER 15TH
YES	90	90
NO	60	30



- PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING APPLICATION OF FERTILIZER AND SEED.
- BEGIN AT THE TOP OF THE CHANNEL BY ANCHORING THE BLANKET IN A 6" DEEP X 6" WIDE TRENCH WITH APPROXIMATELY 12" OF BLANKET EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE BLANKET WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" PORTION OF BLANKET BACK OVER SEED AND COMPACTED SOIL. SECURE BLANKET OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" APART ACROSS THE WIDTH OF THE BLANKET
- ROLL CENTER BLANKET IN DIRECTION OF WATER FLOW IN BOTTOM OF CHANNEL. BLANKETS WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL BLANKETS MUST BE SECURELY FASTENED TO THE SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS RECOMMENDED BY THE MANUFACTURER.
- PLACE CONSECUTIVE BLANKETS END OVER END (SHINGLE STYLE) WITH A 4-6" OVERLAP. USE A DOUBLE ROW OF STAPLES STAGGERED 4" APART AND 4" ON CENTER TO SECURE BLANKETS.
- FULL LENGTH EDGE OF BLANKETS AT TOP OF SIDE SLOPE MUST BE ANCHORED WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN A 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.
- ADJACENT BLANKETS MUST BE OVERLAPPED APPROXIMATELY 4" AND STAPLED.
- A STAPLE CHECK SLOT IS RECOMMENDED AT 30 TO 40 FOOT INTERVALS. USE A DOUBLE ROW OF STAPLES STAGGERED 4" APART AND 4" ON CENTER OVER ENTIRE WIDTH OF THE CHANNEL.
- THE TERMINAL END OF THE BLANKETS MUST BE ANCHORED WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN A 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.

NOTE: ALL STAPLES MUST BE 6" OR GREATER IN LENGTH

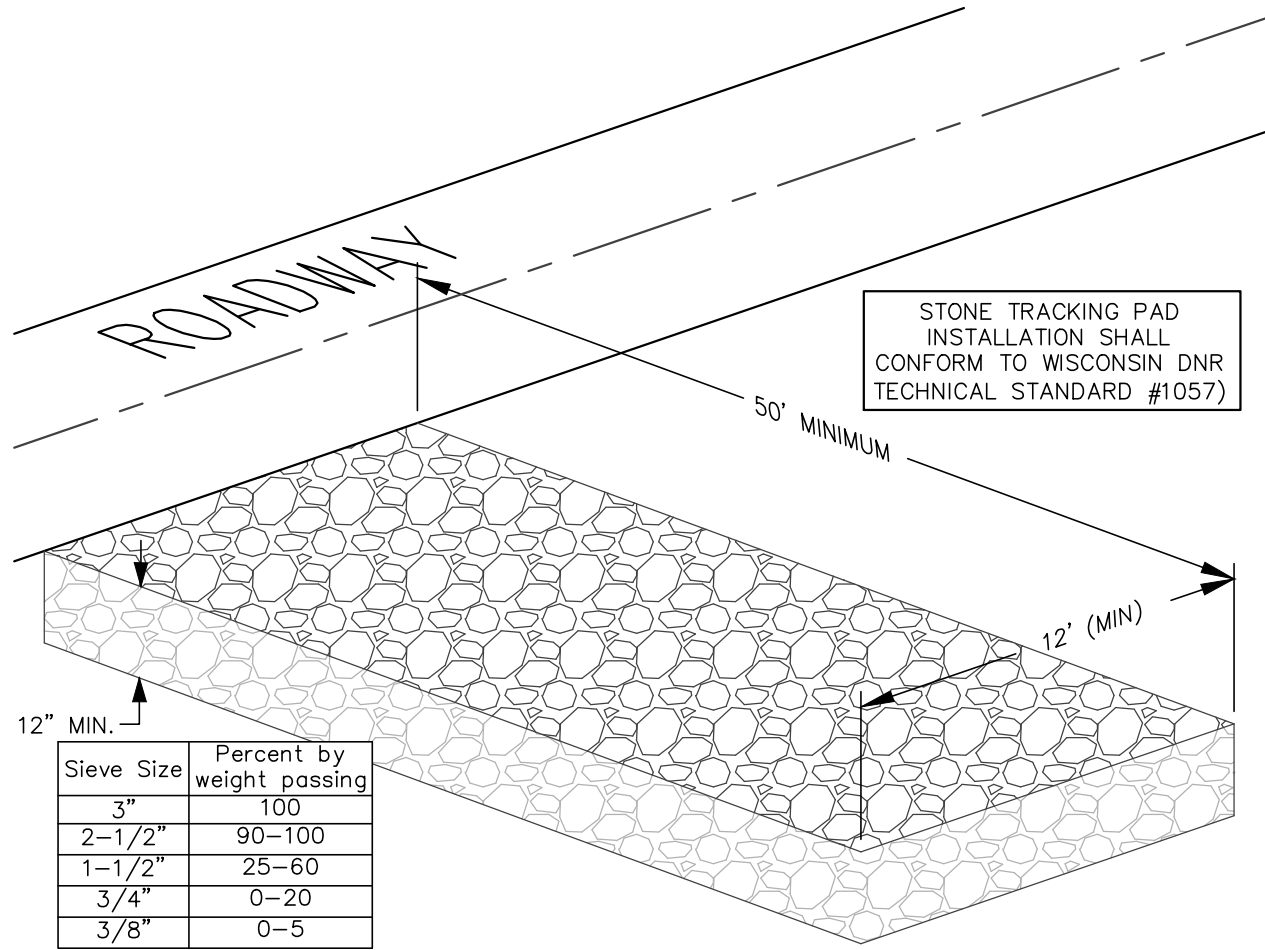
EROSION CONTROL MAT – CHANNEL INSTALLATION



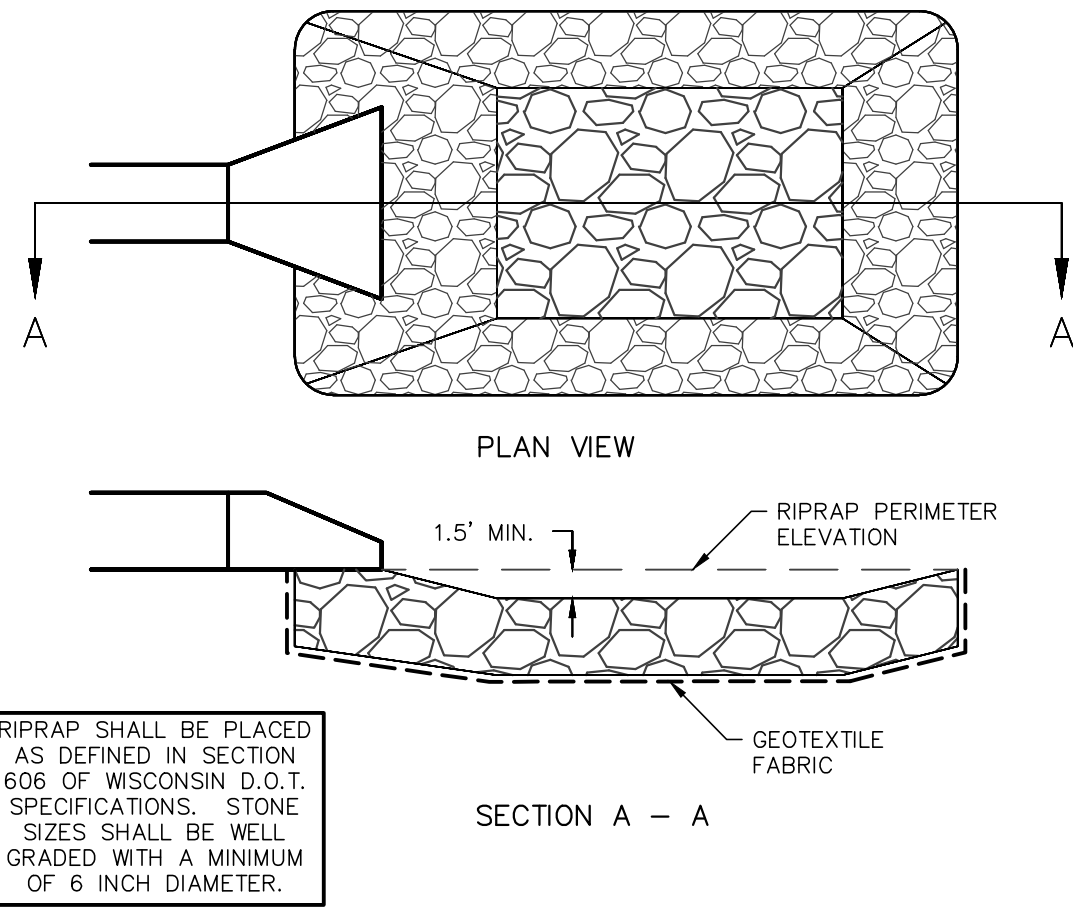
NOTE: REFER TO GENERAL STAPLE PATTERN GUIDE FOR CORRECT STAPLE PATTERN RECOMMENDATIONS FOR SLOPE INSTALLATIONS.

- PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING APPLICATION OF FERTILIZER AND SEED.
NOTE: WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.
- BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE BLANKET IN 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.
- ROLL THE BLANKETS (A.) DOWN OR (B.) HORIZONTALLY ACROSS THE SLOPE.
- THE EDGES OF PARALLEL BLANKETS MUST BE STAPLED WITH APPROXIMATELY 2" OVERLAP.
- WHEN BLANKETS MUST BE SPICED DOWN THE SLOPE, PLACE BLANKETS END OVER END (SHINGLE STYLE) WITH APPROXIMATELY 4" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY
- ALL BLANKETS MUST BE SECURELY FASTENED TO THE SLOPE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS RECOMMENDED BY THE MANUFACTURER.

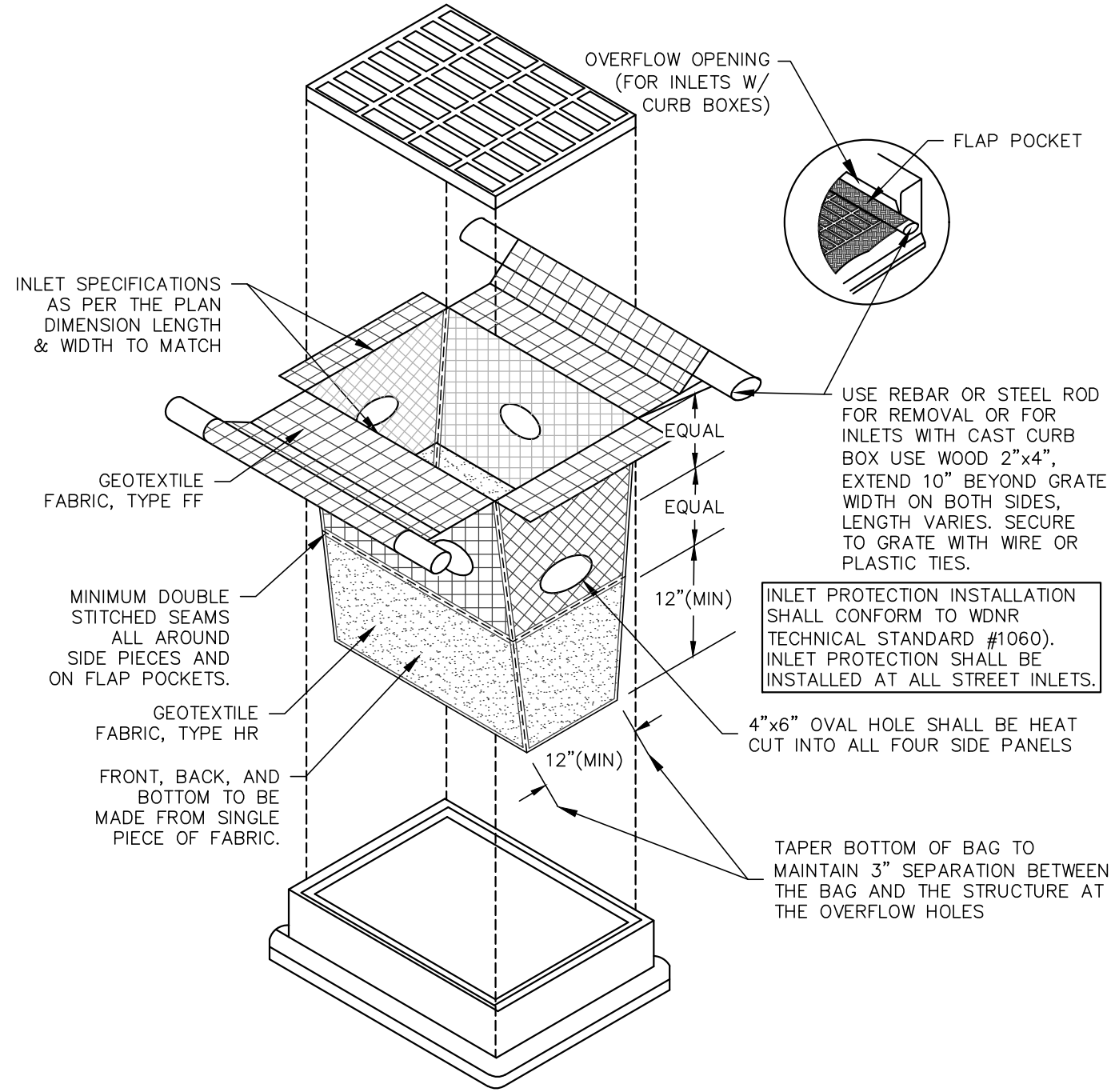
EROSION CONTROL MAT – SLOPE INSTALLATION



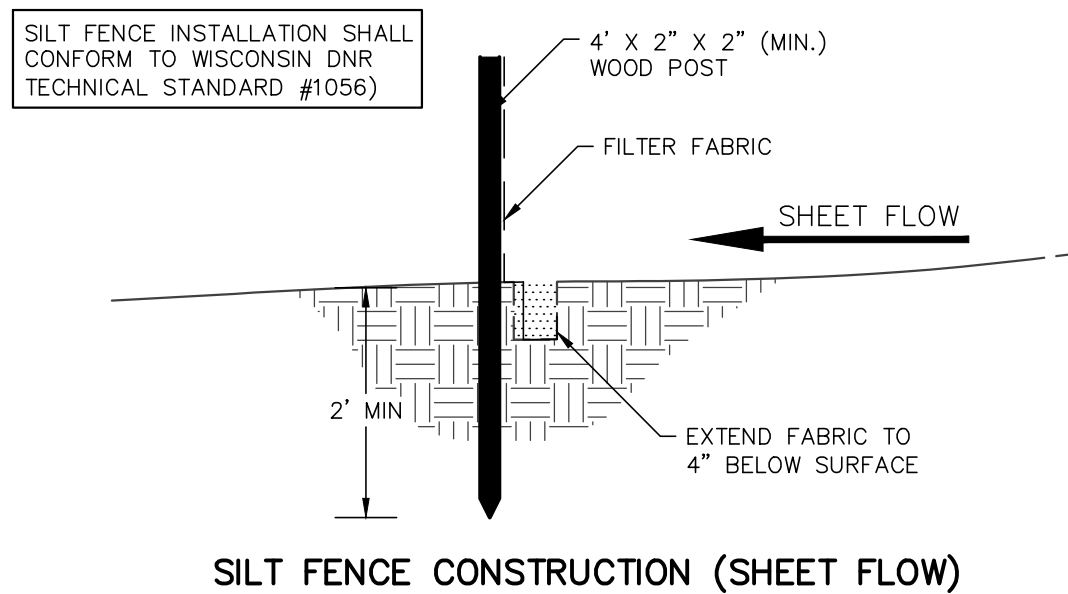
STONE TRACKING PAD DETAIL



RIPRAP/STILLING BASIN DETAIL



TYPE D-HR INLET PROTECTION DETAIL



SILT FENCE CONSTRUCTION (SHEET FLOW)

REVISIONS:	
NO.	DATE DESCRIPTION
1	XX-XX-XX XXXXXXXXXXXXXXXXXXXX

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**GERMANTOWN TOWNHOUSES
W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022**

PLAN TITLE:
**EROSION
CONTROL
DETAILS**

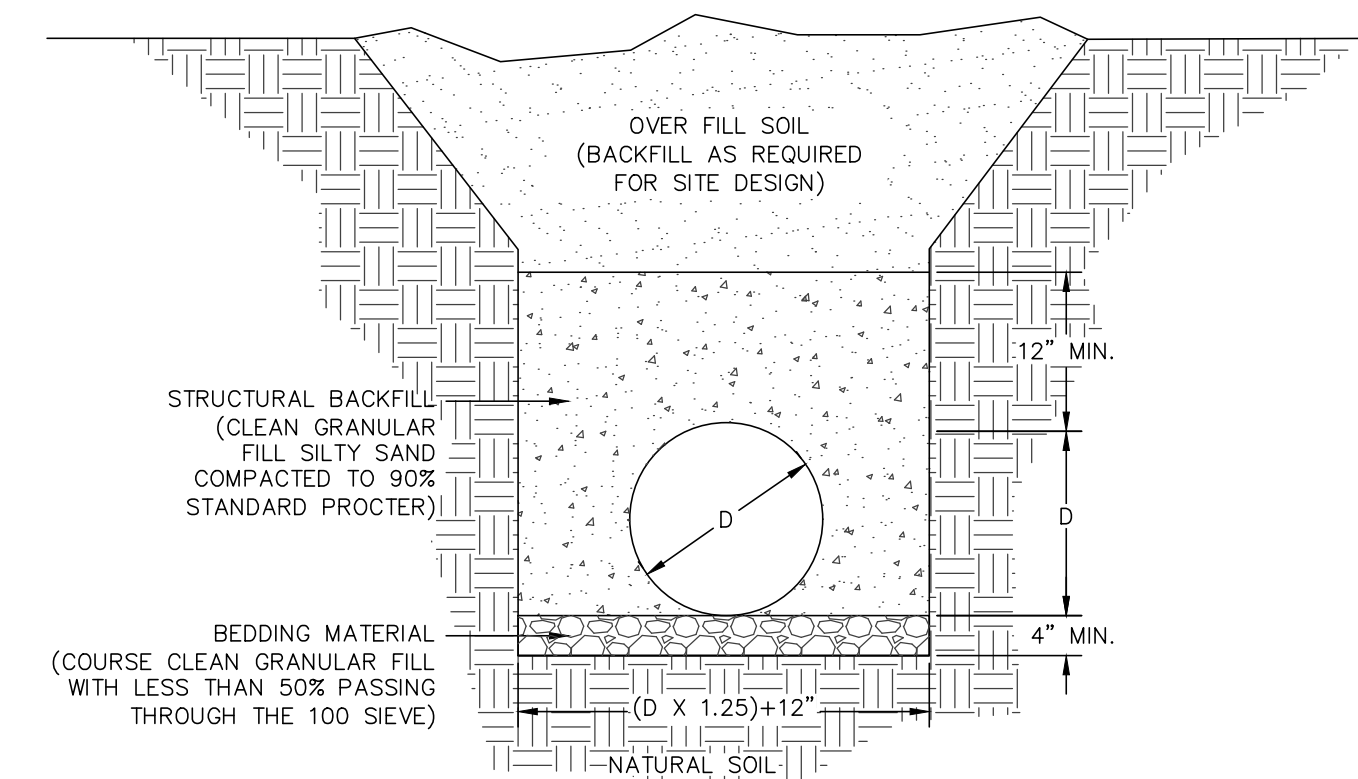
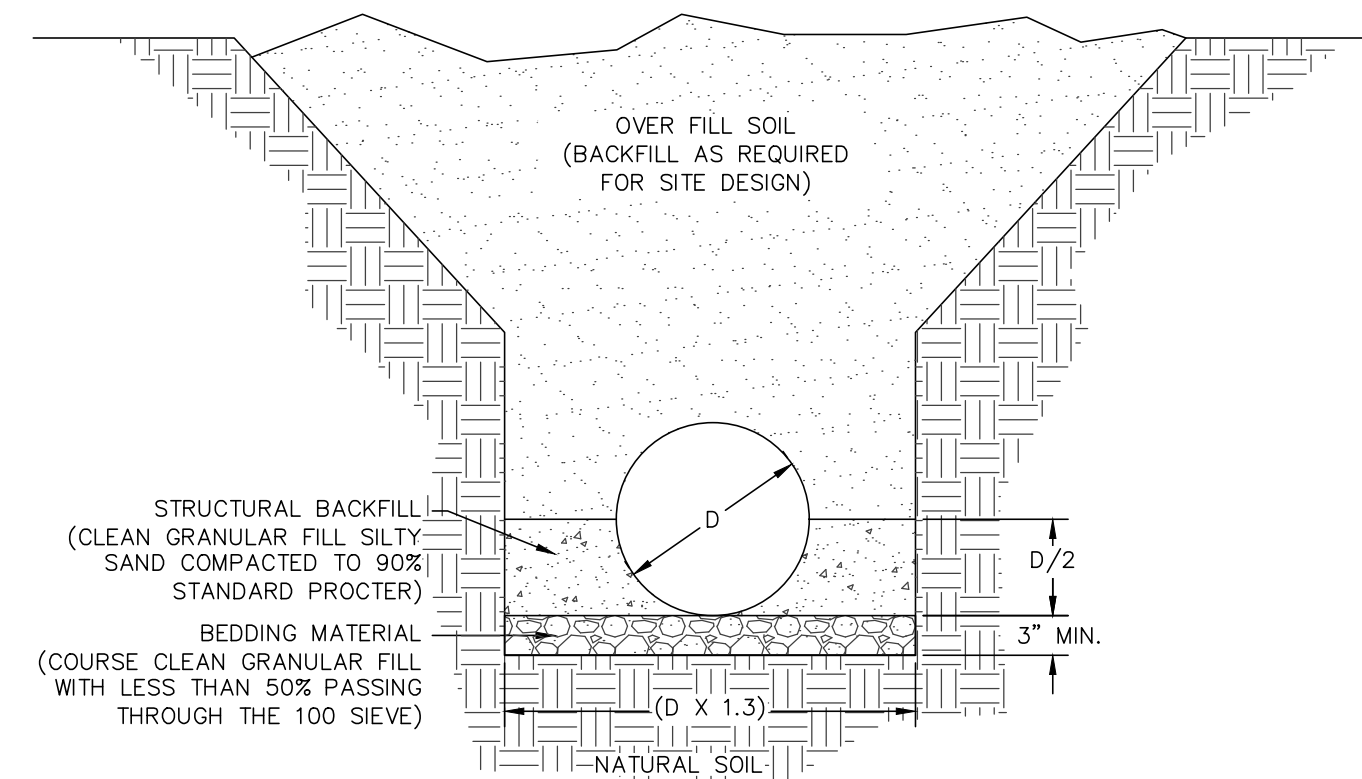
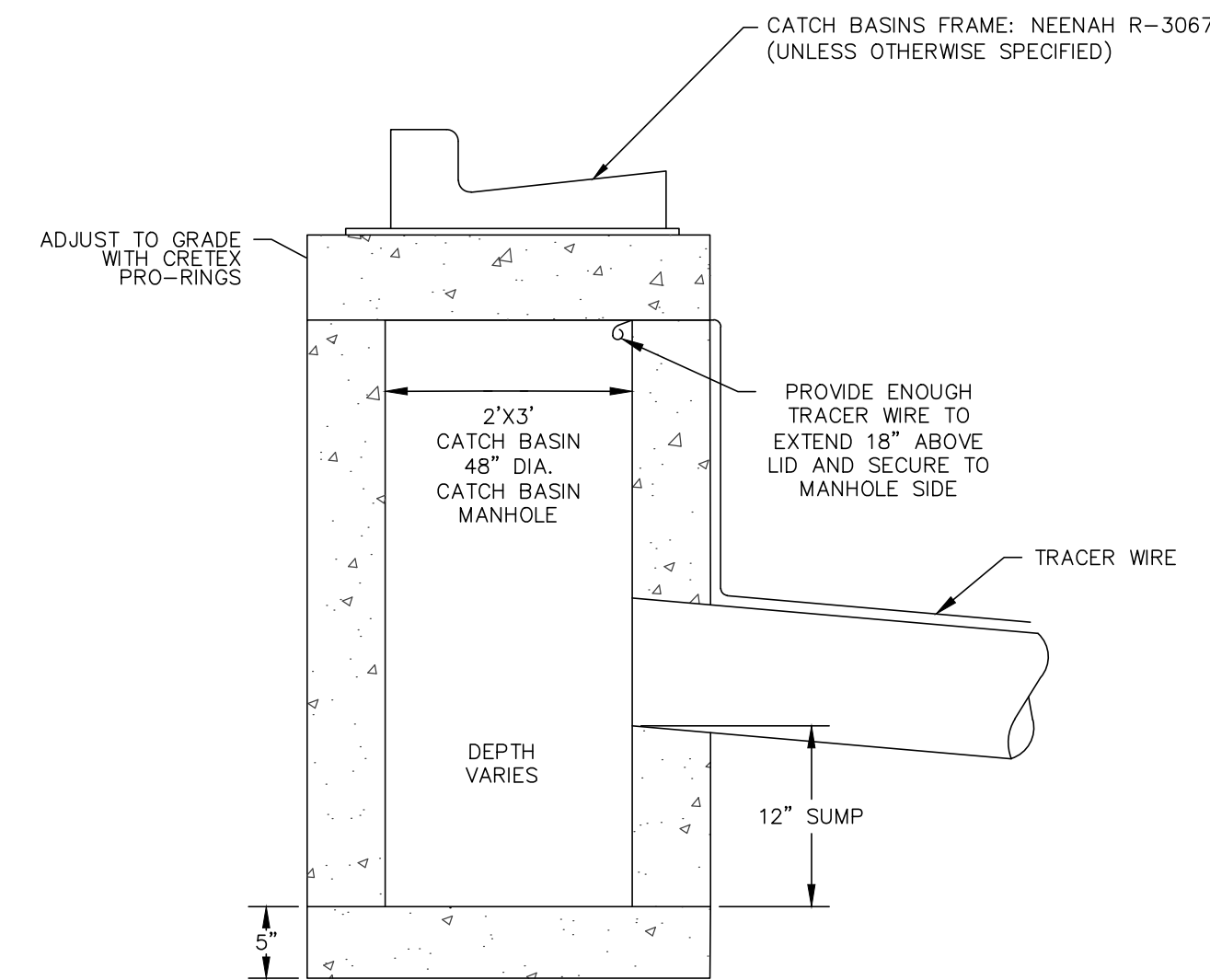
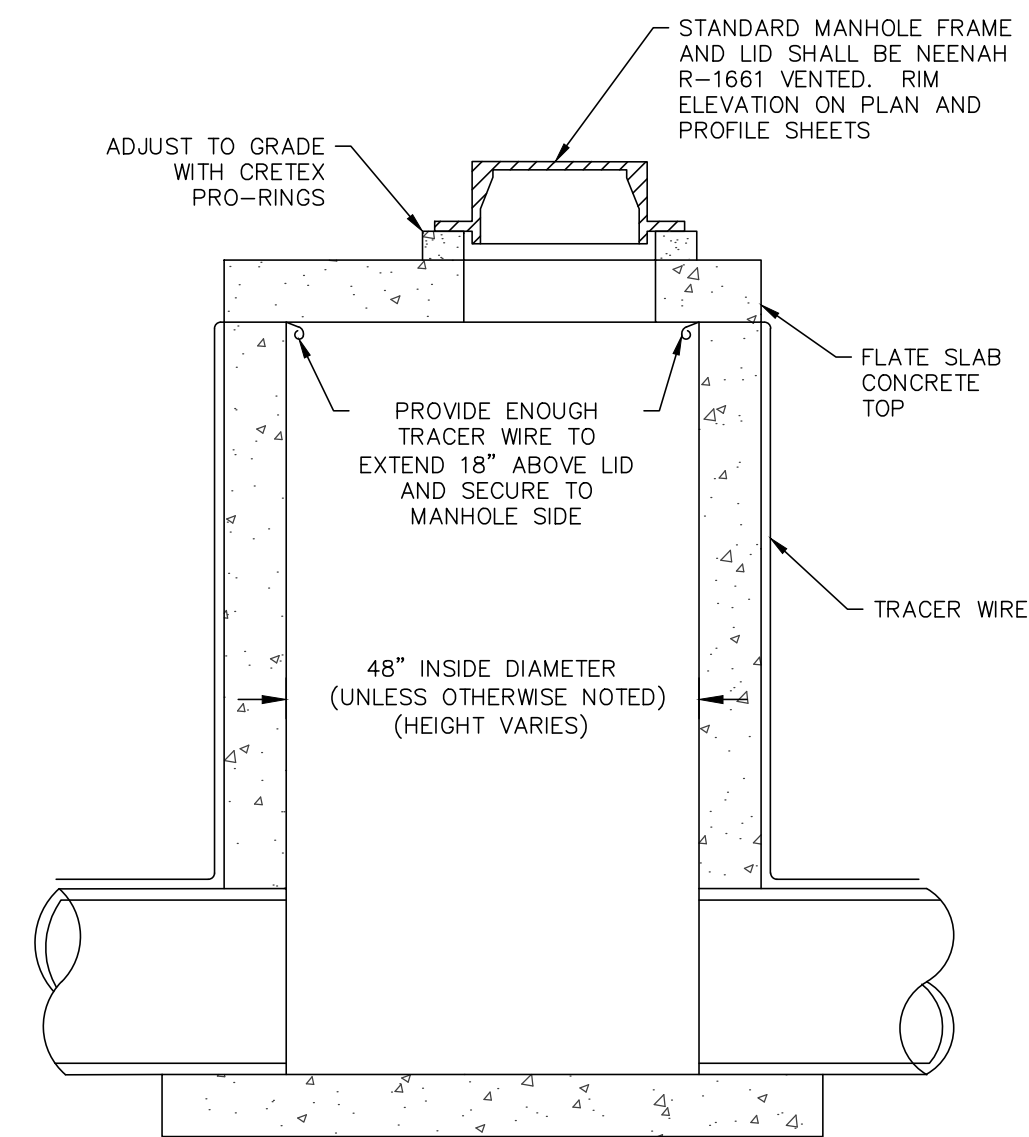
DRAWN BY:
KJP
DESIGNED BY:
KJP
CHECKED BY:
KJP

PLAN DATE:
7-20-2023

PROJECT NO:
\NA-01-17

**VILLAGE
SUBMITTAL**

SHEET NO:
C1.08

[illegible]

PS&E
PARISH SURVEY & ENGINEERING
122 Wisconsin Street, West Bend, WI 53095
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PROJECT TITLE:
**GERMANTOWN TOWNHOUSES
W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022**

UTILITY DETAILS

DRAWN BY:
KJP

DESIGNED BY:
KJP

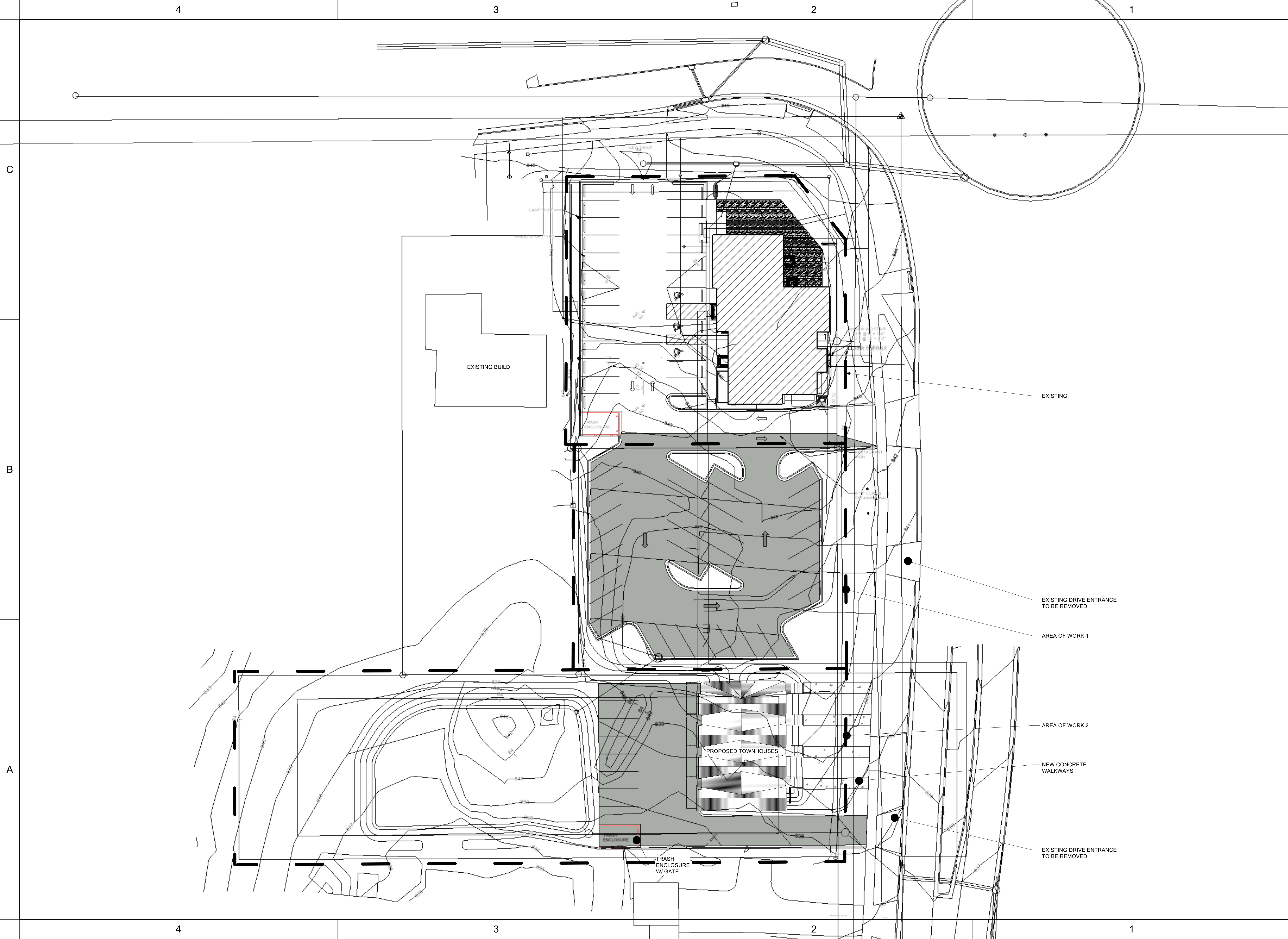
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KJP

PLAN DATE:
7-20-2023

PROJECT NO:
 \NA-01-17\

SHEET NO:

C1.09



GERMANTOWN TOWNHOUSES

W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022

Project Title



Architect

NAGEL ARCHITECTS
+ ENGINEERS

Consultant

REV.	DATE	DESCRIPTION

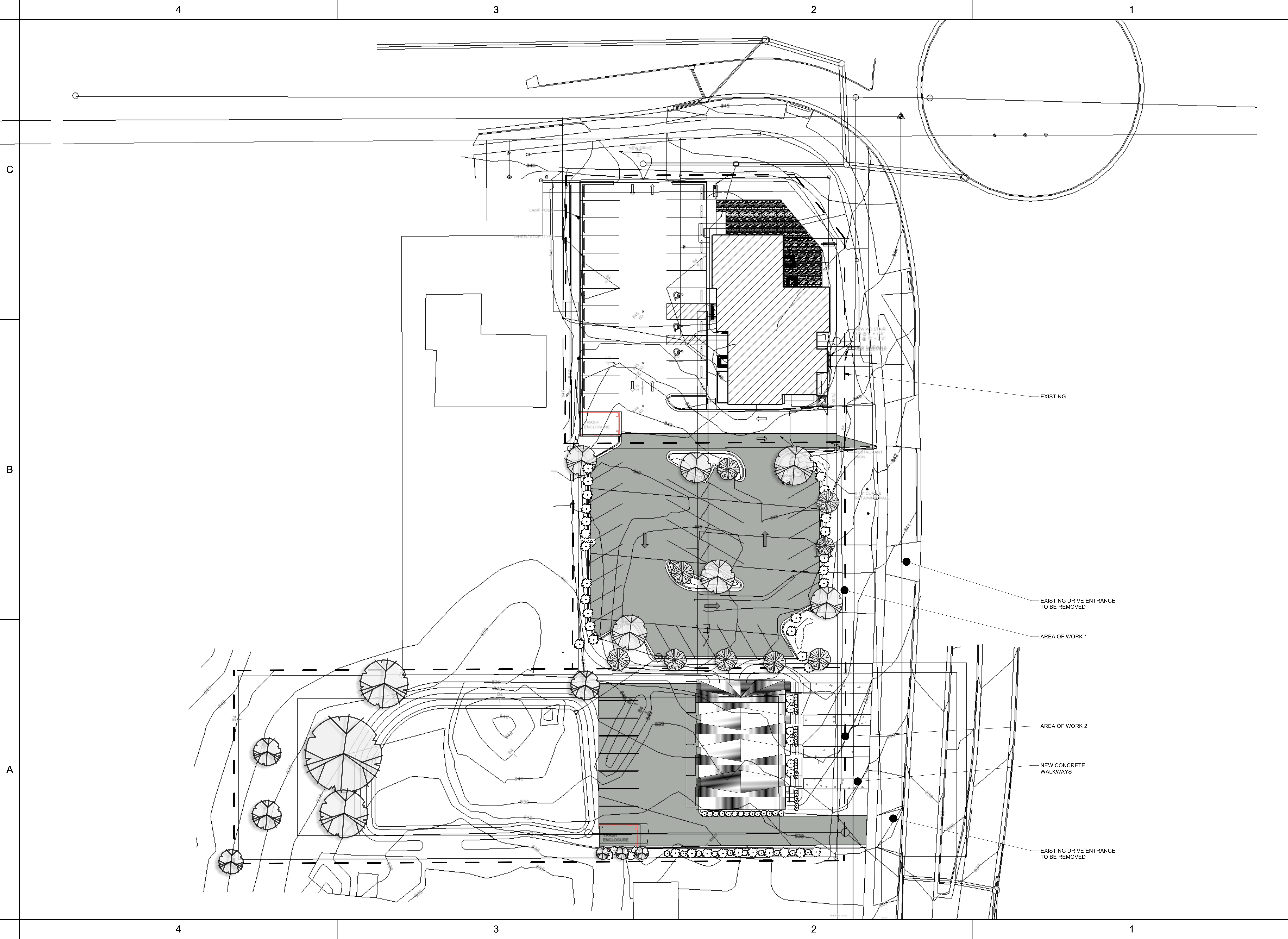
NO.	DATE	ISSUE NOTE
Project Manager		
Date		Drawn By
JULY 2023		JP
Project ID		Reviewed By
22006		GN

Sheet Title

PROPOSED SITE
PLAN

Sheet No.

AS101



GERMANTOWN TOWNHOUSES

W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022

Project Title



Architect

**NAGEL ARCHITECTS
+ ENGINEERS**

Consultant

REV.	DATE	DESCRIPTION
------	------	-------------

NO.	DATE	ISSUE NOTE
-----	------	------------

Project Manager	Drawn By
-----------------	----------

Date	Reviewed By
------	-------------

Project ID	22006
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Sheet Title

**PROPOSED
PRELIMINARY
LANDSCAPE PLAN**

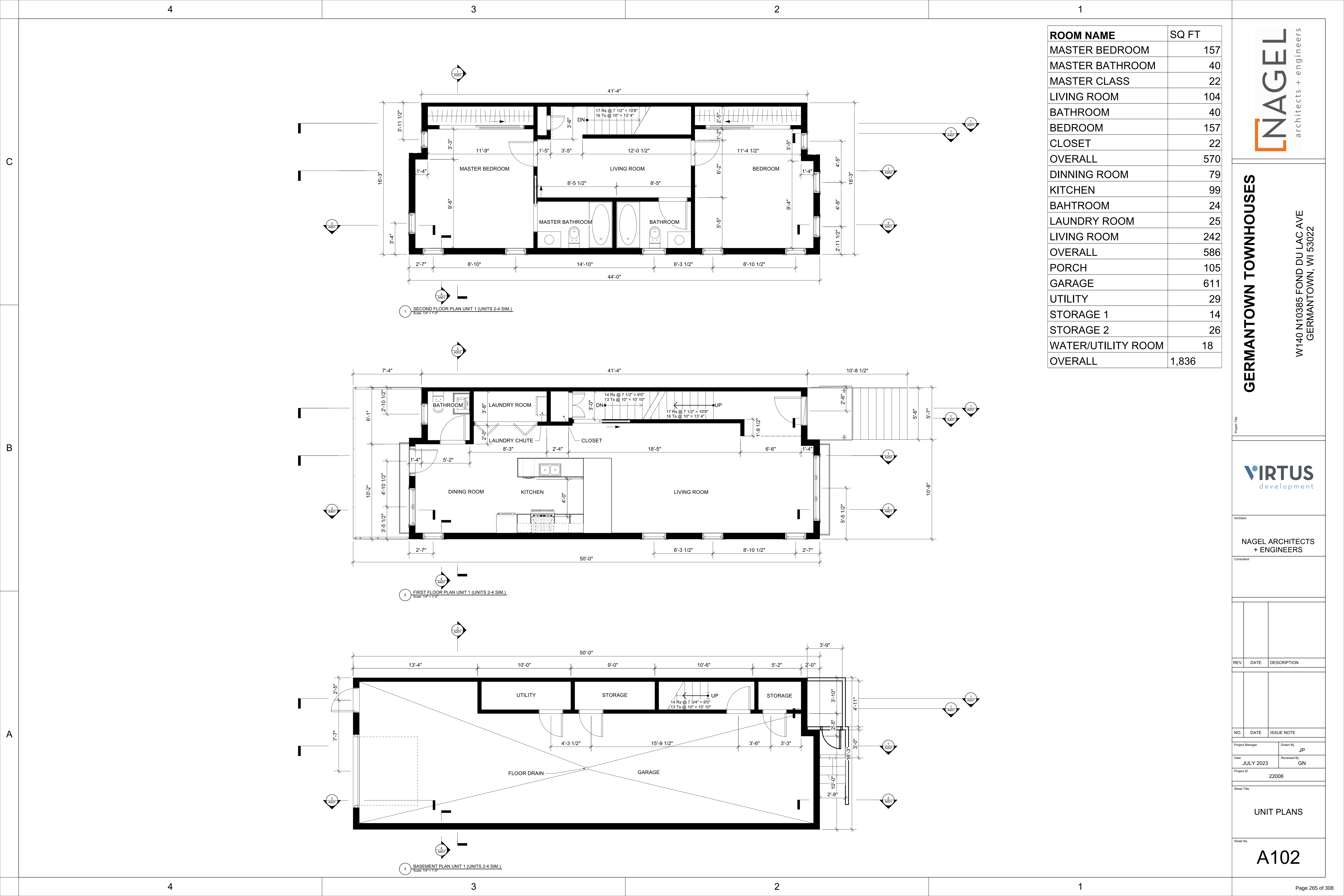
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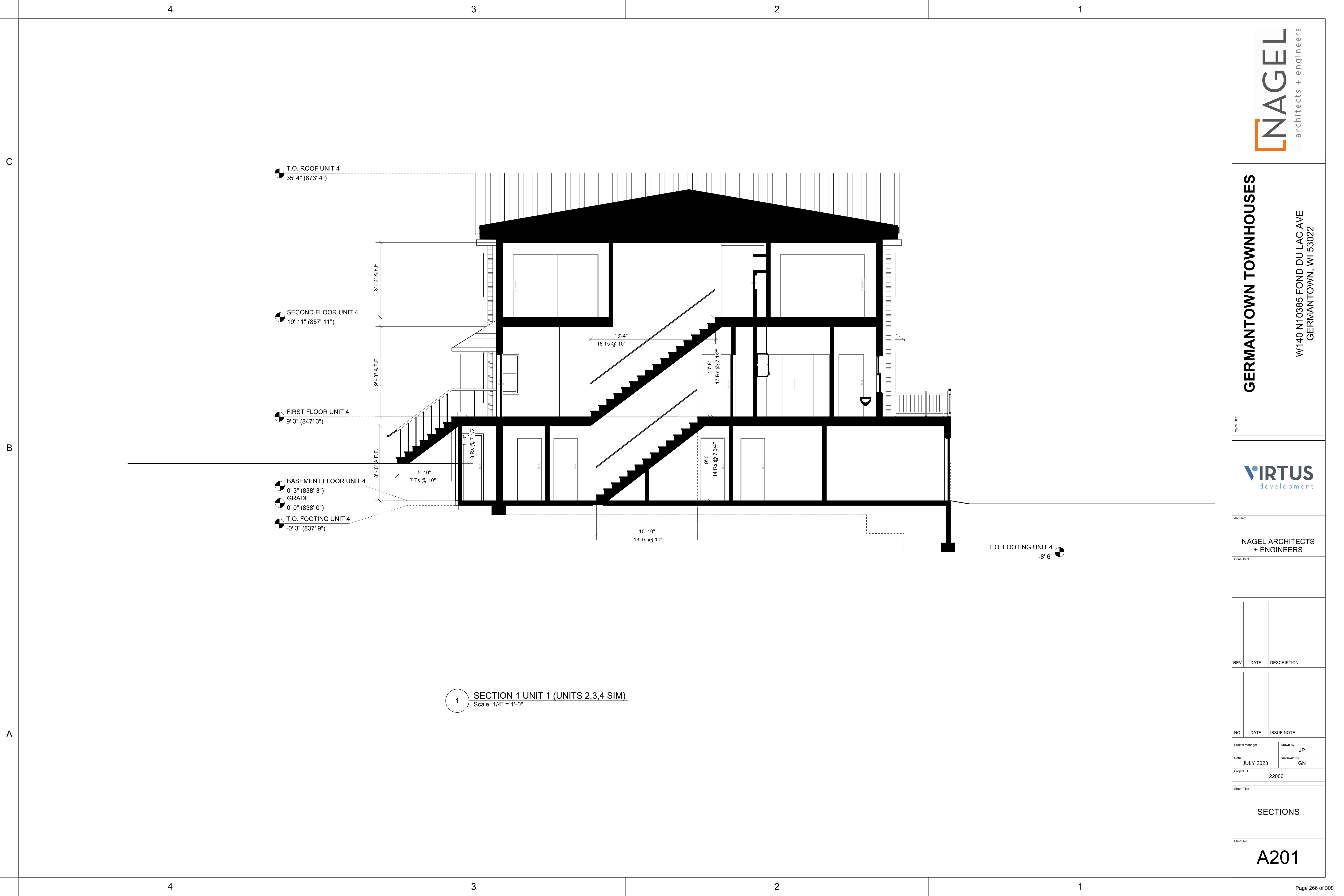
AS102

Sheet Title

PLANS







GERMANTOWN TOWNHOUSES

40 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022



Architect

NAGEL ARCHITECTS
+ ENGINEERS

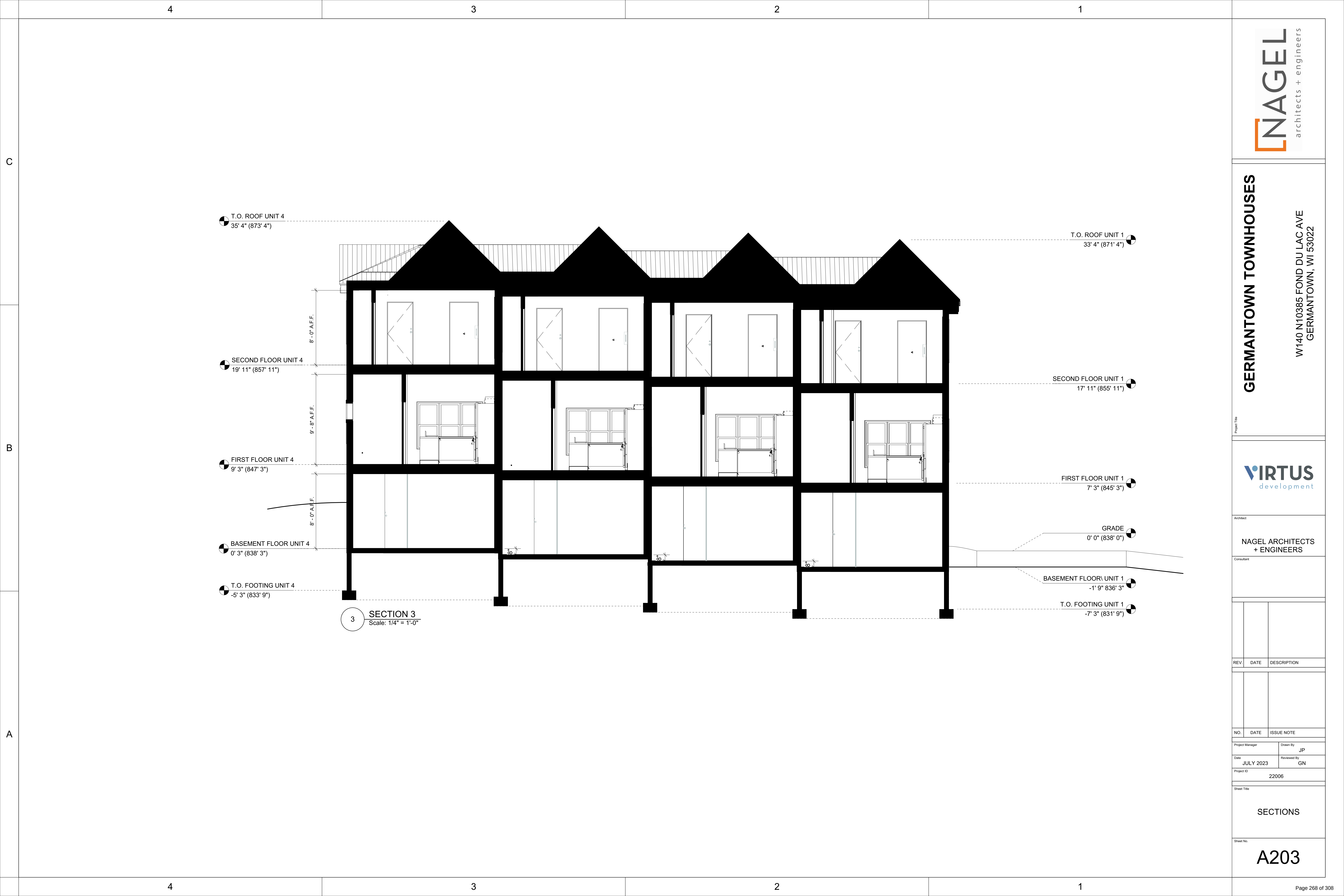
Consults

REV.	DATE	DESCRIPTION
NO.	DATE	ISSUE NOTE
Project Manager	Drawn By JP	
Date JULY 2023	Reviewed By GN	
Project ID	22006	

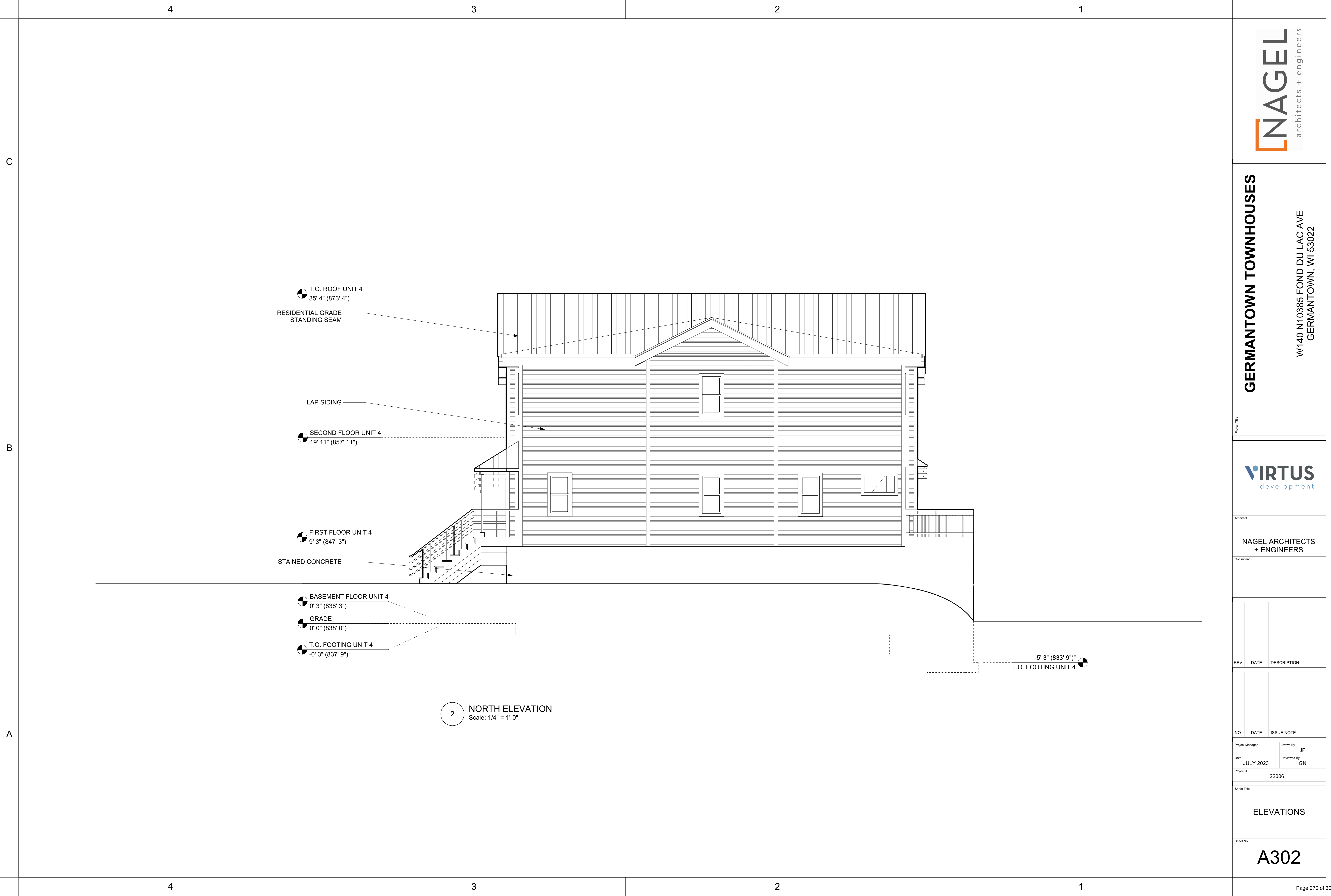
SECTIONS

Sheet No.

A202







2 NORTH ELEVATION
Scale: 1/4" = 1'-0"



GERMANTOWN TOWNHOUSES

W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022

Project Title



Architect

NAGEL ARCHITECTS
+ ENGINEERS

Consultant

REV.	DATE	DESCRIPTION
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NO.	DATE	ISSUE NOTE
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Project Manager	Drawn By JP
Date JULY 2023	Reviewed By GN

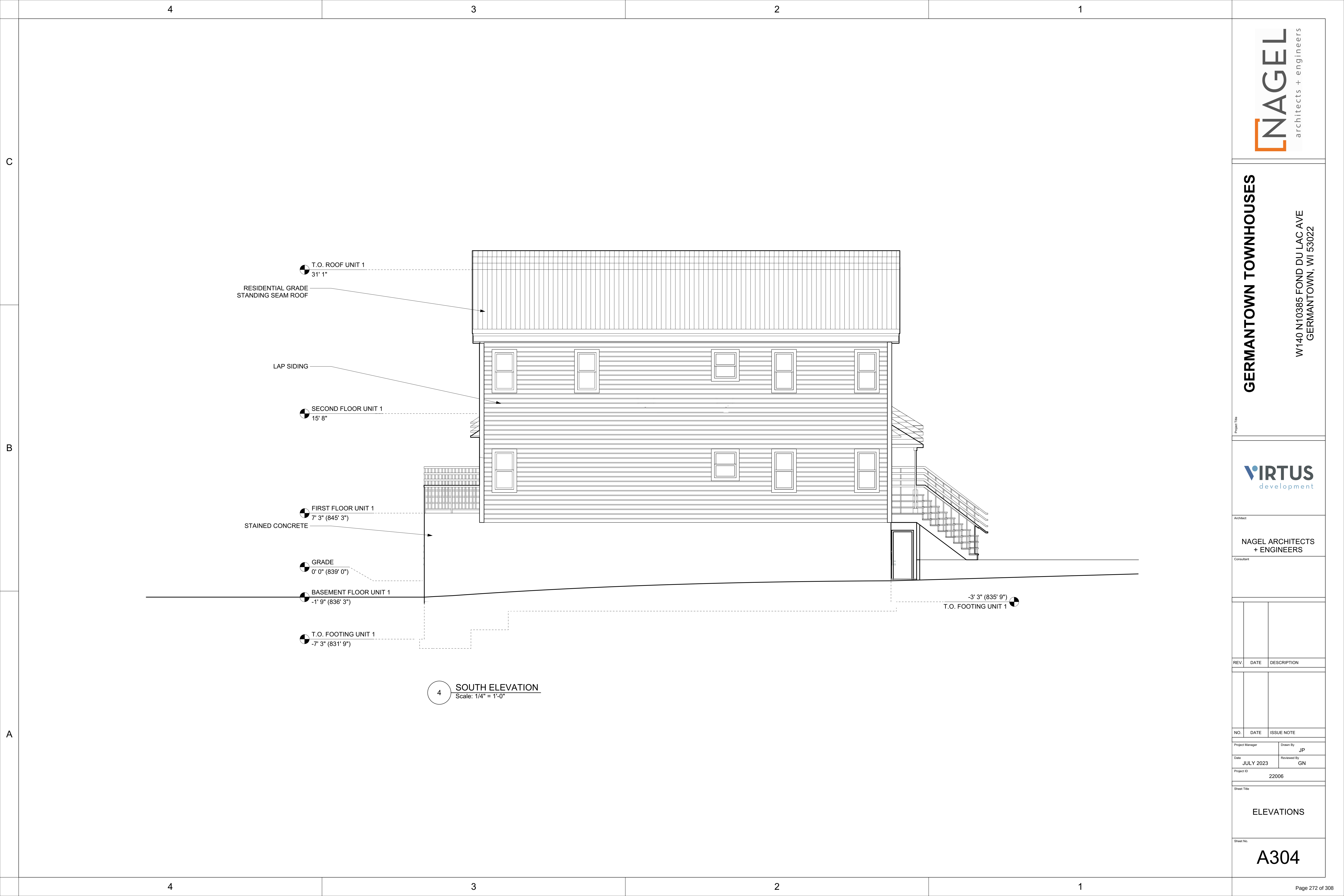
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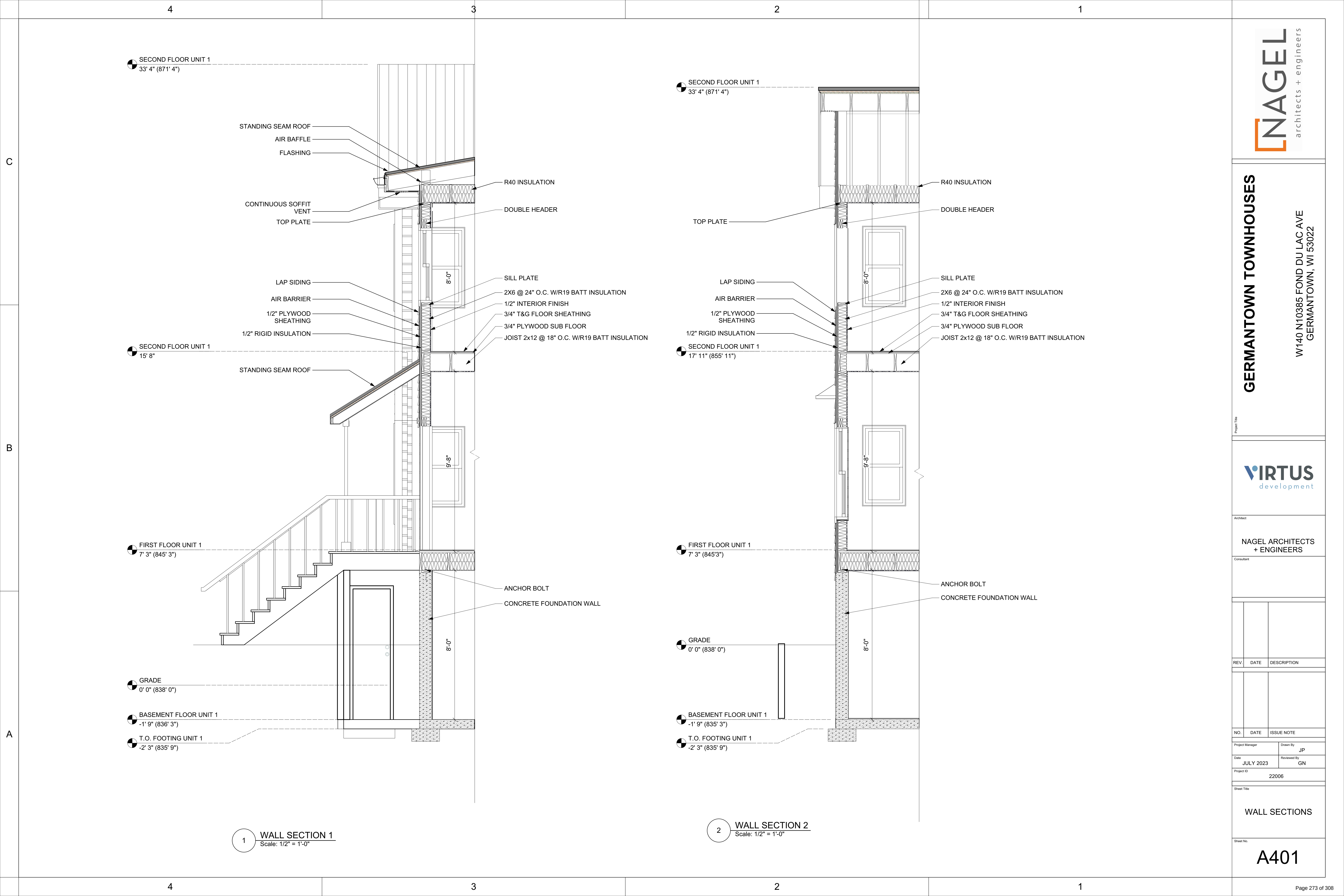
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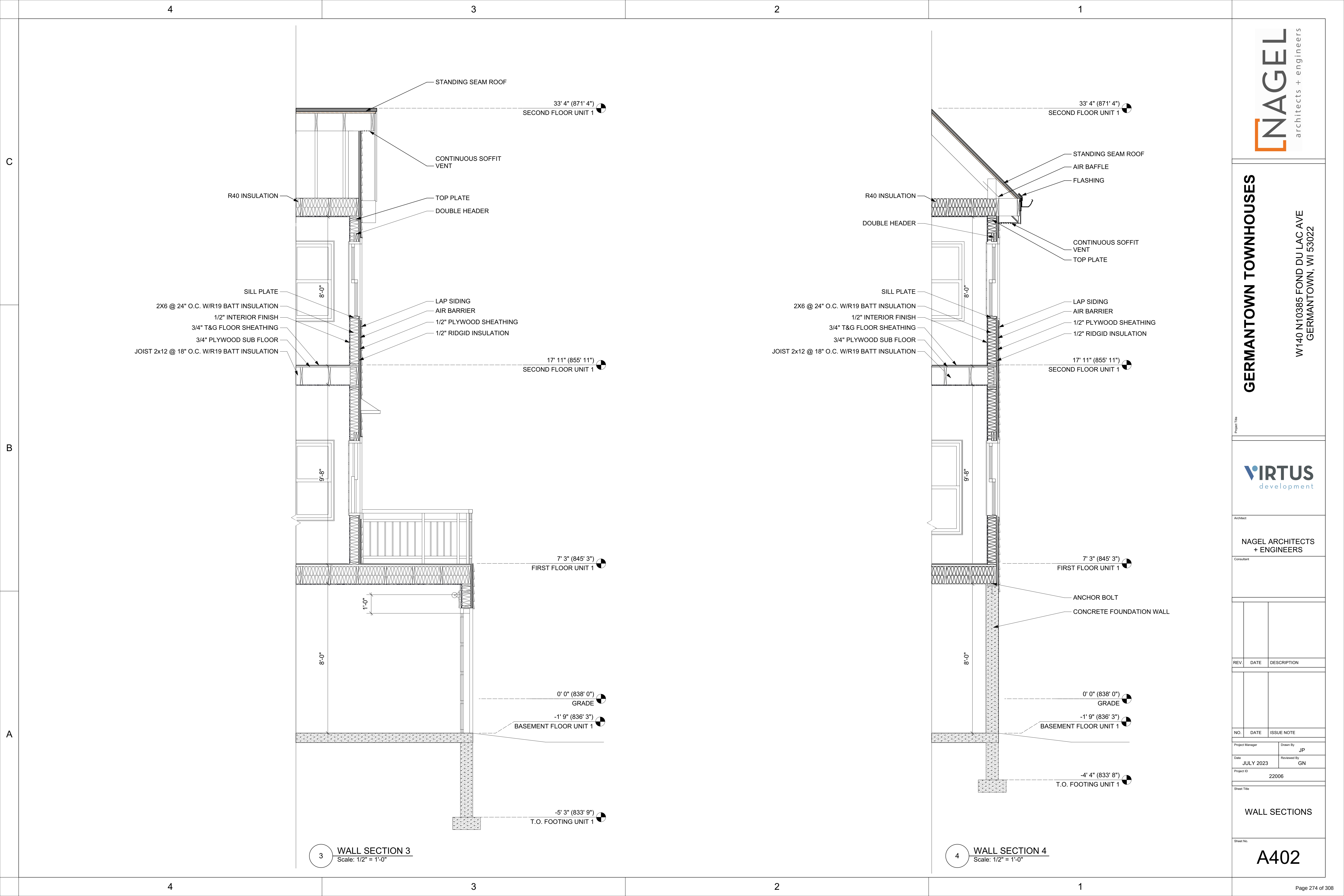
ELEVATIONS

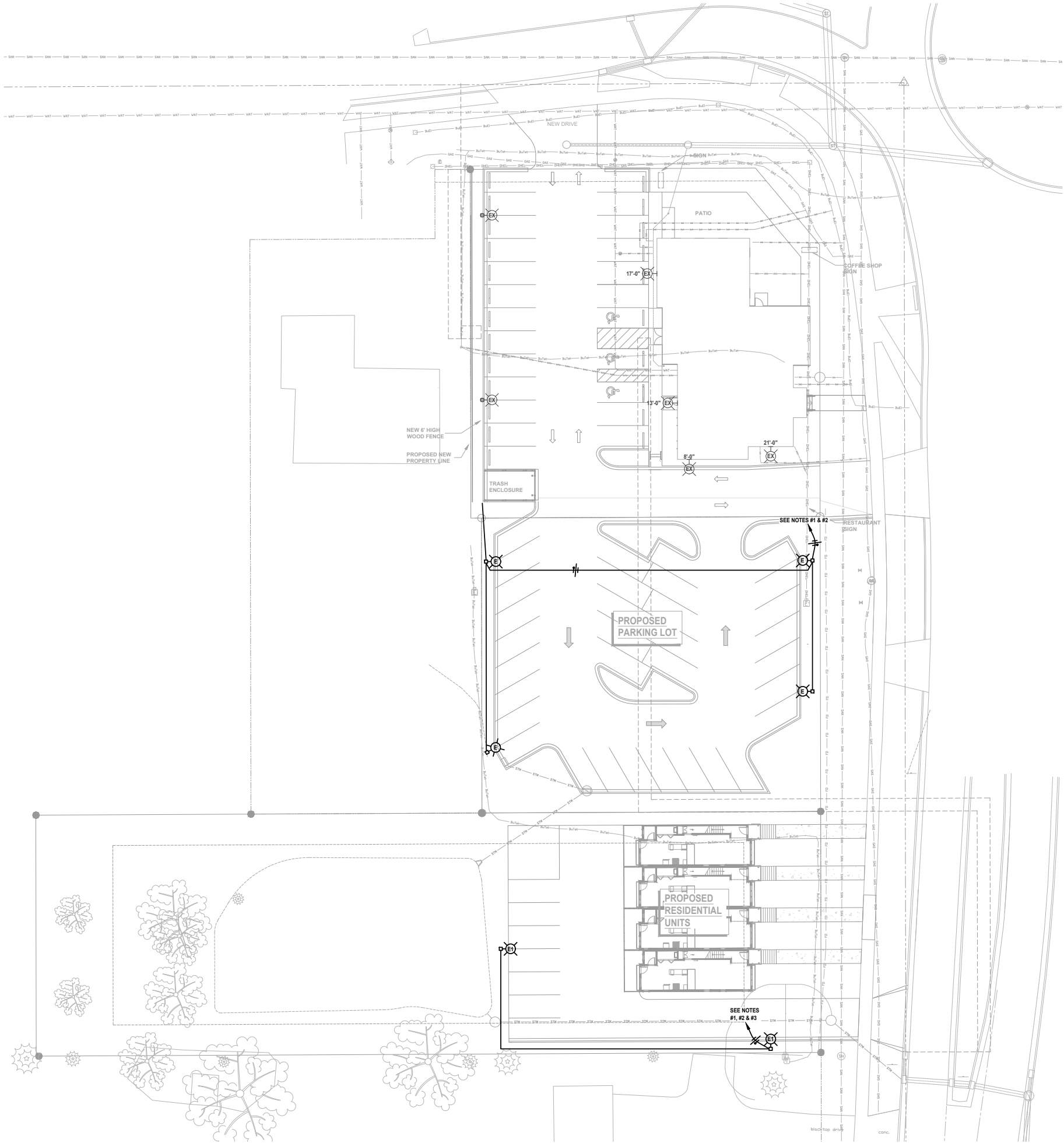
Sheet No.

A303









ELECTRICAL SITE PLAN
SCALE: 1"=20'-0"

- NOTES:**
1. EACH LIGHT FIXTURE TO HAVE MOTION SENSOR CONTROL. LIGHT FIXTURES TO DIM TO 33% AFTER 15 MINUTES OF NO MOTION DETECTED. ALL LIGHTS TO COME TO FULL BRIGHTNESS WHEN ONE MOTION SENSOR IS ACTIVATED.
 2. 2 #8 THWN & 1 #8 GND. IN 3/4" C. TO LIGHTING PANEL VIA PHOTOCELL-ON, TIMECLOCK-OFF.
 3. TO ELECTRICAL PANEL IN RESIDENTIAL BUILDING IN UTILITY ROOM UNDER STAIRS.

SYMBOLS / ABBREVIATIONS	
	WALL BRACKET/WALL SCONCE FIXTURE - SEE FIXTURE SCHEDULE
	SURFACE/PENDANT FIXTURE - SEE FIXTURE SCHEDULE
	RECESSED DOWNLIGHT FIXTURE - SEE FIXTURE SCHEDULE
	POLE & LUMINAIRE(S) FIXTURE - SEE FIXTURE SCHEDULE
	SWITCHED CIRCUIT
	BRANCH CIRCUIT
AFF	ABOVE FINISHED FLOOR
AFG	ABOVE FINISHED GRADE
AFI	ARC FAULT INTERRUPTER
AMP	AMPERES/AMPERAGE
AV	AUDIO VISUAL
BB	BATTERY BACKUP
BFC	BELOW FINISHED CEILING
BOL	BUILT-IN OVERLOAD
BRKR	BREAKER
BWE	BAKED WHITE ENAMEL
CBA	COLOR BY ARCHITECT
CP	CONTROL PANEL
CRCT	CIRCUIT
CTL	CONTROL
DCP	DOCK EQUIPMENT CONTROL PANEL
DISC	DISCONNECT
EC	ELECTRICAL CONTRACTOR
EM	EMERGENCY
ER	EXISTING RELOCATED
ETC	ELECTRONIC TIME CLOCK CONTROL
EX	EXISTING TO REMAIN
EXD	EXISTING TO BE DEMO'D
EXR	EXISTING TO BE RELOCATED
EWC	ELECTRIC WATER COOLER
FAAP	FIRE ALARM ANNUNCIATOR PANEL
FACP	FIRE ALARM CONTROL PANEL
FLA	FULL LOAD AMPS
FLSW	FLOAT SWITCH
FPC	FIRE PROTECTION CONTRACTOR
FURN	FURNISHED
GC	GENERAL CONTRACTOR
GFCI	GROUND FAULT CIRCUIT INTERRUPTER
GND	GROUND
HOA	HAND-OFF-AUTOMATIC SWITCH
HP	HORSEPOWER
HVAC	HEATING AND VENTILATING CONTRACTOR
IG	ISOLATED GROUND
INT	INTEGRAL
IR	IN ROOM
IU	IN UNIT
JB	JUNCTION BOX
KW	KILOWATTS
LCP	LIGHTING CONTROL PANEL
LOC	LOCATION
LT	LOW TEMPERATURE
LTSW	LIGHT SWITCH
LVT	LOW VOLTAGE THERMOSTAT
MAG	MAGNETIC STARTER
MAN	MANUAL STARTER
MCA	MINIMUM CIRCUIT AMPS
MSPL	MANUAL STARTER WITH PILOT LIGHT
NL	NIGHT LIGHT
NU	NEAR UNIT
OHP	OVERHEAT PROTECTION
OS	OCCUPANCY SENSOR
OU	ON UNIT
PB	PUSH BUTTON
PC	PLUMBING CONTRACTOR
PESW	PNEUMATIC ELECTRIC SWITCH
PHOTO	PHOTOCELL
PW	PREWIRED
RC	REFRIGERATION CONTRACTOR
RCC	REFRIGERATION CONTROL CONTRACTOR
RECEPT	RECEPTACLE
SEA	SELECTED BY ARCHITECT
SC	SEPARATE CIRCUIT
SPSW	SPEED SWITCH
SS	SOFT START
ST	SHUNT TRIP
SW	SWITCH
T	LINE VOLTAGE THERMOSTAT
TBD	TO BE DETERMINED
TC	TIME CLOCK
TCC	TEMPERATURE CONTROL CONTRACTOR
TCP	TEMPERATURE CONTROL PANEL
UM	UNIT MANUFACTURER
UNO	UNLESS NOTED OTHERWISE
VFD	VARIABLE FREQUENCY DRIVE
W	WATTS
WP	WEATHER PROOF ("WHILE-IN-USE")
XFMR	TRANSFORMER

REVISIONS	
DATE	DESCRIPTION

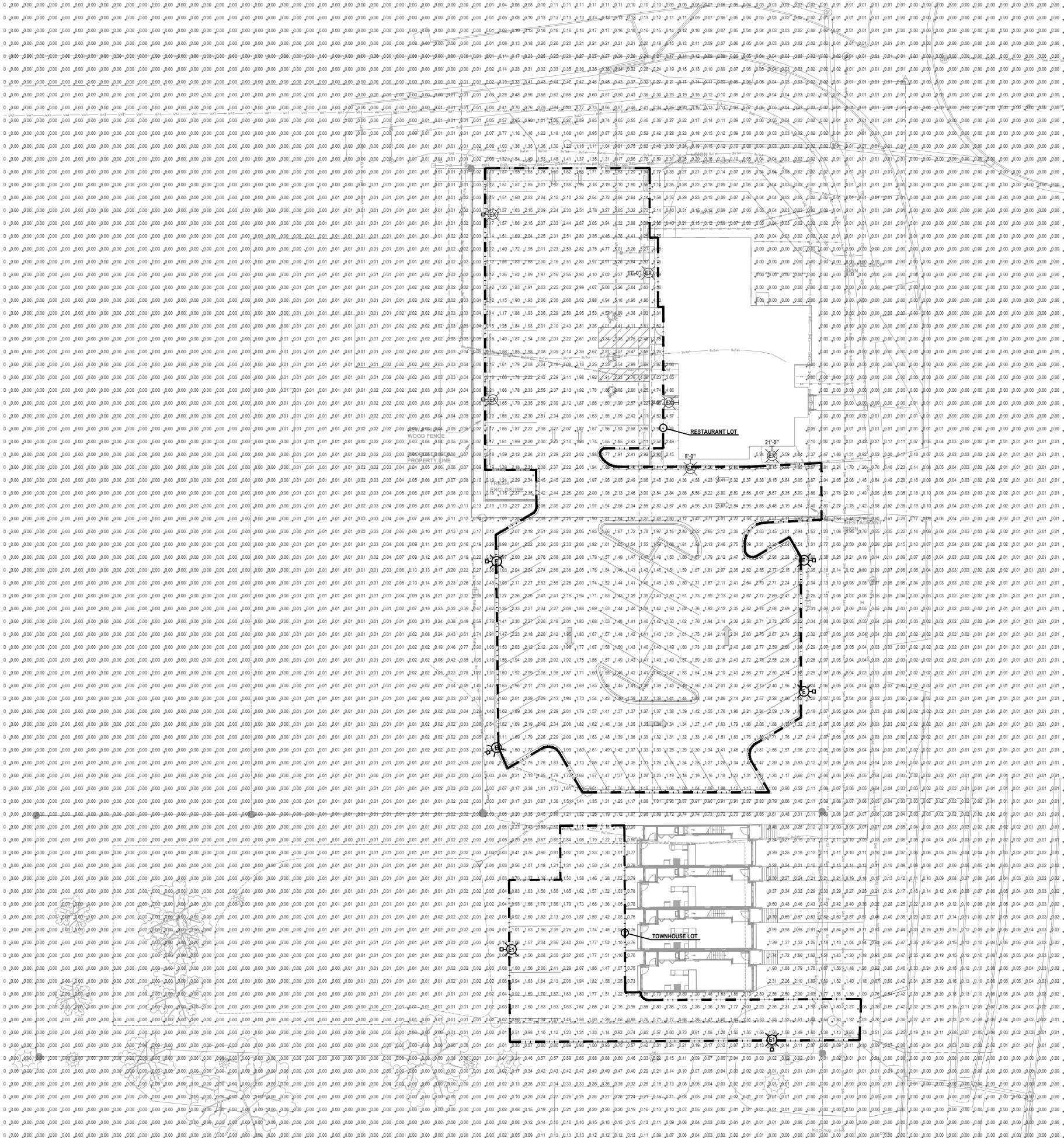
PROJECT: **Germantown Townhouses**
W140 N10385 Fond du Lac Avenue
Germantown, WI 53022

KORNACKI & ASSOCIATES, INC.
Electrical Design Consultants
262-784-3323
2845 S. Mooland Rd., New Berlin, WI 53151

DAVID B. KORNACKI
E-33120-6
NEW BERLIN, WI
PROFESSIONAL ENGINEER
Date: 07/18/23

DATE ISSUED
07/18/23
PROJECT NO.
23124
PROJECT MANAGER
D.B.K.
DRAWN BY
S.M.B.
CHECKED BY
D.B.K.
APPROVED BY
D.B.K.

SHEET NO.
E1.0



PHOTOMETRIC SITE PLAN
SCALE: 1"=20'-0"

- LIGHTING ANALYSIS NOTES:
(RESTAURANT LOT)**
1. AVERAGE FOOTCANDELS: 2.37
 2. MAXIMUM FOOTCANDELS: 6.89
 3. MINIMUM FOOTCANDELS: 0.97
 4. MAXIMUM/MINIMUM RATIO: 7.1:1
 5. AVERAGE/MINIMUM RATIO: 2.4:1

- LIGHTING ANALYSIS NOTES:
(TOWNHOUSE LOT)**
1. AVERAGE FOOTCANDELS: 1.43
 2. MAXIMUM FOOTCANDELS: 2.60
 3. MINIMUM FOOTCANDELS: 0.51
 4. MAXIMUM/MINIMUM RATIO: 5.1:1
 5. AVERAGE/MINIMUM RATIO: 2.8:1

REVISIONS	
DATE	DESCRIPTION

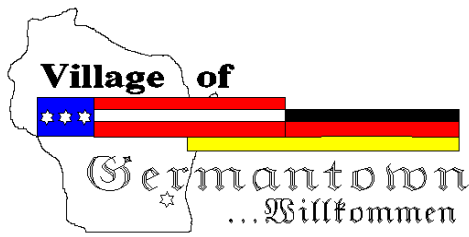
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DRAWN BY
S.M.B.
CHECKED BY
D.B.K.
APPROVED BY
D.B.K.

SHEET NO.
E1.1



Engineering Department Memorandum

To : Jeffrey W. Retzlaff, AICP, Planning Director/Zoning Administrator
From : Brad M. Seubert, Harwood Engineering Consultants
Date : July 31, 2023
Re : Virtus Development PDD

Items Reviewed:

1. Civil Plan Set Dated: 07-21-23
2. Stormwater Management Plan Dated: 07-21-23

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. Additional comments could arise as a result of the plan completion and modifications. 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. If project will disturb more than one acre an NOI from the DNR will be required. 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. Utility permits and permits for work within the ROW are required. Contact the Village engineering department to obtain permits.
7. WISDOT permits are required for all work within the ROW.
8. *Clarify what is being proposed. Is work on the north parcel proposed? Plans are not clear.*
9. *Sheet AS101 does not match the site layout shown on the other plans.*
10. *Provide a site data table showing disturbed area, existing impervious area, proposed impervious area, and additional impervious added.*
11. **Provide an existing site survey stamped by a registered surveyor.**
12. *Provide detailed grading plan with spot elevations*
13. *Provide details on sewer and water laterals for proposed buildings.*
14. *Provide details on proposed storm sewer*
15. *Provide an erosion control plan.*
16. *Provide a stormwater management plan and storm sewer calculations.*
17. *Provide construction details*

Water Utility Comments

1. #4-sheet Virtus Development No. C1.05 "Utility plan" there is no 2" lateral to the Ranch house to be Razed, south of the Bar. The feed for this Ranch house is from the next north property which service comes from the center of the three buildings in a row. This lateral will be properly capped and abandoned inside the basement of the Bar. Abandonment inspection by Safe Bulit.
2. The new lot, the site of the 4 family calls out an existing 2 in HDPE water lateral to connect to. This does not exist, There is no water lateral to this site. A new water lateral will be required tapped from the main located on the east side of 145.
3. If there is to be a sprinkler meter installed it is required to be connected prior to all the meters for each livable unit.

Wastewater Utility Comments

1. Sheet C1.05 – Lateral to be abandoned at the main with a cured in place plug. Owner to verify integrity of existing lateral at vacant lot and provide village with documentation of condition before reuse.

Sheet C1.02

1. Dimension the angle of the angled parking spaces.
2. Does the site data table apply to all three lots or just the south two? Please clarify.
3. Provide documentation that WisDOT is approving of the work within the ROW.
4. The pavement hatching and curb appears to encroach on the proposed townhomes. Does the second floor overhang the driveway? Please clarify.

Sheet C1.03

1. Provide construction sequence.
2. Revise silt fence to contain all flow off the site.
3. Provide erosion control matting on all slopes 4:1 and greater.
4. Provide erosion control notes that specify the late season stabilization requirements and amount of time between areas of no activity and stabilization.
5. Provide permanent erosion control for the basin overflow weir.

Sheet C1.04

1. Provide elevations for the top and bottom of the proposed steps.
2. Recommend adding addition steps to get the slope of the sidewalks under 5%

Sheet C1.06

1. 2 year and 100 year elevations on the basin detail are incorrect.
2. Is the cap on the 6" PVC pipe on the pond size or structure side. How will it be protected from clogging?

Stormwater Management Plan

1. Revise the start and end times to 11.75 hours and 21.25 hours.
2. The soils section of the report references test pit. Provide information on the results of the test pits.
3. WinSLAMM Comments
 - a. Revise soils to clayey for type C and D soils per WDNR guidance.
 - b. Initial stage elevation of basin should be 5 ft.
 - c. Adjust calcs to account for water volume from offsite flow but not treatment credit per WN

CERTIFIED SURVEY MAP (CSM) APPLICATION & REVISED LANDSCAPE PLAN

11/13/23 Plan Commission Meeting

Virtus Development LLC / District One LLC

Village Staff Report & Recommendation

Germantown, Wisconsin

Summary

Greg Nagel, President of Virtus Development and agent for District One LLC, property owner, and the Hacker Trust, property owner, is requesting approval of a Certified Survey Map (CSM) application to combine parcels within the "Kuhburg Planned Development District" and revised landscape plans for the 33-stall commercial parking lot and 4-unit multi-family townhouse located in the southwest corner of the Donges Bay Road @ Fond du Lac Ave/STH145 intersection.

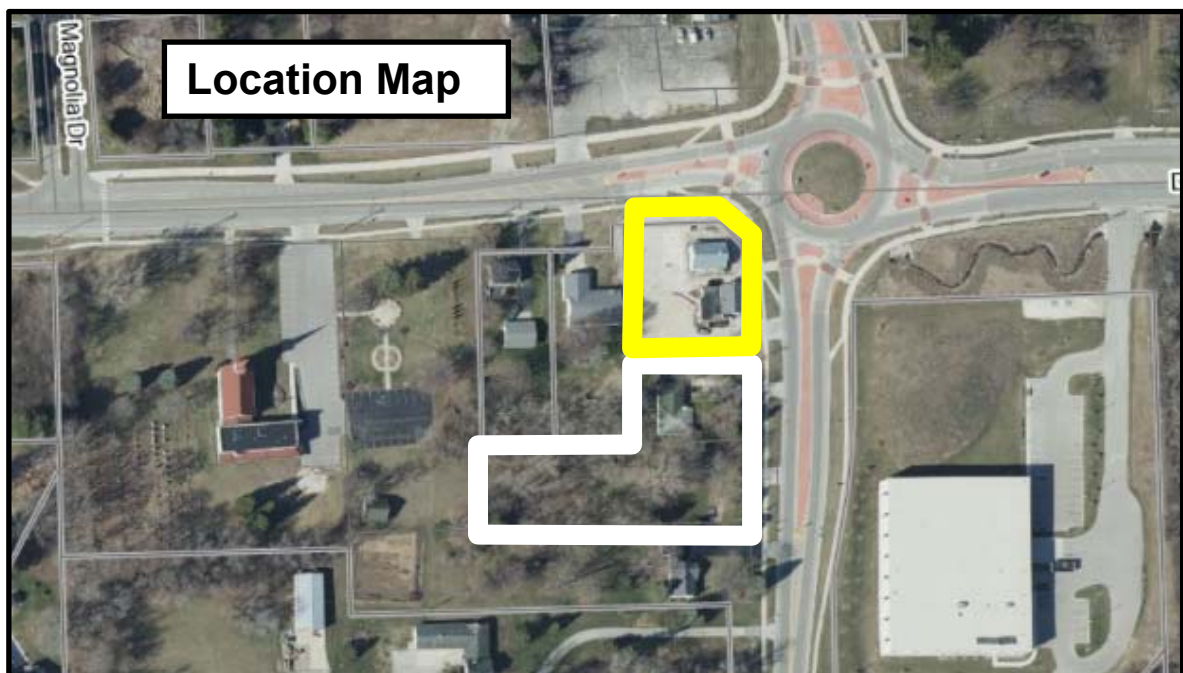
Property Location: W140 N10363 Fond du Lac Ave
W140 N10349 Fond du Lac Ave

Applicant/

Property Owner: Greg Nagel District One LLC Hacker Trust
Virtus Development 13100 Watertown W140 N10363 Fond du Lac
13890 Bishops Dr Elm Grove, WI Germantown, WI
Brookfield, WI

Current Zoning: B-3/Rm-2/PDD: Kuhburg Planned Development District

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



Background

The Kuhburg Planned Development District was created in February, 2018 to stimulate the renovation of two parcels with dilapidated buildings located in the southwest corner of the intersection, including a vacant, single-story schoolhouse and a 2-story tavern. To date, renovation of the schoolhouse into the Stone Creek “Kaffeehaus” is complete, along with the reconstruction of the parking lot west of the building. Remaining improvements include construction of a covered portico providing seasonal, outdoor seating for both the Kaffeehaus and the planned renovation of the existing Gamroth’s Kuhburg Junction tavern into a restaurant.

In August 2023, the Village approved a rezoning application to amend & expand the Kuhburg District to the south with the addition and re-development of two abutting parcels to the south totaling approximately 1.1 acres for the following:

1. 33-stall parking lot (to serve the two commercial retail buildings)
2. 4-unit multi-family residential townhouse-style building (reduced from the original 6-unit proposal)
3. storm water management basin serving the parking lot and townhouse development

As a condition of approving the Kuhburg District expansion, the property owner/developer was required to prepare and submit for Village approval a certified survey map (CSM) to combine the parcel containing the two retail buildings with the parcel containing the proposed parking lot prior to issuance of any construction permit(s) required for the parking lot (with any right-of-way dedication for Fond du Lac Avenue).

Further, as a condition of approving the site development & building plans for the commercial parking lot and 4-unit multi-family townhouse development, the owner/developer was required to prepare and submit a complete landscape plan for both the commercial parking lot and townhouse development for review and approval by the Village Forester and Plan Commission prior to final site grading or issuance of an occupancy permit for the townhouse building.

Proposal

At this time, the owner/developer is requesting approval of a Certified Survey Map (CSM) application to combine parcels within the “Kuhburg Planned Development District” and approval of a revised landscape plan for the commercial parking lot and 4-unit multi-family townhouse site.

Certified Survey Map (CSM)

As shown in the preliminary CSM, the CSM creates the following two parcels and proposed uses:

1. Lot 1 (.765 acres) Coffee house, restaurant & new parking lot
2. Lot 2 (.66 ac) 4-unit townhouse development

Landscape Plan

The landscape plan ("Planting Plan" on Sheet AS1.02) proposes a significant number of plantings throughout both the parking lot and townhouse sites, including street trees along Fond du Lac Avenue.

Staff CommentsCommunity Development Department: Planning & Zoning

There are no details, specifications, or renderings for the "decorative fence" that is required *"...along the entire length of the paved driveway and parking stall area"* abutting the south property line. The "Planting Plan" or landscape plan refers to a "proposed fence" where other site plan sheets including C1.02 indicate a "New 6' High Wood Fence". The requirement for a "decorative fence" is part of the PDD conditions & restrictions resolution and adopted as a condition in the August 14 Plan Commission approval of the site plan set. It was Staff's intent that a decorative privacy fence and a landscaping buffer along the entire south property line (vs. a basic dog-eared wood picket fence like the one installed along the commercial parking lot) would provide a more appealing visual screen for the residents. I do not consider a basic 6' high, dog-eared wood pickets mounted on steel poles to be the least bit decorative.

With respect to the same south property line fence, neither the Planting Plan nor the site plan sheets clearly show this new fence along the entire length of the driveway. The Planting Plan calls out a solid black line that appears to be one and the same as the property line. So, if that is the case and the fence is proposed along the entire length of the property line, then the requirement has been met. If not, the plan needs to be revised to clearly show a decorative privacy fence along at least the length of the driveway from the property line to the west end of the parking stalls as required.

Also, with respect to the same south property line, the Plan Commission approval and PDD conditions require a "landscape screen/buffer" in addition to the privacy fence. The Planting Plan shows three small 4' x 6' wide planting areas with daylilies in each on the north side of the privacy fence. As indicated above, Staff's intent is that the landscaping buffer be located on the south side and along the entire length of the fence to provide a visual buffer for the residential property owner to the south.

The Village's Highway Department Superintendent has expressed concern regarding future maintenance of the street trees proposed to be planted in the Fond du Lac Ave right-of-way. If these four (4) street trees cannot be added to the agreement the developer has with WisDOT to permit these trees in the ROW, the trees will need to be relocated onto the townhouse & parking lot properties.

Public Works/Engineering/Utilities

The Village Surveyor has identified a series of minor corrections in a November 8, 2023 memo (attached) that will need to be corrected prior to recording the CSM.

Village Forester

The Village Forester has reviewed the landscape plan and recommends approval.

VILLAGE STAFF RECOMMENDATION

APPROVE the proposed Certified Survey Map (CSM) for the District One LLC property located in the Kuhburg District near the Donges Bay Road @ STH145/Fond du Lac Avenue intersection subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor (see November 8, 2023 memo from Burt Naumann, GRAEF) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. District One LLC does not currently own all the parcels subject of the CSM. The CSM shall be revised to include all current property owners as required under Chapter 236 Wis. Stats.

APPROVE the proposed landscape plan for the District One LLC property located in the Kuhburg District near the Donges Bay Road @ STH145/Fond du Lac Avenue intersection subject to the following conditions. Unless specially stated, the conditions of this approval of the landscape plan are in addition to and not intended to supersede those previously adopted by the Plan Commission in the August 14, 2023 approval of the overall site plan:

1. This approval is subject to all conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission:
 - a. Planting Plan dated November 3, 2023
2. As required under Condition #3 of the August 14, 2023 Plan Commission Site Plan approval, a decorative privacy fence and landscape screen/buffer shall be installed along the entire length of the paved driveway and parking stall area abutting the south property line. The decorative privacy fence shall be a minimum of 6 feet height and not be a simple board-on-board wood picket fence. The landscaping shall also be installed along the south side of the fence.
3. The four (4) street trees proposed to be planted in the Fond du Lac Ave right-of-way shall be included in a right-of-way permit issued by WisDOT to allow installation in the right-of-way. If the street trees cannot be added to the existing or new agreement the developer has with WisDOT to permit these trees in the ROW, the trees shall be relocated onto the townhouse & parking lot properties.



November 8, 2023

Jeff Retzlaff, Village Planner
Village of Germantown
N112 W17001 Mequon Road
Germantown, WI 53022

SUBJECT: District One LLC CSM Review

Certified Survey Map

Applicant or Owner: District One LLC
Land Surveyor/Firm: J. Scott Henkel / PSE

1. The bearing on the East line of the NE $\frac{1}{4}$ should be labeled North 01 26 11 West.
2. The bearing in the reference bearing note should be North 01 26 11 West.
3. All existing utility and drainage easements with recording information will be shown and dimensioned.
4. Current building setback lines mapped and dimensioned.
5. Professional Land Surveyor's seal and signature in contrasting color for all sheets.
6. A Mortgagee Certificate will need to be included, if applicable.
7. Label the recording information for the documents used to dedicate the right of way for Donges Bay Road and Fond Du Lac Avenue.
8. The last paragraph of the Surveyor's Certificate should reference "Chapter 18 of the Village of Germantown Subdivision Control Ordinance in surveying, dividing and mapping the same".
9. The Village of Germantown Board Approval should read as: This Certified Survey Map, being a division of $\frac{1}{4}$ $\frac{1}{4}$ Section ____, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved and the dedication of that part of Fond Du Lac Avenue for public road purposes as shown on sheet 1 of 3 is hereby accepted by the Village Board of Trustees of the Village of Germantown on this ____ day of _____, 2023.

10. The Owner's Certificate should include "As Owners, we hereby dedicate that part of Fond Du Lac Avenue for public road purposes as represented on Sheet 1 of 3 of this Certified Survey Map".

11. In the Plan Commission Approval, Laura A. Johnson is Secretary.

No further review comments.

Document Approval and Recording

For this CSM to be approved by the Village Board and recorded at the Washington County Register of Deeds, the document must be provided to the Village Clerk's office in a completed format including all original signatures of the owner and lending institution, original seals of the professional land surveyor on the recordable media the Wednesday prior to the scheduled Village Board meeting.

Any documents or digital files not submitted by the due date or contain outstanding technical review comments that have not be addressed, will be moved to the next scheduled Village Board meeting agenda.

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 or Subdivision Plat, The professional land surveyor is responsible for submitting a copy of the AutoCad drawing file (.dwg) of the document in version 2019 on compact disk (CD) or via email to the Village Surveyor for mapping purposes.

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

Note: In 2020, the Village will be upgrading its municipal code to recognize the NAD83 Datum, 2011 adjustment for horizontal control and NAVD88 for vertical control for mapping all land division documents and plan submittals for review.

There are new dossier sheets for all the Public Land Survey System monuments that contain the new coordinate positions and elevations available currently on the State Cartographer's website by using the Survey Control Finder application



collaborāte / formulāte / innovāte

Prior to Recording the Certified Survey Map or Final Subdivision Plat, 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.

Sincerely,

A handwritten signature in blue ink that reads 'Burt J. Naumann'.

Burt J. Naumann, PLS
Senior Vice President



Fee must accompany application

- ☐ \$2,900 with public improvements
☐ \$1,960 no public improvements

Paid _____ Date _____

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

District One LLC

13890 Bishops Drive, Suite 250

Brookfield, WI 53005

Phone (262) 641-0746

Fax ()

E-Mail

PROPERTY OWNER

District One LLC

13890 Bishops Drive, Suite 250

Brookfield, WI 53005

Phone (262) 641-0746

2

PROPERTY ADDRESS OR GENERAL LOCATION

SW corner of Fond du Lac Avenue and Donges Bay Road

TAX KEY NUMBER

GTNV 351975003, GTNV 351965,
and ~~GTNV~~ 351984

GTNV

3

PURPOSE OF LAND SPLIT

Joining parcels in the PDD

Will the land split require rezoning?

From

To

4

READ AND INITIAL THE FOLLOWING:

GN 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.

GN 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.

GN 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.

GN 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!

Applicant

Date

Owner

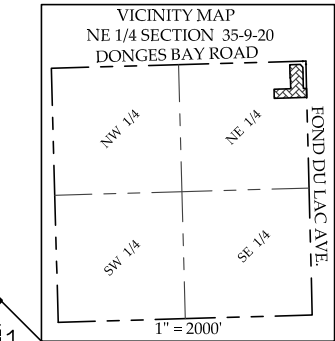
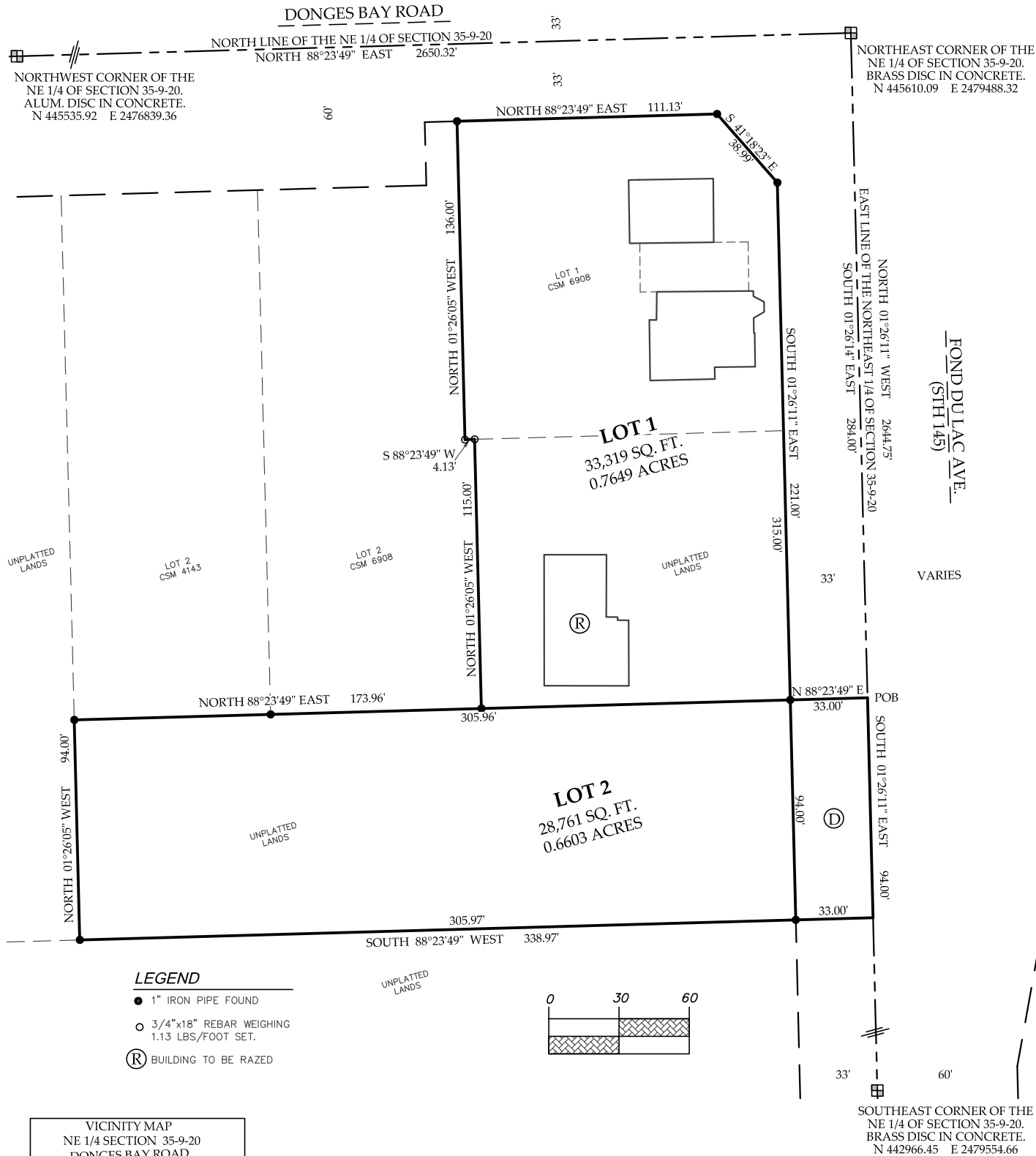
Date

CERTIFIED SURVEY MAP # _____

LOT 1 OF CERTIED SURVEY MAP 6908, RECORDED AS DOCUMENT NO. 1475963, AND UNPLATTED LANDS, ALL BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, COUNTY OF WASHINGTON, STATE OF WISCONSIN.

DEDICATED TO THE PUBLIC FOR ROAD PURPOSES.
3,102 SQ. FT // 0.0712 ACRES

OWNER:
DISTRICT ONE LLC
13100 WATERTOWN PLANK ROAD
ELM GROVE, WI 53122



SURVEYED BY JOSEPH W. DAVID
MAPPED BY J. SCOTT HENKEL, PLS



BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD83). THE EAST LINE OF NE 1/4 OF SECTION 35-9-20 BEARS NORTH 01°26'14" WEST.

PSE

122 Wisconsin Street, West Bend, WI 53095
262.346.7800 kparish@parishse.com

FN: NA-01B-17 Date: 9/29/23

PRELIMINARY

FOND DU LAC AVE.
(5TH 145)

VARIES

CERTIFIED SURVEY MAP # _____

LOT 1 OF CERTIED SURVEY MAP 6908, RECORDED AS DOCUMENT NO. 1475963, AND UNPLATTED LANDS, ALL BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, COUNTY OF WASHINGTON, STATE OF WISCONSIN.

SURVEYOR’S CERTIFICATE

I, J. SCOTT HENKEL, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING LAND AS DIRECTED BY THE OWNERS, DISTRICT ONE LLC:

LOT 1 OF CERTIFIED SURVEY MAP 6908, RECORDED AS DOCUMENT NO. 1475963, AND UNPLATTED LANDS BEING PART OF THE NORTHEAST 1/4 THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, COUNTY OF WASHINGTON. STATE OF WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 35;
THENCE SOUTH 01°26’11” EAST, 284.00 FEET, ALONG THE EAST LINE OF SAID NORTHEAST 1/4 TO THE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE CONTINUE SOUTH 01°26’11” EAST, 94.00 FEET, ALONG SAID EAST LINE;
THENCE SOUTH 88°23’49” WEST, 338.97 FEET, ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST 1/4;
THENCE NORTH 01°26’05” WEST, 94.00 FEET;
THENCE NORTH 88°23’49” EAST, 173.96 FEET, TO THE SOUTHEAST CORNER OF LOT 2 OF SAID CERTIFIED SURVEY MAP 6908;
THENCE NORTH 01°26’05” WEST, 115.00 FEET, ALONG THE EAST LINE OF SAID LOT 2;
THENCE SOUTH 88°23’49” WEST, 4.13 FEET, ALONG THE EAST LINE OF SAID LOT 2;
THENCE NORTH 01°26’05” WEST, 136.00 FEET, ALONG THE EAST LINE OF SAID LOT 2 TO THE SOUTH LINE OF DONGES BAY ROAD;
THENCE NORTH 88°23’49” EAST, 111.13 FEET, ALONG SAID SOUTH LINE;
THENCE SOUTH 41°18’23” EAST, 38.99 FEET, ALONG THE WEST LINE OF FOND DU LAC AVENUE;
THENCE SOUTH 01°26’11” EAST, 221.00 FEET, ALONG THE WEST LINE OF FOND DU LAC AVENUE;
THENCE NORTH 88°23’49” EAST, 33.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING 65,181 SQUARE FEET // 1.4964 ACRES, MORE OR LESS.

I FURTHER CERTIFY THAT THE MAP PREPARED IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES AS SHOWN AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES, AND THE VILLAGE OF GERMANTOWN SUBDIVISION ORDINANCE.

J. SCOTT HENKEL, PLS 2495

OWNER’S CERTIFICATE

AS OWNER, DISTRICT ONE LLC, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS SHOWN HEREON. I ALSO CERTIFY THAT THIS MAP IS IN ACCORDANCE WITH WISCONSIN STATUTES 236.34 AND THE VILLAGE OF GERMANTOWN REQUIREMENTS FOR CERTIFIED SURVEY MAPS.

GREGORY NAGEL, AGENT

STATE OF WISCONSIN :SS

WASHINGTON COUNTY

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 202__.

_____, AND _____, TO ME KNOWN AS THE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED SAME.

NOTARY PUBLIC, STATE OF WISCONSIN MY COMMISSION EXPIRES: _____



122 Wisconsin Street, West Bend, WI 53095
262.346.7800 kparish@parishse.com
FN: NA-01B-17 Date: 9/29/23

CERTIFIED SURVEY MAP # _____

LOT 1 OF CERTIED SURVEY MAP 6908, RECORDED AS DOCUMENT NO. 1475963, AND UNPLATTED LANDS, ALL BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, COUNTY OF WASHINGTON, STATE OF 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 _____, 202 ____.

DEAN WOLTER, PLAN COMMISSION CHAIRMAN

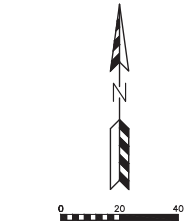
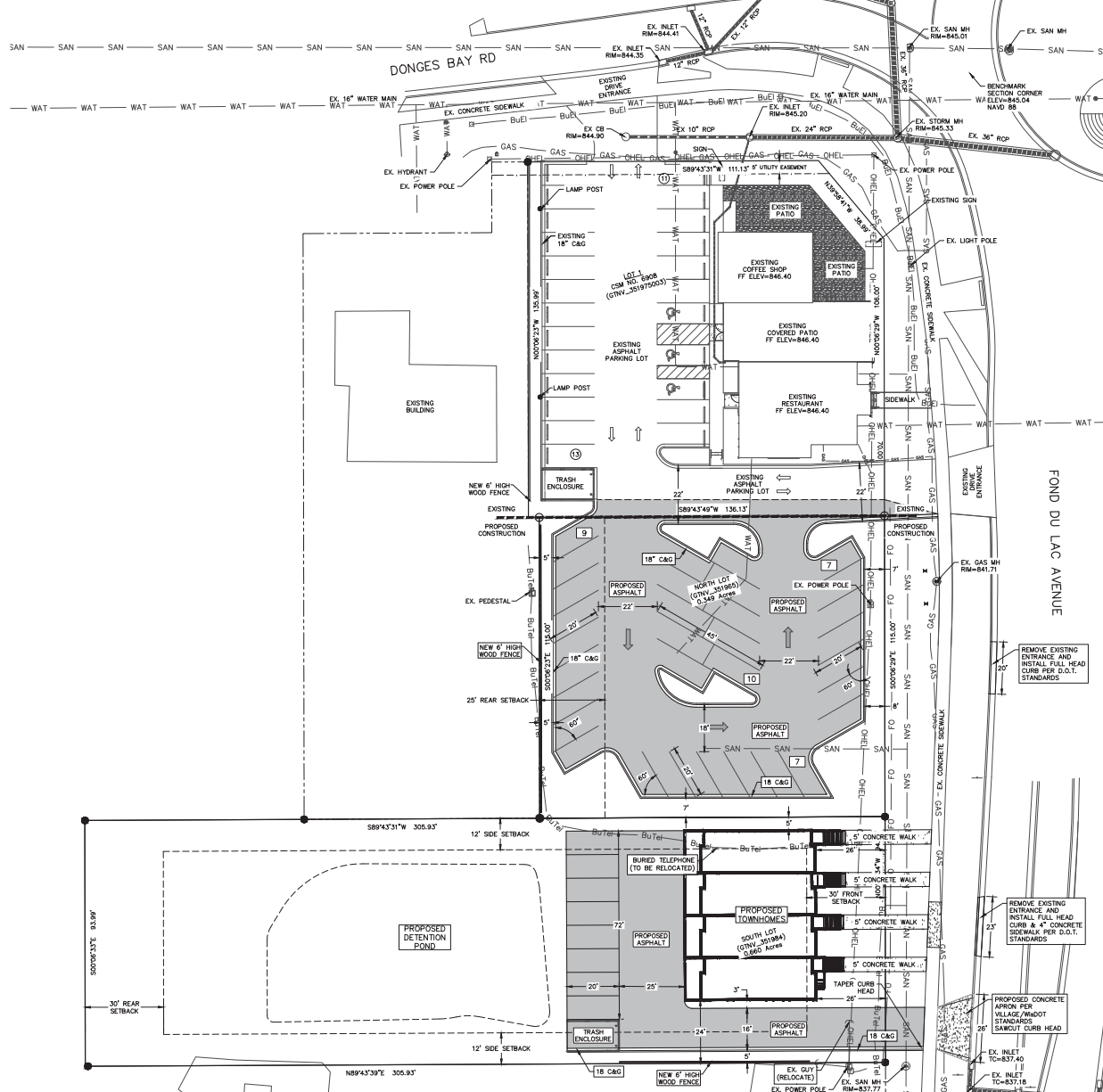
LORI JOHNSON, SECRETARY

VILLAGE OF GERMANTOWN VILLAGE BOARD APPROVAL

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN ON THIS _____ DAY OF _____, 202 ____.

DEAN WOLTER, VILLAGE PRESIDENT

DONNA COX, VILLAGE CLERK



PAVING LEGEND

[Pattern]	ASPHALT PAVEMENT
[Pattern]	8" CRUSHED AGGREGATE BASE COURSE
[Pattern]	2 1/4" ASPHALTIC BINDER 3 LT 58-28 S
[Pattern]	1 3/4" ASPHALTIC SURFACE 4 LT 58-28 S
[Pattern]	CONCRETE SIDEWALK
[Pattern]	4" CRUSHED AGGREGATE BASE COURSE
[Pattern]	5" CONCRETE

SITE INFORMATION BLOCK (TWO SOUTH LOTS)

Parcel ID Numbers:	South Lot 351984	North Lot 351985
Legal Description:	Meters & Bounds	
Total Site Acreage:	1.008 Acres	
Current Zoning:	North Lot B-3	South Lot RS-6
Building Setback Requirements:	North Lot	South Lot
Front:	None	30 feet
Side:	None	12 feet
Rear:	25 feet	30 feet
Parking Stalls Provided:	33	7
Existing Site Areas (2 Lots Combined)	Area (sf)	% Impervious
Building	1,937	4.43
Asphalt/Concrete	2,414	5.49
Impervious	4,351	9.90
Lawn	39,589	90.10
Total	43,940	100.00
Proposed Site Areas (2 Lots Combined)	Area (sf)	% Impervious
Building	2,915	6.63
Asphalt/Concrete	17,307	39.39
Impervious	20,222	46.02
Lawn	23,718	53.98
Total	43,940	100.00

- SITE PLAN NOTES:
1. DIMENSIONS ARE TO FACE OF CURB AND FACE OF BUILDING UNLESS OTHERWISE NOTED.
 2. WHERE CURB ENDS AT CONNECTIONS SMOOTHLY TRANSITION FROM FULL CURB HEIGHT TO ZERO CURB HEIGHT WITHIN A 3' LENGTH.
 3. ALL STRIPING AND SIGNAGE SHALL COMPLY WITH THE WISCONSIN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

NO. 1
DATE 10.23
DESCRIPTION Address, Village, Comments

REVISIONS

PSE
PARISH SURVEY & ENGINEERING
122 Wisconsin Street, West Bend, WI 53095
262.346.7000
www.parishpse.com

PROJECT TITLE:
**GERMANTOWN TOWNHOUSES
W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022**

PLAN TITLE:
**PROPOSED
SITE PLAN**

DRAWN BY:
KJP

DESIGNED BY:
KJP

CHECKED BY:
KJP

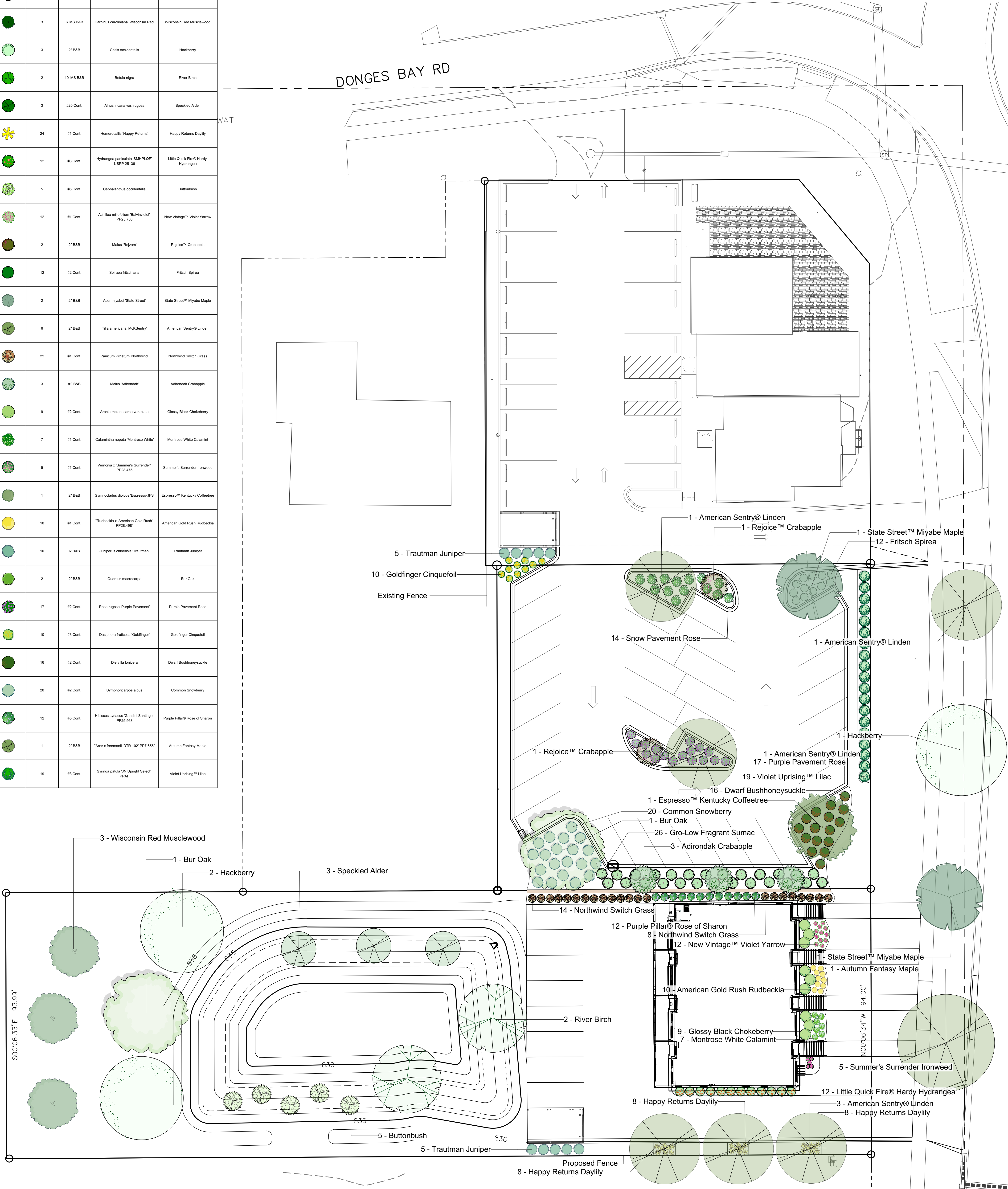
PLAN DATE:
10-5-2023

PROJECT NO:
\NA-01-17

VILLAGE
SUBMITTAL

SHEET NO:
C1.02

Plant List				
Image	Qty		Latin Name	Common Name
	26	#3 Cont.	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac
	14	#2 Cont.	Rosa rugosa 'Snow Pavement'	Snow Pavement Rose
	3	6' MS B&B	Carpinus caroliniana 'Wisconsin Red'	Wisconsin Red Musclemwood
	3	2' B&B	Celtis occidentalis	Hackberry
	2	10' MS B&B	Betula nigra	River Birch
	3	#20 Cont.	Alnus incana var. rugosa	Speckled Alder
	24	#1 Cont.	Hemerocallis 'Happy Returns'	Happy Returns Daylily
	12	#3 Cont.	Hydrangea paniculata 'SMHPLQF' USPP 25136	Little Quick Fire Hardy Hydrangea
	5	#5 Cont.	Cephalanthus occidentalis	Buttonbush
	12	#1 Cont.	Achillea millefolium 'Salviniviolet' PP25,750	New Vintage™ Violet Yarrow
	2	2' B&B	Malus 'Rejoice'	Rejoice™ Crabapple
	12	#2 Cont.	Spiraea frischiana	Fritsch Spirea
	2	2' B&B	Acer miyabei 'State Street'	State Street™ Miyabe Maple
	6	2' B&B	Tilia americana 'McKsentry'	American Sentry® Linden
	22	#1 Cont.	Panicum virgatum 'Northwind'	Northwind Switch Grass
	3	#2 B&B	Malus 'Adirondak'	Adirondak Crabapple
	9	#2 Cont.	Aronia melanocarpa var. elata	Glossy Black Chokeberry
	7	#1 Cont.	Calamintha nepeta 'Montrose White'	Montrose White Calamint
	5	#1 Cont.	Vernonia x 'Summer's Surrender' PP26,475	Summer's Surrender Ironweed
	1	2' B&B	Gymnocladus dioica 'Espresso-JFS'	Espresso™ Kentucky Coffeetree
	10	#1 Cont.	*Rudbeckia x 'American Gold Rush' PP26,498	American Gold Rush Rudbeckia
	10	6' B&B	Juniperus chinensis 'Trautman'	Trautman Juniper
	2	2' B&B	Quercus macrocarpa	Bur Oak
	17	#2 Cont.	Rosa rugosa 'Purple Pavement'	Purple Pavement Rose
	10	#3 Cont.	Dasiphora frutescens 'Goldfinger'	Goldfinger Cinquefoil
	16	#2 Cont.	Lonicera ionocera	Dwarf Bushhoneysuckle
	20	#2 Cont.	Symphoricarpos albus	Common Snowberry
	12	#5 Cont.	Hibiscus syriacus 'Gandini Sentrago' PP25,565	Purple Pillar® Rose of Sharon
	1	2' B&B	*Acer x freemanii 'QTR 102' PP7,650	Autumn Fantasy Maple
	19	#3 Cont.	Syringa patula 'JN Upright Select' PPAP	Violet Uprising™ Lilac



MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, November 13, 2023 6:30 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

- 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.*
The meeting was called to order at 6:30 pm.
- II. **ROLL CALL:**
Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Peter Nilles, Bob Williams, Bill Shadid and Josh Tarantino were present. Commissioner Tony Laszewski was absent and excused. Also present were Community Development Director Jeff Retzlaff and Planning Assistant Lori Johnson.
- III. **APPROVAL OF MINUTES:**

A. Minutes 10-23-23
MOTION Baum second Shadid to Approve the Minutes from 10-23-23
MOTION carried (Wolter/Williams abstained)
- IV. **NEW BUSINESS:**

A. Briohn Building Corporation, Agent for Brian & Kevin Kazmierczak and Mark & Joann Stephan, Property Owners of approximately 52.72 acres, North of Holy Hill Road, East of Hwy. 41, South of Rockfield Road. Applications to Rezone 52.72 acres from the A-1:Agricultural Zoning District to the M-1: Limited Industrial Zoning District and to amend the 2050 Future Land Land Use. (PUBLIC HEARING & ACTION)
Director Retzlaff summarized the proposal. Bryan Hollenbach, Executive Vice President of Green Bay Packaging spoke on the development. Joe Jursenas, Vice President Briohn Building Corporation, also spoke on the project.
Public Hearing opened at 6:57 pm.
- Scott Hefle, W159 N10514 Old Farm Road, comments read in favor of the development
- Mike Bombaci, Creative Director GBP, comments read in favor of the development
- Melanie Smythe, W140 N17938 Cedar Lane, buildings in the area are ugly, against TID money being used, Plan Commission should have neighborhood meetings for those affected by this project.
- Jan Miller, W151 N10297 Windsong Circle West, commented on GBP proposal.
- Carrie Hensel, N132 W21570 Rockfield Road, spoke against the proposal.
- Chad Johnson, Treeland LLC, spoke in support of the project.

Public Hearing closed at 7:16 pm.

MOTION Baum Second Williams to Approve Rezoning the three (3) parcels that comprise the 52.72 acre area from A-1: Agricultural to M-1: Limited Industrial as proposed.

MOTION carried unanimously.

MOTION Baum Second Shadid to approve the proposed 2050 Land Use Plan amendment to change the future land use plan "vision" for this area from "Mixed-use Commercial & High Density Residential" (RED on Figure 6.6) to "Light Industrial/Warehouse" (BROWN on Figure 6.6).

Chairman Wolter said he appreciates the attention to detail on the architectural side and thanked Green Bay Packaging for staying in Germantown. He added that because the project is outside of the TIF any increment goes straight to the tax base.

MOTION carried unanimously.

- B. Village of Germantown Community Development Department - Proposed minor Text Amendments to Section 9 (Public Peace & Good Order) and Section 17 (Zoning Code) pertaining to raising chickens in residential districts and accessory buildings on historic designated property in residential zoning districts. (PUBLIC HEARING and ACTION)

Director Retzlaff summarized the proposal.

Public Hearing opened at 7:24 pm.

- Joe Schuster, W156 N10081 Pilgrim Road, spoke in favor of the amendment to Section 17 related to accessory buildings on historic designated property.

Public Hearing closed at 7:27 pm.

MOTION Baum second Tarantino to Approve the Amendments to Section 9 and Section 17 as presented.

MOTION carried unanimously.

- C. Virtus Development LLC, Agent for District One LLC, Property Owner of W140 N10363 Fond du Lac Avenue and the Robert & Mary Elizabeth Hacker Trust, Property Owners of a .66-Acre Lot on Fond du Lac Avenue, Tax Key GTNV 351-984 - Certified Survey Map (CSM) application to combine parcels and Landscape Plan review. (ACTION)

Trustee David Baum recused himself. Director Retzlaff summarized the proposal.

David Koziol, VP, Virtus Development, said they are in agreement with most of the recommendations but asked to meet with Director Retzlaff to determine what decorative fence would be adequate, what the length of the fence should be and what the best landscaping would be to supplement not extending the fence to the end of the drive. Additionally, they would like to discuss how they can work with the residents to the south to ask them what type of landscaping would be agreed upon for them to plant with the developer paying for it. Director Retzlaff asked for direction regarding the decorative fence. Commissioner Tarantino explained a double rail at the top like a cap would have a more finished look. The use of metal posts were approved to use.

MOTION Shadid second Tarantino to Approve the proposed Certified Survey Map (CSM) for the District One LLC property located in the Kuhburg District near the Donges Bay Road @ STH145/Fond du Lac Avenue intersection subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor (see November 8, 2023 memo from Burt Naumann, GRAEF) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. District One LLC does not currently own all the parcels subject of the CSM. The CSM shall be revised to include all current property owners as required under Chapter 236 Wis. Stats.

MOTION carried (Trustee Baum abstained)

MOTION Shadid second Tarantino to Approve the proposed landscape plan for the District One LLC property located in the Kuhburg District near the Donges Bay Road @ STH145/Fond du Lac Avenue intersection subject to the following conditions. Unless specially stated, the conditions of this approval of the landscape plan are in addition to and not intended to supersede those previously adopted by the Plan Commission in the August 14, 2023 approval of the overall site plan:

1. This approval is subject to all conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission:
 - a. Planting Plan dated November 3, 2023
2. As required under Condition #3 of the August 14, 2023 Plan Commission Site Plan approval, a decorative privacy fence and landscape screen/buffer shall be installed along the entire length of the paved driveway and parking stall area abutting the south property line. The decorative privacy fence shall be a minimum of 6 feet in height and not be a simple board-on-board wood picket fence. The landscaping shall also be installed along the south side of the fence.
3. The four (4) street trees proposed to be planted in the Fond du Lac Ave right-of-way shall be included in a right-of-way permit issued by WisDOT to allow installation in the right-of-way. If the street trees cannot be added to the existing or new agreement the developer has with WisDOT to permit these trees in the ROW, the trees shall be relocated onto the townhouse & parking lot properties.

Discussion followed. Commissioner Tarantino said it was a good landscape plan but questioned if the landscaping along the south property line of the parking lot north of the townhouses was sufficient to screen car headlights. He said evergreens would do a better job and offered to provide a plan to the developer.

MOTION to Amend Shadid second Williams to include the revised amended landscape plan on the south property line of the parking lot in the Motion to Approve. The amended landscape plan will be completed by Director Retzlaff and Commissioner Tarantino.

MOTION to Amend carried (Baum abstained).

MOTION to Approve as Amended carried (Baum abstained).

- D. The Architects Partnership (TAP), Agent for County Line LLC, Property Owner of Fleet Farm - N96 W18200 County Line Road. Site Plan Review for a 3,245 sqft Chase Bank building and 2-lot Certified Survey Map (CSM) application. (ACTION)

Director Retzlaff summarized the proposal. Amy Ferguson, representing Chase, spoke on the development. She explained the west elevation was a mechanical wall but said

they will look to see about breaking it up a little bit adding there will be a number of landscape plantings there. She said they will work with Fleet Farm to add directional signage and that a sign package will be brought forward at a future date. Discussion followed. Trustee Baum agreed with Commissioner Tarantino that a visual color change could be used on the wall or a freestanding wall or fence on the other side of the sidewalk to screen it. Ms. Ferguson explained that different colors were used on the other sides of the building because the walls go in and out. This part of the building is flat. Trustee Baum suggested putting a stud in front of a stud to get some minimal articulation. He does not like the architecture and said it doesn't do anything for the character of the corner. The general site plan is fine. He was also troubled by all the plantings proposed.

MOTION Baum second Shadid to Approve the proposed Certified Survey Map (CSM) for the Fleet Farm property located at N96 W18200 County Line Road subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor (see September 15, 2023 memo from Burt Naumann, GRAEF) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. The name of the Village Clerk shown in the Village approval certificate on Sheet 6 of 6 should be changed to the current Village Clerk "Donna S. Cox, Village Clerk".

MOTION carried (5-1 Baum)

MOTION Baum second Shadid to Approve site development and building plans for the proposed 3,245 sqft Chase banking facility located at N96 W18200 County Line Road subject to the following conditions:

1. This approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless said plan sheets are revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission:
 - a. Architectural plan set dated June 8 (floor plan) and June 14, 2023 (color renderings)
 - b. Civil Engineering plan dated July 17, 2023
 - c. Landscaping plan dated November 9, 2023
 - d. Lighting Plans dated June 26, 2023
 - e. ALTA survey dated June 22, 2023
2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.
3. State agency (DSPS) approved plans and a \$20,000 occupancy bond are required by Inspection Services at the time of building permit application. The Village of Germantown is an authorized delegated agent of DSPS to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.
4. All technical issues and plan corrections identified by the Village Engineer and Public Works Department staff (see September 21, 2023 memo) shall be addressed

and reflected in revised plans and/or supplemental information reviewed and approved by Village staff prior to issuance of a building permit.

5. Chase bank shall maintain the site in a manner that will not inhibit/prohibit access to the Village's traffic control electronics cabinet located at the Appleton @ County Line intersection. Snow storage for the bank parking lot and any new plantings or other landscaping features should not be located in front of the traffic signal cabinet door (east side access).

6. The existing 6' wire-woven (cyclone) fence installed between the Cornerstone Centre and the Chase bank parcels will no longer serve its original intended purpose and shall be removed prior to issuance of an occupancy for the Chase bank.

7. The following traffic circulation measures and level of service improvements recommended in the Kimley-Horn and Associates Traffic Impact Study report dated July 17, 2023 shall be installed as part of the bank site development prior to issuance of an occupancy permit for the bank:

a. Install a "Do Not Block Driveway" sign east of the existing right-in/right-out (RIRO) driveway for westbound right turning traffic along County Line Road

b. Install a single inbound lane and a single outbound lane at the two full-access internal driveways serving the bank site

c. Install minor-leg stop control for outbound traffic at the internal site access driveways serving the bank site

d. Install on-site wayfinding signage and/or traffic control pavement markings within the Fleet Farm parking lot to direct motorists to the Chase bank site and dedicated drive-through ATM lanes

8. Washington County Highway Department has requested that the Village include the following requirements in any approval:

a. Any future changes in the use or configuration of the bank parcel will require further review and permitting by the Washington County Highway Department

b. Since the Fleet Farm parcel has controlled access on County Line Road and secondary access on Appleton Avenue that are both further away from the Appleton @ County Line Road intersection, Washington County has the ability to revoke or require further reconfiguration of the right in/right out access driveway on County Line Road serving the bank parcel if vehicle crashes increase and/or the level of service (LOS) of the intersection is reduced below an acceptable level as a result of traffic generated by the proposed bank.

c. All internal traffic circulation wayfinding and stop signs recommended in the TIA shall be installed by and the responsibility of the bank owner/lessee or Fleet Farm property owner/lessee.

9. The west building elevation has a plain, monotonous appearance that should be improved/enhanced with additional architectural features, projections, articulation, changes in material or color. The revised plan should be brought back to the Plan Commission for review and approval.

Chairman Wolter commented that he appreciated the landscaping plan saying it helps break up the corner and will provide a better presentation.

MOTION carried (5-1 Baum)

- E. TR Capital LLC, Property Owner - W219 N11588 Appleton Avenue. Site Plan Review for Phase 3 expansion to construct (2) additional storage buildings at Appleton Avenue Storage. (ACTION)

Director Retzlaff summarized the proposal. Eric Roberts, TR Capital, spoke on Condition #7 regarding asphalt. He stated crushed asphalt was installed in Phase 1 and Phase 2 as part of the drive aisle and they are proposing for Phase 3 as well. He said their main reason for using the crushed asphalt is because they are still worried about settling and cracking and the condition of the fill pit in the future years. He said they would need to remove Phase 2 and partial Phase 1 crushed asphalt that has already been installed to add in the pavement asphalt that is being proposed. Jon Then, TR Capital, explained they used the recycled asphalt on the fill area because they weren't confident the asphalt was going to hold up and if they put it in they would end up with a lot of sink holes and broken up asphalt. Director Retzlaff stated the Zoning Code requires asphalt or a concrete surface on off site parking and storage and drive aisles. He is asking for a more code compliant site because the development is now being used for indoor storage versus the outdoor storage that was originally proposed. Mr. Roberts asked for some consideration for Condition #7.

Trustee Baum said he has trouble with giving consideration when we have codes to follow. He said he would push for asphalt but would consider giving them some time. Chairman Wolter commented if we start granting those kind of considerations, everyone else will come forward. He would agree to grant more time for what we are asking but within a couple years. Discussion continued.

Mr. Roberts asked for latitude on the landscaping requirement on the east. He said Mr. Dawson has an 8 or 9 foot berm behind the fence and he doesn't know what his future plan is and how that should factor into the landscape plan because it doesn't make sense right now. Director Retzlaff said if the future berm on the Moraine Development parcel is taller, then the landscaping plan doesn't make sense. Trustee Baum asked if we can put that condition on a 2 year plan and then decide what needs to be done until we know what Moraine Development is doing.

MOTION Baum second Shadid to Approve the site development and building plans submitted by TR Capital LLC for the two (2) additional commercial self-storage buildings and revised outside vehicle storage area for Phase 3 subject to the following conditions. A definitive plan on how Condition #3 and Condition #7 will need to be addressed and brought back to the Plan Commission within 24 months from today.

1. All conditions of approval and requirements adopted by the Plan Commission for Phase 1 and Phase 2 shall remain in effect.

2. This approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless said plan sheets are revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission:

- a. Architectural plan set dated September 6, 2023
- b. Civil Engineering plan dated September 8, 2023
- c. Landscaping plan dated September 8, 2023
- d. Lighting Plans dated September 8, 2023

3. As required as part of the Phase 2 approval, landscaping shall be added along the south and east perimeter of the site where it currently is not installed to continue the landscape buffer around the site. If necessary, the proposed vehicle parking and fencing should be relocated accordingly to accommodate this additional landscaping

buffer.

4. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.

5. All requirements and plan corrections identified by the Village Engineer and Public Works Director in the September 22, 2023 review memo shall be addressed and reflected in revised plans and/or supplemental information reviewed and approved by Village staff prior to issuance of an erosion control or building permit.

6. State agency (DSPA) approved plans and a \$20,000 occupancy bond are required by Inspection Services at the time of building permit application. The Village of Germantown is an authorized delegated agent of DSPA to provide all commercial plan review and inspection services through SAFEBuilt and the Village of Germantown. Approved plans shall be submitted for review and approval prior to issuance of a building permit. Unless issued an early start permit, no construction activities shall commence until a building permit has been issued by the Village.

7. Except for the southeast corner of the site serving the sixteen (16) outside vehicle storage parking stalls, all drive isles around and between the buildings installed in Phase 1, Phase 2 and Phase 3 shall be paved with an asphalt or concrete surface (and not recycled asphalt). Sheets C1.02 and C1.03 shall be revised to show where recycled asphalt around the outside parking stalls will be allowed and submitted for review and approval by the Village Engineer prior to issuance of a building permit. Director Retzlaff stated it would seem reasonable to keep the current \$20,000 occupancy bond.

MOTION carried unanimously.

F. Village of Germantown - Department of Public Works (DPW) Facility - W130 N10200 Town 9 Parkway - Sign Review application. (ACTION)

Director Retzlaff summarized the proposal. Discussion followed on the font proposed for the sign. Trustee Baum stated the Construction Oversight Committee had reviewed the sign and said the font was too difficult to read at a distance and wanted something more bold and easier to read.

MOTION Baum second Shadid to Approve the ground sign for the Department of Public Works facility located at W130 N10200 Town 9 Parkway as proposed subject to the following conditions:

1. Building and electrical permits are required. Contact Safebuilt staff in Inspection Services for information.
2. Hold off on the word Germantown until we find the proper font for that word.

MOTION carried unanimously.

V. **CITIZEN INPUT/PUBLIC APPEARANCE:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may*

be limited discussion of the information received but no action will be taken under public comments.)

Public Comments were received from:

- Melanie Smythe, W140 N17938 Cedar Lane
- The Schneider's, W157 N9924 Bayberry Circle
- Jan Miller, W151 N10297 Windsong Circle West

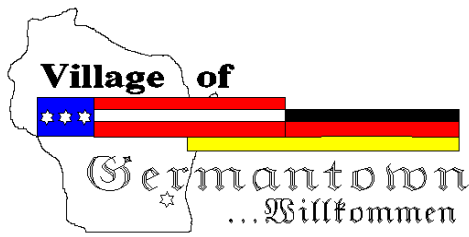
Please visit the Village's YouTube website to watch/listen to the recorded meeting for additional details: https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ

VI. ANNOUNCEMENTS:

None

VII. ADJOURNMENT:

The meeting was adjourned at 8:52 pm.



Engineering Department Memorandum

To : Jeffrey W. Retzlaff, AICP, Planning Director/Zoning Administrator
From : Brad M. Seubert, Harwood Engineering Consultants
Date : October 20, 2023
Re : Virtus Development PDD

Items Reviewed:

1. Civil Plan Set Dated: 10-05-23
2. Stormwater Management Plan Dated: 10-05-23

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. Additional comments could arise as a result of the plan completion and modifications. 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. If project will disturb more than one acre an NOI from the DNR will be required. 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. Utility permits and permits for work within the ROW are required. Contact the Village engineering department to obtain permits.
7. WISDOT permits are required for all work within the ROW.
8. *Clarify what is being proposed. Is work on the north parcel proposed? Plans are not clear.*
9. *Sheet AS101 does not match the site layout shown on the other plans.*
10. *Provide a site data table showing disturbed area, existing impervious area, proposed impervious area, and additional impervious added.*
11. **Provide an existing site survey stamped by a registered surveyor.**
12. *Provide detailed grading plan with spot elevations*
13. *Provide details on sewer and water laterals for proposed buildings.*
14. *Provide details on proposed storm sewer*
15. *Provide an erosion control plan.*
16. *Provide a stormwater management plan and storm sewer calculations.*
17. *Provide construction details*

Water Utility Comments

1. #4-sheet Virtus Development No. C1.05 "Utility plan" there is no 2" lateral to the Ranch house to be Razed, south of the Bar. The feed for this Ranch house is from the next north property which service comes from the center of the three buildings in a row. This lateral will be properly capped and abandoned inside the basement of the Bar. Abandonment inspection by Safe Bulit.
2. The new lot, the site of the 4 family calls out an existing 2 in HDPE water lateral to connect to. This does not exist, There is no water lateral to this site. A new water lateral will be required tapped from the main located on the east side of 145.
3. If there is to be a sprinkler meter installed it is required to be connected prior to all the meters for each livable unit.
4. See attached plan markup for additional water utility comments.

Wastewater Utility Comments

1. Sheet C1.05 – Lateral to be abandoned at the main with a cured in place plug. Owner to verify integrity of existing lateral at vacant lot and provide village with documentation of condition before reuse.

Sheet C1.02

1. Dimension the angle of the angled parking spaces.
2. Does the site data table apply to all three lots or just the south two? Please clarify.
3. Provide documentation that WisDOT is approving of the work within the ROW.
4. The pavement hatching and curb appears to encroach on the proposed townhomes. Does the second floor overhang the driveway? Please clarify.

Sheet C1.03

1. Provide construction sequence.
2. Revise silt fence to contain all flow off the site.
3. Provide erosion control matting on all slopes 4:1 and greater.
4. Provide erosion control notes that specify the late season stabilization requirements and amount of time between areas of no activity and stabilization. **Add a requirement to stabilize all disturbed areas within 7 days of reaching final grade or if inactive for 14 days.**
5. Provide permanent erosion control for the basin overflow weir.

Sheet C1.04

1. Provide elevations for the top and bottom of the proposed steps. **Clarify top of step elevations. Is there another step right at the door?**
2. Recommend adding addition steps to get the slope of the sidewalks under 5%

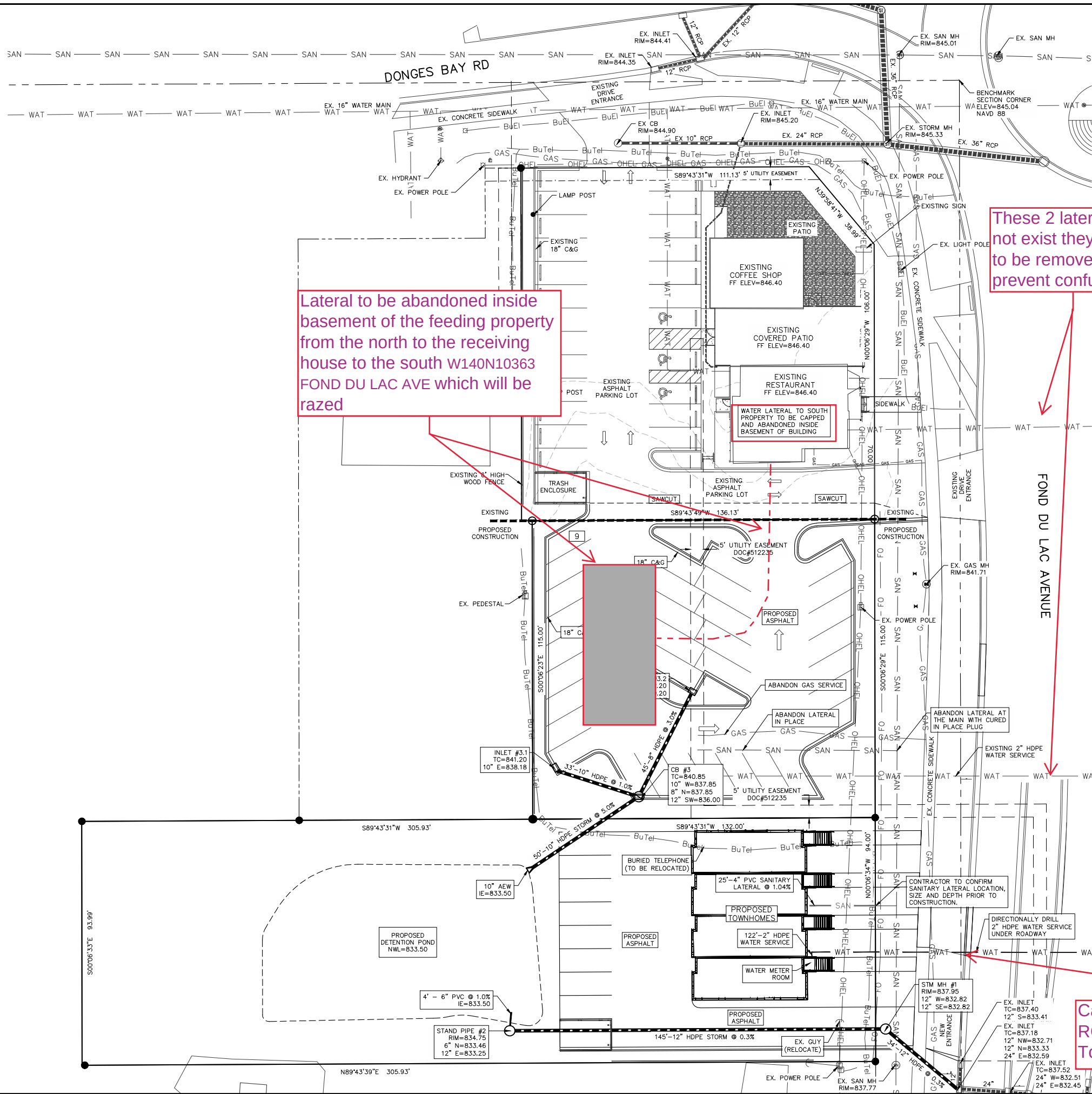
Sheet C1.06

1. 2 year and 100 year elevations on the basin detail are incorrect.

2. Is the cap on the 6" PVC pipe on the pond size or structure side. **How will it be protected from clogging?**
3. Revise permanent pool depth to 5' to meet WDNR requirements.

Stormwater Management Plan

1. Revise the start and end times to 11.75 hours and 21.25 hours. **Revise page 1 of the report to state the start time is 11.75 hours. Not 11:45.**
2. *The soils section of the report references test pit. Provide information on the results of the test pits.*
3. WinSLAMM Comments
 - a. **Revise soils to clayey for type C and D soils per WDNR guidance.**
 - b. Initial stage elevation of basin should be 5 ft.
 - c. Adjust calcs to account for water volume from offsite flow but not treatment credit per WDNR requirements. **Please reference the Modeling post construction stormwater treatment documents at <https://dnr.wisconsin.gov/topic/Stormwater/publications.html>**



STORM SEWER CASTINGS:

STRUCTURE	STRUCTURE DIAMETER	NEENAH CASTING OR EQUIVALENT
INLET #3.2	2' x 3'	R-3067
INLET #3.1	2' x 3'	R-3067
CB #3	4' DIA.	R-3067
STAND PIPE #2	3' DIA.	R-2561
STM MH #1	4' DIA.	R-1661

LEGEND:

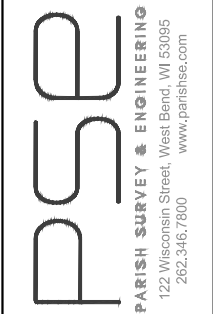
- OHEL — OVERHEAD ELECTRIC LINE.
- BuEl — BURIED ELECTRIC LINE.
- BuTel — BURIED TELEPHONE LINE.
- FO — FIBER OPTIC LINE.
- GAS — GAS LINE.
- SAN — SANITARY SEWER MAIN OR LATERAL.
- WAT — WATER MAIN OR SERVICE.
- STORM SEWER LINE.
- GAS VALVE.
- FIRE HYDRANT.
- POWER POLE.
- SANITARY SEWER MANHOLE.
- STORM SEWER MANHOLE.
- STORM SEWER INLET.
- TELEPHONE PEDESTAL.
- TRANSFORMER.
- WATER VALVE.
- SAN — PROPOSED SANITARY SEWER.
- WAT — PROPOSED WATER MAIN.
- PROPOSED STORM SEWER.

UTILITY NOTE:

ABANDON EXISTING WATER SERVICE FROM RESTAURANT TO THE EXISTING RESIDENTIAL HOME TO THE SOUTH.

REVISIONS:

NO.	DATE	DESCRIPTION
1	10.5.23	Address Village Comments



PROJECT TITLE:
**GERMANTOWN TOWNHOUSES
W140 N10385 FOND DU LAC AVE
GERMANTOWN, WI 53022**

PLAN TITLE:
UTILITY PLAN

DRAWN BY:
KJP
DESIGNED BY:
KJP
CHECKED BY:
KJP

PLAN DATE:
7-20-2023

PROJECT NO:
\NA-01-17

VILLAGE SUBMITTAL

SHEET NO:

C1.05



PARISH SURVEY & ENGINEERING

October 5, 2023

Village of Germantown
N112 W7001 Mequon Road
Germantown, WI 53022

Re: Engineering Comment Response
Virtus Development PDD
W140 N10385 Fond du Lac Avenue
Germantown, WI 53022

Engineering Comments to Site Development – July 31, 2023. **Responses noted in red.**

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. Additional comments could arise as a result of the plan completion and modifications. 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. If project will disturb more than one acre an NOI from the DNR will be required. Please submit a copy of the approval 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. Utility permits and permits for work within the ROW are required. Contact the Village engineering department to obtain permits.
7. WISDOT permits are required for all work within the ROW.
8. *Clarify what is being proposed. Is work on the north parcel proposed? Plans are not clear.*
9. *Sheet AS101 does not match the site layout shown on the other plans.*
10. *Provide a site data table showing disturbed area, existing impervious area, proposed impervious area, and additional impervious area.*
11. **Provide an existing site survey stamped by a registered surveyor.**
12. *Provide detailed grading plan with spot elevations.*
13. *Provide details on sewer and water laterals for proposed buildings.*
14. *Provide details on proposed storm sewer.*
15. *Provide an erosion control plan.*
16. *Provide a stormwater management plan and storm sewer calculations.*
17. *Provide construction details.*

Water Utility Comments

1. #4-sheet Virtus Development No. C1.05 “Utility plan” there is no 2” lateral to the Ranch house to be razed, south of the Bar. The feed for this Ranch house is from the next north property which service comes from the center of the three buildings in a row. This lateral will be properly capped and abandoned inside the basement of the Bar. Abandonment inspection by Safe Bulit.
 - Notes have been added to address abandonment of existing water service.
2. The new lot, the site of the 4 family calls out an existing 2 in HDPE water lateral to connect to. This does not exist, there is no water lateral to this site. A new water lateral will be required tapped from the main located on the east side of 145.
 - Added note that new lateral will be installed.
3. If there is to be a sprinkler meter installed it is required to be connected prior to all the meters for each livable unit.
 - No sprinkler system is proposed.

Wastewater Utility Comments

1. Sheet C1.05 – Lateral to be abandoned at the main with a cured in place plug. Owner to verify integrity of existing lateral at vacant lot and provide village with documentation of condition before reuse.
 - A note has been added to the drawing.

Sheet C1.02

1. Dimension the angle of the angled parking spaces.
 - Dimensions have been added
2. Does the site data table apply to all three lots or just the south two? Please clarify.
 - The site data table only pertains to the two subject lots.
3. Provide documentation that WisDOT is approving of the work within the ROW.
 - the documentation is not yet available.
4. The pavement hatching and curb appears to encroach on the proposed townhomes. Does the second floor overhang the driveway? Please clarify.
 - The pavement has been revised to match the garage location.

Sheet C1.03

1. Provide construction sequencing.
 - An anticipated construction schedule and sequence has been included.
2. Revise silt fence to contain all flow off the site.
 - Silt fence has been added to the site plan
3. Provide erosion control matting on all slopes 4:1 and greater.
 - Erosion matting has been added to areas with slopes over 4:1
4. Provide erosion control notes that specify the late season stabilization requirements and amount of time between areas of no activity and stabilization.
 - Additional erosion control notes and stabilization has been added to the plan
5. Provide permanent erosion control for the basin overflow weir.
 - Permanent erosion matting has been added to the overflow wier area.

Sheet C1.04

1. Provide elevations for the top and bottom of the proposed steps.
 - Elevations have been provided for top and bottom of stairs.
2. Recommend adding addition steps to get the slope of the sidewalks under 5%
 - Additional steps have been added and the walkways slopes have been updated.

Stormwater Management Plan:

1. Revise the start and end times to 11.75 hours and 21.25 hours.
 - MMSD guidance for volumetric design requires that the modeling for storm water occur over a 24 hour period however, the volume reporting is only required for the time frame stated in the guidance document.
2. The soils section of the report references test pit. Provide information on the results of the test pits.
 - the text has been modified to remove references to test pits.
3. WinSLAMM Comments
 - a. Revise soils to clayey for type C and D soils per WDNR guidance.
 - The remaining existing areas that are within the type D soil areas have been changed in the model.
 - b. Initial stage elevation of basin should be 5 ft.
 - The initial stage has been modified to fit the design. In this case, the initial stage is 4.5 ft.
 - c. Adjust calcs to account for water volume from offsite flow but not treatment credit per WN
 - calculations have been added to show the site treatment function with and without the off-site run-on. No treatment credits have been applied to the site and the site functions per standards with our without the inclusion of the off-site run-on into the system.